

KENYA  
REPRESSION AND RESISTANCE

Evans Kanini  
Journalists at risk  
amnesty international

**Evans Kanini**

*“I have endured a lot of things...Should anything happen to me, the government should be held responsible. I will never backtrack on my beliefs and principles.”*

Evans Kanini is a journalist. He has been threatened, arrested, beaten and dismissed from his job because of his determination to report the facts.

For 15 years Evans Kanini worked as a correspondent of The Daily Nation, one of Kenya’s leading newspapers. He covered the story of jailed opposition leader Koigi wa Wamwere in the 1980s, and reported on government-sponsored ethnic violence in the Rift Valley in the early 1990s.

Evans Kanini has been repeatedly harassed by police since 1985. The most recent series of incidents began in November 1995, when he was picked up by police in Eldoret. He says the police beat him and stole money from him, allegations which he repeated in an article in The Daily Nation. The following month he was arrested and charged with creating a disturbance. At his trial in February 1996, 10 police officers testified against him, and he was sentenced to one year’s probation.

In April 1996 Evans was attacked by more than 10 members of the youth wing of the Kenya African National Union (KANU), who threatened to kill him. For months afterwards he was followed by police, and his fears rose when a senior government official publicly accused him of using his job as a reporter as cover for subversive activities.

In December 1996 he was dismissed by his paper after 15 years’ service. He wrote: “Some of the local politicians are openly boasting that they are the ones who instigated my sacking.”

His troubles did not stop there. In March 1997, he was warned by a fellow journalist that there was an assassination plot against him. When he went to Eldoret police station to report the matter, instead of taking his statement the police locked him up for 12 hours before releasing him without charge.

One week later, he was punched and slapped, together with another journalist, by two government officials at a hotel in Eldoret. They accused the two reporters of working for “newspapers misquoting the President with impunity”. The police did not arrest the assailants, even though they had been clearly identified.

*A journalist (right) who has been beaten by police, May 1997*

© K. Ramadhan

**Journalists under attack**

Kenya has a lively and diverse press, but journalists face police brutality, apparently condoned by those in power, if they cover stories that the authorities do not want aired. This is the most obvious way in which the freedom of the press is restricted in Kenya, but it is not the only one.

The government has used laws on sedition and libel inherited from the colonial era to gag the press, despite the fact that the Constitution guarantees freedom of speech and the press.

Newspapers critical of the government have been denied registration, banned and impounded. Licences for independent radio and television stations have been refused. Printing presses have been dismantled or fire-bombed. Opposition politicians have been denied access to radio and television. Newspaper editors have been subjected to pressure from officials. Foreign journalists have been threatened with deportation.

Many journalists have been assaulted by police and by members of KANU’s youth wing.

Photographers have had their cameras confiscated or destroyed. Journalists have been arrested and held for hours, days or sometimes weeks.

In January 1997 a new Police Commissioner publicly ordered his officers to stop harassing journalists, an indication of how widespread and blatant the practice had become. However, reports of journalists being beaten by police have continued.

### **ACT NOW!**

Send your letters to:

Evans Kanini is one of the people whose cases we are highlighting in our campaign to improve respect for human rights in Kenya. Add your voice to ours. Write to the Minister of Information and Broadcasting. Ask him to ensure that journalists are allowed to perform their functions without fear of harassment and intimidation and to press for a thorough and impartial investigation into the allegations raised by Evans Kanini, with a view to ensuring that any police officers found responsible for abusing their position are brought to justice.

Send your letter to:

Minister of Information and Broadcasting, Ministry of Information and Broadcasting, Jogoo House, PO Box 30025, Nairobi, Kenya

Please also write to your own government. All governments have a responsibility to promote human rights and prevent violations wherever they occur. Please urge your government to use its influence with the Kenyan authorities to ensure that journalists are allowed to perform their functions without fear of harassment and intimidation and to press for a thorough and impartial investigation into the complaints raised by Evans Kanini.

### **TURN WORDS INTO ACTION**

The Kenyan authorities work hard to promote an image of Kenya as a country striving to protect human rights, but the reality is very different. The government has used intimidation and persecution to repress dissent and maintain its power. The justice system has failed to defend people's basic rights and corruption is widespread. Incidents of mob violence are on the increase. Police brutality has gone largely unpunished. Police routinely beat suspects, and prisoners have been subjected to sustained torture. Peaceful protesters have been assaulted by police, and unarmed criminal suspects have been shot dead.

