

Kenya

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1. Scope of the Document

1.1 This extended bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The bulletin has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The bulletin is sourced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 The bulletin is available on the Immigration and Nationality Directorate website www.ind.homeoffice.gov.uk, under Country Information.

2. Geography

2.1 The Republic of Kenya straddles the equator on the East Coast of Africa and has a total area of 580,367 sq. km (224,081 sq. miles). The capital of Kenya is Nairobi. The other major city being Mombasa. Kenya is bordered by the Indian Ocean to the east, Somalia to the northeast, Ethiopia and Sudan to the north, Uganda to the west and Tanzania to the south. [41]

2.2 The 1999 census put the population at 28.7 million. At mid-2001 the population was officially estimated at 30,765,916. On a linguistic and cultural basis, the people have been divided into four broad groups; Bantu, Nilotic, Nilo-Hamitic (Paranilotic) and Cushitic. Persian and Arab influence in the coastal area is reflected in the Islamic culture. About 15% of the population live in urban areas, mostly in Nairobi and Mombasa. The towns also contain the majority of the non-African minorities which, according to figures from the 1989 census, were made up of approximately 89,185 Asians, 34,560 Europeans, and 41,595 Arabs. Both Kiswahili and English are used on a daily basis and Kikuyu and Luo are widely understood. [1]

For further information on Geography, refer to Kenya in Africa South of the Sahara 2003 (32nd edition) [41]

3. Economy

3.1 Agriculture continues to dominate the Kenyan economy. About 70% of the working population made their living from the land in 2000 compared with 80% in 1980. Kenya's leading crop is tea, followed by coffee and horticultural produce. Estimates for unemployment rate range from official figures of 25%, to more than 50%. [1]

For further information on the Kenyan economy, refer to Europa Yearbook 2002 (43rd edition) [41]

4. History

4.1 For the first time since independence in 1963, Kenya chose a new leader in the December 2002 elections when Mwai Kibaki was elected President see paragraphs 5.14 - 5.29. Former President Moi had held office since Kenya's first leader Jomo Kenyatta died in 1978. Kenya became a one-party state dominated by KANU since 1978. In 1992, multi-party democracy was restored but the Kenyan political environment remained turbulent. KANU won the 1992 and 1997 general elections against a divided opposition. [42]

For History prior to the 2002 General Elections please refer to Europa Yearbook 2002 (43rd edition) [41]

5. State Structures

Constitution

5.1 Kenya was a one-party state from independence in 1969 to December 1991, when the Constitution was amended to legalise a multi-party political system. Political parties, organisations and associations are required to register under the Societies Act or be exempted from registering by the Registrar of Societies. [1]

5.2 The central legislative authority is the unicameral National Assembly in which there are 210 directly elected Representatives, 12 members appointed by the President, from nominees of political parties in proportion to party strength, and two ex-officio members, the Attorney General and the Speaker. The maximum term of the National Assembly is five years from its first meeting (except in wartime). Executive power is vested in the President, the Vice-President and the Cabinet. The President appoints both the Vice-President and the Cabinet. Election of the President for a five-year term is by direct popular vote. Rules for nominated MPs was an important Inter-Party Parliamentary Group (IPPG) reform. [1]

Constitutional Review

5.3 Provision was made for Constitutional Review Commission, National and District Fora for consultation. The Constitution of Kenya Review Commission Act 1998 was enacted in December 1998. This provided for the establishment of a 25-member Commission within 30 days. Under the terms of the act the Commission was to derive its members from political parties, 13 members, religious organisations, 3, the Women's Political Caucus, 5, and the civil society, 4. [33a]

5.4 The Constitution of Kenya Review Commission (KCRC), made up of Government appointees and civil society representatives, originally planned to produce a draft constitution in September 2002. The Commission requested and won an extension until January 2003 to complete its work despite internal bickering and attempts by the government to delay and disband it. The Commission had conducted civic research countrywide to gather views on a new constitution. KANU attempted to link the Commission's extension with an extension of the life of Parliament but after a public outcry, President Moi asked Parliament to end its term in February 2003, as required by law. [48a]

5.5 The Commission issued its draft constitution in September 2002. It outlined radical recommendations to reduce the power of the executive by creating the posts of prime minister and two deputy prime ministers, adding a second parliamentary chamber, and providing for presidential impeachment. It also recommended a complete judicial

overhaul and replacing appointed local authorities with locally elected officials. However, in October 2002, just as the delegates to a national constitutional conference were preparing to debate the draft, President Moi dissolved Parliament and so effectively halting the constitutional review because the conference, by law, had to include members of Parliament. **[48a]**

5.6 President Moi then moved to disband the constitutional review team and had the conference venue sealed off by armed police. Bolstered by a mounting campaign by lawyers and civil society representatives against President Moi's heavy-handed tactics, the review Commission refused to disband, although it was forced to adjourn the national constitutional conference until a new Parliament was in place. **[48a]**

5.7 In January 2003, at a press conference to discuss the Commission's status, Justice and Constitutional Affairs minister Kiraitu Murungi announced that the KCRC would not be disbanded. He said that the Commission was set up as an Act and there was no provision to disband it and Section 33 of the Review Act allows the Commission to disband only after a new constitution is published and enacted. **[32f]**

5.8 In February 2003, the KCRC ordered all its 72 district co-ordinators to close their offices by the end of the month. The Commission's secretary, Mr Patrick Lumumba ordered officials to lay off staff and wind up operations, including documentation centres. **[32g]** However, on 19 March 2003 Parliament moved to restart the constitutional review process with the announcement of a new timetable on 25 March 2003 when the Parliamentary Select Committee will meet with the entire Commission. **[32b]**

Citizenship and Nationality

5.9 The Constitution of Kenya states that every person born in Kenya after 11 December 1963 shall become a citizen of Kenya if at the date of his birth one of his parents is a citizen of Kenya. A person born outside Kenya after 11 December 1963 shall become a citizen of Kenya at the date of his birth if at that date his father is a citizen of Kenya. A woman married to a citizen of Kenya shall be entitled, upon application be registered as a citizen of Kenya. **[19]**

5.10 A person can be eligible for naturalisation as Kenyan citizen if that person is twenty-one years old or has been resident in Kenya for the period of twelve months immediately preceding his application. **[19]**

5.11 A citizen can be deprived of his citizenship if he has shown himself by act or speech to be disloyal or disaffected towards Kenya. Someone can also be deprived of citizenship if, during any war in which Kenya is involved, he trades or communicates with an enemy or been engaged in or associated with any business that was to his knowledge done in such a way as to assist the enemy. **[19]**

5.12 A person shall also be deprived of his citizenship if within 5 years, beginning with the date of registration or naturalisation, a sentence of imprisonment of or exceeding 12 months has been imposed on that citizen. **[19]**

Political System

5.13 The Republic of Kenya is dominated by strong presidency. **[2a]** The country is divided into seven provinces run by provincial commissioners appointed by the President. Executive power in Kenya is in the hands of the President, assisted by a President-nominated vice President and cabinet. In theory, the President is elected for a 5-year term by direct popular vote. In 1979, 1983 and 1988, only one candidate stood, Daniel arap Moi, and there was no vote. However, multiparty elections took place in 1992 and 1997. The office of the president is responsible for defence, the police, immigration and the provincial administration. **[6]**

Presidential and Parliamentary elections: December 2002

5.14 The previous election in Kenya was on 29 and 30 December 1997, when Kenya African National Union (KANU) was re-elected. KANU led a coalition Government, which included two ministers from the second largest opposition party, the National Development Party (NDP). **[2b]** The election held on 27 December 2002, was crucial because it marked the transition of power from President Moi and he was also constitutionally barred from standing. **[55d]**

5.15 Under the current Constitution President Moi, who is one of Africa's longest serving presidents, was constitutionally barred from standing and the poll marked the end of his 24-year rule as leader. **[57i]** The Kenyan Government was required by law to hold the election by the end of 2002. In June 2002, the United States and Britain said they had urged Kenya to shelve plans by KANU to delay the election until December 2003. This came in the wake of sharp criticism by Kenya's opposition parties who saw the proposed delay as a ploy to prolong President Moi's rule. The Kenyan Government said that it wanted to give the Commission more time to finish its work so that the election would be conducted under the new Constitution. **[57b]**

5.16 In June 2002, President Moi announced that he would retire after the election and would soon name his successor. **[55f]** A rift emerged following the announcement by President Moi, at a KANU meeting in July, that Uhuru Kenyatta, Minister for Local Government would be the party's presidential candidate. **[57c]** The candidacy was supported by a number of MPs from the President's Rift Valley province, but 32 members opposed it. **[57d]** Uhuru Kenyatta is the son of Jomo Kenyatta who was the founding President of Kenya. However, Raila Odinga, Katana Ngala and Musalia Mudavadi said that they would fight Uhuru Kenyatta for the KANU nomination ahead of the polls. **[57c]**

5.17 The percentage of minority ethnic groups who made up President Moi's Government did not correspond to their percentage of the population. Although the President's Cabinet included persons from many ethnic groups, approximately one-third of ministers were Kalenjin or Luhya. President Moi is Kalenjin, Uhuru Kenyatta is Kikuyu, Mr Odinga is Luo, Mr Mudavadi is Luhya and Mr Ngala is Giriama. **[57c]** President Moi had relied on an inner circle of advisors, who were drawn largely from his Kalenjin ethnic group. **[2b]**

5.18 The decision about who was to replace President Moi as head of KANU took a turn when a new alliance within KANU pushed for a democratic vote to choose the party's next presidential candidate. The new alliance was launched by KANU's vice-president George

Saitoti, secretary general Raila Odinga and former party boss Joseph Kamotho. The new alliance was called the KANU Rainbow Alliance. George Saitoti and Joseph Kamotho were demoted from their powerful party posts when KANU and Mr Odinga's NDP merged in March 2002. **[57f]**

5.19 In September 2002, Musalia Mudavadi withdrew from the succession race having decided to support Mr Moi's choice of Uhuru Kenyatta. He called on the other members of the Rainbow Alliance to follow President Moi's advice and support Mr Kenyatta's bid for the presidential nomination. **[57h]** His decision was immediately denounced by his Cabinet colleague Raila Odinga as "a vile act of betrayal". According to the Daily Nation newspaper dated 5 September 2002 a series of secret meetings preceded Mr Mudavadi's decision to withdraw from the Rainbow Alliance. **[55h]**

5.20 In October 2002, Raila Odinga resigned, saying that he had lost confidence in President Moi, because of a dispute over the ruling party's nominee for the presidential election. Odinga was one of four ministers to resign. The other ministers who resigned were the Education Minister Moody Awork, the Planning Minister Adhu Awiti and Minister of State in the Office of the President William Ole Ntimama. **[5]**

5.21 Also in October 2002, several senior officials from KANU defected to the opposition to set up the Liberal Democratic Party. On 22 October they joined with the mainstream opposition to form the National Rainbow Coalition (NARC). The political battle began on 22 October 2002 when the opposition (NARC) fielded Mwai Kibaki to challenge Uhuru Kenyatta in the presidential election. **[5]** President Moi dissolved Parliament on 25 October 2002 in preparation for the elections. The Electoral Commission announced that the elections would be held on 27 December 2002. **[57i]**

5.22 On 12 November 2002, Joseph Nyagah resigned both from the Kenyan Cabinet and KANU. Nyagah cast aspersions on Uhuru Kenyatta's candidacy saying that the Local Government Minister was unpopular. Earlier, in March 2002, Nyagah had declared his interest in the post of one of the four vice-chairmen, but the party delegates chose Kalonzo instead. When Saitoti was sacked Nyagah's name was floated as a possible candidate for the second post but it went to Mudavadi. **[35b]**

5.23 Campaigning began on 18 November 2002 with the two main presidential candidates, Uhuru Kenyatta and Mwai Kibaki, holding separate public rallies at different locations in Nairobi. **[57j]** On 19 November 2002, three more candidates, Simeon Nyachae (Ford -People Coalition), James Orengo (Social Democratic Party) and Waweru Ng'ethe (Chama Cha Umma), were cleared to stand in the presidential election - bringing the final number of candidates to five. **[57k]**

5.24 The process of political parties in Kenya to nominate parliamentary candidates for the 27 December 2002 elections had a troubled start. On 20 November 2002, isolated incidents of violence and logistical problems forced the nominees to extend their deadline but by 22 November 2002 the violence got out of hand. Clashes occurred in Mombasa and Nairobi among other areas. **[57g]**

5.25 On 21 November 2002, nine people were seriously injured following the violence, which marred the nominations for the Rainbow alliance in Malava constituency in Kakamega District. One of the injured was attacked - by supporters of Dr Philip Kutima of the Liberal Democratic Party - when he was campaigning for the outgoing Ford Kenya MP, Mr Soita Shitanda. Other incidents occurred during the nomination, **[55a]**

5.26 Political violence continued in many parts of the country ahead of the December 2002 presidential election. On 28 November 2002, the Kenyan Authorities said that they were preparing to deal firmly with the upsurge of political violence. Several people, reportedly had already been killed and scores more injured. Much of the violence was reported in western Kenya, Rift Valley province and parts of Nairobi. A number of people were charged in law courts with committing the acts of violence. **[14a]**

5.27 In December 2002, members of the diplomatic corps fielded over 330 people to act as election observers. The British Embassy promised to field 22 teams of election observers during the elections. The United States of America promised to part field 75 mission volunteer officers from both Kenya and America. The United Nations deployed some 177 locals from all over Kenya to monitor the elections, under the aegis of the United Nations Development Programme (UNDP). **[55b]**

5.28 A week before the election NARC Summit leader, Mr Raila Odinga, claimed that KANU was planning to use the army to rig the General Election. He warned KANU against attempts to rig the elections and reiterated a previous threat to mobilise Kenyans to storm State House and swear in NARC's Mwai Kibaki as the country's president. **[55c]**

5.29 A press release published on 23 December 2002, by Amnesty International reported widespread tension and intimidation as well as violent incidents involving supporters of all the main parties. The report went on to say "violence is not concentrated on any one party, with attacks being suffered by candidates and supporters on all sides. An assortment of weapons had been used in the attacks, including sticks, stones, a sword and in an instance in Mount Elgon, a pistol and two automatic assault rifles. Arson attacks resulted in the loss of life and property." **[11]**

27 December 2002 and results

5.30 On 27 December 2002, Kenyans went to the polls to elect a new President. They also voted in 210 new members of Parliament. The world's attention was firmly fixed on Kenya to see how the ballot would be handled and how the transfer of power would be effected. **[55d]**

5.31 Commonwealth election observers declared that the poll was "free, fair, peaceful and transparent" and the conduct of election received praise from the international community. **[57e]** According to the US-based Carter Centre, one of the election observation missions to Kenya, election violence on voting day was minimal, and the process of counting ballots and tabulating results was transparent. **[14b]**

5.32 The election handed a landslide victory for Mwai Kibaki's NARC in both the presidential and parliamentary elections. **[12]** NARC won 123 of the 210 seats in Parliament, while KANU took 56, and FORD-P took 13 seats. **[14b]** The results of the presidential election are as follows: **[4]**

Candidate	Party	Votes	% of vote
Mwai Kibaki	National Rainbow Coalition (NARC)	3,403,972	62.59%

Uhuru Kenyatta	Kenya African National Union (KANU)	1,629,828	29.97%
Simeon Nyachae	Forum for the Restoration of Democracy - People (FORD-P)	372,071	6.84%
James Orengo	Social Democratic Party (SDP)	23,022	0.43%
David Ng'ethe	Chama cha Umma	9,409	0.17%
Total		5,438,302	100%

5.34 Mwai Kibaki was sworn in as President on 30 December 2002 in front of Chief Justice Bernard Chunga at a ceremony attended by thousands of people in a park in Nairobi. **[12]** In his inaugural speech he promised sweeping reforms, free primary education, better healthcare, a stronger economy as well as ending corruption. He said that there were enormous challenges ahead and he called on all Kenyans to help rebuild their nation. **[57e]**

The Kibaki Government

5.35 After holding talks with the IMF Director for Africa, in January 2003, President Kibaki said that the frosty relations between the country and the Fund were history since the focus had changed to engagement. The IMF first withheld funding to Kenya in the early 1990s citing lack of transparency and accountability in the running of the government. The Current Government was asked to ensure the passing of the Economic Crimes Bill, the Code of Ethics for civil servants, Anti-Corruption Bill and the Central Bank of Kenya Amendment Bill. **[32d]**

5.36 In January 2003 there were renewed attempts to crack down on corruption with publication of three Bills to set up an anti-graft commission. The new commission will investigate and prosecute cases of corruption in both the public and the private sectors. It will take over from the defunct Kenya Anti-Corruption Authority (KACA) which was declared illegal when challenged in the High Court in 2001. The Constitution of Kenya (Amendment) Bill will pave the way for setting up the new authority. **[32e]**

5.37 In March 2003, Members of Parliament approved plans to pay themselves large salary increases. There was widespread disapproval, with an opinion poll suggesting 85% of the public thought the pay awards were unjustified at this time. However the MPs defended their action insisting that the rise would strengthen the house and make members more effective in the performance of their tasks. The pay rise is due to come into effect when the National Assembly Remuneration Act is amended. **[57I]**

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Judiciary

5.38 The Constitution provided for an independent judiciary; however, in practice the judiciary is often corrupt and subject to strong executive branch influence. The President

has extensive powers over appointments, including those of the Attorney General, the Chief Justice and Appeal and High Court Judges. The President can also dismiss judges and the Attorney General upon the recommendation of a special tribunal appointed by the president. Although judges have life tenure (except for the very few foreign judges who are hired by contract) the President has extensive authority over transfers. [2a]

