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Commission of Kenya

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Parliament Statement by Kiplagat

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Statement by Ambassador Bethuel Kiplagat

Honorable Members of Parliament, Fellow Commissioners, Ladies and Gentlemen.

I appreciate that the task before us as a commission and as individuals is a very heavy responsibility.

The whole nation is looking upon us to deliver a process that will be victim-centred, grounded on fairness and justice, open and thorough in its deliberations and decisive in its recommendations.

Personally I have worked my whole life to bring peace and reconciliation between people. The TJRC offers me an opportunity to serve my country in the area of my calling.

Kenyans have been waiting for decades for a process such as the Truth, Justice and Reconciliation Commission. Over the last forty or so years, each generation of survivors and victims have lost several of their members, consigned to the grave before they had a chance to tell their stories, share their pain, confront their former tormentors and articulate the redress they seek.

As commissioners we therefore have our work cut out for us.

That is why I consider it so unfortunate that so much energy is being expended on the question of my suitability or otherwise to be the Chair of the TJRC.

The fact that I have been placed in the position of having to defend my integrity, my honour, my sense of justice, commitment to human rights ideals and democracy at this late stage in my life is quite a challenge to me.

One would have thought that my long career in public and diplomatic service should have cleared any lingering doubts but I am now faced with a dilemma:

Do I bow to the pressure of a well-orchestrated media based lynch mob, which is likely to be interpreted as confirming the allegations leveled against me?

Or do I stand my ground and invite the criticism that I am oblivious to perceived public opinion?

Despite having repeatedly defended myself in the media and in disregard of the numerous statements in my defense from a cross section of society, the debate continues.

My only recourse therefore is to clear my name through a formal legal process.

Ladies and Gentlemen, I am a believer in the rule of law and the fact that all Kenyan's have a constitutional right to be considered innocent until proven guilty in a court of law.

This is a fundamental “Human Right” which applies to me as much as to every man, woman and child on this earth.

I believe that all people should abide by the rule of law and not take actions outside the law or make judgments based on unproven allegations.

In fact, the individuals claiming to represent Human Rights and other Civil Society Organizations should be the last to resort to a lynch mob mentality. It goes completely contrary to their mandate and fundamental principles of protecting the rights of everyone irrespective of status and station in life. It is indeed ironic that some of my accusers have been treated unfairly in the past as a result of the absence of this very principle.

I also believe that the trend to call for the resignation of any person based on media reports, perception and vaguely defined “public opinion” is a dangerous trend in particular when our history has shown how ignoring the rule of law can lead to catastrophic results.

If allowed to continue, it is not farfetched to imagine any of us in this room could in future be victims of similar campaigns as we carry out our public duties.

In view of these fundamental beliefs and more so as the Chairman of a commission, whose mandate, is to address past injustices, I cannot merely step aside. Doing so would amount to condoning and encouraging the abuse of human rights, mine included.

My fellow commissioners, as individuals who believe in Truth, Justice and the Rule of Law none of us should take any action or draw any conclusions based solely on allegations, opinion or perception.

So what next?

Since no one has brought any case against me and in order to clear my name, I am enjoining myself in a case already filed against the TJRC so that the allegations leveled against me are determined in a court of law once and for all.

From tomorrow, and while awaiting the determination by the court, I will redirect every ounce of my energy and commitment to the people of Kenya. They have been waiting for far too long for a chance to be heard.

It is in this spirit of truth, justice and reconciliation, that I ask you all to put any differences aside and work together to fulfill the mandate of this important commission.

God bless you and may God Bless Kenya. “May justice continue to be our shield and defender”.

**Ambassador Bethuel Kiplagat
Chairman Truth, Justice and Reconciliation Commission
26th February 2010**