Despite improvements in the human rights situation since the late 1980s and the introduction of a multi-party political system in 1991, the government has continued to silence its critics.

Harassment and intimidation have been aimed not only at opposition politicians and their supporters, but also at lawyers, journalists and human rights activists. The fundamental human rights of Kenyans have been restricted by laws which breach standards agreed by the international community.

Kenyans themselves are demanding change. Many human rights defenders are calling for reform, undeterred by the risks they face.

This campaign aims to support those working for a better society in Kenya. The Kenyan authorities are not immune to pressure. International solidarity can make a difference — join us in our worldwide campaign for greater respect for human rights in Kenya.

### **For more information contact**

Amnesty International in your country or write to: Amnesty International,  
International Secretariat, 1 Easton Street,  
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KENYA  
REPRESSION AND RESISTANCE  
Janai Robert Orina  
Students at risk  
amnesty international

**Janai Robert Orina**

*"We are aware that we have been under surveillance...in an attempt to deviate our energies from legitimate involvement in seeking a peaceful and democratic transition."*

Open letter by student leaders including Janai Robert Orina

Janai Robert Orina has sought with great determination and integrity to represent his fellow students and improve their lot. As a result, he has been harassed, threatened and deprived of his chance to gain university qualifications. Today he fears that his life is in danger.

Janai Robert Orina is an official of the Kenya University Students Union — a body that the Kenyan authorities have consistently refused to recognize. Almost all its officials have, like Janai, found themselves expelled from university.

Janai was in his fourth year at Moi University, near Eldoret, studying literature and political science when university lecturers went on a nation-wide strike in 1994. Janai was suspended for supporting the strike after he joined a boycott of classes.

Since then Janai has been trying to sit his exams. Despite an order from the Eldoret High Court ordering the university authorities to let him sit the exams, he has not been allowed to. The university authorities have even claimed that he was never a student there, and have refused to give him copies of essential academic documents and references.

Kenyan students and young people, who formed the National Youth Movement in 1996, have joined the campaign for constitutional reform. As a result, their leaders have been threatened.

Janai was one of seven student leaders who issued a public statement in April 1997, complaining that they had all been under constant and close surveillance. Two of them received threatening phone calls.

Their fears are heightened because of the death of a fellow student leader, Solomon Muruli, who died in a suspicious fire on 20 February 1997 after receiving death threats. Four months earlier, Solomon Muruli had been abducted and detained for five days. He said that his abductors had questioned him about his links with Safina (an unregistered political party) and that he was certain they were police officers. Shortly before his death he positively identified a senior police officer at an identification parade as one of the men who had abducted him.

*Left: A demonstrator being chased by riot police who forcibly broke up a peaceful student protest over the suspicious death of Solomon Muruli, a student leader, in February 1997.*

© K. Ramadhan

**Students under attack**

University students in Kenya have a long history of dissent and conflict with the authorities. Over the years, Kenya's five public universities have been repeatedly closed after student protests.

Student leaders have been disciplined by being denied student loans, required to live off-campus, and by being expelled. Some have been harassed, tortured and jailed and some, like Solomon Muruli, have lost their lives.

Student demonstrations have been violently broken up and female students have been raped by security officers. In 1996, a student at Egerton University broke her back jumping out of the window of a student hall to escape a police raid.

In December 1996, three university students were shot dead in two separate incidents. One was killed when police officers fired into a crowd of demonstrating students at Egerton University.

Students at Kenyatta University gathered to protest against the shooting. Riot police fired at the peaceful rally, killing two students and seriously injuring three others. These killings provoked widespread revulsion and demands for the resignation of the Police Commissioner. He was

subsequently replaced. Twelve police officers were charged in connection with the Kenyatta University shootings and an inquest was opened into the Egerton University killing.

The Kenyan Government has sought to control students through its command over appointments and finances. In many instances it has also been prepared to use violence to silence the legitimate protests of university students.

### **ACT NOW!**

Send your letters to:

Janai Robert Orina is one of the people whose cases we are highlighting in our campaign to improve respect for human rights in Kenya. Add your voice to ours. Write to the President of Kenya. Ask him to ensure the safety of Janai Robert Orina and to investigate the death threats against student leaders and the allegations of surveillance and harassment, with a view to bringing those responsible to justice. Call on him to repeal repressive laws.