5.39 In previous years, judges who ruled against the Government were sometimes punished with transfer or non-renewal of their contracts. However, during 2002 there was no retaliatory action against judges. Judges occasionally demonstrated independence. The Kenya Court system consists of a Court of Appeal, a High Court, and two levels of Magistrates' Courts, where most criminal and civil cases originate. The Chief Justice is a member of both the High Court and the Court of Appeals; this undercuts the principle of judicial review. [2a]

5.40 In 2002 the judiciary faced many accusations of corruption. In 1998 the Chief Justice appointed a special judiciary commission chaired by Justice Richard Kwach to report on the problems of the judiciary. The Kwach Commission cited "corruption, incompetence, neglect of duty, theft, drunkenness, lateness, sexual harassment and racketeering" as common problems of the judiciary. The Commission recommended that the Constitution be amended to allow for the removal of incompetent judges, introducing a code of ethics, improving the independence of the judiciary, overhauling the Judicial Services Commission (the administration branch of the judiciary) and shifting prosecutorial responsibilities from the police to the judiciary. However, no changes had been implemented under the previous Government. [2a]

5.41 In February 2003, President Kibaki promised that the Judiciary will be fundamentally reformed to ensure the integrity and independence is once again guaranteed. [26a]

5.42 The country has Islamic courts that resolve disputes, adjudicate inheritance questions and marital issues, and handle other civil matters where all parties are Muslim and accept the court's jurisdiction. The Constitution provides for these courts. These courts have functioned in Kenya for numerous years. There are no customary or traditional courts in the country. However, the national courts use the customary law of an ethnic group as a guide in civil matters so long as it does not conflict with statutory law. This is done most often in cases that involve marriage, death and inheritance issues and in which there is an original contract founded in customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; however, thereafter the courts determine which kind of law governs the enforcement of the contract. [2a]

5.43 Military personnel are tried by military court-martial and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis. [2a]

5.44 In December 2000, Kenya launched a family Court specifically to deal with among other issues, wills, adoption and custody for children, divorce and burial disputes. The launch of the family Court Division of the nation's High Court was performed by the then Chief Justice, Bernard Chunga. This brings to three the number of judicial Divisions under the Government's ongoing reform programme. The other Divisions deal with commercial and criminal law. Lawyer Gibson Kamau Kuria said the launch was evidence of the

judiciary's commitment to reforms. The Chief Justice explained that the section would not deal with aspects of juvenile law, which he said are purely criminal. **[35a]**

5.45 In January 2003, pressure was mounted on Mr Bernard Chunga to resign by The Civil Society Forum (a body consisting of 17 NGOs). He was asked to resign in the public interest because he has "limited academic qualifications and questionable commitment to human rights". The Forum concluded that Chunga was the wrong person for the Chief Justice's job. **[55j]** Later in February 2003, Chunga resigned. **[55k]**

5.46 In January 2003 Judge Samuel Oguk became the first judge to be tried in a court of law over allegations of his involvement in the Goldenberg scandal. **[25a]** He pleaded not guilty to fraud charges and was released on bail pending the hearing of the case. He resigned from his post in March 2003. **[25a][55k]**

Treason

5.47 The previous Government arrested people on treason charges. In one such case, following an opposition rally in April 2001 which police had attempted to cancel for "security concerns," police arrested two DP MPs, Maina Kamanda and David Manyara. Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. The Government-controlled Kenya Broadcasting Corporation (KBC) broadcast a video that showed Kamanda saying that President Moi should be shot if he did not leave office after his term ended. However, a Kenya Television Network (KTN) news video of the same event indicated that the tape shown on KBC had excluded three words. Kamanda actually had said that Kamanda himself should be shot if he (Kamanda) were to agree to another term for Moi. Kamanda later was released and the treason charge dropped. He was, nevertheless, charged with the lesser offence of "incitement". **[2a]**

5.48 In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgement is not binding. Lawyers can object to the appointments of specific assessors. **[2a]**

Legal Rights and Detention

5.49 Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid is not usually available outside of Nairobi or other major cities. As a result, poor persons may be convicted for a lack of an articulate defence. Although defendants have access to an attorney in advance of trial, defence lawyers do not always have access to government-held evidence, as the Government can plead the State Security Secrets Clause as a basis for withholding evidence. Court fees for filing and hearing cases are high for ordinary citizens; the daily rate of at least 2,000 Shillings (about US\$25) is beyond the reach of most Kenyans. Lengthy pre-trial detention is a problem. **[2a]**

The death penalty

5.50 Kenya still retains the death penalty. During 2001, death sentences continued to be imposed. [m] The death penalty is mandatory for murder, treason, violent robbery/attempted, and for administration of an unlawful oath to commit a capital offence. According to the law, the death penalty may not be imposed on anyone under 18 at the time of the offence, a pregnant woman or an insane person. Under section 27 of the Constitution, which provides for the Prerogative of Mercy, the President has the right to pardon or commute the sentence of any person convicted of any offence. [9]

5.51 In 2001, at least 26 people were sentenced to death. However, no one was executed. In June 2001, President Moi called for the death penalty to be introduced for those who knowingly and deliberately infected others with HIV/AIDS. [13]

5.52 In February 2003, the new Kenyan Government released 28 prisoners on death row and commuted the death sentence to 195 others to life in prison. Minister for Home Affairs and National heritage, Moody Awori said that most of those released had been on death row for a very long time and some for more than 20 years. The current Minister for Justice, Kiraitu Murungi, who had previously been the shadow Attorney General, often spoke very strongly against the death penalty, describing it as barbaric. [57q]

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Internal Security

5.53 The Kenyan security forces comprises of the armed forces, a large internal security apparatus that includes the police Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS) Service, the National Police, and the Administration Police. In addition, the paramilitary General Services Unit (GSU) details members on a rotating basis to staff the 700-person Presidential Escort. The CID investigates criminal activity and the NSIS collects intelligence and monitors persons whom the state considers subversive. In 1999, parliament passed and implemented laws that removed arrest authority from the NSIS and separated the organisation from the CID. [2a]

5.54 The Special Branch, formed in the colonial era, deals with matters of intelligence and state security, but has since had its role enhanced to deal with presidential security. The CID primarily investigates non-political crimes but have a mandate to investigate political crimes as well, which are monopolised by the Special Branch. The Police Reserve assists regular police officers in their duties. They are not required to be full time, and most are recruited from the civil service. They are only employed during emergency periods such as riots, demonstrations and national events. Special Police Officers are similar to the Police Reserve and are appointed to deal with specific missions. [20]

5.55 The Administrative Police are supposed to be distinguishable from the regular police and are involved in land and housing evictions, demonstrations, riot control and border patrols. Some officers serve in government institutions as gate keepers or reception watchers and at district level they guard administration figures. The General Service Unit is the paramilitary wing of the police force. They are mobilised whenever the

Government feels a situation is volatile. [20]

5.56 There are several other units and branches within the police force such as the Stock Theft Unit and the Anti-Poaching Unit as well as the Prosecutions Branch, the Traffic branch, the Dog Section and the Mounted Branch. The Home Guards are a colonial legacy and are used only in areas that have a nomadic community. City Commission 'Askaris' are employed in Nairobi as council security guards and they enforce the city commission's by-laws. [20]

5.57 In 2000 94 MPs released a report entitled "The Politicisation and Misuse of the Kenya Police and the Administration Police Force," which criticised the police for misuse of force and human rights abuses. The Standing Committee for Human Rights (SCHR) wrote in its 2000 report that the "majority of (human rights) cases have involved torture and brutality meted out to individuals mainly by law enforcement agencies and others whose primary duty would be to protect and defend those very rights." In June 2000, President Moi ordered police to stop using live ammunition when quelling riots; however, the pronouncement had little effect on police behaviour. [2a]

5.58 January 1999 saw the creation of the National Security Intelligence Service under the stewardship of retired Brigadier Wilson Boinett. The new service replaced the Directorate of Security Intelligence which was associated with brutality, torture and outright abuse of human rights. Its remit is confined to gathering intelligence and informing the government of any threats to security. Torture would not be condoned in the service and any officer accused of malpractice would be punished. In 1999 in an effort to improve the accountability of investigative services, Parliament passes and implemented laws that removed arrest authority from the NSIS and separated the organisation from the CID. [47]

5.59 The Kenyan authorities made it clear that mechanisms exist, under the present law, to lodge complaints against members of the police. It is also possible to bring a private civil case against the police, but it is too costly for ordinary citizens. Cases against individual members of the police have succeeded. [2a] There are various human rights bodies and lawyers active in Kenya who are willing to support an individual complaint against the police, but Amnesty International report that the current complaints procedure is fraught with difficulties and fails to protect the victims of violations. [9]

5.60 In a report in January 2003, by the NGO Transparency International the Kenyan Police retained their position in 2002, for the second year running as the most corrupt officials in the country. Research carried out by the NGO showed that on average each ordinary Kenyan had been forced to bribe the police 4.5 times per month, paying them an average of 1,270 Kenyan shillings (over US\$16) over the month. [14f]

5.61 In February 2003, Kenyan women's rights groups expressed outrage at recent incidents in which policemen have been accused of rape, and urged the authorities to take appropriate action to instil discipline within the force in order to stamp out such crimes. Cases involved the rape of a 14 year-old girl, a 4 year-old child and a 22 year-old woman. The policeman accused of raping the 14 year-old girl was arrested but the other two are yet to be. The rapes have brought the already damaged image of the police force into sharp focus, especially in the context of the new Government, which immediately

pledged to uphold human rights. **[14e]**

5.62 The Criminal Law Amendment Bill 2003, published by the Government on 25 February 2003, is meant to speed up the hearing of cases and will also prevent the police from forcing confessions out of criminal suspects. In addition the police will be allowed to prosecute cases on corruption and incest among others. The Bill also recommends the abolition of corporal punishment - caning - as a court sentence. It also says that anyone found guilty of sexual offences against children could be sentenced to life imprisonment. **[32a]**

5.63 The Constitution states that “no one shall be subjected to torture or degrading punishment or other treatment”; however, human rights organisations and the press highlighted scores of cases of indiscriminate beating of groups of persons by the police, during 2002. There were numerous allegations of police use of excessive force and torture. The KHRC believe police brutality is widespread and estimated that there were hundreds of cases during 2002. **[2a]**

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Prisons and Prison Conditions

5.64 Officially, men, women and children are kept in separate cells and there were no reports of men and women being placed in the same cells. Young teenagers are frequently kept in cells with adults in overcrowded prisons and detention centres. Youth detention centres are understaffed and inmates have minimal social or exercise time. Some young inmates remain for years in the centres, as their cases await resolution. On most accounts prisoners receive three meals per day. On 4 July 2001, The Nation newspaper reported on its investigation of prison conditions nationwide. The article highlighted the difficulties family members have when visiting prisoners, including numerous bureaucratic and physical obstacles, each requiring a bribe. **[2a]**

5.65 Prison conditions are extremely harsh and often life threatening, with severe overcrowding, inadequate water, poor diet, substandard bedding and deficiencies in health care. Police and prison guards subject prisoners to torture and inhuman treatment. Rape of both male and female inmates, primarily by fellow inmates is a serious problem, as is the increasing incidence of HIV/AIDS. Prisons do not have resident doctors, only one prison has a doctor permanently assigned. There is little access to health and medical care. **[2a]**

5.66 Despite pledges by senior prison officials to make prisons more accessible, local and international organisations continued to be refused access to prisoners. The majority of deaths in custody were caused by infectious diseases, resulting from severe overcrowding, unsanitary conditions and inadequate medical care, compounded by shortages of food, clean water, clothing and blankets. **[13]**

5.67 Kenya's much awaited prison reforms began in January 2003 with the release of 29 death row inmates. The move was part of the promise made by the NARC Government to carry out penal reforms aimed at turning prisons into rehabilitation centres, rather than places of punishment. Human rights organisations have welcomed the Government's

move to reform the prisons where conditions are described as inhuman. [21]

5.68 According to a report dated 4 February 2003, Kenya's prisons are still congested despite the implementation of a new policy aimed at reducing the number of prisoners serving jail terms throughout the country. The new policy known as the Community Service Orders Programme, was launched in December 1999, and up to 120,000 offenders had served their sentences under the programme, which allowed for them to carry out community service while living within their own communities. [14g]

Military Service

5.69 Kenya has no conscription and has never had since achieving independence in 1963. Recruitment into the armed forces is on a voluntary basis. The minimum recruitment age is not known. Under the Moi administration, the armed forces and the security forces were totally dominated by the then ruling KANU Party. There is no legal provision for conscientious objection. [56]

Medical Services

5.70 Medical treatment in Kenya is generally very good, as confirmed by the British High Commission in Nairobi, with many countries having their African Embassies there as well as various United Nations agencies and International companies. [59] The KANU Government had promised to establish 250 voluntary testing and counselling centres in both urban and rural areas for HIV/AIDS. [32ak] At the end of 2001, Kenyatta National Hospital started manufacturing its own drugs and other medical equipment at the Sterile Preparation Unit. The Director of the hospital said the facility would enable the hospital to save more than Ksh 1.2 million every month, which will eventually mean a reduction of treatment cost at the institution. [55g]

5.71 In his speech formally opening the Ninth Parliament, President Kibaki promised that his Government was committed to setting up a National Insurance scheme all Kenyans could afford. [32n]

People with disabilities

5.72 Government policies do not discriminate against persons with disabilities in employment, education, or in the provision of other state services; however, persons with disabilities frequently are denied drivers' licenses. There are no mandated provisions of accessibility for persons with disabilities to public buildings or transportation. KTN broadcasts some news programs in sign language. A bill to address problems faced by persons with disabilities was pending before Parliament at the end of 2001. The bill aims to outlaw discrimination against persons with disabilities and to assist them through provisions such as mandatory education for children with disabilities. [2a]

Educational System

5.73 The system of free education, in place during the early years of Kenya's

independence, has given way to a "cost-sharing" system in which students pay both tuition fees and other costs. These are a heavy burden to most families. Although the law mandates that schooling is available for all up to grade 12 and that it be compulsory, there is a very high drop out rate due to the high cost of educational expenses. However, in September 2001 the Moi Government announced that it was designing a programme to make primary education free. **[2a]**

5.74 In January 2003, newly appointed Education Minister Professor George Saitoti disbursed Sh519 million for the implementation of free primary education among 18,000 primary schools throughout the country. Professor Saitoti said that each public primary school will receive Ksh28,871 as an initial emergency grant. **[55r]** Free and compulsory primary education for Kenyan children was one of Kibaki's key election promises. **[14d]**

5.75 On 15 January 2003, the free primary education programme received a Sh193 million boost from a UNICEF. UNICEF is to give \$2.5 million for learning and teaching material for the lower classes in eight districts and Nairobi. Some 450,000 pupils in Standards One to Three are expected to benefit from the grant. **[32k]**

5.76 In February 2002, a school in Kibera (one of Africa's largest slums) was hailed as a shining example of how children from poor communities can successfully access free primary school education. Anyany primary school is considered a model school in Kenya, where learning has been made affordable with the help of the UN Children's Fund (UNICEF). This new learning approach was adopted to cope with the challenge of implementing the free primary education policy, which the Kenyan Government put in place in January 2003. **[14c]**

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6. Human Rights

6.A Human Rights Issues

Overview

6.1 The Constitution of Kenya states that "no one shall be subject to torture or degrading punishment or other treatment". Although authorities periodically issue directives against the use of torture by police, the problem persists. Human rights organisations, churches and the press highlighted numerous cases of torture and several cases of indiscriminate beating of persons by police during 2002. There were numerous allegations of police use of excessive force and torture. The Kenya Human Rights Commission (KHRC) believes that police brutality is widespread and estimated that there were numerous cases during 2002. **[2a]**

6.2 There were no reports of political prisoners. However some NGOs alleged that political and human rights activists were arrested and jailed on spurious charges during 2002 to curb their activities. The Kenya Human Rights Network (KHRN) reported that on

19 May 2002, two human rights activists were arrested on murder charges following mob violence that left one person dead. KHRN maintained that the two men, who reportedly were engaged in land rights issues, were targeted for their activities and wrongfully accused. [2a]

6.3 After 24 years of autocratic rule by President Moi, Kenya looked forward to the General Elections, which were held in December 2002. Kenyans also awaited a new constitution, after two years of procedural wrangling. Widespread corruption and lawlessness had eroded the country's social and economic fabric, but pressure also mounted to hold officials accountable for past crimes. This issue escalated into a debate over amnesty for economic crimes and government-sponsored violence. [48a]

6.4 In defiance of a July 2002 court order, President Moi refused to release a 3 year old report by the presidential Commission on the Ethnic Clashes (known as the Akiwumi Commission) on politically motivated ethnic clashes that occurred throughout the country between 1991 and 1998 see paragraphs 6.103 - 6.107. President Moi finally released the report in October 2002. The report implicated several high-ranking government officials. [48a]

6.5 The police continued to conduct massive, unwarranted, searches ("sweeps") for illegal immigrants and firearms in residential neighbourhoods of major cities. Residents complained that the police who entered their homes on the pretence of searching for weapons often asked for radio, television and video permits, then demanded bribes to refrain from confiscating those items in the absence of those documents. [2a]

