

## EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS NETWORK

### Public Statement

**EHAHRD-Net Index: Ken 003/005/2008 (Public)**

17<sup>th</sup> January, 2008

### **KAMPALA: EHAHRD-Net CONDEMS THE HARRASSMENT AND ARREST OF HRDS IN KENYA**

Kenya until recently hailed for its democratic transition from autocratic rule under Daniel arap Moi failed to stay on the road to democratization when the recent presidential elections hastily concluded with massive election irregularities. Violence erupted in many parts of the country when incumbent President Mwai Kibaki was announced winner by the Electoral Commission of Kenya (ECK). Kibaki's closest competitor Raila Odinga, leader of the Orange Democratic Movement (ODM) protested the results claiming massive rigging. Since then, the country has been struck by violent unrest leaving more than 600 people dead. Some independent sources even state 1,000 people having died, the real number is difficult to determine at this point in time.

This situation has sadly affected Kenyan human rights defenders who as per their mandate seek a democratic solution to this crisis. According to reports received from sources in Kenya, Maina Kiai, Chairman of the Kenya National Commission on Human Rights (KNCHR) is facing serious threats to his life. These are linked to his public stand questioning the validity of the election results calling upon President Mwai Kibaki to step down and bring an end to the violence. Subsequently, Government accused him of siding with opposition. Sources suggest that a decision to eliminate Mr. Kiai was reached at a high level Government meeting. This is just the peak of a long and uneasy relationship Mr. Kiai had with the government which has made numerous attempts at prosecuting him.

Furthermore, EHAHRD-Net has been informed of two cases where human rights defenders have been harassed by authorities for the rightful execution of their work. On 16<sup>th</sup> January, Mr. Wafula Buke, a former employee of Kenya Human Rights Commission, was arrested and detained in Bungoma Police station in Western Kenya. He was charged with causing disturbance and later in the day released after paying a police bond of Ksh 5,000 (US\$ 75).

On 17<sup>th</sup> January, Mr. Okoiti Omatata, a publisher and columnist with the Nation newspaper, was arrested at the police headquarters where he had voluntarily chained himself to protest extra judicial killings of protestors by police. He was marched to KICC police station in Nairobi's central business district by up to 20 police officers but later whisked away in a police car and taken to Central Police Station in Nairobi. His case has so far not been recorded by police suggesting an attempt to deny him access to rightful legal representation.

In another incident on 16<sup>th</sup> January, journalists working for international media houses were injured by police forces when covering events in Nairobi.

EHAHRD-Net strongly condemns the events surrounding the elections. "We call upon President Mwai Kibaki and his government to concede to the rightful calls of revisiting the results of the contested elections made by the opposition as well as international observers. Only this can bring

an end to violence and ensure that Kenya continues its so far commendable way towards democracy. Attacks against human rights defenders threaten the very basis of fundamental freedoms enshrined in the Kenyan Constitution as well as numerous international human rights standards the country is signatory to. President Kibaki must therefore seek a peaceful solution to the current crisis and enter into negotiations with opposition parties so that any new government is a reflection of the vote of the people of Kenya” says Hassan Shire Sheikh, Chairperson of EHAHRDP/Net.

**APPEAL:**

- EHAHRD-Net appeals to all parties to seek a democratic solution to the crisis and to prevent further loss of life and property;
- EHAHRD-Net appeals to the Kenyan authorities to refrain from any harassment of human rights defenders who are rightfully executing their work as stipulated in the UN Declaration on Human Rights Defenders and other international human rights documents;
- The Network calls upon the international community to exert the necessary pressure on Mr. Kibaki to enter into negotiations with all affected parties and ensure that Kenya is led by a legitimate Government reflecting the will of the people.

All Network members are encouraged to further this appeal. Write to:

President

H.E. President Mwai. Kibaki,  
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Salutation: Your Excellency

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