

# UNITED KINGDOM

## Decades of Impunity: Serious Allegations of Rape of Kenyan Women by UK Army Personnel

### Introduction

Amnesty International is gravely concerned about serious allegations that members of the United Kingdom (UK) Army, posted to Kenya for training, raped hundreds of Kenyan women. To date about 650 rape allegations have been made. The alleged rapes took place in the vicinity of the villages of Dol Dol, north of the town of Nanyuki, Rift Valley Province; Archers Post, near the town of Isiolo, Eastern Province; and Wamba, Coast Province; all situated in central Kenya. More than half of the cases involve allegations of gang rape. Some of those reported to have been sexually assaulted were children at the time. The allegations cover a period of over 35 years, approximately from 1965 to 2001, but most incidents reported to Amnesty International are alleged to have occurred in the last 20 years.

Women who have made allegations of rape reported to have suffered serious physical injuries and long-lasting psychological trauma as a result of being attacked. In addition, some women, who were pregnant at the time, reportedly miscarried immediately after being attacked. Others alleged to have become pregnant as a consequence of being raped. It has been reported that approximately 35-40 women gave birth; others miscarried or suffered stillbirths.

Women who alleged that they had been raped expressed enduring feelings of shame and humiliation following their ordeal. Some chose not to report it to anybody at the time of the incident for fear of being stigmatized by their communities, and they also feared being left and/or subjected to further violence by their husbands.

In Kenya, “[v]ictims of rape often face insurmountable obstacles in trying to bring the perpetrators to justice. Many women who have suffered rape or other forms of abuse are too intimidated by cultural attitudes and state inaction to seek redress. To do so can lead to hostility from the family, the community and the police, with little hope of success. Those who do seek justice are confronted by a system that ignores, denies and even condones violence against women, and protects perpetrators, whether they are state officials or private individuals.”<sup>1</sup>

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<sup>1</sup> See *Kenya – Rape – the invisible crime* (AI Index: AFR 32/001/2002), published by Amnesty International in March 2002, also for further information regarding concerns about the gathering of medical evidence to corroborate rape allegations.

Reports received by Amnesty International indicate that the fact that the alleged perpetrators of the rapes were UK soldiers added significantly to these obstacles. Women who reported their rape or who could not hide it, for example because they could not make it home alone and were found injured and distressed soon after the alleged attack occurred, reported to having encountered grave difficulties in resuming their life within their community. Some women reportedly experienced the breakdown of their marriages and relationships as a consequence of the alleged attack. Women who needed medical treatment or sought to obtain medical evidence to corroborate their allegations had difficulties in accessing medical services: first they had to go to the police to obtain a "Medical Examination Report" -- otherwise known as a "P3" form; then, in order to be examined and treated at a hospital they had to pay. Those who could not afford it, gave up.

Children born as a result of the alleged rapes are also reported to have experienced grave difficulties in being accepted by the communities in which their mothers live because many are easily identifiable as offspring of mixed race parentage.

According to evidence provided to Amnesty International and statements that the organization has collected from alleged victims, local chiefs and others, although several of these rape claims would appear to have been reported to either or both UK and Kenyan authorities soon after the alleged attacks took place, both countries' authorities failed to take effective measures to: investigate such claims; bring the alleged perpetrators to justice; ensure adequate reparation for the victims; and prevent further attacks.

Amnesty International considers that so many rape claims by Kenyan women over such a long period of time indicate the existence of a pattern of grave human rights violations perpetrated by members of the UK Army. Furthermore, the organization is concerned that the failure to take effective action to investigate, prosecute alleged perpetrators and ensure reparation, by the UK and Kenyan authorities -- in violation of their national and international law obligations -- fostered a climate of impunity for such violations, which contributed to their widespread repetition and may amount to institutional acquiescence.

This report is based on information and data gathered during an Amnesty International research mission to central Kenya in June 2003, in the course of which interviews were conducted with women who allege to have been raped, chiefs, witnesses and other people in the areas of Dol Dol and Archers Post and in the town of Nanyuki; information from Amnesty International's correspondence with the UK Ministry of Defence; information from interviews with London-based lawyer Martyn Day of Leigh, Day and Co. Solicitors, who represents many Kenyan women who have made such allegations; interviews with the representatives of the Kenyan non-governmental

organization Impact, which works for the protection and promotion of the human rights of the communities living in the above-mentioned areas; and information from press reports and documents received by Amnesty International. The cases included in this report are illustrative of the many allegations made to the organization<sup>2</sup>.

### **International law relevant to rape, a form of torture.**

Rape is an extreme form of violence. It is a crime of violence, domination and coercion, which affects women disproportionately. Rape causes severe physical and mental pain and suffering.

