

**HE Mwai Kibaki
President of the Republic
Nairobi, Kenya**

Paris, 11 December 2008

Dear Mr. President

Reporters Without Borders, an organisation that defends press freedom worldwide, would like to share with you its concern about parliament's adoption yesterday of the Kenya Communications (Amendment) Bill 2008, otherwise known as the ICT Bill.

As you are aware, this particularly draconian bill has sparked an outcry among Kenyan journalists and in the international community. If it is signed into law, it would, in our view, represent a big step backwards for press freedom in a country known for its diverse, outspoken and professional news media. Kenya would lose its status as a model country as regards the protection of freedoms. It would set a negative example which the predators of press freedom in Africa would undoubtedly exploit.

The ICT Bill violates all democratic standards by providing for heavy fines and prison sentences for press offences. It also envisages the creation of a government-appointed "communications commission" that would be in charge of granting broadcast licences.

Article 86 of the bill gives the information minister the power to interrupt broadcasts, dismantle radio and TV stations and tap telephones, while the internal security minister, for his part, is empowered to seize broadcasting equipment without referring to any other authority.

Such police powers should not, in a democracy, be placed in the hands of politicians. It would represent a complete denial of the principle of the separation of powers and would give a formidable weapon to the enemies of the rule of law.

Furthermore, we are astonished that the bill would even give the information minister power to control programme content, as the commission he appoints would also be responsible for ensuring the "good taste" of broadcasts. It is not the job of any government minister to pass judgment on the quality of news and information, especially as the concept of "good taste" has no legal value.

We therefore call on you not to sign this bill into law. Your refusal to ratify this bill would send a very strong signal. It would demonstrate your respect for the Kenyan press and for the independent regulatory bodies, which we moreover urge you to strengthen.

We hope you will give this request your careful consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Julliard', with a long horizontal line underneath.

Jean-François Julliard
Secretary-General