Send your letter to:

President of the Republic of Kenya, Office of the President, PO box 30510, Nairobi, Kenya

Please also write to your own government. All governments have a responsibility to promote human rights and prevent violations wherever they occur. Please urge your government to use its influence with the Kenyan authorities to ensure that non-violent student activities can take place without fear of violence, harassment and intimidation. Ask them to do what they can to ensure the safety of Janai Robert Orina and to press for an investigation into the death threats against student leaders and the allegations of surveillance and harassment.

### **TURN WORDS INTO ACTION**

The Kenyan authorities work hard to promote an image of Kenya as a country striving to protect human rights, but the reality is very different. The government has used intimidation and persecution to repress dissent and maintain its power. The justice system has failed to defend people's basic rights and corruption is widespread. Incidents of mob violence are on the increase. Police brutality has gone largely unpunished. Police routinely beat suspects, and prisoners have been subjected to sustained torture. Peaceful protesters have been assaulted by police, and unarmed criminal suspects have been shot dead.

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KENYA  
REPRESSION AND RESISTANCE

Josephine Nyawira Ngengi  
Human rights activists at risk  
amnesty international

**Josephine Nyawira Ngengi**

*“I screamed in pain and the blood started flowing. They made me wipe it up by licking it. When you are beaten so much you do anything, you are just like an animal.”*

Josephine Nyawira Ngengi, an outspoken defender of human rights, was tortured by the Kenyan police. She was held for almost two years on a fabricated charge of robbery with violence, a charge which meant she could not be released on bail and which carried a mandatory death sentence. Similar charges have been used as a means of detaining other non-violent critics of the Kenyan Government.

Josephine Nyawira Ngengi is a member of a non-violent pressure group, Release Political Prisoners (RPP). In May 1994 she was arrested and taken to police headquarters in Nakuru. There she was held illegally, interrogated about an underground political movement and tortured. She was beaten on her head and body with clubs, planks and iron bars, then forced to lie on the ground while an officer stood on her stomach.

When she was taken to court the case against her was withdrawn, but she was immediately rearrested and again charged with robbery with violence in a different court. Her case was heard in three separate courts, while she remained in detention.

When she was finally acquitted in March 1996 and returned home, her four-year old son was unable to recognize her. Her health had also suffered. In April 1996, she had major surgery for a hernia that developed during her long imprisonment in appalling conditions.

Josephine's experiences have not silenced her. When the RPP tried to hold a cultural event in July 1996 in memory of their murdered Secretary General, Karimi Nduthu, Josephine was one of 21 RPP members arrested. Although she was recovering from her hernia operation, and Kenya's jails are extremely insanitary, she was denied bail with the rest of the group and held for 19 days.

Amnesty International has raised Josephine's case with the government many times, most recently during a two-week visit to Kenya in June 1997. Government officials claimed that there had been no investigation into her torture allegations because she had not filed a complaint. However, a complaint was lodged when she was charged. Courts ordered her to be medically examined and rejected her confession because it had been obtained under torture.

The onus lies with the Kenyan authorities — not the victim — to ensure that all allegations of torture are investigated. This is an obligation under the UN Convention against Torture, to which Kenya has acceded.

*Left: Twenty-one members of Release Political Prisoners, including Josephine, being arrested, July 1996 © K. Ramadhan*

**Human rights defenders under attack**

Speaking out for human rights in Kenya requires courage and determination. People who attend meetings organized to raise human rights awareness know such gatherings are often broken up by police, particularly in rural areas. Those brave enough to go on demonstrations calling for reform understand that they may be assaulted by police.

Organizations and church groups raising awareness of civic and human rights are among those whose work has been disrupted, especially in the run-up to the elections. The orders to prevent human rights education programs came from the highest level. A confidential circular from the Office of the President was disclosed in April 1997 which said: “The government of Kenya has noted with grave concern the activities of NGOs carrying out civic education. These organisations are posing a threat to the security of the state and their activities must be curtailed.”

Human rights defenders have been threatened, harassed, arrested and beaten for their non-violent activities. Their premises have been raided and attacked. The office of one human rights group providing free legal aid to the poor (*Kituo cha Sheria*) has been fire-bombed six times. Undeterred, a variety of human rights groups including the Kenya Human Rights Commission and the RPP continue to campaign for freedom and justice.

