

AI INDEX: AFR 32/58/97
13 NOVEMBER 1997

Kenya: Forthcoming elections a sham unless intimidation stops and legislative reform allowed to take effect

The forthcoming Presidential and Parliamentary elections in December will be nothing but a sham unless the Kenyan Government stops intimidating its opponents or using violence to disrupt political rallies, Amnesty International said today.

“The timing of the election, before recent legislation aimed at ending restrictions on basic human rights has been put into effect, calls into question the Kenyan Government’s commitment to real reform,” the organization said.

Amnesty International does not believe these reforms go far enough, yet it is unlikely that even these will be implemented effectively before Kenyans go to the polls on 29 December 1997.

“It is crucial that the authorities act immediately to protect the human rights of Kenyan citizens to ensure that they are free to participate freely and without fear in the elections,” the organization said.

Human rights violations have already occurred in the run-up to elections: pro-democracy rallies have been violently disrupted, at least nine people killed and hundreds injured. Aspirant candidates and their supporters have been harassed and some have received death threats.

There continue to be reports of intimidation and torture by the police, most recently by police and members of the General Services Unit investigating the violence in Mombasa which has claimed the lives of at least 60 people. This violence mirrors an eruption of ethnic clashes which occurred in 1992 prior to the first multi-party elections in 26 years, which had been orchestrated by members of the ruling party for political reasons as in 1992. In the 1992 election human rights violations impacted on the election result and many occurred well before polling day.

The proposed reforms include the repeal of sedition laws and the ending of detention without trial, but other charges which restrict basic human rights remain, such as section 77 of the Penal Code which has been used recently to detain pro-democracy activists for holding unlawful assemblies.

These reforms need to be introduced immediately, appeals by political parties that have been refused registration, like Safina, should be heard immediately and enough time given to all political parties wishing to participate in the elections to benefit from the reforms. Political meetings and rallies should no longer be interfered with and disrupted by police or local authorities, whether they are conducted by opposition parties or those that are calling for a boycott of the elections.

“There continues to be a significant difference between government policy and practice in Kenya. Without the implementation of meaningful human rights reform, violations will continue,” Amnesty International said. ENDS.../