



Kenya - Researched and compiled by the Refugee Documentation Centre of Ireland on 5 and 6 January 2011

Information on post election violence and consequences in Kenya

A report by the *World Organisation Against Torture* states:

“In 2009, the country had still not recovered from the political violence that followed the December 2007 general elections and had yet to implement the reforms set out under the National Accord and Reconciliation Act 2008. Following the political agreement decided by President Kibaki and Prime Minister Odinga on December 17, 2008, and in accordance with the recommendations of the Waki Commission, a special tribunal to try the crimes and human rights violations committed during the post-elections violence should have been established by January 30, 2009. However, Parliamentarians rejected it twice, on January 29 and February 13, 2009, after a constitutional amendment motion to institute the tribunal by the Government was defeated.” (World Organisation Against Torture (13 September 2010) *Steadfast in Protest; Annual Report 2010; Kenya*)

A report by *Amnesty International* states:

“The government introduced several measures recommended in agreements reached during the political mediation – the Kenya National Dialogue and Reconciliation – following the post-election violence of 2007/8. In February, a committee of experts was appointed to lead the process of redrafting and adopting a new Constitution. In November, the committee issued a draft Constitution for public comments. In April, the Interim Independent Electoral Review Commission was formed to oversee elections for two years until a permanent electoral body is established. In September, the government appointed members of the National Cohesion and Integration Commission mandated by a 2008 law to promote national integration. Overall, however, there was little progress in implementing fundamental reforms proposed under the agreements.” (Amnesty International (13 September 2010) *Annual Report: Kenya*)

A report by *Freedom House* states:

“Kenya’s democratic and economic development suffered a sharp reversal as a result of the apparent manipulation of the December 2007 presidential election. While the concurrent parliamentary polls showed major gains for the opposition Orange Democratic Movement (ODM), Kibaki was declared the winner of the presidential vote amid credible, multiple allegations of fraud. He had long been accused of favoring his Kikuyu ethnic group, and the presidential results sparked weeks of violence between the Kikuyu, the Luo, and other groups. More than 1,500 people were killed, and over 300,000 were displaced, although many eventually returned or were resettled by the government. In late February 2008, Kibaki and ODM presidential candidate Raila Odinga, a Luo, negotiated a compromise agreement in which Odinga gained the newly created post of prime minister and his party joined Kibaki’s recently formed Party of National Unity (PNU) in a coalition cabinet.” (Freedom House (May 2010) *Freedom of the World: Kenya*)

The report goes on to say:

“Kenya is an electoral democracy. While there were few claims of irregularities in the December 2007 parliamentary polls, which the opposition won, reports on the flawed presidential vote highlighted apparent vote rigging and other administrative manipulations that had the effect of favoring the incumbent, Mwai Kibaki. The election commission nevertheless declared Kibaki the winner, and he was quickly sworn in. In September 2008, an international commission issued a final report stating that the legitimacy of the election results was undermined by several factors, including a defective voter registry and widespread fraud. The report also recommended electoral reforms that have yet to be fully implemented.” (Ibid)

Another report from *Freedom House* states:

“Yet the trauma caused by the December 2007 elections is difficult to overstate. An authoritative official investigation described the fiercely contested voting process as “irredeemably polluted,” echoing a conclusion that many Kenyans and other observers reached immediately. Proclamation of President Kibaki’s reelection was met with incredulity that exploded into anger as the apparently stolen vote plunged Kenya into violent turmoil. Riots broke out in major cities. In rural areas, neighbors attacked people from other ethnic groups and drove many from their land. Conservative estimates calculate over 1,100 people killed and more than 300,000 displaced during three months of sporadic ethnic violence, much of which appears to have been orchestrated by senior political figures, and was marked by widespread sexual assault and looting.” (Freedom House (06 April 2010) *Countries at a Crossroads: Kenya*)

According to a report by the *US Department of State*:

“Voting and counting at polling stations for the 2007 elections were generally conducted in accordance with democratic standards, although there were irregularities in both opposition and progovernment strongholds. International observers concluded that the tallying irregularities by the Election Commission of Kenya (ECK) in Nairobi undermined the credibility of the ECK. In December 2007 the ECK announced that President Kibaki won the election; violent protests ensued.” (US Department of State (11 March 2010) *Country Reports on Human Rights Practices 2009*)

References

Amnesty International (13 September 2010) *Annual Report: Kenya*
http://www.ecoi.net/local_link/143201/243922_en.html
(Accessed 5th January 2011)

Center for Strategic and International Studies (7 December 2010) *Moving Forward with Constitutional Reform in Kenya*
http://csis.org/files/publication/101203_Kennedy_MovingForwardKenya_Web.pdf
(Accessed 6th January 2010)

Congressional Research Service (9 December 2010) *Current Conditions and the Challenges Ahead*

<http://fpc.state.gov/documents/organization/153306.pdf>

(Accessed 6th January 2011)

Freedom House (May 2010) *Freedom of the World: Kenya*

http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7851&pf

(Accessed 5th January 2011)

Freedom House (06 April 2010) *Countries at a Crossroads: Kenya*

<http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=190>

(Accessed 5th January 2011)

Reuters (5 August 2010) *Timeline: Violent path to new Kenyan constitution*

<http://www.reuters.com/article/idUSTRE6744ZJ20100805>

(Accessed 5th January 2011)

US Department of State (11 March 2010) *Country Reports on Human Rights Practices 2009*

<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135959.htm>

(Accessed 6th January 2011)

World Organisation Against Torture (13 September 2010) *Steadfast in Protest; Annual Report 2010; Kenya*

http://www.ecoi.net/file_upload/1939_1285155094_kenya.pdf

(Accessed 5th January 2011)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted

All Africa

BBC News

Canadian IRB

Danish Immigration Service

ECOI

IRIN News

LEXIS NEXIS

Refugee Documentation Centre Query Database

IDSN

Relief Web

Google

Refugees International

UNHRC Refworld