### **ACT NOW!**

Send your letters to:

Josephine Nyawira Ngengi is one of the people whose cases we are highlighting in our campaign to improve respect for human rights in Kenya. Add your voice to ours. Write to the Minister of State responsible for internal security. Urge him to ensure that human rights defenders are allowed to function without fear of harassment. Ask him to investigate the torture of Josephine Nyawira Ngengi and bring those responsible to justice.

Send your letter to:

Minister of State for internal security, Office of the President, PO Box 30510, Nairobi, Kenya  
Please also write to your own government. All governments have a responsibility to promote human rights and prevent violations wherever they occur. Please urge your government to use its influence with the Kenyan authorities to ensure that human rights defenders are allowed to organize without fear of harassment and intimidation. Ask them to press for an investigation into the torture of Josephine Nyawira Ngengi.

### **TURN WORDS INTO ACTION**

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## KENYA REPRESSION AND RESISTANCE

Juma Kiplenge  
Lawyers at risk  
amnesty international

### **Juma Kiplenge**

*"I received death threats and went to the police...and they did nothing."*

Juma Kiplenge is a lawyer who has suffered repeated harassment because he has taken on cases which the authorities do not want pursued.

Juma Kiplenge is 28 years old and qualified as a lawyer in 1996. He has held various local positions in the ruling Kenya African National Union (KANU) party.

He is acting for his community, the Endorois, some 20,000 nomadic pastoralists in northern Kenya who claim that they have been deprived of compensation promised them when they were moved off their land in the early 1970s. The Lake Bogoria Game Reserve was established in 1973 on land traditionally occupied by the Endorois community. Today, the community occupies areas around the Game Reserve in President Moi's parliamentary constituency of Central Baringo and the adjacent South Baringo constituency.

The Endorois community has been pressing since 1973 for financial compensation, which would be used to build wells, cattle dips, dispensaries and other development projects. Since 1989, there has been a further dispute over the allocation of resettlement land. The Endorois Welfare Management Committee was formed in 1989 to promote the community's interests. Juma Kiplenge is its chairman. Since 1989 its officials have been harassed, arrested and beaten by police because they have protested or called for the community's rights to be respected.

In August 1996 Juma Kiplenge was arrested and accused of "belonging to an unlawful society". More than 100 members of the community, including elders, barricaded the road to the Lake Bogoria Hotel in protest. He was held for three days before being released.

In February 1997, police went to the Nakuru law office of Mirugi Kariuki, a human rights lawyer and former prisoner of conscience, where Juma Kiplenge works. They wanted to arrest Juma and search the office, but were turned away because the warrant was defective. To avoid being arrested and held by the police, Juma Kiplenge successfully applied for a court to arrest him and release him on bail. He has since received death threats.

*Left: Nakuru law courts, where high-profile political cases have been heard.*

### **Lawyers under attack**

When Kenyan lawyers take on contentious political cases, they know they run the risk of being arrested by police. Lawyers are also harassed in other ways. They face raised tax bills and police raids on their homes and businesses, sometimes apparently intended to frighten away other clients. The lawyers who defended four prisoners of conscience including Koigi wa Wamwere, Kenya's best known dissident, were arrested in 1995 during the trial. Among those arrested were Mirugi Kariuki and Juma Kiplenge. The trial was grossly unfair, and to this day a written transcript of the proceedings has not been produced.

Magistrates and judges have been prevented from expressing their views by being refused permission to attend law conferences. In 1996 and 1997 the Chief Justice barred delegations of judges and magistrates from travelling to Law Society of East Africa conferences. Legal seminars within Kenya have also been restricted.

President Daniel arap Moi has made statements apparently aimed at interfering with the independence of the judiciary. He said publicly that the courts should not intervene in land matters, the affairs of public universities, or in issues relating to political parties. The Attorney General commented that these were the President's personal views, but the power of the President in Kenya is such that they cannot be ignored.

**ACT NOW!**

Send your letters to:

Juma Kiplenge is one of the people whose cases we are highlighting in our campaign to improve respect for human rights in Kenya. Add your voice to ours. Write to the Attorney General. Ask him what steps are being taken to investigate the harassment and threats against Juma Kiplenge and to ensure that lawyers are allowed to function without fear of harassment.

