

**Statement from the Chair of the
Panel of Eminent African Personalities,
H.E. Kofi Annan**

Nairobi, 24 February 2009 - for immediate release

The Chair of the Panel of Eminent African Personalities, H.E. Kofi Annan, today warned that further delays in establishing a tribunal to try those accused of post-election violence committed in Kenya in 2008 could have grave consequences for the country's reform agenda, upon which Kenya's stability and prosperity depend.

In letters to President Mwai Kibaki and Prime Minister Raila Odinga delivered on Tuesday 24 February, Mr. Annan said that failure by the Kenyan Government and Parliament to create a Special Tribunal would "constitute a major setback in the fight against impunity and may threaten the whole reform agenda in Kenya".

"The Panel of Eminent African Personalities remains of the firm conviction that a Kenyan-owned and Kenyan-led process would be the most beneficial to the Kenyan people", said Mr. Annan and added "We believe that this is a sentiment shared by a great many of your compatriots."

Mr. Annan said the Panel welcomed promised efforts by the leaders to re-engage Parliament to ensure the enactment of the necessary legislation for the establishment of the Special Tribunal. "It is the Panel's view that such an effort should be encouraged and carried out within the shortest possible timeframe."

Mr. Annan made it clear, however, that recourse to the International Criminal Court will be taken if the Special Tribunal is not established within a reasonable period of time.

Mr. Annan also stressed the need to ensure that legislation for the Special Tribunal meets international legal standards and that it be broadly debated with all sectors of society in order to bring credibility to the process.

Mr. Annan reaffirmed the Panel's commitment to remain engaged and assist Kenya as it works towards the important objectives of addressing impunity, and fostering reconciliation and long-term reform.

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Notes to Editors:

1. The Panel of Eminent African Personalities, which is chaired by Kofi Annan, was established by the African Union in January 2008. The other members of the Panel are H.E. Benjamin Mkapa and Mrs Graça Machel.
2. The creation of a Special Tribunal to try those accused of post-election violence in Kenya was a recommendation of the Commission of Inquiry into the Post-Election Violence (CIPEV) chaired by Justice Philip Waki.
3. On 12 February 2009, the Kenyan Parliament rejected a bill to establish the Special Tribunal.

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