6.6 The arms flow from neighbouring war zones continued to undermine Kenya's security, increasing death the toll from inter-ethnic violence, especially in Tana River and North Rift regions. In Nairobi violence erupted in two slums, Kibera in 2001 and Kariobangi in March 2002. [48a] In March 2003, the authorities in Kenya destroyed 1,000 firearms confiscated from urban criminals and nomadic cattle herders. The driving force for implementing the agreement in Kenya was the Pastoralist Peace and Development Initiative [57m] (which is funded by the German Technical Co-operation (GTZ). [25b] At least 25 people died in Kariobangi at the hands of vigilante gangs allied to certain ethnic groups and politicians. [48a]

6.7 After years of inaction on human rights, Parliament passed a bill creating an autonomous Kenya National Commission on Human Rights, to replace a standing committee appointed by President Moi several years ago. As at the time of publication of the Human Rights Watch Report 2003 President Moi had not signed the bill. The traditionally weak standing committee grew more aggressive in the last few years, even urging the government to produce a long overdue National Action Plan on the Protection and Promotion of Human Rights. [48a]

6.8 In February 2003 Amnesty International urged Kenya's new Government to launch thorough investigations into all alleged human rights abuses committed in the past, as part of its commitment to uphold the rule of law and stamp out impunity. In particular Amnesty urges the Government to act on the human rights abuses described in the Akiwumi Commission Report. Amnesty International wants those found responsible brought to justice. [14h]

6.9 Under the previous Government there were allegations of rape of women by police, prison and other officials and is reportedly widespread. Amnesty International believes that rape and sexual abuse of women in custody always constitutes torture and ill-treatment. In a positive move, the Government outlawed caning in schools and introduced a bill on children's rights in Parliament. Amnesty stated that torture compounded by the denial or restriction of access to medical treatment, is routinely used to extract confessions. Well-known political prisoners have been harassed and ill-treated, and defendants can be held beyond the legal time limits, which is then rarely challenged by the courts. [31][48b][45]

6.10 The Kenya Human Rights Commission (KHRC), a leading human rights NGO, reported that it has documented more than a thousand cases of extrajudicial killings in the last decade. According to government figures, police killed 117 suspected criminals, and another 11 suspects and detainees died while in police custody during the year. The KHRC reported that police killed 85 persons between January and September. Police often were not restrained in the use of lethal force, especially when confronting armed criminal suspects, and the Government generally failed to take appropriate action against members of the security forces accused of unlawful or arbitrary killings. [2a]

6.11 During 2002, a number of human rights organisations continued to operate. These include the KHRC, the Kenya Antirape Organisation, the Legal Advice Centre, the Catholic Justice and Peace Commission, the Protestant National Council of Churches of Kenya, the Centre for Governance and Development, People Against Torture, the Independent Medico-Legal Unit (IMLU), Muslims for Human Rights (MUHURI) and the Release Political Prisoners pressure group. The KHRC reported 49 torture-related deaths in 2001, and People against Torture (PAT) reported 70 cases of death by torture and 238 total cases of torture in 2001. [2a]

6.12 An array of legal organisations, including the International Commission of Jurists-Kenya, FIDA, the Law Society of Kenya and the Public Law Institute, advocate human rights. Several NGOs maintain comprehensive files on human rights abuses. A number of attorneys represent the poor and human rights defendants without compensation, although they can handle only a small percentage of those who need assistance and are concentrated chiefly in Nairobi and other large cities. Government officials including the President continued to intimidate and threaten to disrupt human rights organisations and other NGOs. [2a]

Torture & extra-judicial killings

6.13 Amnesty International detailed the following examples of torture reported to them by persons who cited maltreatment by the security forces. Death threats, beatings on different parts of the body, burns, adopting uncomfortable postures for prolonged periods of time, sexual abuse and humiliation of both men and women, electric shocks and forced exercise. Women had been raped. Complaints were also received of being held in a flooded cell filled with two inches of water for lengthy periods. In extreme cases the pulling out of fingernails and toenails and near-asphyxiation were also cited. [7][8]

6.14 An Amnesty International report released in June 2001 stated they had compelling evidence that many acts of torture committed by the police were not investigated. Investigations that had taken place were deemed inadequate, poorly conducted and lengthy. [54] The form needed as evidence to substantiate claims of torture the police - the Medical Examination Report (P3 Form) - was not widely accessible to victims of torture. P3 Forms were only located at police stations as they were used by the police as part of their investigation. Western Kenya Human Rights Watch, a Kenya human rights organisation, told Amnesty International "to get a form you have to bribe the police. This form is meant to be free, but they usually sell them for 100Ksh." In cases where abuses have been committed by the police themselves, women have feared trying to obtain a form, especially if the abuse took place at the station where they had to apply. [31]

6.15 Talks between the Independent Medico-Legal Unit and the Ministry of Health in July and August 2002, have resulted in written confirmation that P3 forms will be made available in district hospitals - a key objective of the International Women's Day action. IMLU plans to travel to district hospitals to monitor the dissemination of the form. They have reported that the form is already available at the Kenyatta Hospital in Nairobi. [30]

6.16 In February 2003, the Kenyan Government opened the doors to secret torture chambers for the first time, saying that they wanted to reveal criminal tactics the previous Government used to silence dissidents up until the mid-nineties. Former prisoners revisited the chambers in Nairobi, describing how they were confined in tiny, dark, cells, beaten with wooden sticks, submerged in water and forced to drink their own urine. Kenyan rights group People Against Torture (PAT) said that the opening of Nyayo House was a historic moment for human rights in Kenya, but called an independent and thorough investigation into allegations of torture by the previous government. [26b]

6.17 In July 1996, the Government established a Standing Committee on Human Rights to investigate alleged humanitarian abuses by the Kenyan authorities. In June 2001, the committee published its findings that prison wardens had murdered six death-row inmates who had died the previous year. As a result the chair of the Standing Committee was charged by a judge with contempt of court for being in breach of judicial rules that prevent comment on a pending case. A draft bill to strengthen the independence of the Standing Committee, pending since the previous year, had not been considered by the previous parliament as of November 2001. [48b]

6.18 Seven prison officers previously freed by a magistrate court in the murder case are to face charges in the High Court. On 21 March 2003, two of them were committed to stand trial over the murder of six King'ong'o inmates in Nyeri in 2000. State Counsel Edwin Okello told Principal Magistrate Abdul el Kindy that police were looking for the other five. There was an outcry over initial reports that the prisoners had died during an escape bid. [32h] In June 2001, the Government-sponsored Standing Committee on human Rights released a report that concluded that the six prisoners had been killed by prison warders in September 2000. [13]

6.19 In October 1998, Parliament passed a resolution to create an Ombudsman's office that would be charged with addressing complaints about inefficiency, corruption, nepotism, and abuse of power by public servants. [2a] The Moi Government had recognised that certain laws, which violate human rights, were bad and began to review them. Many Kenyans had questioned the Moi Government's commitment to human rights

reform. Nevertheless, the Government stated its commitment to upholding its national and international obligations on torture, and confirmed its policy on taking action against those who abuse the law. [9]

6.20 In February 1999, the KHRC called for the police to go beyond admitting responsibility for violating people's human rights and undertake to compensate the victims, following the shooting of Getrude Andi in the leg during a police operation in Mandizini. [32t]

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Freedom of Speech and the Media

6.21 The Constitution provides for freedom of speech and the press, however the Government broadly interprets existing laws to restrict free expression. The Government continued to harass, beat and arrest elements of the media during 2002. The print media has been relatively independent for several years and since 1992 has multiplied and become more outspoken. There was further liberalisation of the electronic media during 2001 including radio, television and Internet communications. The tariffs covering these media have been reduced for learning institutions. [2a]

6.22 At the end of October 2001, a Kenya Gazette notice laid out the Miscellaneous Amendments Bill 2001, with several amendments to the Book and Newspapers Act. Changes were also proposed to the Films and Stage Plays Act. If enacted, the Bills would hinder the growth of the media and limit democratic space. [32x]

6.23 In October 2002, 3 police officers were fired for reportedly holding a private political discussion in which it was suggested that the KANU presidential candidate would lose the December 2002 elections to the opposition. Many local officials and other public servants affiliated with then ruling party KANU freely attended public rallies and other political functions in support of the party without fear of punishment. [2a]

6.24 In November 2001, the churches, MPs, media owners and journalists called for the withdrawal of the Bill. The new law would make it an offence to sell or distribute any book or newspaper without giving copies to the Registrar of Societies. Offenders would risk a fine of Ksh 20,000 or a maximum of six months in jail or both. The law would require distributors, agents and vendors to obtain an undertaking from publishers that they had complied with the law. The Bill was tabled in Parliament on 13 November 2001. [32y]

6.25 During 2002, courts awarded a series of record damages to establishment figures bringing libel suits against the media over unflattering stories. Although the press published freely, Parliament passed a law aimed at Government control of newspapers: An amendment to the Books and Newspapers Act, the new law imposed exorbitant publishing fees that could handicap newspapers economically and silence new voices. [48a]

6.26 On 22 March 2002, Minister for Trade and Industry Nicholas Biwott won a libel suit against The People Daily in the amount of US\$250,000 for implicating him in the alleged corrupt dealings involving a hydroelectric project. In June 2002, President Moi and Biwott

sued a former US Ambassador accredited to the country and a bookstore that carried the Ambassador's book for libel over allegations in the publication that the President and Biwott were involved in the 1991 murder of Foreign Minister Robert Ouko. Biwott won a libel suit against the bookstore and Moi's suit was still pending at the end of 2002. [2a]

6.27 Some radio stations, especially those in rural areas, faced long delays before they could air programs, while the state-run Kenya Broadcasting Corporation (KBC) enjoyed nationwide broadcast. The Government announced that both radio licences and frequencies would now be issued from the Communication Commission of Kenya, rather than separately from the commission and the government which, in effect could speed up the issuing of licences. [48a]

6.28 According to a news article published on 19 December 2002, the Law Society of Kenya stated that press freedom is under judicial threat. The threat is in the form of adverse legislation and huge defamation awards against media houses. The Media Bill had raised the publishing bond from Ksh10,000 to Ksh1 million. The Government's relationship with the media was seen as a yardstick of the country's performance in the observance of human rights. [32i]

6.29 There were 6 private universities and 6 universities owned, subsidised and administered by the Government. Most post-secondary students attended Government-run institutions, partly because of their lower fees. President Moi, was chancellor of all state universities, appointed the vice chancellors, who would manage the institutions under the supervision of the Ministry of Education. A number of student activists were expelled from universities in recent years because of political activities, and most have been refused re-admission. Students claim that the Government interferes in student elections to ensure sympathetic student leaders. [2a]

Journalists

6.30 During 2002, the Government continued to harass journalists. In August a magazine publisher and opposition MP, Mjehu Gatabaki, was sentenced to six months imprisonment for his magazine's coverage of politically instigated killings in the Rift Valley region before the 1997 general election. However, President Moi ordered his release a week later. [48a]

Freedom of Religion

6.31 The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, while groups were generally allowed to worship freely, on occasions the Government interfered with other activities of religious groups. The Government requires new religious organisations to register with the Registrar of Societies which reports to the Office of the Attorney General. The Government allows traditional indigenous religions to register, although many choose not to. Once registered, religious organisations enjoy tax-free status, and clergy are not subject to duty on purchased goods. [3]

6.32 Religious organisations generally receive equal treatment from the Government;

however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organisation. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious order banned during the single-party era (pre-1992). However, with the arrival of a multiparty system in 1992, the Tent of the Living God has decreased greatly. [3]

Freedom of Assembly and Association

6.33 The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Authorities continued to disrupt public demonstrations, despite the organisers informing the police in advance. Government officials claimed that the organisers lacked authorisation to hold public gatherings, even though there no longer appeared to be any basis in domestic law for requiring specific authorisation. In August 2000, President Moi repeated his September 1999 statement that government officials should deny “permits” (for public demonstrations) to politicians who use rallies to abuse other leaders. [2a]

6.34 According to the Human Rights Watch Report 2003, covering 2002, police violently broke up or cancelled numerous opposition party rallies, denying freedom of assembly to thousands of Kenyans. For Kenyans, these rallies were the main source of information about candidates. In August 2002, opposition MP James Orenge, was jailed for a few days for trying to hold a meeting. With political opposition higher in the cities than in the countryside, the ruling party (KANU) used both youth gangs and local civic authorities in the run up to the elections to carry out sweeps of certain urban populations perceived to traditionally vote against the Government. [48a]

6.35 University student protests occurred sporadically during 2002, and at times they became violent. On 19 July 2002, University of Nairobi students protested the shooting to death of a fellow student by a police officer. The protest lasted for two days, and students threw stones, blockaded roads, burned tyres and destroyed property in Nairobi. [2a]

Employment Rights

6.36 The law provides that all workers are free to join unions of their choice; however, the Police Act prohibits members of the national police force from joining unions. On 10 December 2001, the Labour Commissioner registered the Union of Kenya Civil Servants, which granted civil servants the right to join unions for the first time since 1980. The law provides that as few as seven workers may establish a union, as long as the objectives of the union do not contravene the law and no union is already representing the employees in question. Unions must apply to and be granted registration by the Government. The Government may also de-register a union, but the Registrar of Trade Unions must give the union 60 days to challenge the De-registration Notice. An appeal of the Registrar's final decision may be brought before the High Court. [2a]

Trade Unions and the Right to Strike

6.37 The law permits workers to strike, provided that 21 days have elapsed following the submission of a written letter to the Minister of Labour. By law members of the military

services, police, prison guards, and members of the National Youth Service may not strike. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days if it is an essential service, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, fact-finding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labour broad discretionary power to determine the legality of any strike. [2a]

People Trafficking

6.38 Although there are no laws that specifically prohibit trafficking in persons, there are applicable laws against kidnapping and abduction that could potentially be used to prosecute traffickers. In January 2001, the authorities arrested and deported six Sudanese on suspicion of running an operation to smuggle Kenyans to the Middle East to work. The Government does not have any programs that specifically target trafficking; however, several NGOs provide service to persons who may have been victims of trafficking. [2a]

Freedom of Movement

6.39 The Government does not restrict emigration or foreign travel. Civil servants and MP's must obtain government permission for international travel, which is routinely granted. Kenyans may freely travel within the country. Many of the rural residents in the Rift Valley, who were displaced by the ethnic clashes in 1991-1993, remain displaced in urban areas. Some of the several thousand people displaced by the Rift Valley clashes of 1998, and in the Pokot-Marakwet region during 1999, have not returned to their homes for fear of renewed violence. There are Kikuyu communities spread all around Kenya, and Kikuyus, who may have been displaced by ethnic clashes in the Rift Valley are able to freely travel to other parts of Kenya where they could integrate with other Kikuyu communities outside of the Rift Valley. [2a]

6.40 By law, citizens may travel freely within the country. There were no reported violations of this right, however police routinely stopped vehicles and checked vehicle safety and driver documents on roads throughout the country. Police often demanded bribes at such checkpoints. [2]

Refugees

6.41 In April 2001 more than 10,000 Somali refugees, fleeing inter-factional fighting in Somalia, arrived in the Kenyan border town of Mandera. These refugees had sought shelter with relatives and friends in Mandera. The Kenyan local authorities recommended that no camp be established in the area due to security concerns. According to figures published at that time Kenya was host to 208,000 refugees, of which 130,000 are from Southern Somalia and are mainly in the Dadaab refugee camps. [27c]

6.42 In May 2002, according to witnesses at the Kenyan border town Mandera, Kenyan

police threatened and intimidated several thousand Somali refugees to make them return to their country. More than 6,000 of the 10,000 Somalis left Mandera and according to some sources some of the refugees spoke of pressure by the Kenyan authorities. Sources also allege that some members of the police were acting in the interest of one faction of the Somali National Front (SNF) that paid money to induce the forcible repatriation. [27b]

6.43 In June 2002, while Somali families are fleeing across the border into northern Kenya, the UNHCR warned that they were unable to cope with the 4,000 refugees already there. UNHCR negotiated with the Government to allow the refugees to be transferred further inside the country, however the Government refused to allow them to be relocated. [27a]

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6.B Human Rights - Specific Groups

Ethnic Groups

6.44 The Constitution prohibits discrimination based on race, tribe, place of origin or residence or other local connection, political opinion, colour or creed; however, government authorities do not enforce effectively many of these provisions. There is credible evidence that the Government sponsored large-scale ethnic violence during the 1990s, and there were some indications that some government officials have at least tolerated and in some cases instigated ethnic violence on a smaller scale since that time. Although the President's Cabinet included persons from many ethnic groups, approximately one third were Kalenjin or Luhya. [2a]

6.45 Estimates for the main minority groups in Kenya show that there are Kikuyu (20%), Luhya (14%), Luo (11%), Kamba (10%), Kalenjin (11%), Kisii (5%), Meru (5%), Somalis and nomadic minorities (2.5%), Maasai (1%) and others (1.5%) including Okiek and Aweer. [40]

6.46 Members of the coastal Bajuni, Mijikenda and Digo communities accused the Government of denying them rights to land and of favouring members of inland "up-country" ethnic groups. The Moi Government had singled out the overwhelmingly Muslim ethnic Somalis as the group whose members are required to carry an additional form of identification to prove that they are citizens. The continued presence of and at times criminal activities by Somali refugees have exacerbated the problems faced by citizens of Somali ethnicity. [2a]

Ethnic Asians

6.47 The Asian community comprises between 0.5% and 1% of the population and includes second and third generation Asians with full citizenship as well as a smaller body of recent immigrants. Many persons of African descent resent those of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also see Asians as taking jobs and commercial opportunities away from Africans. Politicians, both opposition and ruling party, from time to time appeal to majority prejudices by attacking Asian citizens,

accusing them of exploiting and usurping the natural inheritance of African citizens. [2a]

