



## **President Bashir's presence at promulgation ceremony a show of impunity by the Executive**

We Kenyans for Peace with Truth and Justice condemn the invitation and attendance of Sudanese President Omar Al Bashir at the occasion of the promulgation of Kenya's new constitution. President Bashir is wanted by the International Criminal Court (ICC) which has issued arrest warrants for him on charges of genocide, and crimes against humanity committed in Darfur,

President Bashir's presence negates the spirit of our new constitution which espouses adherence to international human rights standards and professes the principles of leadership and integrity. The occasion of the promulgation of our new constitution was supposed to represent a departure from dictatorship, violence and negative ethnicity. It was envisioned to usher in a new era of governance representing the culture of democracy and accountability as mentioned by the President and Prime Minister. President Bashir's presence at this grand occasion was therefore a contradiction in terms as he represents impunity.

His invitation leads us to question the political will of the government to implement the new constitution under the guiding principles of leadership, integrity and accountability. It further raises concern about our willingness to combat the cycle of impunity – one of the historical factors which led us towards the establishment of a new constitutional order.

President Bashir's presence at the promulgation ceremony was a show of impunity. Kenya is under the scrutiny of the ICC and we have both an international and domestic legal obligation to cooperate with the Court as party to the Rome Statute since 2005 and under the International Crimes Act of 2009. Such cooperation includes the enforcement of arrest warrants issued by the Court. South Africa, Botswana and Uganda have in the past communicated to President Bashir that they would be under an obligation to arrest him should he set foot on their soil.

Instead of arresting President Bashir, the Kenyan authorities accorded him the highest diplomatic privileges. This development raises concern over our willingness to cooperate with the Court if and when we're called upon to arrest perpetrators of Kenya's Post December 2007 Election Violence. It is worth recalling that the new push for constitutional reform which culminated in the promulgation ceremony was triggered by the Post Election Violence in which atrocities similar to those President Bashir is accused of in Darfur occurred in Kenya, albeit on a different scale.

Bashir's presence was in bad taste and raises concerns as to whether the government is truly committed to implement the reforms under the new constitution or is merely paying lip-service. His presence was also a slap in the face to the international community which helped to broker the National Accord and raises concerns over our government's commitment towards

accountability for international crimes and the protection of civilians including the thousands of IDP's who remain stripped of their basic rights and human dignity.

**27<sup>th</sup> August, 2010**