A state is responsible under international law to act with due diligence to deter and prevent rape; to investigate allegations of rape; to bring those individuals reasonably suspected of responsibility to justice in fair trials; and to ensure access to effective redress and reparation for those who suffered acts of rape and to ensure their protection.

International tribunals have confirmed that rape is a form of torture.

The UK and Kenya are parties to treaties which require them to act with due diligence to prevent, investigate and prosecute acts of torture, including rape, and to ensure effective redress and adequate reparation to those who have been subjected to such crimes. These treaties include: the International Covenant on Civil Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>3</sup>

## **Amnesty International's concerns**

Amnesty International has received reports and had access to copies of documents indicating that, in a number of separate cases allegedly occurring at different times and in different locations, UK Army officials were informed that UK Army personnel had raped women of the communities living in areas adjacent to ranges used by the UK Army in central Kenya.

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<sup>2</sup> Information regarding the year of birth of the interviewees, their age at present, the year in which the alleged attacks took place and their age at the time of these incidents are as reported by the interviewees and as such are subject to their perception of time and cultural circumstances.

<sup>3</sup> In addition, the UK is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Kenya is a party to the African Charter on Human and Peoples' Rights. Both of these treaties ensure the absolute prohibition of torture or other ill-treatment.

Under an agreement between the UK and Kenyan governments, three infantry battalions per year carry out six-week training exercises in Kenya, and a Royal Engineer Squadron carries out a civil engineering project. Logistic support to visiting units is provided by a permanent administrative office in Nairobi, called British Army Training and Liaison Staff Kenya.<sup>4</sup> Approximately 3000 UK soldiers are reported to train in Kenya every year, spending about one week in each of five training camps around the country.

The organization has received information that UK Army officials in Kenya may have become aware of some rape allegations as early as 1977. However, according to information received by Amnesty International, the UK Ministry of Defence claims to have first learnt about the rape claims in November 2002. In April 2003 the Royal Military Police Special Investigation Branch (RMP-SIB) opened their first investigation into four of these rape allegations. Amnesty International understands that, since then, such investigation has been extended to cover about 12 additional cases.

Amnesty International has also had access to copies of documents and interviewed alleged victims and local chiefs (Kenyan government appointees who have the duty to refer any matter of importance occurring in their area to their superiors) indicating that many rape allegations were reported to the Kenyan police, and that they were duly recorded at or near the time the incidents reportedly took place. Amnesty International was also informed by several women interviewed and other sources that, in many cases, either the women or their relatives reported the rapes to their local chief. However, the organization is aware of only one instance in which -- as a result of the report of some rape cases -- the Kenyan police deployed some police officers to the area identified in the allegations. Yet, not even in that instance was an investigation reportedly conducted, and the officers were withdrawn after one week without pursuing the matter further (see below under: Rape allegations at Lekiji village, Dol Dol).

The organization is aware of some instances in which chiefs and other Kenyan local authorities' officials complained to UK Army officials about the rape claims reported to them. According to the information available to Amnesty International, such reports did not lead to any investigations by the UK authorities. The Kenyan authorities failed to refer the rape claims to either their superiors or, in most instances, to the Kenyan police.

In light of the above, Amnesty International is concerned about the failure of UK Army officials to investigate the rape allegations that were reported to them; to bring alleged perpetrators to justice; to ensure reparation; and to take measures to prevent the

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<sup>4</sup> See the UK Army website at [www.army.mod.uk/aroundtheworld/ken/](http://www.army.mod.uk/aroundtheworld/ken/)

repetition of such alleged crimes. Amnesty International is also concerned that such systemic failure over a period of two decades may amount to institutional acquiescence in such incidents and may have contributed to perpetration of more rapes and the emergence of a pattern of grave human rights violations by members of the UK Army.

Amnesty International is also concerned about the failure of the Kenyan authorities to ensure the effective investigation of the rape allegations that were reported to them, and to take adequate measures to ensure the protection of the human rights of persons within their jurisdiction.

In addition, Amnesty International is concerned that these failures by the UK and Kenyan authorities generated a climate of impunity that has caused entire communities to live in fear for their safety, and brought about distrust in the ability and willingness of both the UK and Kenyan authorities to ensure respect for the human rights to physical and mental integrity and dignity of the human being, to equal protection of the law, and protection against acts of violence amounting to torture or other ill-treatment.

## **Allegations of rape in the Dol Dol area**

Amnesty International has had access to copies of a number of documents -- and is aware of the existence of others -- ostensibly corroborating most of the about 300 incidents of alleged rape which are reported to have taken place in the area surrounding the Maasai village of Dol Dol. These documents include: medical records; victims' statements; correspondence from Kenyan government officials and local chiefs; and minutes of an official meeting in October 1983. The organization is also aware that in approximately 10 cases in the Dol Dol area, a child of mixed race parentage was born, reportedly following pregnancies resulting from rape.