6.48 Chenge Mbitiru, Democratic Party MP from Laikipia West, called Asians “the greatest economic enemies” of the country. In early September 2000, he called for “Kenyans” to isolate “Asians” unless the government acted to constrain them. The MP reportedly said that President Moi should consider expelling Asians “or allow the Kenyan people to force them to leave through mass action”. However, no action was taken in response to the MP’s statements, and he did not make any subsequent similar statements. [2a] On 2 June 2000 President Moi appointed Africa’s first woman judge of Asian origin. [43b]

Ethnic Somalis

6.49 The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members are required to carry an additional form of identification to prove citizenship. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening; both cards are required to apply for a passport. This heightened scrutiny appears to be due to an attempt to deter illegal immigration, rather than due to the religious affiliation of ethnic Somalis. [2a]

Women

6.50 According to an Amnesty International report in March 2002, police statistics over the years have shown an increase in the number of reported rapes; 515 in 1990 and 1,675 in 2000. The report claims that these figures are likely to reflect an under-reporting of rape and not its actual incidence. Local women’s groups believe that the true figures are much higher. [31]

6.51 According to the Government, 1,199 cases of rape were reported to the police in Nairobi during 2001 compared with 1,148 in 2000. Domestic violence against women is a serious and widespread problem. A study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi’s largest low-income communities, claimed that three out of every five women in the community were victims of domestic violence, and that one third of the women had suffered sexual abuse. The study noted that women rarely reported the violations because they believed perpetrators would not be punished and no protective or remedial action would be taken. Kenya has agreed to be bound by international human rights standards such as the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which was ratified by the Kenyan government in 1984. [2a]

6.52 The law carries penalties of up to life imprisonment for rape, however sentences usually are no more than 10 years. The rate of prosecution remains low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes and unavailability of doctors who might provide the evidence for conviction. Traditional culture permits a man to discipline his wife by physical means and is ambivalent about the seriousness of spousal rape. Wife beating is prevalent and largely condoned by society. There is no law prohibiting spousal rape. Since 1994, the Federation of Women Lawyers (FIDA) has collaborated with the police to

stop domestic violence. Police generally view domestic violence against women as a family matter, not a crime. **[2a]**

6.53 Maendeleo Ya Wanawake, the nation's best known women's rights and welfare organisation, was established as a non-political NGO during the colonial era, but was aligned closely with the then ruling party. A growing number of women's organisations are active in the field of women's rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Centre for Women and the League of Kenyan Women Voters. **[2a]**

6.54 In January 2003, Kenyan women thanked President Kibaki for overwhelmingly appointing more women into his cabinet unlike before. The current Parliament has 16 women MPs, seven of whom are nominated. **[55n]** In a report by Amnesty International dated 18 February 2003 they recommend that the Government should reform laws and practices to make all acts of violence against women, including marital rape, criminal offences. **[38]**

6.55 According to a report by Human Rights Watch in March 2003, women in Kenya are vulnerable to poverty, HIV infection and violence because of discriminatory property inheritance practices. The rights group called on the Government to end discrimination by enshrining women's rights in the new constitution. It also called for a countrywide education campaign to end traditional practices that perpetuate inequality. **[57p]** Minister Balala said that the Government was committed to including gender sensitive provisions in politics, law and gender violence. Balala promised that a national Gender Commission and Development Bill will soon be tabled for Parliament. **[55o]**

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Children

6.56 In December 2001, the Children's Bill was passed. The Bill has provisions to ensure children's welfare and provide them with basic rights. **[2a]** In March 2002, the Children's Act came into force. In the new law, a person who witnessed a child's rights being abused can seek redress from the High Court. The Act also outlaws child labour and any form of discrimination against children. **[32s]** In February 2002 a pupil was caned to death by his teacher. The District Education Officer said the teacher was reportedly punishing the boy for failing a mathematics test. The teacher has been interdicted pending the outcome of police investigations. The teacher fled the institution when he sensed that the boy was dead. **[32u]**

6.57 In another incident, in March 2002, a pupil was whipped by his teacher allegedly for failing to complete his homework. The head teacher at the school confirmed that eight other pupils suffered injuries with three being seriously hurt. In 2001, the Government outlawed corporal punishment in schools. **[32v]** On 15 January 2003, a 13 year-old primary school pupil was rescued from forced marriage in Thika District. The local children's officer, Mr Samuel Kamau, alerted officers at Makutano police post and they jointly stormed the wedding venue. The parents and the suitor were arrested and taken to Thika police station where they were locked up after recording statements. Mr Kamau said the parents and the suitor had violated the Children's Act 2001, which protects

children from harmful practices. [32l]

6.58 Kenya is party to the charter that ratified the Convention on the rights of Children 10 years ago. The findings contained in a national survey in 2001 reveal that 75% of Kenyans are ignorant of core issues appertaining to children's welfare such as the Children's Bill. The 'Say Yes to Children Campaign' in Kenya was launched by the then Vice President George Saitoti in July 2001 and requires people to agree with 10 underlying principles on improving and protecting the lives of children ranging from education to HIV/AIDS, discrimination to armed conflict. [32aj]

6.59 The problem of child rape and molestation continued. There are frequent press reports of rape of young girls, with rapists often middle-aged or older. There were repeated reports of molestation and rape of children by schoolteachers, mostly in rural areas. Legally, a man does not rape a girl under the age of 14 if he has sexual intercourse with her against her will; he commits a lesser offence of defilement, which carries a penalty of five years imprisonment. Men convicted of rape normally receive prison sentences of between 5 and 20 years, plus several strokes of the cane. Under Kenyan law, rape is classified under "Offences against Morality" and identifies three types of rape; rape, defilement and incest, which are classified according to the age of the victim. [2a]

6.60 During 2002, child prostitution remained a problem in Nairobi and Mombasa, often connected with the tourist trade. Child prostitution has grown considerably due both to economic contraction and to the increase in the number of children orphaned because of the spread of HIV/AIDS. [2a]

6.61 Economic displacement and the spread of AIDS continue to fuel the problem of homeless street children. In 2000, the number of Nairobi's street children exceeded 60,000 an estimated 20% increase from 1999. These children are often involved in theft, drug trafficking, assault, property damage and trespassing. [2a]

6.62 According to the United States Department of State Report, covering 2002, issued 31 March 2003, there were instances during 2002, especially in rural areas, of children being loaned out as workers to pay off family debts. Unlike 2000, there were no reports that children were killed for body parts by persons practising healing rituals associated with traditional religions. [2a] In February 2002, Kenya signed an international agreement to ratify a protocol officially banning the recruitment of child soldiers. The agreement was signed by 14 nations. The agreement states that "no person under the age of 18 shall be subject to compulsory recruitment into regular armed forces", and imposes an obligation to the states "to raise the minimum age for voluntary recruitment to at least 16 years". [32w]

6.63 On 24 January 2003, the Kenyan Government started rounding up "street families" and children in Nairobi for rehabilitation. Some one hundred young street urchins were induced during the first day of the exercise at the Pumwani Social Hall, which will act as a waiting centre before the rehabilitation process begins. Social workers said that social halls in Kariokor Pumwani Kaloleni Bahati, Mbotela, Kibera and Kariokor may be converted to rehabilitation centres to cater for the estimated 40,000 street urchins in Nairobi. [55p]

Female Genital Mutilation (FGM)

6.64 Female Genital Mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practised by certain ethnic groups and remains widespread, particularly in rural areas. It is usually performed at an early age and according to a report issued, by Government and UNICEF, in December 2001, 38% of women nationwide have undergone FGM. The percentage of girls undergoing the procedure is as high as 80 to 90% in some districts of eastern, Nyanza and Rift Valley provinces, according to the women's rights organisation Maendeleo Ya Wanawake. President Moi has issued two decrees banning FGM and the Government prohibits government-controlled hospitals and clinics from practising it. **[2a]**

6.65 In December 2001, President Moi outlawed the circumcision of girls under the age of 17 and introduced prison terms and penalties of up to Ksh50,000 (US \$640). However, in some rural communities FGM is still practised despite efforts by the Government, churches and civic groups to stamp it out. **[55e]**

6.66 The world marked the international day against FGM on 6 February 2003, and hundreds of girls in the Rift Valley Province ran away from home to escape the practice, according to media and human rights sources. Several hundred primary schoolgirls were said to have "holed-up" in churches in Narok and Kajado districts after escaping. Rosemary Moraa, who runs the Maendeleo ya Wanawake's anti-FGM programme said that most girls had run away as a result of awareness created by widespread anti-FGM campaigns throughout the country, and urged to Government to establish an institution which could provide shelter for such girls. **[14j]**

Child Care Arrangements

6.67 There are limited child-care facilities in Kenya and thousands of AIDS orphans have become homeless. **[23a]** However, the Government has started a program to rehabilitate street children. The children will be divided into groups where the minors will be sent to primary school or technical training schools while those above the age of 18 years will be recruited into the National Youth Service to learn technical skills. **[55p]**

Homosexuals

6.68 In common with a number of other African leaders ex-President Moi has verbally attacked homosexuals and lesbians on various occasions. Sections 162 to 165 of the Penal Code outlaw homosexual behaviour and attempted homosexual behaviour between men, referring to it as "carnal knowledge against the order of nature". The penalty is 5 to 14 years' imprisonment. Lesbian relations, though not specifically mentioned under the law could, depending upon interpretation, be subscribed under the above reference as this applies equally to women as to men. **[28]**

6.69 In practice, the Federation of Women Lawyers (FIDA) advise that whilst men are occasionally prosecuted for homosexual offences, they are not aware of any cases where women have been prosecuted. It is unlikely that action would be taken against a homosexual male unless some other offence was involved. There is fairly strong social

pressure against individual instances of homosexuality and lesbianism such as from family members, it is not however, much of an issue in the public domain. There is no strong antagonistic feeling towards homosexuals but neither is there is an active gay community to provoke it. Discreet homosexuals are unlikely to face prosecution or persecution. [53a]

Religious Groups

6.70 Foreign missionary groups of various faiths operate in the country, and the Government generally has permitted their assistance to the poor and their founding of schools and hospitals. The missionaries openly promote their religious beliefs and have encountered little resistance. The Government celebrates several national holidays that also are religious holidays including Christmas, Good Friday, Easter Monday, Idd-ul-Gitr, Idd-ul-Azha and Diwali. [3]

6.71 In April 2000, William Ruto, Assistant Minister in the Office of the President, speaking after the discovery of "cult" killings in Uganda, was quoted as saying that the Government would crack down on religious groups that endanger the safety of their adherents. However, there was no reported harassment of religious groups, and no action was taken at the end of 2001. Muslims leaders have charged that the Government is hostile toward Muslims. Muslims complain that non-Muslims receive better treatment when requesting citizenship documents. [3]

Mungiki

6.72 The Government historically has been unsympathetic to tribal groups that have engendered protest movements. The Government frequently harassed and periodically arrest and detain members of the Mungiki, a small, controversial, cultural and political movement based in part on Kikuyu ethnic traditions, which espouses political views and cultural practices that are controversial in mainstream Kenyan society. The number of Mungiki members is unknown, but the group draws a significant following from the unemployed and other marginalised segments of society. [3]

6.73 On 21 August 2002 the Kenyan media and human rights fraternity expressed outrage over threats of violence issued this week by members of the Mungiki and by two legislators against those who were "insulting" President Moi. It was reported that 2 opposition MPs had allegedly vowed to use members of the Mungiki to take up arms and attack those opposed to President Moi's choice of Uhuru Kenyatta as his preferred successor. On 20 August 2002 hundreds of Mungiki poured onto the streets of Nairobi to voice their support for Uhuru Kenyatta, an ethnic Kikuyu. [14i]

6.74 On 23 October 2002, scores of people were arrested as a major crackdown on members of the Mungiki in Kirinyaga district. During the Kenyatta Day celebrations the local district commissioner said that more than 91 suspected Mungiki men had been arrested. He said that the operation would continue until all of the sect's followers had been arrested, as their activities were illegal. [32]

6.75 In January 2003, at least 22 people were killed in clashes between the Mungiki and

the public service minibus touts over the control of routes. The BBC's reporter in Nakuru said that the attackers started slashing people, killing 15 people and injuring 20 others, some of whom were in a critical condition. The sect engaged in battles with touts. They accused the sect of running protection rackets and demanding money from minibus operators. This followed clashes from the previous week when at least six people were believed to have been killed by the sect. In response the police allegedly killed seven members of the sect. **[57n]**

6.76 On 5 February 2003, assailants believed to belong to the Mungiki sect hacked a policeman to death and then burnt his body. They then stopped a commuter bus, robbed a crew and passengers of money and mobile phones, then set the vehicle ablaze. They then moved to Dandora Phase One where they ordered the driver of a Bus Track bus to stop. They then ordered the passengers out and in the process robbed them. **[55m]**

6.77 On 6 February 2003, an assistant chief of police was shot dead by people suspected to be members of Mungiki in Maragwa. He was shot dead just moments after addressing a public baraza where he condemned the activities of the sect. **[55l]**

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6.C Human Rights - Other Issues

Internal security issues

Mob violence

6.78 Mob violence continued at high levels during 2002, which observers believe may have been associated with the continuing high crime rate. According to KHRC, there have been 719 deaths by mob violence during the last 6 years. Human rights observers attribute mob violence to a lack of public confidence in the police and the judicial process. **[2a]** The general majority of victims of mob violence, who died by lynching, burning or beating, were persons suspected of criminal activities, including robbery, cattle rustling and membership of terror gangs. **[32aa]** In early May 2001, a mob attacked a suspected murderer and set fire to many houses in the Kericho District of the Rift Valley Province, in revenge for the killing of a local businessman. In February 2002, three armed gangsters, who shot dead a woman, were lynched. **[32ab]**

Civil unrest

6.79 At the end of January 2001, police detained more than 200 people after violent clashes erupted in the city centre of Nairobi. The riot followed a demonstration by more than 1000 street traders against the demolition of their market stalls by the city council earlier in the week. The violence continued for a second day when police fired live bullets and threw teargas canisters at the hawkers. About 150 suspects were arrested. **[49a]** In September 2001, armed hawkers allegedly ambushed Nairobi city Council askaris (guards) leaving one dead and two others in a critical condition. The Central Police Station had been ordered to remove hawkers on the same day. **[32al]**

6.80 On 2 February 2002, two people were killed and scores injured in Nyeri as the relocation of hawkers and market traders turned ugly. Angry traders engaged police officers and council askaris in running battles, which lasted the whole day. **[44d]** On 14 February 2002, more than 200 traders clashed with riot police as they protested at the demolition of their kiosks. Central Kenya MPs condemned the Government following the demonstrations. They described the current demolition of kiosks as criminal and asked the Government to stop the exercise. Three hawkers were arrested following a noon confrontation with youths looting from their kiosks. The hawkers were seized after their colleagues stoned youths hired to demolish the kiosks. **[32ac]**

Cattle rustling & related violence

6.81 In 2002 attacks and revenge counter-attacks, continued between Pokots and Marakwets, Pokots and Turkanas, Turkanas and Samburus, Luos and Kisiis, Boranas and Somalis and among various other Somali clans. During 2002 these attacks resulted in an average of 50 to 75 deaths per month. Many factors contributed to these conflicts, including the proliferation of guns, the commercialism of traditional cattle-rustling, the weakening of state authority, the emergence of local militia leaders, shrinking economic prospects for affected groups, a regional drought and the inability or unwillingness of the security forces to stem the violence. **[2a]**

6.82 Clashes erupted at Nyangusu market along the Gucha-Trans Mara border at the end of July 2001 leaving three people dead and injuring 20 others. The fighting broke out when Massai youths, accompanied by administration police officers crossed the common boundary and stormed Nyangusu boarding school claiming to be searching for eight heads of cattle allegedly stolen the previous day. **[29a]** The weekend of 11 August 2001 saw two people killed and eight others seriously injured when Massai and Kisii youths clashed again along the Trans Mara and Gucha districts border. Following the killings many residents living along the border condemned the government for withdrawing a GSU (General Service Unit) contingent from Kiango market that they claim heightened the clashes. **[32am]**

6.83 In September 2001 there were also clashes between the Pokomo people and the Wardey people over land. Thirty bodies of the people killed were found dumped in the River Tana in the east of the country. Since the start of 2001 over 100 people were estimated to have died despite government's attempts to mediate between both sides. **[52a]**

6.84 At the weekend of 4 - 5 January 2003, a group of suspected Kenyan cattle rustlers attacked two Ugandan villages, killing at least ten people and driving away around 700-800 head of cattle. According to media reports, some 200 armed Pokots crossed from northern and western Kenya into Uganda and raided over 20 homes in the villages of Namalu and Takora, in Nakapirpiti. Peter Lockeris, the Minister in Charge of the Karamoja region confirmed that 10 people had been killed in the attack. He said that he hoped the now Kenyan Government would be more effective in cooperating on peace and security issues along the common border with Uganda. **[14k]**

Treatment of Failed Asylum Seekers

6.85 Neither the Home Office nor the Foreign and Commonwealth Office are aware of any reports that unsuccessful asylum seekers, on their return to Kenya, have suffered harassment or persecution by the Kenyan Authorities. **[23b]**

Treatment of Non-Governmental Organisations (NGOs)

6.86 NGOs and some opposition parties maintain comprehensive files on human rights abuses. These organisations remain extremely active, produce regular reports on the human rights situation and also organise activities to publicise their causes. The KHRC produces a "Quarterly Repression Report". A number of attorneys represent the poor and human rights defendants without compensation, although they can meet only a small percentage of the need, and are concentrated largely in urban areas. **[2a]**

