

Press Statement

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KAMPALA: EHAHRD-Net welcomes the report of the Special Rapporteur on Extrajudicial Executions following his visit to Kenya

The East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) would like to add its voice to that of numerous Kenyan human rights organisations by welcoming the preliminary findings and recommendations of the Special Rapporteur on Extrajudicial Executions, Professor Philip Alston, released on Wednesday following his 9-day mission to Kenya.

The issue of widespread extrajudicial killings at the hands of the Kenyan police, impunity and the failure of the judiciary, all raised by Professor Alston, clearly need to be given immediate attention.

Of particular concern to EHAHRD-Net however is the issue of witness protection, or lack of protection, in Kenya given that many witnesses are human rights defenders or are individuals that come to be considered as such as a result of their actions and decision to speak out about key human rights violations.

The preliminary findings reveal clearly the urgent need for the establishment of an independent witness protection mechanism given the utter failure of the current system established under the Witness Protection Act, which places the task of protection in the hands of the police and the Attorney General, the very actors which witnesses are increasingly being called to testify on. The failure of this system has already cost the life of one whistleblower, former police officer, Bernard Kiriinya. Without ensuring that protection is accorded to human rights defenders in general, and witnesses in particular in this context, impunity will continue to prevail.

EHAHRD-Net therefore encourages key stakeholders to respond to these preliminary recommendations by ensuring the establishment of an independent mechanism and by according it the support it needs to cope with the large numbers of witnesses expected to come forward in the coming months. The Independent Medico-Legal Unit, EHAHRD-Net focal point in Kenya, has in fact estimated that between 200 and 300 individuals will be in need of protection.

EHAHRD-Net hopes that this visit by a UN human rights special mechanism to the region will serve as a precedent. These mechanisms have up till date not offered the region the attention it requires; this is largely due to the fact that such mechanisms depend on the good will of the State in question, as they require an invitation by the State to be able to carry out such a mission, but also given the fact that human rights organisations in the region are often reluctant to reach-out to these mechanisms.

Human rights organisations have a key role to play in helping to strengthen these mechanisms; in turn, such mechanisms, as was seen by the statement released by Professor Alston following his visit to Kenya, can speak out on behalf of defenders and help to promote their legitimate work most notably by re-enforcing the calls and recommendations made by national human rights organisations that more often than not are met by State inaction.

“The preliminary recommendations of the mission are important in themselves, notably re-enforcing the efforts of Kenyan human rights organisations. We hope that this clear condemnation of State inaction will bring about the changes long-time called for by our colleagues and partners in Kenya” says Mr Hassan Shire Sheikh, Chairperson of EHAHRD-Net. *“ We also hope that this visit will serve as a precedent in the region by highlighting both to national human rights organisations but also to the national authorities the important role that such mechanisms can play in helping to improve the human rights situation in a given country and to re-enforce legitimate human rights work”*.

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