

PUBLIC PETITION
BY THE NATIONAL VICTIMS AND SURVIVORS NETWORK APPEALING
TO THE SENATE OF KENYA TO ESTABLISH MEASURES TOWARDS
REHABILITATION SERVICES TO VICTIMS OF PAST GROSS HUMAN
RIGHTS VIOLATIONS AS IDENTIFIED THROUGH THE TRUTH JUSTICE
AND RECONCILIATION PROCESS

REPUBLIC OF KENYA



THE SENATE

TWELFTH PARLIAMENT
(SECOND SESSION)



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We, the **UNDERSIGNED** on behalf of Citizens of Kenya, referring themselves as the National Victims and Survivors Network;

DRAW the attention of the House to the following:

- (i) **THAT**, the history of independent Kenya has been mired in gross violations of human rights of which we have been direct victims;
- (ii) **THAT**, following the tragic political violence that engulfed Kenya in the aftermath of the disputed 2007 elections, the people of Kenya embarked upon comprehensive reforms aimed at ensuring Kenya

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transitioned into a peaceful, prosperous, stable, inclusive and democratic country where such violence did not reoccur;

- (iii) **THAT**, one of the measures adopted to address long-term issues that had contributed to the violence was the setting up of the Truth, Justice and Reconciliation Commission with a mandate to promote peace, justice, national unity, healing, and reconciliation among the people of Kenya by *inter alia* inquiring into gross violations of human and historical injustices that occurred in Kenya from 12 December 1963 and 28 February 2008;
- (iv) **THAT**, the TJRC recorded some 42,465 statements, 1,828 memoranda and held public hearings across the country; it finished its work and handed over its final report to HE.President Uhuru Kenyatta on 21 May 2013;
- (v) **THAT**, according to the Truth, Justice and Reconciliation Act No.6 of 2008 the Attorney General was to table the TJRC Report in Parliament and operationalize the implementation process after the National Assembly had considered the report;
- (vi) **THAT**, according to Section 49(3) of the TJRC Act, the implementation of the report of the Commission should have commenced within six months upon the National Assembly considering the report;

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- (vii) **THAT**, in December 2013, the National Assembly passed the Truth, Justice and Reconciliation (Amendment) Act amending the TJRC Act so as to provide *inter alia* that the TJRC Report would be tabled before the National Assembly 'for consideration' and that implementation of the report of the Commission shall commence immediately after consideration of the report by the National Assembly;
- (viii) **THAT**, to-date the National Assembly has not considered the report of the TJRC hence the implementation of the report has been inordinately delayed;
- (ix) **THAT**, victims and survivors of gross human rights violations which were investigated by the TJRC continue to suffer from their violations as a result of the long delay in implementing the TJRC report;
- (x) **THAT**, the victims have continuously and robustly engaged with all efforts to establish the truth in order to find justice with the hope of leading to reconciliation over gross human rights violations and historical injustice which we have suffered, including taking part in the TJRC process as victims and witnesses;
- (xi) **THAT**, National Assembly's refusal to prioritize debate and act on the TJRC report is a source of great frustration and consequential demoralization for thousands of Kenyans still nursing injuries; physical, emotional and psychological from the dark years of our history;

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- (xii) **THAT**, the lack of action on the TJRC report by the National Assembly has resulted in a lack of a policy framework for the implementation of the recommendations of the TJRC and undermined the efforts of the victims to bring closure to their suffering and restart their lives. It has also undermined the search for healing and reconciliation of our nation and its transition to a prosperous, peaceful, stable and inclusive democracy;
- (xiii) **THAT**, the victims and survivors of gross human rights violations and historical injustices have on various occasions urged the National Assembly to adopt the TJRC Report so that process of implementation may commence without undue delay but the National Assembly has refused and or has failed to act on the report in accordance with the law;
- (xiv) **THAT** there continues to exist instances of gross human rights violations committed against Kenyans resulting in deaths, serious injury and trauma case in point being hundreds of cases of extra judicial executions, shooting of unarmed demonstrators like in the 2017 election cycle, enforced disappearances mostly initiated by members of the National Police Service and the Kenya Defence Forces making this request timely and relevant to many other Kenyans;
- (xv) **THAT** the Petitioners are urging the current Parliament to debate and resolve the matters especially to do with Reparations for victims as recommended in the TJRC Report.
- (xvi) **THAT** the issues in respect of which this petition is made are not pending before any court of law, or constitutional or legal body;

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HEREFORE, your humble petitioners Pray –

1. **THAT** The Senate takes steps to request the transmission of the Report of the Truth, Justice and Reconciliation Commission from the Speaker of the National Assembly and considers and adopts the report in its entirety without alteration;
2. **THAT** in addition to adopting the TJRC report whose recommendations affect Counties, The Senate passes all the necessary legislation in order to enable victims of gross human rights violations as identified in the Truth Justice and Reconciliation process receive physical and psychosocial rehabilitation from county hospitals;
3. **THAT** The Senate implements those recommendations within the report of the Truth Justice and Reconciliation Commission as concerns counties, and in particular the recommendation on the establishment of Gender Based Violence Recovery and Rehabilitation Centers in all 47 counties to enable victims of gross human rights violations and victims of sexual and gender based violence receive care, treatment, physical and psychosocial rehabilitation following gross human rights violations;
4. **THAT** The Senate, in line with the recommendation of the Truth Justice and Reconciliation Commission, approves the necessary budgetary allocations for the establishment of Gender Based Violence Recovery and Rehabilitation Centers in all counties to enable victims of gross human rights violations and victims of sexual and gender based violence receive care, treatment, medical and psychosocial rehabilitation in all 47 counties;
5. **THAT** the Senate urges the National Assembly to quickly consider the report of the Truth Justice and Reconciliation Commission with a view

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of advising the nation on critical steps towards the implementation of the report pursuant to Section 49 of the Truth Justice and Reconciliation Commission Act, 2008;

6. THAT The Senate and the National Assembly now as Parliament establish a select committee of Parliament and task it with overseeing the comprehensive and effective implementation of the TJRC Report and promoting national healing and reconciliation; and

And your PETITIONERS will ever PRAY.

PRESENTED BY:

Bernard Wachira Waheire
ID. No 0237873



AND
Jacqueline Namuye Mutere
ID.No 8823642



On behalf of membership of the National Victims and Survivors Network (NVSN)

Date:.....24/03/2019.....