6.87 The Government regularly criticised, intimidated and threatened to disrupt NGOs. During 2002, President Moi kept up a verbal offensive against NGOs, characterising them as enemies of the state. In March 2001, President Moi warned Kenyans to be wary of NGOs "pretending to fight for human rights," accusing "con men who have formed NGOs calling themselves human rights activists," of wanting to "destabilise the country" and to "cause confusion through foreign-funded seminars." **[48b]**

6.88 In a report issued on 25 August 2000 in the Daily Nation newspaper of Kenya, an American Catholic priest Father Kaiser, was found dead after having been shot. **[43a]** He was a human rights activist and had served as a missionary in Kenya for 36 years. He was an outspoken critic of the government and its human rights record. **[57a]** It was reported on 27 August 2000 that the Priest was carrying, on him at the time of his murder, documents linking two cabinet ministers to tribal clashes in the Rift Valley. Father Kaiser had been a vocal critic of the tribal clashes that rocked the Rift Valley Province prior to the 1992 and 1997 general elections and which mainly targeted the Kikuyu community to evict them. **[60]**

6.89 In October 2000, United States Congressmen in the 435-member House of Representatives condemned what they called the assassination of Father Kaiser. They also called for a private investigation into the deaths of five other clerics. **[32ae]** In April 2003, the Attorney General Amos Wako announced that there were to be fresh investigations carried out into the death of Father Kaiser. The investigations will involve looking afresh at police investigations into the death and the report by the US Federal Bureau of Investigators (FBI), which concluded that Father Kaiser had committed suicide. Catholic bishops who met with President Kibaki appealed to him to order the investigations. **[32r]**

6.90 On 19 April 2001 the FBI released a report into Fr Kaiser's death giving the verdict as suicide following years of suffering depression-related illnesses. **[32ag]** Many journalists wanted to know from Attorney General Amos Wako whether the report was final. Mr Wako then urged anyone with "fresh evidence" on Fr Kaiser's death to come forward. **[32af]** Following this, 26 Bishops demanded a public inquest into the American Priest's death saying that the FBI report had raised many questions. In August 2001, reacting to this the US Department of Justice refused to review the FBI's finding that Fr

Kaiser had committed suicide. The FBI's finding created uproar within Kenya's clergy and human rights community, who were convinced he was murdered. US Senator Paul Wellstone called for a new inquiry that took into account findings of the US Embassy's own investigation. [32ah]

6.91 The Government does not permit consistent independent monitoring of prison conditions. In general it does not permit domestic NGOs to visit prisons; however, some independent NGOs work with the Government in evaluating torture cases and performing autopsies on deceased prisoners. The Standing Committee on Human Rights (SCHR) has the authority to inspect prison facilities on demand at any time. The SCHR inspected several prisons during 2001 and found very poor conditions. In March 2000, the United Nations Special Rapporteur for Torture, Nigel Rodley, released a report on his visits to several prisons in 1999. Rodley noted the problems of limited access by observers, poor sanitation and health care, and overcrowding. [2a] However, in January 2003, President Kibaki started to implement prison reforms, which have been welcomed by Human Rights organisations. [21]

Internally Displaced Persons (IDPs)

6.92 The issue of Internal displacement came to prominence during the 1990s when escalated ethnic violence became closely linked to the re-introduction of multi-party politics. It had been reported that as of March 2001 more than 200,000 Kenyans who had to leave their homes in the Rift Valley during the 1990s still remained internally displaced. The exact national figure is presently uncertain as there has been no systematic registration of internally displaced person, return and resettlement have been spontaneous and new people have become displaced during recent years. [17]

6.93 It has been reported that people displaced in the Mombasa area in 1997 have later returned. Although a large number of those displaced in the Rift Valley also resettled or returned during the 1990s, there is still a significant group of people who have remained displaced. [17]

6.94 UNHCR has said that over 230,000 refugees in Kenya face starvation. The UN agency said that the camps most affected by acute food shortages are Kakuma and Dadaab in Turkana and Garissa. There are currently 130,000 refugees in Kakuma and 82,700 in Dadaab. The current Minister of Home Affairs and National Heritage, Moody Awori said that the Government would help the UN seek food aid from GTZ (German Technical Cooperation) and other NGOs. Mr Awori announced that the Government would soon be enacting a law to govern refugees in Kenya. [25c]

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Humanitarian Aid / International Assistance

6.95 The Kibaki Government inherited a country burdened with foreign debt, a limping economy and rampant corruption under Moi's 24-year rule. Senior officials of the International Monetary Fund (IMF) began talks with the new Government in January 2003. In the past anti-graft legislation and Mr Moi's interference with the anti-corruption commissions - led to the freezing of international aid. Almost \$1bn in aid remains frozen,

awaiting evidence of a genuine change. Both the IMF and the World Bank have told Kenya's new Government that it must pass laws to tackle economic crimes before lending can be resumed. [57o]

6.96 At the end of January 2003, the World Bank announced that it hoped to release \$100 million in credit frozen in 2001. World Bank representative in Kenya, Mokhtar Diop said the World Bank would continue supporting Kenya in the future. [24] On 12 February 2003, the World Bank said that it was ready to release the first tranche of US\$50 million for budgetary support and they were eager to release the funds to ease current budgetary constraints. The provision of free primary education would also be subsidised to the tune of between US\$40 to US\$50 million. [55i]

6.97 On 24 March 2003, the Government announced that the World Bank pledged US\$50 million to fight the HIV/AIDS scourge. [55s]

Health Issues

Malaria

6.98 Some 20 million Kenyans - more than half the entire population - are regularly affected by malaria. The cumulative human suffering and economic damage caused by the illness is immense. Children and pregnant women are most at risk. Each year an estimated 26,000 children die from direct consequences of malaria infection in Kenya. The Kisii District Hospital has two special children's wards with capacity for 38 patients. The Ministry of Health in conjunction with local health service organisations, among them Population Services International (PSI) and World Vision are managing the outbreaks through rapid response and public sensitisation programmes. [55q]

HIV/AIDS

6.99 It is estimated that around 2.3 million people in Kenya are living with HIV and that around 700 people die per day of HIV-related infections. [22]

6.100 Medecins Sans Frontieres (MSF) has been working with AIDS patients all over Kenya with programs based on reducing HIV transmission, home-based care for AIDS patients and work with local groups to develop income-generating activities. Teams train health workers and organise comprehensive care in patients' homes (in the Nairobi slum areas of Dandora and Kibera), Mbagathi Hospital and several health centres. MSF offers psychological support and social assistance, which sometimes means paying rent or school fees for family members of those with AIDS. [58]

6.101 At the end of November 2000 a representative of the German drug company Boeringer Ingelheim announced that they would be able to provide an anti-HIV drug free of charge to pregnant women for 5 years. [39a]

6.102 After a year of campaigning by the Kenya Coalition for Access to Essential Medicines (which includes MSF), the country's parliament passed a law in June 2001, the Industrial Property bill 2001. The Bill remains compliant with the WTO/TRIPS agreements.

Under pressure from the coalition, multinational pharmaceutical companies have also lowered the price of ARV treatment in Kenya. MSF continues to treat HIV/related infections and counsel AIDS patients - along with caring for people suffering from other diseases or health problems - in the Nairobi slums of Mathare, Kibera, and Dandora. Additional HIV/AIDS and TB programs are running in Homa Bay, on the shores of Lake Victoria and in the district of Busia. [22]

Ethnic clashes between 1992 and 1998

6.103 The Commissioner of Police, Duncan Wachira, released a report into the violence in March 1998. [34a] Amnesty International also published a report concerning the violence in June 1998 entitled "Kenya: Political violence spirals". The report stated that the violence in the aftermath of the December 1997 elections, followed a similar pattern to the violence that occurred in the run up to the 1992 elections. The difference between the two being that the most recent violence occurred after the elections and for the first time the Kikuyu community retaliated in an organised fashion. Amnesty criticised the Government for failing to provide sufficient security in the area affected, which they stated "implied" complicity. They also urged the Kenyan Government to investigate all extrajudicial killings since December 1997. [10]

6.104 In April 1998 Parliament passed an opposition motion to establish a truth and reconciliation commission to investigate the ethnic clashes. On 1 July 1998 President Moi appointed a Judicial Commission of Inquiry to look into the tribal clashes between 1992 and 1998. He named a Ghanaian born Kenyan Appeals Court Judge, Justice Akilano Molade Akiwumi, as the Commission's chairman. The appointment of the Commission was received with scepticism in certain quarters, however on 14 July 1998 the three appointed judges were sworn in. [32c]

6.105 The Commission was welcomed by the NCKK. The Commission was held in public and heard evidence from all quarters, including accusations against senior politicians. Details of the inquiries' hearings were published verbatim in the press. The Commission was given the freedom to list down people who in the course of the public hearings were found to have been behind the clashes. [32z]

6.106 The Commission submitted its report to President Moi in August 1999, since then the Government has neither released the report nor announced taking any formal action on its findings. [2a] On 9 March 2000 the High Court directed that the Attorney General be served with an application involving a suit in which the Law Society of Kenya required the government to release the findings of the Akiwumi Commission. In February 2002, a request by the Commissioner of Assize Joyce Khaminwa for the Commission officials to be summoned in order to present their proceedings to the High court was turned down. [32ai]

6.107 In defiance of a July 2002 court order, Moi refused to release the 3 year-old report by the Akiwumi Commission. However, Moi finally released the report in October 2002. The report implicated several high-ranking government officials. [48a] The report had recommended that 85 people, mostly prominent politicians be investigated for their alleged roles in the violence. On 23 December 2002, a court ruling ordered the removal of powerful cabinet minister Nicholas Biwott's name from the list of those implicated in the ethnic clashes. Biwott was the Trade and Industry Minister and had gone to court to seek

the removal of his name. [14I]

The Goldenberg Affair

(August 1999 - US\$1 = Ksh74.15)

6.108 The Goldenberg hearings have dragged their way through the courts for the past 9 years. Mr Ibrahim Nassar Ali, was chairman of the World Duty Free chain of stores, including Kenya Duty Free. Kamlesh Pattni's company Goldenberg International claimed to have exported gold and diamonds to Kenya Duty Free in 1993. Pattni then claimed export compensation ranging between Ksh5 billion and Ksh40 billion. The exports did not take place and Mr Ali, by his own admission, did not receive any gold or diamonds from Goldenberg. [32m]

6.109 In July 2000, Ali was thrown out of Kenya in the middle of a tussle with Pattni over the ownership of the Duty Free complex. He was deported a few days after he publicised documents, which appeared to link the President with the Goldenberg affair. The documents released by Ali suggested that President Moi and Mr Kulei were aware of the Goldenberg transactions. [32ad]

6.110 Ali claimed his company had suffered losses to the tune of Sh37 billion when the Kenya Government cancelled a 10-year contract, which allowed World Duty Free to operate shops at the international airports in Nairobi and Mombasa. Ali further claimed the Government had taken that action in 1994 and a Kenyan court put his company into receivership as part of an attempt to cover up the scandal. The initial hearing took place in London on 15 January 2001 when procedural issues were discussed. Ali is seeking \$500 million in compensation from the Government over the issues of the take over of World Duty Free. [32o]

6.111 On 24 February 2003, President Kibaki appointed a Commission of Inquiry into the series of transactions concerning the Goldenberg Affair. President Kibaki has mandated the Commission to carry out its task and report to him directly. The Commission is necessitated by the need to get to the root of the complex web of transactions. It is also borne out of recognition of the hugely detrimental effect it has had on the Kenyan economy and vital institutions of governance. [15]

6.112 The judicial Commission of Inquiry opened at the Kenyatta International Conference Centre on 14 March 2003. Education Minister George Saitoti and chief suspect Kamlesh Pattni are likely to be some of the prominent individuals to testify before the Commission. [32q] The Commission's work is due to begin on 31 March 2003. [32p]

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Annex A

Chronology of Major Events

- 1895** Kenya declared a British protectorate.
- 1902** White settlement encouraged in the central highlands.
- 1907** Legislative council established comprising mainly of European settlers.
- 1914** The 1,000 European landholders meet with significant African armed resistance.
- 1920** African political activity begins to organise particularly amongst the Kikuyu in Nairobi, and the Luo.
- 1925** Local native councils introduced.
- 1940s** White settler farmers achieve considerable prosperity.
- 1944** The Kenya African Union (KAU), an African nationalist organisation formed, demanding access to white-owned land.
- 1947** Jomo Kenyatta becomes President of KAU.
- 1952/6** Campaign of terrorism conducted by the Mau Mau, a predominantly Kikuyu secret society.
- 10/52** A state of emergency declared by the British authorities.
- 6/53** Kenyatta imprisoned for alleged involvement in Mau Mau activities, and the KAU is banned. All political activity is suspended until 1955. Despite the ban, two Luo political activists, Tom Mboya and Oginga Odinga come to prominence.
- 1957** African members elected to the legislative council on a limited franchise (60% adult African population). Mboya unofficial leader of these members, who refuse government posts and demand a universal adult suffrage.
- 1/60** The state of emergency is revoked. A transitional constitution drafted during January and February allowed Africans a large majority in the legislative council and legalised political parties. African members of the council subsequently formed the Kenya African National Union (KANU), with James Gichuru being elected as acting president of the party.
- 1961** General election; KANU candidates win a majority of the seats in the legislative council.

- 8/61** Kenyatta released from prison and assumes the presidency of KANU.
- 5/63** KANU wins a decisive victory in the general election.
- 6/63** Internal self-government begins. Kenyatta becomes Prime Minister.
- 12/63** Kenya becomes independent.
- 12/64** Kenya declared a republic. Kenyatta becomes President.
- 1965** Clear divisions within KANU appear between party's conservative wing, led by Mboya, and the radicals led by Odinga.
- 4/66** Odinga resigns as Vice-President.
- 1966** Odinga Odinga forms a new party, the Kenya People's Union (KPU), and accuses the government of furthering the interests of a small privileged class. Legislation requiring the 30 KPU members of the House of Representatives to contest by-elections is immediately approved; only nine members re-elected. Security legislation also enacted giving the Government powers of censorship and the right to hold suspects in detention without trial.
- 12/66** Kenya's two legislative chambers are amalgamated to form a unicameral national assembly.
- 1/67** Daniel Arap Moi becomes Vice-President.
- 7/69** Tom Mboya, Minister for Economic Planning, and Secretary-General of KANU, is assassinated by a Kikuyu. Luo demonstrations against Kenyatta follow. The KPU is banned, and Odinga detained.
- 12/69** Two-thirds of the KANU members of the National Assembly lose their seats in a general election.
- 1970s** Kenyatta becomes increasingly reclusive and autocratic.
- 9/74** Kenyatta is returned unopposed for a third five-year term.
- 8/78** President Kenyatta dies.
- 10/78** Daniel Arap Moi, a Kalenjin, takes over the Presidency. A programme is initiated to purge Kenya's corrupt bureaucracy.
- 12/78** All political detainees are released.
- 12/79** Despite Moi's emphasis on regional representation in his new government, Odinga and four other former KPU members are barred from participating in the general election. Student protests begin, with predominantly Luo participation, prompted by the KPU banning. Relations with the USA strengthen. US forces use

Kenyan facilities.

- 1980** Moi succeeds in bringing Odinga, and his substantial following, back into KANU. Nevertheless, Odinga continues to attack the US military presence in Kenya, and denounces the Government's economic management.
- 4/80** Charles Njonjo resigns as Attorney General.
- 6/80** Njonjo elected to the National Assembly, and later becomes Minister of Home and Constitutional Affairs.
- 1980** A de-tribalisation drive commences. Virtually every Kenyan organisation title, which has tribal implications, is renamed.
- 1981** Disagreements between Njonjo and Mwai Kibaki, the Vice-President, become unbridgeable; intense factional disputes develop between their supporters.
- 2/82** Kibaki wins the power struggle and gains Njonjo's Home Affairs portfolio in a Cabinet reshuffle. Moi appears to become increasingly intolerant of criticism.
- 5/82** Odinga and another former MP are expelled from KANU for advocating the formation of another political party.
- 6/82** Kenya constitutionally becomes a one-party state.
- 8/82** An attempted coup takes place, following a series of political detentions and increased press censorship. Several hundred people are killed.
- 9/84** In an attempt to reduce corruption and increase discipline within KANU and the civil service, Moi directs that all civil servants must be members of KANU.
- 1986/7** The Government acts to suppress an unofficial left-wing opposition group known as Mwakenya (the Union of Nationalists to Liberate Kenya). By early 1987, more than 100 people, mainly University teachers, students and journalists, have been arrested in connection with the group's activities.
- 8/86** KANU approves an open 'queue-voting' system to replace the secret ballot in the preliminary stages of a general election. The new system is opposed by church leaders, civil servants, and others, whose political impartiality is necessary for their work.
- 12/86** The National Assembly adopts constitutional amendments that increase the power of the President by transferring control of the civil service to the President's office, and reducing the independence of the judiciary.
- 6/87** It is announced that only members of KANU are entitled to vote during the preliminary stages of a general election.
- 7/87** Amnesty International publish allegations that Kenyan political detainees are tortured and two have died in custody.

