

KEN 008/004/2008

Nairobi: Call for an end to impunity on Amnesty International's Day of International Action in Solidarity for Kenya.

27th February 2008

Press Statement

The East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) is deeply concerned by reports made by Network sources which reveal that several prominent Kenyan Human Rights Defenders (HRDs) and journalists, have been intimidated, publicly harassed and subjected to a series of threats during the post-election violence that has spread in the country since December 2007.

As a result of their public criticisms of the allegedly fraudulent elections and condemnations of the violence suffered by civilians, human rights defenders have been intimidated and threatened supposedly in large part by members of their own communities.

According to our sources the following prominent activists have been intimidated and threatened: Maina Kiai (m) – Chairman of Kenya National Commission on Human Rights, Muthoni Wanyeki (f) - Executive Director of Kenya Human Rights Commission, Haroun Ndubi(m)- a human rights lawyer, David Ndi(m) - the author of a report on electoral irregularities, Gladwell Otieno(f)- Director of the Centre for Open Government, Ndung'u Wainaina(m)- member of the National Convention Executive Council and James Maina(m)- member of the People's Parliament (Bunge La Mwananchi), Kepta Ombati(m)- Executive Director of the National Council Executive Committee, Hassan Omar(m) - Commissioner of the Kenya National Commission on Human Rights and George Kegoro(m) – Executive Director of the International Commission of Jurists- Kenya.

The following renowned journalists have also been threatened: Linus Kaikai (m), managing editor of TV station KTN, Kipkoech Tanui (m), managing editor of The Standard newspaper, Joseph Odindo (m), managing editor of the Nation Media Group, Robert Nagila (m), a journalist with NTV and Paul Ilado (m), a journalist with radio station Kiss FM and political news editor of the Nairobi Star newspaper.

The situation facing human rights defenders in Kenya is one of utmost concern but has barely received attention from the international community and the Kenyan government both of whom have a responsibility to ensure that HRDs are protected.

As a result the activists have been forced to ensure their own protection notably through self-censorship or by retreating from the public scene. One journalist temporarily left the country after he was threatened.

Some efforts have been made by the Kenya Human Rights Commission to offer protection to the activists notably helping James Maina to seek refuge abroad. Nevertheless, such efforts offer only short term solutions and do not guarantee security to the HRDs. In fact, according to our sources, James Maina has since received threats saying that his whereabouts are known and that his head would be cut and taken to his mother; the message also asked why he had spoken out about a meeting that had taken place between an important government official and members of an outlawed sect 'Mungiki'.

All the measures undertaken to ensure the protection of the activists, i.e. both self-protection measures and those offered by human rights bodies, prevent, in one way or another, these important actors from pursuing their legitimate human rights work. The enforced silencing of such prominent members of the human rights community and vital members of Kenyan society, either by self-censure or by exile, may have a very negative impact on the future of the country.

The human rights violations committed against different segments of the Kenyan population in the post-election period have clearly highlighted the importance of HRDs; HRDs are the most equipped members of a society to speak out against different forms of violations, to promote human rights and to raise awareness amongst the population on their rights and of the responsibilities of the state to protect and ensure these rights.

The attacks on the HRDs have revealed that the Kenyan authorities are largely failing to guarantee that HRDs are accorded the space and the protection they need in order to ensure that they can pursue their legitimate human rights activities in an impartial, independent and safe manner.

In the hope that an agreement between the Government and the opposition is reached, it has to be acknowledged that human rights activists can play a vital part in the country's reconciliation process and in ensuring that violence is not re-ignited in future.

EHAHRDP and IMLU call on the Kenyan authorities and the opposition:

To establish accountability mechanisms which comply with international standards notably of independence and impartiality so as to ensure that the voices and complaints of HRDs are heard;

To thoroughly investigate the violations committed during the post-elections period against HRDs;

To observe the provisions of the 1998 UN Declaration on HRDs, the African Charter on Human and People's Rights and other human rights treaties to which Kenya is a signatory - in particular Article 12 (1 and 2) of the UN Declaration of Human Rights Defenders which states that *"Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms"*;

To abide by their responsibility of ensuring the protection of all individuals and groups involved in the defence and promotion of human rights;

To ensure that the truth, justice and reconciliation proceedings, which have been agreed to by both the authorities and opposition, help to guarantee that all victims of the violence, including prominent human rights activists and members of civil society, are given the support and justice that they deserve and expect;

To facilitate any eventual future visits by the UN Special Representative on Human Rights Defenders or by any other Special Procedures' mandate-holders, notably the Special Rapporteur of the African Commission on Human and People's Rights on HRDs in Africa.

EHAHRDP calls on the UN Human Rights Council Members:

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 encourage the Special Representative on HRDs to carry out a visit to Kenya;

To include specific recommendations relating to HRDs - notably with regards to access to accountability mechanisms and involvement in the truth and reconciliation committee - in any statements and reports relating to the situation in Kenya.

EHAHRDP calls on the UN Fact Finding Mission to Kenya:

To ensure that the report on their fact finding mission is made available to the Human Rights Council at the forthcoming Council session;

To ensure that this report highlights the specific violations that HRDs and journalists have been subjected to thereby ensuring that these violations and these key actors are given the significance that they deserve.

EHAHRDP calls on the African Commission on Human and Peoples Rights:

To organise an investigative mission to Kenya that will be lead by the Special Rapporteur on Human Rights Defenders.

EHAHRDP calls on the international Community that has a presence in Kenya:

To support activities aimed at documenting all forms of human rights violations since December 2007 including violations against the HRDs, destruction of property and forced displacements in order to ensure an end to impunity;

To consult with Kenyan civil society and HRDs throughout the negotiation process in order to ensure that all stakeholders are involved in arriving at a viable solution to the current political crisis.

Brief background of EHAHRDN:

The East and Horn of Africa Human Rights Defenders Network (EHAHRDN) brings together over 57 human rights organizations from Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Somaliland, Sudan including Southern Sudan, Tanzania including Zanzibar and Uganda. Rwanda and Burundi are soon to be official members of the Network.

The Network's mission is to maximize the protection of Human Rights Defenders working in the region and to enhance the awareness of human rights work through linkages with national, regional and international like-minded entities. The newly formed Kenya National Coalition of Human Rights Defenders is firmly embedded in the sub-regional Network.

Hassan Shire Sheikh - Chairperson EHAHRD-Net

In consultation with Samwel Mohochi – Executive Director of Independent Medico-Legal Unit (IMLU) and Coordinator of the National Coalition of Human Rights Defenders in Kenya

For more information please contact:

Laetitia Bader

EHAHRDP Human Rights Officer [Regional and International advocacy]:
advocacy@defenddefenders.org

Tel: +256-775-141-756.

Alfred Itunga

IMLU Communication and Advocacy Officer:

aitunga@imlu.org

Tel: +254-733-376378