

Open letter

Dear Honorable Members of our National Assembly,

## RE: Don't Sacrifice Our Rights on the Alter of Fear

We write this open letter to you ahead of one of the most important votes in this country's history since the promulgation of Kenya Constitution of 2010. We would have preferred to discuss directly the weighty matter of the Security Laws (Amendment) Bill 2014 but eight days does not allow for meaningful public consultation.

We hold the belief that the primary intention of the Parliamentary Committee on National Security and Administration is to safeguard Kenyans from further attacks and acts of terrorism. In this, many of the provisions in the bill are informed by the desire to keep all Kenyans safe. It is tragic therefore, that the opportunity of creating a meaningful national stand against a common enemy may be lost by pushing through divisive, controversial and unconstitutional amendments to various laws governing the security sector.

In its current form, the Security Laws (Amendment) Bill is deeply and utterly flawed. The proposed amendments seek to suppress the freedom we currently enjoy to hold opinions, express ourselves, seek information, act and associate freely. It also seeks to roll back the independence of key constitutional and independent offices and arbitrarily re-classify Public Benefits Organisations. The proposed amendments in particular 107(4 A-C) pre-empt the work of the Public Benefits Organisations Taskforce established by the Ministry for Devolution and Planning Cabinet Secretary less than a month ago. The Taskforce is seeking a consensus on the amendments needed to commence the PBO Act 2013.

The amendments do not address the primary weaknesses in the security services. The most important of these are corruption, inadequate security financing and the lack of effective community participation in the fight against terror. A consistent weakness in all of the attacks has been the failure of the security agencies to respond collaboratively, decisively and swiftly. The lack of sanctions against law enforcement agents has created a culture of impunity for their non-action. This critical weakness is not being addressed by the wide-ranging amendments.

Lastly, by giving blanket and unchecked powers to the security forces and closing down the democratic space, the President's call and objective of enlisting citizens and communities in the fight against terror will be predictably sabotaged. While many of us have loved ones who have suffered inexplicable terror, torture, pain and death, we do know that the primary target of the terrorist is our Kenyan democracy itself. We request you to not aid terrorism by suffocating our constitutional freedoms. What Kenya needs is a more effective and smarter security service. In this regard we call on you to expedite the appointment of a new Internal Security Cabinet Secretary and Kenya Police Inspector General as soon as possible.

Today, Thursday December 18th, the Security Laws (Amendment) Bill 2014 comes before you for deliberation and approval. We, representing the governing boards, staff and beneficiaries of over one hundred Public Benefits Organisations working in 47 counties across the country, call on you to not pass any amendments that infringe on the freedoms and rights contained in the constitution. Smarter security enforcement actively supported by all Kenyan citizens within a democratic society is what we must create not destroy.

CSO Reference Group Secretariat

C/O Poverty Eradication Network (PEN) | Sir Francis Ibiyam House, 6<sup>th</sup> Floor, Waiyaki Way, Westlands

P.O. Box 4932 - 00200, City Square, Nairobi | Tel: +254-20-4450656/7 | Fax: +254-20-4440880

Mobile (office) +254 720 600656 | +254 734 450645

Email: info@pboact.or.ke | www.pboact.or.ke



### Signed by: Leaders from over 50 PBOs.