- 2/88** Moi is nominated unopposed to serve a third term as President.
- 3/88** In an extensive cabinet reshuffle following a general election, Joseph Karanja replaces Mwai Kibaki as Vice-President.
- 7/88** The National assembly adopts constitutional amendments allowing the President to dismiss senior judges at will, and increasing the legal permissible period of detention without trial from 24 hours to 14 days, for persons suspected of committing capital offences. The measures lead to an intensification of criticism of the Government's human rights record.
- 9/88** Elections take place for the leadership of KANU.
- 12/88** Kenneth Matiba, Minister of Transport and Communications resigns and is expelled from KANU after criticising the conduct of the party elections.
- 4/89** The National Assembly unanimously approve a motion of 'no confidence' in Karanja, after allegations that he abused his position as Vice-President to further personal and tribal interests. Karanja denies the allegations but resigns shortly after. Prof. George Saitoti becomes Vice-President.
- 6/89** Moi releases all political prisoners held without trial, and offers an amnesty to exiled dissidents. Allegations continue to be made regarding convicted political prisoners given unfair trials.
- 2/90** Dr Robert Ouko, Minister of Foreign Affairs and International Co-operation, dies in suspicious circumstances. Allegations that the Moi administration is implicated in his death lead to anti-Government riots in Nairobi and Kisumu. In response, Moi bans all demonstrations and asks the British police to investigate Ouko's death.
- 5/90** A broad alliance of intellectuals, lawyers and clergy, under the leadership of Matiba, begin to exert pressure on the Government to legalise political opposition to KANU.
- 7/90** Moi orders the arrests of Matiba and other prominent leaders of the alliance. Serious rioting follows in Nairobi and its environs. More than 20 people are killed, and 1,000 arrested.
- 8/90** An Anglican bishop, who publicly criticised the Government, dies in a car crash, after threats to his life by members of the Cabinet; the most senior of these, Peter Okondo subsequently resigns as Minister of Labour. The Government orders an inquest into the bishop's death.
- 9/90** The British police report their findings to the Kenyan authorities re Ouko's death.
- 10/90** Moi orders a judicial inquiry into the affair.
- 11/90** Amnesty International report that several hundred rioters remain in prison after the July riots. Allegations of torture are made.

- 12/90** KANU abolishes the system of 'queue-voting' after consideration of the findings of a political review committee who had tested public opinion, and resolves to cease expelling party members.
- 1/91** KANU agrees to readmit 31 expelled members.
- 6/91** Matiba is released from prison, apparently on the grounds of ill health.
- 7/91** Four of those detained in the July 1990 riots are found guilty of sedition and each sentenced to 7 years imprisonment. Africa Watch, a human rights organisation, publishes allegations that the Government is permitting the torture of detainees, and exerting undue influence on the judiciary.
- 8/91** Six opposition leaders, including Oginga Odinga, form a new political movement, the Forum for the Restoration of Democracy (FORD). The Government immediately outlaws the group, but it continues to operate.
- 9/91** The judicial inquiry into the death of Ouko is presented with evidence that he was murdered.
- 11/91** Moi dismisses Nicholas Biwott, the Minister of Industry, in response to widespread suspicion that Biwott had been implicated in Ouko's assassination. Shortly after the judicial inquiry is dissolved. Several members of FORD are arrested prior to a planned pro-democracy rally in Nairobi. Protesters at the rally are dispersed by security forces. The Kenyan authorities are condemned internationally for suppressing the demonstration, and most of the detained opposition activists are subsequently released. Creditors suspend aid to Kenya indefinitely pending the acceleration of both economic and political reforms; donors particularly emphasise a desirable improvement in Kenya's human rights record.
- 12/91** A special conference of KANU delegates, chaired by Moi, accede to domestic and international pressure for reform, and resolve to permit a multi-party political system. The National Assembly subsequently endorses appropriate amendments to the Constitution. Moi dismisses Peter Oloo Aringo, the Minister of Manpower Development and Employment, after criticism of the Government; Aringo resigns as Chairman of KANU. Later in the month Mwai Kibaki resigns as Minister of Health, in protest of alleged electoral malpractice and the unsatisfactory outcome of the judicial inquiry into Ouko's death. Kibaki immediately founds the Democratic Party (DP), and five other ministers and deputy ministers resign their posts in the following weeks.
- 1992** Several new political parties are registered. In first half of year, some 2,000 people are reportedly killed in tribal clashes in western Kenya.
- 3/92** The Government bans all political rallies, purportedly in order to suppress the unrest. Restrictions are placed on the press.
- 4/92** Following a two-day general strike organised by FORD, the Government ends the ban on political rallies.

- 1992** FORD appears weakened by internal divisions.
- 8/92** FORD splits into two opposing factions.
- 10/92** FORD's two opposing factions register as separate political parties; FORD-Asili, led by Matiba, and FORD-Kenya, led by Odinga.
- 12/92** Multi-party Presidential and legislative elections take place. Prior to the elections opposition parties had protested that administrative and legal obstacles had disenfranchised some sectors of the electorate. Moi is elected to a fourth term in office winning 36.35% of vote. 100 of the 188 seats in the National Assembly are won by KANU. Votes are cast predominantly in accordance with ethnic affiliation. Opposition leaders allege gross electoral irregularities.
- 1993** Tribal clashes continue in the Western region.
- 1/93** A Commonwealth monitoring group, while accusing the Government of corruption, intimidation and incompetence, state the outcome of the elections reflected the will of the people.
- 2/93** The authorities impound copies of three anti-Government publications, amid allegations that they contain seditious material.
- 4/93** Four opposition members arrested and charged with participating in an illegal demonstration.
- 5/93** A general strike is co-ordinated by the Central Organisation of Trade Unions (COTU) who demand wage increases for its members and the dismissal of Saitoti as Vice-President, and Minister of Planning and National Development; although some wage concessions made, the Secretary General of COTU is arrested and charged with inciting industrial unrest. During **May and June** a leader of the banned radical-fundamentalist Islamic Party of Kenya (IPK) is detained on three separate occasions and charged with sedition.
- 6/93** FORD-Kenya becomes the largest opposition party in the National Assembly, following the defection of a FORD-Asili representative to KANU.
- 9/93** Several hundred supporters of the IPK riot in Mombasa.
- 10/93** Tribal clashes escalate significantly.
- 11/93** Africa Watch reiterate persistent allegations by the opposition that the Government is covertly inciting ethnic violence in order to discredit the newly-introduced political pluralism. Several people are arrested and charged with co-ordinating the unrest. International donors agree to resume aid in response to the Government's progress in implementing reforms.
- 1/94** Oginga Odinga dies and is succeeded as the Chairman of FORD-Kenya by Michael Wamalwa Kijana.

- 2/94** A petition by Matiba, to challenge the validity of Moi's 1992 election as President, is rejected by the Court of Appeal.
- 6/94** Main opposition groups, excluding FORD-Asili, form a loose coalition, the United National Democratic Alliance (UNDA), in an attempt to gain a tactical advantage over the Government at future elections. UNDA was subsequently divided by disagreements. Disunity is also evident within both factions of FORD.
- 1994** University staff and employees in the public sector strike in protest at the Government's refusal to recognise their respective trade unions, and to grant better conditions of employment. Many strikers are dismissed.
- 7/94** A suspect, charged with the murder of Dr Robert Ouko, is acquitted.
- 11/94** A FORD-Kenya representative and the National Assembly's one independent member are found guilty of electoral malpractice during the 1992 elections and are retrospectively disqualified.
- 4/95** Kenya's Roman Catholic bishops publish a pastoral letter that accuses the Government of eroding the independence of the judiciary, condoning police brutality and endemic corruption.
- 5/95** Leading opposition activist's form a new political party, Safina, under the chairmanship of Mutari Kigano, a lawyer specialising in human rights cases. Dr Richard Leakey, a prominent white Kenyan, is appointed Safina's Secretary-General. The authorities reject Safina's application for official registration. Later in the month, Paul Muite and four other Safina members were detained overnight after visiting a site the authorities had declared legal. A legal case against them was subsequently dropped.
- 8/95** Police fail to protect Richard Leakey and a group of Safina people who were attacked by KANU supporters whilst on a visit to Nakuru. After official investigations three suspected participants in this attack were arrested and charged in September. A party including Paul Muite are stopped by uniformed personnel when they try to visit Koigi Wa Wamwere in prison.
- 10/95** Koigi Wa Wamwere, a founding member of Safina, is found guilty of attempted robbery and sentenced to 4 years imprisonment. Opposition members of the National Assembly denounce the trial.
- 11/95** An Opposition Alliance is established with Leakey as its co-ordinator. Factionalism within opposition parties continues to undermine efforts to present a cohesive challenge to Moi and KANU. Raila Odinga, son of Oginga Odinga, claims to have ousted Wamalwa as Chairman of FORD-Kenya. 5 Safina activists are arrested at Nairobi University following non-political student disturbances. The individuals involved (who were not senior members) are charged with incitement and released on bail.
- 12/95** Amnesty International allege the security forces are systematically torturing

criminal suspects and opposition activists.

- 95-96** Several opposition politicians disaffected by internal rivalries defect to KANU. Rivalries also begin to emerge within KANU.
- 1/96** The Moi administration provisionally withdraws controversial draft legislation that would severely restrict the freedom of the press. A trip by Leakey to Mombasa to visit the site of a proposed Safina office is disrupted by a rowdy mob of local KANU supporters, who threaten and verbally abuse the Safina party. Two IPK activists, with Safina links, are arrested and released the following day without charge.
- 3/96** President Moi claims that student unrest at Egerton University is caused by Safina, as a part of its wider plan to cause chaos in the country.
- 4/96** A party congress of FORD-Kenya tries to reconcile the split factions, but ends in chaos as delegates attack the designated mediator and riot police intervene to restore order.
- 7/96** The Government inaugurates a human rights committee to investigate alleged humanitarian abuses by the authorities. Police in Nanyuki arrest Paul Muite and several other members of Safina when they attended a local volleyball contest; the police detain them for 2 hours. During July and September, Moi announces that constitutional reforms would not be considered prior to the next Presidential and legislative elections.
- 9/96** Justice Mochoye, a Safina activist is arrested along with 7 other people for holding an unlicensed meeting. At a public rally Moi pardons two self-confessed guerrillas who confessed to having been involved in an attempt to assassinate Moi, and other prominent Kenyans; also to have plotted to free Wamwere from prison. It is widely believed that the allegations have been fabricated in order to discredit the opposition.
- 10/96** The independent Kenya Human Rights Commission condemns Kenya's prisons as being the worst in the world.
- 11/96** Safina's Chairman Muturi Kigano, and a lawyer, narrowly avoid being assaulted by youths when they go to defend a Safina activist who is appearing at Nyambene courthouse.
- 12/96** Raila Odinga is reportedly expelled from FORD-Kenya; he claims to have resigned, and then joins the National Development Party. Wamwere is released on bail in order to seek medical attention abroad. African Rights claim Kenya's judicial system is corrupt.
- 1/97** Amnesty International allege the Government has failed to halt widespread torture. Considerable disquiet is provoked after Biwott, a principal suspect in the inquiry into Ouko's death, is re-appointed to the Cabinet.
- 2/97** Kenya becomes a signatory to the UN Convention Against Torture and Other

- Cruel, Inhuman and Degrading Treatment and Punishment. During a visit to Nyeri, Paul Muite, Kiraitu Murungi and a party of Safina supporters, are set upon by the police. Police deny beating the activists, in a statement issued by the District Commissioner of the Province. Nairobi University students' leader, Solomon Murili, dies in mysterious circumstances. Violent protests occur over his death. Opposition MPs call for an investigation into his death by British police. FORD-Asili MP Stephen Ndichu is jailed for 6 months for causing a disturbance and incitement in 1994.
- 3/97** Police arrest approximately 70 people for possession of offensive weapons during the parliamentary by-election, caused by the resignation of Raila Odinga from FORD-Kenya. Odinga retained his seat on behalf of his new party, the National Development Party. The Attorney General announces an inquest into the death of Solomon Murili. 100 people are killed in northern Kenya as fighting intensified between the security forces and bandits from Ethiopia.
- 4/97** Opposition leaders and NGOs convene a 4-day symposium on constitutional reform. Students protest at the killing of a 20 year old student by police. KANU criticise Odinga and Matiba for attempts to introduce tribal political parties. In return they accuse the police of brutality after several opposition politicians experience problems. FORD-Asili National Treasurer, Haroun Lempaka, defects to KANU. Koigi Wa Wamwere returns to Kenya to bury his father.
- 5/97** 1 person killed and 6 injured, as fighting breaks out at an illegal rally held by the National Convention Executive Council (NCEC). At least 77 people killed during clan violence, involving cattle rustling, in the Rift Valley. Kenya's Electoral Commission (KEC) sets dates for voters registration, and agrees to extend period after calls that 30 days is insufficient. 19 May, voters' registration begins. A new political party, Patriotic Pastoralist Alliance of Kenya, is formed. Security forces break up an illegal opposition rally, protesting for constitutional change. Violent unrest ensues.
- 6/97** 4 leading opposition parliamentarians are placed under house arrest for the duration of the President's annual speech in order to curb protests. Moi states there will be no constitutional changes before the elections. The unrest continues. FORD-Asili Chairman, Kenneth Matiba, quits parliament, and the party splits further. Further allegations of human rights abuses by Amnesty International are rejected by the authorities. Opposition MPs disrupt the Budget announcement on 19 June. Blows are exchanged between members and riot police seal off parliament. Police also clash with students demanding constitutional reform. Despite a boycott of the debate, the Budget is passed.
- 7/97** The opposition ends its boycott of Parliament. Riots prevail in Nairobi when students clash with police during a protest against the increase in fees. The NCEC call a rally to commemorate Saba Saba, which is declared illegal by the authorities. The rally, on 7 July, erupts into violence and rioting continues for several days, resulting in the deaths of 16 people, and the closure of the two universities in Nairobi. Several people are arrested during the violence. Sheikh Khalid Balala returns to Kenya. The President agrees to a dialogue with the opposition on reforms. Opposition parties are to be granted licences for rallies,

which will now only be denied in exceptional circumstances. KANU agree to enact constitutional reforms prior to the elections.

- 8/97** A tough anti-corruption Bill is published in wake of the Goldenberg scandal, together with the Statute Law (Repeals and Miscellaneous Act) Bill 1997, which proposes to repeal the Vagrancy Act. Mid-August, serious violence erupts along the coastal area of Mombasa, initiated by an attack on a police station, during which 7 police officers are killed. Approximately 67 people are killed and 450 people arrested, including opposition politicians and two prominent members of KANU.
- 9/97** The violence in Mombasa continues. Police are deployed to block an NCEC rally early in the month. An Inter-Party Parliamentary Group Committee agrees on constitutional reforms. Amnesty International launch a campaign to improve Kenya's human rights record. Somali bandits attack Turkana district.
- 10/97** Six opposition MPs are arrested in order to stop a pro-reform rally. Teachers strike over pay. 10 new political parties are registered, 3 are rejected. Several Safina members are arrested at a gathering for a pro-reform rally. Skirmishes break out in Nairobi slums leaving one dead. A Government Minister and four others are charged with fraud. Civil servants receive a pay increase of 10%. Police fire shots and tear-gas to break up an opposition rally towards the end of the month.
- 10/97** Kenya passes the first Reform Bill, The Statute Law (Repeals and Miscellaneous Amendments) Bill. The Bill amends the Public Order Act, National Association act and the Kenya Broadcasting Act. 5 people are killed in clashes over land rights, between the Maasai and the Kisili.
- 10/97** Parliament passes The Constitution of Kenya Amendment Bill, which will allow for a coalition government and defines Kenya as a multi-party democratic state. President Moi appointed 10 new members to the Electoral commission, amongst whom, were members of the opposition
- 11/97** Both new Reform Bills receive presidential assent. On 10 November President Moi dissolved Parliament. Two days later the Electoral Commission announce that elections will be held on 29 December 1997. Seven opposition MPs leave FORD-Kenya for other parties. Koiga Wa Wamwere changes from Safina to NDA Kenda. Matiba announces that FORD-Asili will now be known as Saba-Saba Asili. Moi dismisses Amnesty International's allegation regarding intimidation of voters. An investigation is launched by police after Raila Odinga's motorcade is stoned. A new political movement is formed to agitate for genuine reforms, the African National Convention. FORD-Asili MP, Mary Warjiru joins KANU. 12 die in clashes between KANU factions. At end of the month nurses strike over pay. On 26 November, the Government allowed Safina to be registered.
- 12/97** The Chief Justice quashes Koiga Wa Wamwere's 4-year jail sentence. Explosions occur at a primary school when petrol bombs are thrown. 16 are arrested. Tribal clashes occur in western Kenya, the President declares the area a security zone. Police attack Presidential candidate Charity Ngilu's vehicle with

tear gas. 29 December 1997, polls open amid chaos. Allegations of irregularities are made by both sides, that voting has been rigged. Voting extends into a second day.

- 1/98** Moi wins elections with 40% of the vote, and is sworn in on 5 January 1998. KANU take 113 seats to the opposition's 109. Safina gain 6 seats. Several opposition MPs are challenging the outcome through the courts. Renewed outbreak of ethnic violence in Rift Valley Province, leaves approximately 100 dead and thousands displaced. Violence is curbed by the end of the month.

- 1/98** Mwai Kibaki files a petition in the High Court against President Moi and the Electoral Commission.

- 2/98** Opposition MPs demonstrate at start of the first parliamentary session.

- 2/98** A curfew is imposed between 9pm and 6am in Nakuru District in order to quell further outbreaks of violence.

