

Urgent Appeal

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KAMPALA: EHAHRD-Net and IMLU are appalled by the killing of Kenyan rights activists Mr Oscar Kamau King' ara last night

The situation facing human rights activist in Kenya requires urgent attention from the international community. The murder of Mr. Oscar Kamau King'ara and Mr. John Paul Oulu, both of Oscar Foundation Free Legal Clinic, last night is the most recent example of the extent to which the police in Kenya are willing to go to silence critics of their rampant human rights violations and of the impunity granted to them.

The vehicle of Mr King'ara and Mr Oulu was blocked by two cars near the residence of the Kenyan President; an individual in police uniform is believed to have been driving one of the two vehicles. The two men died as their car was sprayed with bullets; according to the Independent Medico-Legal Unit (IMLU), EHAHRD-Net's focal point organisation in Kenya, one eyewitness to the event was shot in the leg and was then taken away by the assailants. His whereabouts is still not known.

Mr King'ara's Oscar Foundation Free Legal Clinic had in the past concentrated on offering legal aid to the poor but more recently had become one of the leading organisations documenting cases of extra-judicial killings, working closely with witnesses and survivors of these violations. The Foundation had presented their most up-to-date report on extra-judicial killings during the police crackdown on the Mungiki to the Special Rapporteur on Extra-Judicial Executions, Professor Philip Alston, upon his visit to Kenya last month. These findings had also been presented to the Kenyan Parliament on 19th February.

“Only hours before yesterday's killings a government spokesman, Dr. Alfred Mutua, accused the Oscar Foundation of supporting the Mungiki. The government must hold their representatives responsible for their actions and the consequences of these actions and immediately establish an independent criminal investigation into these two killings” says Mr Sam Mohochi, Executive Director of IMLU.

The Foundation had also been part of a wider coalition of organisations which last week had called for the immediate implementation of the recommendations by the Special Rapporteur – notably the resignation of the Attorney General Amos Wako and the Police Commissioner General Hussein Ali.

These recent murders follow the killing of whistleblower and former police officer, Bernard Kiriinya, in November last year by alleged police officers after Mr Kiriinya had chosen to speak out about the numerous extrajudicial executions he had witnessed during his service. Mr Kiriinya had informed many key stakeholders about the danger which weighed on his life but in vain.

“The situation is critical and requires immediate attention. The government has a responsibility under its national legislation, notably the Witness Protection Act, to ensure the safety and protection of human rights activists in general and more specifically witnesses” says Mr Hassan Shire Sheikh, Chairperson of EHAHRD-Net. *“The international community which has welcomed and supported the new Grand Coalition Government and also the numerous commissions which have been put in place over the last year must react immediately and use their significant influence and means to protect these key actors”*.

EHAHRD-Net wishes to express its sincere condolences to the two victims’ families and friends.

EHAHRD-Net therefore calls on the Kenyan Authorities

- To establish an impartial criminal investigation into the recent killings;
- To establish accountability mechanisms which are independent, impartial and competent so as to ensure that the voices and complaints of HRDs are heard;
- To implement immediately and in an impartial manner the Waki Commission recommendations and the recommendations of the Special Rapporteur on Extrajudicial Executions;
- To abide by their responsibility of ensuring the protection of all individuals and groups involved in the defence and promotion of human rights, notably by supporting the establishment of an independent protection mechanism for witnesses.

EHAHRD-Net calls on the international community, most notably the diplomatic community in Kenya:

- To call on the Kenyan authorities to bring an immediate end to the violations being committed against HRDs and witnesses;
- To call for and support an international criminal investigation into the killings of the three above-mentioned human rights defenders ;
- To ensure that those responsible for the violations, particularly members of the Kenyan police, are held accountable;
- To support the immediate establishment of an independent witness protection mechanism;
- To use their influence to call for the immediate and impartial implementation of the Waki Commission recommendations and of the preliminary recommendations of the Special Rapporteur on Extrajudicial Executions;
- To call on the Kenyan authorities to observe the provisions of the 1998 UN Declaration on human rights defenders, the African Charter on Human and People’s Rights and other human rights treaties to which Kenya is signatory.

EHAHRD-Net calls on the Human Rights Council

- To renew and further strengthen the mandate of the Special Representative on Human Rights Defenders as this current crisis has further highlighted the importance and relevance of its mandate and work;
- To call on the Kenyan authorities to invite without delay the Special Rapporteur on HRDs to Kenya and offer the mandate holder unimpeded access in the course of her subsequent visit;
- To call on the Kenyan authorities to immediately implement the recommendations made by the SR on Extrajudicial Executions following his recent mission to Kenya.

EHAHRD-Net calls on the African Commission on Human and People's Rights (ACHPR)

- To encourage the African Union Assembly to call for and support an international criminal investigation into the killings of the three above-mentioned human rights defenders;
- To encourage the African Union Assembly to call on the Kenyan authorities to bring an immediate end to the violations being committed against HRDs and witnesses;
- To call on the Kenyan authorities to invite without delay the ACHPR's Special Rapporteur on HRDs to Kenya and offer the mandate holder unimpeded access in the course of her subsequent visit.

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