

**Human Rights Council**  
**15<sup>th</sup> Session, 13 September – 1<sup>st</sup> October 2010**  
**Item 6: Universal Periodic Review**

*Please, check against delivery*

**Oral statement delivered by the World Organisation Against Torture (OMCT), a non-governmental organisation with general consultative status, and its member organisation in Kenya, the Independent Medico-Legal Unit (IMLU)**

Thank you, Mr. President.

OMCT and its member organisation, the Independent Medico-Legal Unit (IMLU) commend the Kenya Government for backing the passing of a new constitution which has provided a favourable legal environment for the protection and promotion of human rights consistent with most of the recommendations made at the UPR session in May this year.

However, we are deeply concerned by the Government's breach of its obligations under the Rome Statute on the International Criminal Court (ICC) by failing to arrest President Al-Bashir on 27<sup>th</sup> August, 2010 and aggravating the situation by harassing two human rights defenders from Bunge la Wananchi who publicly protested on the matter. Thus, while acknowledging the recent agreement entered into between the State and the ICC to enable the Court to conduct its in-country investigations and operations, we nonetheless urge the Government to demonstrate its commitment to accord the ICC full co-operation in carrying out its mandate towards ensuring access to justice for victims of the 2007/2008 post election violence in Kenya. Further, we call for the prompt establishment of a domestic mechanism to facilitate the investigation and prosecution of other perpetrators not dealt by the ICC.

We also urge the Government to display respect for the work of human rights defenders by ceasing all intimidation and reprisals against them in the execution of their activities and specifically to conclude investigations into the death of two human rights defenders, Oscar Kingara and Paul Oulu, executed in March 2009 following their co-operation with UN Special Rapporteur on Extra-judicial Executions, Phillip Alston. We also call for full compliance with the recommendations by the said Rapporteur and the UN Committee Against Torture, in particular the independent investigation into numerous cases of torture, disappearances and extra-judicial killings of residents of Mt Elgon perpetrated by both the Kenyan military and the militia group, Sabaot Lands Defence Force.

We urge the Government to sensitize the public on the degrading nature of the death penalty and the need for its abolition.

Finally, we urge the Government to prioritize the enactment of a Freedom of Information law to enhance accountability and the right to access information necessary for the pursuit of justice by Kenyans and now entrenched in the Constitution.

Presented by  
Dr Joan Nyanyuki  
**Executive Director**  
**Independent Medico-legal Unit**