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**UN Human Rights Council
Twenty-ninth session, 15 June – 3 July 2015**

**Item 6:
Consideration of UPR reports**

KENYA

Mr. President,

Amnesty International welcomes the acceptance by Kenya of recommendations to respect human rights in the context of threats to national security, in accordance with its Constitution and international human rights law.¹

We urge that any responses by the authorities to terrorist attacks should not circumscribe human rights ostensibly with a view to protecting public security. Furthermore, in line with recommendations by member states, the Security Laws (Amendment) Act 2014 must not be used to excessively restrict freedoms of expression and freedom of the media, the rights of accused persons and the rights of refugees.²

The government of Kenya should take practical steps to implement these recommendations. It should desist from threatening to summarily close the Dadaab Refugee Camp, or to forcibly return refugees to Somalia, which would amount to a violation of the principle of *non-refoulement*.³ Kenya should also refrain from clamping down on human rights organisations, as it has done in the case of Muhuri and Hakii Africa. These organizations have been listed as “specified entities” under the Prevention of Terrorism Act of 2012, which equates them to “terrorist groups”, notwithstanding the complete absence of evidence to support such action.⁴

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Kenya*, A/HRC/29/10, recommendations 142.185 (Botswana), 142.186 (Canada), 142.187 (Chile), 142.189 (Lithuania), 142.190 (Norway), 142.192 (Germany).

² A/HRC/29/10, recommendation 142.17 (Finland)

³ A/HRC/29/10, recommendations 142.181 (Belgium), 142.182 (Belgium), 142.183 (Republic of Korea).

⁴ A/HRC/29/10, recommendations, 142.125 (Sweden), 142.127 (United Kingdom of Great Britain and Northern Ireland), 142.128 (United States of America), 142.132 (Botswana), 142.133 (Canada), 142.135 (Denmark), 142.136 (France), 142.137 (Ireland), 142.140 (Netherlands), 142.142 (Norway).

Mr. President,

Nine States called for implementation of the recommendations of the Truth, Justice and Reconciliation Commission and we welcome Kenya's accept of these.⁵ We urge the government of Kenya to delink the TJRC process from other political processes to remove any obstacles to justice for the victims of the 2007-2008 post-election violence. It is critical that the recommendations of the TJRC are implemented in a holistic process, not only through restorative justice measures, but also through criminal accountability. In this regard, the government should invest the necessary resources to enable the Director of Public Prosecution to prosecute the 4,575 criminal cases linked abuses committed during 2007/08 post-election violence.

The government should also strive, as recommended by several states, to cooperate with the International Criminal Court,⁶ particularly in the ongoing case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*.

The manner in which the government responds to terrorism and justice for victims of historical injustices will dictate progress in fighting rampant impunity for human rights violations. We urge Kenya to immediately take appropriate action to implement the accepted recommendations.

Thank you, Mr. President,

⁵ A/HRC/29/10, recommendations 142.91 (South Africa), 142.96 (United Kingdom of Great Britain and Northern Ireland), 142.101 (Argentina), 142.102 (Belgium), 142.104 (Chile), 142.107 (France), 142.108 (Japan), 142.116 (Namibia), 142.117 (Philippines).

⁶ A/HRC/29/10, recommendations 142.92 (Switzerland), 93 (Timor-Leste), 112 (Liechtenstein).