Send your letter to:

Attorney General, Office of the Attorney General, PO Box 40112, Nairobi, Kenya

Please also write to your own government. All governments have a responsibility to promote human rights and prevent violations wherever they occur. Please urge your government to use its influence with the Kenyan authorities to ensure that lawyers are allowed to perform their functions without fear of harassment and intimidation. Ask them to do what they can to ensure the safety of Juma Kiplenge and to press for an investigation into the death threats against him.

### **TURN WORDS INTO ACTION**

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Lomurodo Amodoi  
Children and youngsters at risk  
amnesty international

**Lomurodo Amodoi**

Lomurodo Amodoi was just 17 years old when he died. A witness heard him crying out in pain inside the police station in Lokichokio, in the remote northern district of Turkana. The crying stopped, but the sounds of beating continued.

Lomurodo Amodoi was standing by the side of a road, waiting for his brother, when he was arrested by two administration police officers after a stranger accused him of being one of the people who had robbed him earlier that week.

He was taken to the police station in Lokichokio on

5 May 1997. That was the last time his family saw him alive. His relatives tried to visit him, but were turned away from the police station. After two days of frantic searching, they eventually found his body in the mortuary in Lodwar, 160 kilometres away.

A police post-mortem failed to establish a cause of death, but his family refused to give up. The post-mortem was repeated. It found that Lomurodo Amodoi had died of strangulation and head injuries.

The Turkana District Commissioner told Amnesty International delegates visiting Kenya in June 1997 that a police officer had been arrested and charged with the killing. However, he was still at large, and there was no court record of any charge against him.

Lomurodo Amodoi had his whole life ahead of him. His youth should have guaranteed him some protection, but it did not. Other teenagers and younger children have also been tortured or ill-treated by the Kenyan police.

Philip Eshialo was just 13 years old when he was subjected to a terrifying 10-day ordeal. He was studying at home when seven armed police burst in, looking for his elder brother. They took Philip to Kakamega police station, where they slapped, beat and whipped him. They forced him to wipe up human excrement with his bare hands.

Kenya has signed the UN Convention on the Rights of the Child, an internationally agreed and legally binding treaty which means that the Kenyan authorities must protect children, especially children in custody. However, for youngsters like Lomurodo Amodoi and Philip Eshialo, the promises are not reflected in reality.

*Left: Street child, Nairobi 1997 © K. Ramadhan*

*Cover: Street children, Nairobi © Panos Pictures*

**Children at risk**

No one held inside a Kenyan police station is safe from torture, not even a child. Children and young people, many arrested on suspicion of minor offences, have been tortured and ill-treated by police and denied the special protection they should receive because of their youth.

There are thousands of street children — among the poorest of the poor — eking out an existence in Kenya's towns and cities, especially the capital, Nairobi. Their numbers have been swelled by children forced to flee from their homes because of a wave of government-sponsored political violence that swept across parts of Kenya during and after the last elections in 1992.

Police regularly swoop on poor areas and round up large groups of people, including children.

Many are arrested just for being in the wrong place at the wrong time. Police target street children and accuse them of vagrancy. They face fines or prison terms in one of Kenya's overcrowded and insanitary jails.

Street children have often been held with adult prisoners, and have been abused by fellow inmates as well as police and prison guards. Girls have been sexually abused by police. Children held in juvenile remand homes face conditions reported to be brutal.

Determined action by the Kenyan authorities is needed urgently to protect the rights of youngsters and children.

**ACT NOW!**

Send your letters to:

Lomurodo Amodoi is one of the people whose cases we are highlighting in our campaign to improve respect for human rights in Kenya. Add your voice to ours. Write to the Commissioner of Police. Ask him to ensure that those responsible for the death of Lomurodo Amodoi are brought to justice and to ensure that children — including homeless children — are allowed to grow up without fear of police brutality.

Send your letter to:

Commissioner of Police, Kenya Police Headquarters, PO Box 30083, Nairobi, Kenya

Please also write to your own government. All governments have a responsibility to promote human rights and prevent violations wherever they occur. Please urge your government to use its influence with the Kenyan authorities to ensure that children are protected from torture and ill-treatment. Ask them to press for an investigation into the death of Lomurodo Amodoi.

**TURN WORDS INTO ACTION**

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