- 2/98** Bank workers began a strike, which ended on 6 March 1998

- 3/98** The KHRC, was amongst three NGOs, threatened with deregistration after the government warned them not to get involved with politics. A number of politicians were interrogated in connection with the ethnic clashes, which occurred at the beginning of the year. The Commissioner of Police released a report into the violence. Running battles took place in Nairobi between police and hawkers. The curfew is lifted in the Rift Valley. The NDP explains its co-operation with the ruling party.

- 3/98** The Goldenberg trial recommenced.

- 3/98** Police open fire on rioting students. Nairobi University is closed as a result.

- 3/98** The Presidential addresses the state opening of Parliament.

- 4/98** The Attorney General announced the members of the Constitutional Review Committee. The committee first met on 7 April 1998. Maalim Mohammed threatened to resign unless the government launched an enquiry into police torture. More ethnic fighting broke out in the north-west. Rioting took place in Nairobi following a battle between street children and a private security guard. A guard was stoned to death. A ground breaking economic forum was held in Mombasa attended by KANU MPs and 80 opposition members.

- 5/98** Rallies held in Kitale to discuss the insecurity in the area, were disrupted. A one month amnesty was announced for the surrender of illegal arms. The government renewed its diplomatic links with Libya.

- 6/98** 8,785 petty offenders were pardoned to mark the Madaraka Day celebrations. FORD-Kenya MP James Orenge threatened to disrupt the announcement of the budget. He lacked support from other opposition MPs and was thrown out of the parliamentary chamber. Amnesty International published a report on the ethnic

clashes that occurred in the aftermath of the December 1997 elections. Three NGOs launched a report into the 1997 elections. President Moi announces the setting up of a judicial inquiry into the tribal clashes. Divisions emerge within the NDP with the registration of the party's deputy leader. The SDP threatened to boycott the constitutional review talks in protest at the disruption of the rallies in Kitale.

- 7/98** Kenyan teachers threaten to go on strike over the government's refusal to implement the next phase of their pay deal. The introduction of a controversial education bill is suspended. Several top Treasury officials are arrested by the Director of the Kenya Anti-Corruption Authority (KACA), John Harun Mwau. Less than 24 hours after their arrest the charges were dropped and Mwau and Finance Minister, Simeon Nyachae become embroiled in a verbal exchange. Mwau was later suspended and a tribunal was set up to investigate his performance. Three judges appointed to sit on the judicial inquiry into the ethnic clashes are sworn in. Hundreds of guns and ammunition are surrendered as part of a presidential amnesty. The government bans a magazine and two weekly newspapers, sparking off international criticism. Christians and Muslims joined together at a Peace Convention and adopted a national peace accord. Charles Njonjo returns to the political scene when he is appointed Chairman of the Kenya Wildlife Service Board. A High Court judge overturned the government's order to close four tabloids.
- 8/98** A terrorist bomb explodes next to the US Embassy in Nairobi, and five minutes later the US Embassy in Dar Es Salaam, Tanzania is also hit by an explosion. The explosion in Nairobi destroys Ufundi House, next to the Embassy. More than 253 people are killed, including, 12 Americans. Thousands more are injured. An unknown terrorist organisation claims responsibility.
- 8/98** The terms of reference for the Constitutional Review Body are finally agreed. President Clinton vows to track down those responsible for the attacks. Osama Bin Laden, a Saudi born dissident is believed to have been involved. Two suspects arrested in the aftermath of the bombings were extradited to the USA to stand trial. One claimed that the explosives were brought in as part of a relief food consignment. In the wake of the bombings, eleven NGOs were de-registered by the government, sparking protests from the Muslim community. Cabinet Minister Maalim Mohammed threatened to resign unless the Kenyan government launched an inquiry into allegations of police torture. He was supported by 5 KANU MPs and 2 opposition members. America launches missile attacks on Bin Laden's camp in Afghanistan and a chemical factory in Khartoum, allegedly producing an element for use in chemical warfare, and linked to Bin Laden.
- 9/98** The Attorney General proposes the abolition of laws protecting the government and its organs in the administration of justice, and also says police will be trained in human rights. KANU seeks an alliance with the largest opposition party the DP. President Moi appoints Dr Richard Leakey as Director of the Kenya Wildlife Service. His seat is taken over by Josephine Shiyo the first blind MP.
- 10/98** A consultative forum on Kenya's Constitution unanimously adopted a draft bill on law reform. Kenyan teachers came out on strike over their pay award. The strike

ended on 20/10/98. Thousands of Muslims take to the streets in protest at the de-registration of five Muslim NGOs after the bombings. Parliament passed a resolution to create an Ombudsman's office to address complaints against public servants.

- 12/98** President Moi said that NDP Chairman, Raila Odinga's co-operation with KANU may propel him to future leadership. The Electoral Commission announced wide-ranging changes being planned to Kenya's electoral system. The Assistant Police Commissioner admits at a human rights workshop that police tortured suspects on the orders of powerful politicians. Human rights groups threaten to sue the Commissioner of police over the death of a suspect in custody. Three police officers are arrested for bribery in Kericho. The Standing Committee on Human Rights issued its first public report. One of the new bills to reform the criminal justice system is passed. The Commission of Enquiry into the ethnic clashes continues to hear evidence and will submit a report by 30 April 1999.
- 1/99** President Moi announced the members of the advisory board of the KACA. A by-election took place in Makueni constituency following the death of the SDP MP who held the seat. The vote counting was marred by violence leaving two MPs injured. A new party the United Party (UP) was registered and another the United Democratic Movement (UDM) formally applied for registration. The NCEC announced it would set up a parallel review forum. On 25/01/99 the Constitution of Kenya Review Commission Act 1998 came into full operation. Several judges were reshuffled following allegations of bribery against a judge. A new National Security Intelligence Service is established. A new East African passport is due to be issued. Demonstration began over the development of the Karura forest. Violent confrontations with the police take place over the issue. Two people are killed following clashes between farmers in the Mwea rice irrigation scheme and police.
- 2/99** President Moi reiterated his commitment to fight corruption. On 18/02/99 President Moi reshuffled his cabinet. As a result Finance Minister Simeon Nyachae resigns. Also the Commissioner of Police, Duncan Wachira was replaced as well as the Director of the CID and the Principle Immigration Officer. One SDP MP and two councillors' officials defect to KANU. The constitutional review talks reached a sticking point over nominees for the committee. Several MPs are injured in a clash with anti-riot police at a farmers' meeting in Eldoret. The KHRC called for police to compensate victims of abuse. 12 people are killed in a fierce gun battle in North Eastern Province. The editor of "Expression Today" is kidnapped and tortured by a gang.
- 3/99** A High Court judge censured the Attorney General's office for the delay in disposing of murder cases in Mombasa. Rioting by students occurs over the Karura forest development. Three MPs are arrested for incitement. Police launch a new probe into Kamlesh Pattni, the man at the centre of the Goldenberg scandal.
- 4/99** President Moi re-appoints Professor George Saitoti as the country's Vice President. Fighting broke out between supporters of Raila Odinga (NDP) and James Orengo (Ford-K) at the start of a rally. KANU increased its majority by winning by-elections in Tigania and Mumtomo constituencies in eastern Kenya. A

vote of no confidence was made against Prof. Saitoti over allegations of his involvement in the Goldenberg scandal. President Moi is also implicated in the Goldenberg scam along with other top officials. The High Court suspends the entire Kenya Anti-Corruption Authority (KACA) board.

- 5/99** Police investigate allegations of torture of an inmate at Kodiaga GK Prison by warders. Parliament passed a motion that seeks the establishment of a commission for gender equality. The pioneering political and business journal, the Weekly Review folds after 24 years in operation. President Moi proposes that the constitutional reform process be transferred to the KANU dominated National Assembly.
- 6/99** Police and protesters clashed outside parliament during protests into the slow pace of constitutional reforms. 27 people were killed in northern Kenya in a series of cattle raids. President Moi suggests that Parliament should review the constitution drawing mixed reactions from opposition leaders and civil society representatives. Demonstrations against his idea were held on Budget Day 10 June 1999. The People's Power Movement is launched. 11 June 1999 The Akiwumi Commission winds up. On 24 June 1999 Nairobi Chief Magistrate Uiter Kidullah ruled that Solomon Murili set himself ablaze. The court throws out Mwai Kibaki's election petition against President Moi. Police arrest 30 corrupt officials at the Registrar of Companies offices and the Immigration Department. Visa requirement is waived to draw in more tourists. On 30 June 1999 the no confidence motion against the Vice-President fails.
- 7/99** Police fired tear gas and rubber bullets at demonstrators seeking constitutional reforms who were trying to block roads into Nairobi. The Saba Saba day rally at Kamukunji grounds in Nairobi passed off peacefully. Opposition MP Paul Muite was charged with theft but later released on bail. President Moi launches his recovery strategy and appoints Richard Leakey as head of the civil service. James Orengo challenges Moi to clear his name over his alleged involvement in the Goldenberg affair. 84 MPs including 14 from KANU file a motion of no confidence in the government. MP James Orengo and two of his aides are arrested on 17 July 1999 in Kisumu. The high court dismisses Mwai Kibaki's challenge against the result of the December 1997 elections.
- 8/99** A special crime prevention police unit is launched to curb the influx and trafficking of illegal arms.
- 9/99** KANU win by-elections in Nithi and Saikago. President Moi reshuffles his cabinet. Although he cuts the number of ministries from 27 to 15 all cabinet ministers retain their seats. The Government announces plans to retrench 60,000 state employees as part of its Civil Service cut back programme. Ford Kenya MP, George Kapten, is charged with defamation.
- 10/99** Mwandawiro Mgangha resigns as Safina Secretary-General. Mombasa police make 54 arrests after clashes in Coast Province leave two people dead and several injured.
- 11/99** The national assembly votes unanimously to cut presidential powers and give

parliament, not the president, the power to appoint the Clerk of the House. MP George Kapten is charged with subversion following comments about the Goldenberg scandal.

- 12/99** The National Assembly votes to create Parliamentary Select Committee to review the Constitution of Kenya Review Commission Act and help form a commission. NDP leader Raila Odinga is made chairman of the 27-member committee on which KANU has a majority. Opposition MP's mandate religious leaders to lead a people's driven review, to run parallel to the Parliamentary one. Opposition MP George Kapten dies at his home in Kitale, some opposition MP's express suspicion of foul play.
- 1/00** Rival gangs in the constitutional debate clash in Nairobi. Ford-K MP James Orengo is charged with inciting public violence, meanwhile four youths, later identified as NDP activists, who attacked him, a second MP and two civilian's are not prosecuted. A new youth movement, MVUWA, is formed at a rally where young people vow to disrupt the Parliamentary Select Committee's proceedings.
- 2/00** Kenya appeals for international aid to combat famine threatening much of the country. KANU Chief Whip, Sammy Leshore and his deputy are shot and seriously wounded during a robbery after their car is involved in a collision. Several people are injured when riot police attacked a large crowd who had turned up for a MVUWA meeting in Thika.
- 3/00** 11 opposition MP's call for a select committee to investigate the December 1999 death of MP George Kapten. NDP Secretary-General and two other top officials resign accusing the party of having lost its original vision.
- 7/00** IMF promised to resume aid in poverty reduction and growth facility to Kenya.
- 7/00** Constitutional Amendment Bill passed through Parliament. It was rushed through the crucial second-reading, committee and third-reading stages and is currently awaiting the President's assent to become law and lead to the formation of a commission to review the Constitution.
- 8/00** American priest Father John Kaiser is murdered. He was a vocal critic of the tribal clashes in the Rift Valley prior to the 1992 and 1997 elections. Madeline Albright pledges that the US government will be monitoring the investigations into his death.
- 9/00** An attempted escape by eight prisoners from Kingongo Prison, in the Nyeri District, left six prisoners dead and a number of prison officials badly hurt. The remaining two prisoners escaped. All eight were awaiting execution. There is to be an official enquiry.
- 9/00** Riots followed a blaze at Gikombo market in Nairobi's eastern Kamukunji estate. The fire triggered protests among the vendors who said they suspected sabotage. This fire was the second at a major clothes market in the previous eight days. Freemart clothes market in central Nairobi burned down on 28 August and traders claimed the fire was started deliberately. There were accusations that the local

authorities are selling the market to developers who might have hired arsonists to torch the vendors out.

- 11/00** Kenya Broadcasting Corporation launches "Coro FM" radio station. The station is a Kikuyu-language based.
- 12/00** Twelve editorial staff with the "Kenya Times" newspaper were sacked for undisclosed reasons.
- 03/01** Dr Richard Leakey resigned as head of The Kenyan Civil Service and was replaced by Sally Kosgei.
- 03/02** KANU and the NDP agreed to a political merger, with the NDP agreeing to dissolve itself to enable the merger to take effect. President Moi will be given sweeping powers as party chairman and Raila Odinga will be secretary general of the "new" KANU.
- 10/02** National Rainbow Coalition (NARC) formed. NARC was a union of six opposition parties formed ahead of the December Elections.
- 12/02** Presidential and Parliamentary Elections on 27 December - Commonwealth election observers declared that the poll was free, fair, peaceful and transparent. Mwai Kibaki won a landslide victory.

Political Organisations

Democratic Party (DP) - Formed 1991. Predominantly Kikuyu. President was Mwai Kibaki until they formed a new alliance (NARC) with other parties to fight the December 2002 general elections.

Forum for the Restoration of Democracy - Asili (FORD-Asili) - Formed 1992. Predominantly Kikuyu - Chairman - Kenneth Matiba, Sec-General - Martin J. Shikoku. Prior to the elections in 1997, FORD-Asili split further into two parties, FORD-Asili led by Matiba was renamed Saba-Saba Asili, but Matiba was unable to register the party under this name. A second faction FORD-People was led by Kimani Wa Nyoike

FORD-People - Joined forces with the National Labour Party and became known as Kenya People's Coalition.

Forum for the Restoration of Democracy-Kenya (FORD-Kenya) - Formed 1992 - Predominantly Luo support. FORD-Kenya joined forces with other opposition parties in 2002 and the resulting coalition became known as National Rainbow Alliance.

GEMA (Gikuyu [Kikuyu], Embu, Meru Association) - a tribal organisation dedicated to keeping political power in Kikuyu hands.

Islamic Party of Kenya (IPK) - Formed 1992. Spiritual leader - Sheikh Khalid Balala. Chairman - Omar Mwinyi; Sec-Gen. Abdulrahman Wandati. The previously exiled Sheikh Balala was allowed to return home to Kenya in July 1997. IPK is still a banned organisation.

Kenya African National Union (KANU) - Formed 1960. President was Daniel Arap Moi but now is Uhuru Kenyatta.

Kenya National Congress (KNC) - Formed 1992

Kenya National Democratic Alliance Party (KENDA) - Formed 1991. Chairman - Mukaru Ng'ang'a.

Kenya Social Congress (KSC) - Formed 1992 Chairman - George Moseti Anyona; Sec-Gen. Onesmus Mbali

Labour Party Democracy - Chairman - Mohammed Ibrahim Noor.

Liberal Party: Chair: Wangari Maathi

National Convention Executive Council (NCEC) - Group of NGOs, church leaders and politicians, campaigning for constitutional reform. Co-Convenor - Prof. Kivutha Kibwana

National Development Party (NDP) - Formed 1994. Former Leader - Raila Odinga , Chairman - Stephen Omondi Oludhe. NDP is now defunct.

National Party of Kenya: Formed 2001; chair, Charity Kaluki Ngilu. Secretary General Fidelis Mweke

Party for Independent Candidates of Kenya (PICK) - Leader Harun Mwau

Patriotic Pastoralist Alliance of Kenya: Formed 1997; represents the interests of northern Kenya pastoralist communities; Leaders Khalif Abdullah, Ibrahim Woche, Jackson Laisagor

People's Alliance for Change in Kenya (PACK) - Launched on 19 November 1999 with the aim of writing diverse ethnic groups. Secretary General: - Olang Sana.

People's Power Movement - Launched 9 June 1999. Interim Chairman Audi Ogada. Interim Organising Secretary: - Daniel Cheruiyot.

People's Union of Justice and New Order - Kisumu; Islamic support. Leader - Wilson Owili

Rural National Democratic Party - Formed 1992; supports farmers interests. Chairman - Sebastian Munene

Saba Saba Asili - Split from Ford-Asili just prior to the 1997 elections - Led by Kenneth Matiba. Still not officially registered.

Safina Party ('Noah's Ark') - Formed Nairobi 1995; aims to combat corruption and human rights abuses and to introduce proportional representation. Chairman - Mutari Kigano. Formally registered by the authorities 26 November 1997. Safina announced its support for NARC in the December 2002 elections.

Social Democratic Party (SCP) - Formed 1992. Leader - Charity Ngilu

United Democratic Movement (UDM) - Fronted by two KANU MP's, Cyrus Jirongo and Kipruto Arap Kirwa. UDM have launched a court case against the registrar's decision not to register the party in July 1999. President Moi had ordered the registrar to register the party earlier in 1999.

United Agri Party of Kenya: Formed 2001; chair, George Kinyua; Secretary General, Simon Mitobio

United Muslims of Africa (UMA) - Formed 1993. Leader - Emmanuel Maitha.

United National Democratic Alliance (UNDA) - Formed 1994; an informal coalition of main opposition parties (excl. FORD-Asili) formed to present an agreed list of candidates at elections.

United Party (UP) - registered January 1999

United Patriotic Party (UPP) - Formed 1995.

Youth Associated with the Restoration of Democracy (YARD) - Chairman - Eliud Ambani Mulama.

February Eighteen Resistance Army: believed to operate from Uganda; Leader Brig. John Odongo (also known as Stephen Amoke)

Islamic Party of Kenya (IPK): Formed 1992; Islamic Fundamentalists; Chair, Sheikh Khalifa Muhammad (acting); Secretary General, Abdulrahman Wandati

Other Organisations

Release Political Prisoners (RPP) - Pressure group campaigning for the release of political detainees.

Kenya Human Rights Commission - Independent human rights organisation. KHRC produces a quarterly Repression Report cataloguing the human rights situation as well as a steady stream of special reports. It also organises activities to publicise special causes.

Muungano wa Mageuzi (Movement for Change) – Led by Ugenya MP, James Orengo. The leaders of this organisation are not only made up of various political parties, but, they are also from various ethnic groups.

Kenya Movement for Democracy and Justice (KMDJ) - A London-based pressure group which has links with leading opposition figures.

Prominent People Past & Present

Daniel Arap Moi - (Kalenjin) Former President of Kenya, 1978 to 2002. Former Leader of KANU.

Jomo Kenyatta - (Kikuyu) President of Kenya 1964 - until his death in 1978.

Uhuru Kenyatta - (Kikuyu) - Son of Jomo Kenyatta. Former Minister for Local Government. Became leader of KANU in 2002 and was their presidential candidate in the December 2002 elections.

Abdul Majid Cockar - Former Chief Justice until December 1997

Reverend Mutava Musyimi - Sec Gen. National Council of Churches.

Jaramogi Oginga Odinga - (Luo) Former Vice-President and member of KANU during the 1960s before forming the opposition group Kenya People's Union (KPU). In the 1992 elections Odinga led FORD-Kenya. Odinga died in January 1994.

Raila Odinga - (Luo) Former Leader of National Development Party - Son of Oginga Odinga. Became Secretary General of KANU.

Tom Mboya - Former Secretary-General of KANU and Minister for Economic Planning and Development. Assassinated July 1969. His death sparked numerous disturbances.

Kenneth Matiba - (Kikuyu) Leader of FORD-Asili, the party split just prior to the 1997 elections and Matiba renamed his faction Saba-Saba Asili, which has not been registered.

Mwai Kibaki - Former Vice-President and leader of the Democratic Party. President of Kenya.

Charity Ngilu - Leader of the Social Democratic Party.

Zacchaeus Chesoni - Former Chief Justice, appointed December 1997.

Dr Richard Leakey - Conservationist and Secretary General of Safina. Nominated MP on Safina's allocated seat. In September 1998 was re-appointed as Director of the Kenya Wildlife Service by President Moi, and subsequently resigned his seat in parliament. In July 1999 he was appointed as head of the Civil Service/Public Service. At the end of March 2001 Dr Leakey resigned and was replaced by former ambassador to Britain and permanent secretary to the Ministry of Foreign Affairs, Sally Kosgei.

Paul Muite - (Kikuyu) FORD-Kenya MP and was a prominent member of Safina. Currently Member of Parliament for Kabete. Well-known human rights lawyer.

Muturi Kigano - Human rights activist and Former Chairman of Safina.

George Saitoti - (Maasai) Former Vice President. KANU MP, currently Education Minister.

Sheikh Khalid Balala - Spiritual leader of the Islamic Party of Kenya (IPK)

Prof. Onesmus Mutungi - Chairman of the Standing Committee on Human Rights. Lawyer and former Dean of the Law Faculty at Nairobi University.

Prof. Rashid Mzee - FORD-K MP and IPK sympathiser

Amos Wako - Attorney General.

Robert Ouko - Former Minister of Foreign Affairs and International Co-operation. Died in mysterious circumstances February 1990.

Nicholas Biwott - Former Minister of Industry, dismissed from the Cabinet November 1991 amid allegations of his involvement in Ouko's death. Controversially re-appointed to the Cabinet January 1997. Currently the Minister of East African and regional Co-operation.

Charles Mugane Njonjo - (Kikuyu) Former Attorney General and Minister for Home and Constitutional Affairs, who resigned from politics in 1983 following a judicial inquiry into his conduct. Returned to political life in 1998 when appointed Chairman of the Kenya Wildlife Service Board

Simeon Nyachae - Former Finance Minister. Resigned from the government in February 1999 after being moved to the Ministry of Industrial Development.

George Kapten - Political lawyer and Ford Kenya MP who died on 25 December 1999 in what some opposition MP's claimed were suspicious circumstances.

Koigi Wa Wamwere. Founder of the National Democratic and Human Rights Organisation (NDEHURIO). Koigi Wa Wamwere went into exile in 1986 finding refuge in Norway.

Annex D

References to Source Material

- [1] **Africa South of the Sahara Publication 2002 - 32nd Edition - Kenya Section**
- [2] **United States Department of State Report on Human Rights Practices – Kenya**
 - a) **2002** - Issued March 2003
 - b) **2001** - Issued March 2002
- [3] **United States Department of State Annual Report on International Religious Freedom 2002 - October 2002 - Kenya**
- [4] **Cnn.com - World/Election Watch -**
www.cnn.com/WORLD/election.watch/africa/kenya3.html - accessed 13.11.02
- [5] **Africa Research Bulletin - 01/10/02 - 31/10/02** (Pages 15042-15043) - Kenya - "National Rainbow Coalition"
- [6] **Quest Economic Database (Select) - Kenya - Country Profile - 26/09/02 -**
accessed 26/09/02
- [7] **Amnesty International Report December 1995 - Torture Compounded by Denial of Medical Care**
- [8] **Amnesty International Report 8 January 1997 - Detention, Torture and Health Professionals**
- [9] **Amnesty International Report September 1997 - Kenya Violations of Human Rights: Communications between Amnesty International and the Government of Kenya**
- [10] **Amnesty International Report 10 June 1998 - Kenya: political violence spirals**
- [11] **Amnesty International Press Release - Kenya: "Tension rises in advance as all sides are involved in political violence" - 23/12/023 -**
accessed 24/12/02
- [12] **Cnn.com - Kenyans' joy as Kibaki sworn in" - 30/12/02**
- [13] **Amnesty International Report 2002 - Covering the period January - December 2001**
- [14] **Integrated Regional Information Network - Kenya**
 - a) "Government pledges to curb electoral violence" - 28/11/02
 - b) "Kibaki sworn in as President" - 30/12/02
 - c) "Model School in Nairobi Slum" - 18/02/03
 - d) "The challenge of providing free primary education" - 07/02/03
 - e) "Rights group condemn rape by police" - 06/02/03
 - f) "Bribery highest among police force" - 27/01/03
 - g) "Prisons still overcrowded despite new decongestion policy" - 12/02/03
 - h) "Government urged to probe past human rights abuses" - 21/02/03
 - i) "Outrage over Mungiki threats" - 28/08/02
 - j) "Hundreds of girls run away to evade FGM" - 07/02/03
 - k) "Kenya-Uganda; 10 killed by Kenyan cattle rustlers" - 14/01/03
 - l) "Minister's court victory on ethnic clashes questioned" - 23/12/02
- [15] **The Kenyan Netwatch - "Commission to investigate Goldenberg formed" -**
24/02/03
- [16] **World Health Organisation Report - Selected Health Indicators for Kenya**
- [17] **Global IDP Database - www.idpproject.org - Kenya -**
accessed 07/03/03

- [18] **UNHCR - The UN Refugee Agency Map** - Kenya - Somalia Border - as of May 2002
- [19] **The Kenyan Constitution - Chapter 6** - Constitution Chapter V - Citizenship
- [20] **Africa Watch 1991** - Kenya, Taking Liberties
- [21] **West Africa Magazine** - "Prison reforms spark hope" - February 2003
- [22] **Medicins sans Frontieres: Kenya**: "New law gives hope to people with AIDS" - from the MSF Activity Report 2000-2001 - accessed 21/03/03
- [23] **British High Commission (BHC) advice**
 - a) 30/12/02
 - b) 30/04/03
- [24] **Agence France Presse** - "World Bank to complete its development assistance to Kenya" - 29/01/03
- [25] **BBC Monitoring: Kenya**
 - a) "High Court Judge accused of graft charged with fraud, pleads not guilty" - 27/01/03
 - b) "Over 200 Zanzibari refugees escape from refugee camp" - 23/02/02
 - c) "Law on Refugee rights to be enacted" - 23/01/03
- [26] **CNN.com**
 - a) "Kenyan corruption - charge judge quits" - 10/03/03
 - b) "Kenya opens torture house doors" - 11/02/03
- [27] **UNHCR - World News Kenya**
 - a) "UN camps overwhelmed by fleeing Somali refugees" - 25/03/03
 - b) "Kenyan police intimidated Somali refugees to return - witnesses" - 25/03/03
 - c) "More than 10,000 Somali refugees arrive in Kenya" - 25/03/03
- [28] **The International Lesbian and Gay Association** - World Legal Survey - Kenya - As of 11/99
- [29] **The People - Nairobi**
 - a) Kenya - "Three killed in fresh ethnic clashes in Southwest" - 30/07/01
- [30] **Amnesty International** - AFR 32/016/2002 - "The role of medical evidence in prosecuting cases of sexual assault: wider availability of medical examination forms - Kenya" - 16/10/02
- [31] **Amnesty International - Kenya - Rape - the invisible crime** - March 2001
- [32] **The Nation Newspaper** – Kenya
 - a) "Bill to forbid forced police confessions" - 27/02/03
 - b) "Constitution Review back on course" - 20/03/03
 - c) "Akiwumi heads clashes probe" - 02/07/98
 - d) "Kibaki upbeat about better Kenya IMF relations" - 16/01/03
 - e) "Battle against corruption begins" - 15/01/03
 - f) "Review team to remain intact" - 15/01/03
 - g) "Ghai team to shut down all district offices" - 19/02/03
 - h) "Seven freed warders to stand trial for murder" - 22/03/03
 - i) "Press freedom under threat" - 19/12/02
 - j) "Police arrest Mungiki members in Kirinyaga" - 24/10/02
 - k) "\$205m Unicef boost for New Schools Plan" - 16/01/03
 - l) Police stop wedding of 13-year-old schoolgirl" - 17/01/03
 - m) "Date set for Duty Free hearing" - 08/12/00
 - n) "Kibaki's agenda for change" - 19/02/03
 - o) "Now Duty Free case to be held in private" - 31/01/01
 - p) "Goldenberg probe to go ahead" - 28/03/03
 - q) "Big names to feature at Goldenberg probe" - 14/03/03

- r) "Now Kaiser death to be probed again" - 03/04/03
- s) "Children's Law comes into force" - 01/03/02
- t) "Violation of human rights condemned" - 17/02/99
- u) "Pupil, 13, caned to death by teacher" - 28/02/02
- v) "Teacher whips and injures pupil, 11, over homework" - 12/03/02
- w) "Kenya ratifies protocol on child soldiers" - 14/02/02
- x) "Media owners reject new 'draconian' laws" - 31/10/01
- y) "Church joins war against media Bill" - 07/11/01
- z) "Commission winds up hearing sessions" - 12/06/99
- aa) "Mungiki: A law unto themselves" - 08/03/02
- ab) "Gang lynched after killing woman" - 06/02/02
- ac) "Riot police called in as hawkers protest" - 15/02/02
- ad) "Moi letter - Ali now kicked out of Kenya" - 25/07/99
- ae) "Sleuths at Kaiser murder scene" - 02/11/00
- af) "Kaiser: Wako's Plea to Public" - 22/04/01
- ag) "More Reject Kaiser Death Probe Report" - 30/04/01
- ah) "US firm on Kaiser death verdict" - 02/08/01
- ai) "Akiwumi: AG to be served" - 10/03/00
- aj) "Kenyans pledge to protect children's rights" - 27/08/01
- ak) "250 Centres for HIV/AIDS Testing to be Opened Soon" - 02/09/01
- al) "Council Askari Killed in Night Scuffle With Hawkers" - 23/09/01
- am) "Two killed in ethnic clashes in southwest" - 13/08/01
- [33] Kenya Broadcasting Company (KBC) Radio - Kenya**
 - a) "President Moi signs constitutional review act" - 26/12/98
- [34] Kenyan KTN TV - Kenya**
 - a) "Police question politicians about Rift Valley clashes" - 10/03/98
- [35] Africa News Service – PANA Daily Newswire**
 - a) "Kenya launches family court" - 28/12/00
 - b) "Another Kenyan Cabinet Minister Resigns" - 13/11/02
- [36] KNA News Agency - Kenya**
 - a) "Court Suspends Entire Anti-corruption Board, including New Director" - 06/04/99
- [37] United Nations - Press Release** - 06/04/00
- [38] Amnesty International Press Release** - AFR 32/004/2003 - Kenya: "A Human rights memorandum to the new Government" - 18/02/03
- [39] Xinhua News Agency - Kenya**
 - a) "Kenyan pregnant women to get free anti-HIV drugs" - 29/11/00
- [40] World Directory of Minorities - Edited by Minority Rights Group - 1997 - Kenya**
- [41] Europa Yearbook Publication 2002- 43rd Edition** - Kenya section
- [42] Foreign & Commonwealth Office Country Brief** - Kenya - February 2003
- [43] The Daily Nation Kenyan Newspaper**
 - a) "A last prayer, the Fr Kaiser is killed" - 25/08/00
 - b) "Meet Africa's first woman judge of Asian origin" - 09/06/00
- [44] BBC Monitoring Africa - Political** - Kenya
 - a) "Two killed, scores reportedly injured as hawkers riot in Central Kenya" - 02/02/02
- [45] Amnesty International Annual Report 2000 -Country Reports** - Kenya
- [46] HIV InSite - Gateway to AIDS knowledge** - Kenya -10/03/00
- [47] Exerpt from report by Kenya Broadcasting Company TV -**

- a) "Newly-formed security intelligence body to respect human rights" - 20/01/99
- [48] Human Rights Watch Report - Kenya:**
 - a) Human Rights Developments - 2003 - Covering 2002
 - b) Human Rights Developments - 2002 - Covering 2001
- [49] BBC World Service**
 - a) "Arrests after violent clashes in Kenya" - 31/01/01
- [50] East African Studies - "Multi-Party Politics in Kenya" (David Throup & Charles Hornsby) 1998**
- [51] South of the Sahara Publication 1996 - 25th Edition - Kenya Section**
- [52] BBC News Africa**
 - a) "Kenya ethnic clashes 'leave 30 dead' " - 19/01/01
- [53] F&CO – advice**
 - a) Homosexuality in Kenya - 29/02/00
- [54] Amnesty International Report - Kenya - 2001 - "Ending the Cycle of Impunity" - June**
- [55] The East African Standard (Nairobi) -**
 - a) "Nine injured, Cars damaged in nomination violence" - 21/11/02
 - b) "US, British Embassies to deploy 330 Election Observers" - 19/12/02
 - c) "KANU will use army to rig polls, claims Raila" - 20/12/02
 - d) "Special ballot in history of Kenya" - 27/12/02
 - e) "FGM is Now Illegal But Some Still Want It" - 16/01/02
 - f) "Moi: Yes I'll quit after the polls" - 30/06/02
 - g) "Kenyatta Hospital Making Own Drugs" - 14/11/01
 - h) "Secret meetings that led Mudavadi to join Uhuru" - 04/09/02
 - i) "Govt must meet conditions - World Bank" - 12/02/03
 - j) "Pressure mounts on Chief Justice to resign" - 16/01/03
 - k) "Kibaki opens Parliament, vows to fight corruption" - 19/02/03
 - l) "Chief Killed by Mungiki Suspects" - 08/02/03
 - m) "Mungiki kill policeman, burn bus in orgy of terror" - 06/02/03
 - n) "FIDA lauds women appointments" - 14/01/03
 - o) "Gender Bill proposed" - 09/03/03
 - p) "Street round-up exercise starts" - 27/01/03
 - q) "Malaria kills a staggering 72 children daily in Kenya" - 02/03/03
 - r) "Government releases Sh519m for Free Education" - 24/01/03
 - s) "World Bank pledges US\$50 Million to fight HIV/AIDS" - 25/03/03
- [56] War Registers' International 1998 - refusing to Bear Arms - Kenya**
- [57] BBC News Africa**
 - a) "Bishops seek justice for slain priest" - 25/09/00
 - b) "Kenya warned not to postpone poll" - 20/06/02
 - c) "Kenya succession race hots up" - 29/07/02
 - d) "Rift in Kenyan ruling party" - 10/07/02
 - e) "New Kenya leader promises reform" - 30/12/02
 - f) "Challenge to Moi succession plan" - 06/08/02
 - g) "Pre-election clashes in Kenya" - 22/11/02
 - h) "End of Rainbow for Kenyan Minister" - 04/09/02
 - i) "Kenya sets date for key elections" - 29/10/02
 - j) "Election campaign kicks off in Kenya" - 18/11/02
 - k) "Five vie to be Kenya's next leader" - 19/11/02

- l) "Kenyan MP raise their pay" - 10/03/03
 - m) "Kenyan weapons haul destroyed" - 17/03/03
 - n) "Scores dead in Kenya street clash" - 06/01/03
 - o) "Kenya gets anti-graft czar" - 17/01/03
 - p) "Kenyan women lose homes" - 05/03/03
 - q) "Kenya frees death row inmates" - 26/02/03
- [58] **Medecins Sans Frontieres Activity Report** - Kenya: "Grappling with AIDS" - 2000
- [59] **Foreign & Commonwealth Office Information** - Medical Treatment - 27/11/00
- [60] **Sunday Nation Nairobi** - "Slain priest had papers implicating Ministers in ethnic clashes" - 27/08/00