Amnesty International has also received information and had access to copies of documents ostensibly indicating that complaints in some of the rape cases, which allegedly occurred in the Dol Dol area, were lodged with UK Army personnel. Among others:

- in May 1983 Chief Stephen Ole Putanoi went to the Dol Dol UK Army camp to report three recent cases of rape alleged to have been committed by soldiers stationed there. He was asked to leave and to lodge a complaint with the District Officer, the local Kenyan authority officer with responsibility for the area. Consequently, on 3 May 1983 Chief Ole Putanoi wrote to the District Officer of Mukogodo Division, who, in turn, informed the District Commissioner of Laikipia District of the rape allegations. On 10 May 1983 the District Officer of

Mukogodo Division wrote to the Officer-in-Charge of the UK's 2<sup>nd</sup> Light Infantry Battalion, reporting that some women had been raped by soldiers of that battalion, and had suffered physical injuries and psychological trauma as a result;

- in October 1983 a meeting took place at the office of the District Officer of Mukogodo Division to discuss the rape allegations. The meeting was attended by the District Officer; three local community chiefs; and five UK Army officers, three of whom were from the UK's 2<sup>nd</sup> Light Infantry Battalion and two from 48 FD Squadron. Four alleged rapes were formally reported: the rapes of Nkaramas Putnoi and Naituyu Molo on 18 June 1983 in a place known as Lampaa; the gang rape of the wife of an assistant chief -- Jecinta Tipatet -- by three UK soldiers engaged in the construction of Dol Dol primary school; and another gang rape near the Dol Dol air strip (lower Makuriani area). According to a copy of the minutes of the meeting, which has been made available to Amnesty International, the UK Army officials present at the meeting pledged that they would "take serious steps on the issues", and that they would be "very tough with the soldiers" involved. The organization is not aware that any action was taken following the meeting.

## **Elizabeth Rikanna**

### Circumstances of the attack

Elizabeth Rikanna alleges to have been attacked in 1984, when she was 22. At that time she had been visiting and staying with her cousin. According to the information received, the attack took place in the afternoon. She had walked about three kilometres to reach a functioning well, and was filling her cans when she saw three UK soldiers approaching. They reportedly greeted her in Swahili. She replied in English, thinking they needed water or wanted to help her with her cans. She was not afraid and did not think they could be "horrible people". The soldiers seemed surprised that she could speak English. Initially they helped her to fill the cans. Then one of them reportedly moved closer to her and held her hand. He asked her how old she was. Elizabeth Rikanna started feeling uncomfortable and scared. She asked him why he wanted to know her age. The soldier told her that she looked beautiful. Elizabeth Rikanna tried to withdraw her hand; she realized that she was alone in a remote area, that there was nobody to help her. She looked around and saw that the soldier standing behind her was naked. It is alleged that two soldiers raped her, while the third one, whom she described as fat, stood by holding their guns. She remembers that the rape did not take long, about 10 minutes, but that she was devastated nonetheless. The soldiers left her there. After the attack she walked back to her cousin's home, without the water cans.

## Aftermath

Elizabeth Rikanna told only her cousin what had happened, who, in turn, informed her husband. She did not go to hospital, nor receive any medical treatment, and never went to the police to report the attack. She says that it would have been too difficult to talk about it, and that she was afraid that they would laugh at her. Elizabeth Rikanna explained to Amnesty International that women who had been raped were generally blamed for it, and that people were suspicious of girls who had been to school and would often regard them as prostitutes. As someone who had just finished high school that year and was about to study law, Elizabeth Rikanna feared that this would have applied to her too.

## Impact

Elizabeth Rikanna told Amnesty International in June 2003 that she recovered from the physical injuries resulting from the attack after a few days. After staying with her cousin for some time, she went back to her parents' home, but kept silent about the attack. After a few months, she realized that she was pregnant. The reaction of her family to the news of her pregnancy was very harsh. Her family had invested considerable money in her education and felt that it was wasted. She felt guilty for not being in a position to give back the fruits of what they had invested in her education. She decided to go to stay with her cousin and spent the whole pregnancy indoors, ashamed of facing people. Her labour turned out to be very difficult. She had to be taken to hospital where she underwent a caesarean section. She gave birth to twins, but one of the two -- a boy -- died in the course of labour. Elizabeth Rikanna never married and went on to become a teacher.

Elizabeth Rikanna told Amnesty International that sometimes she still wonders whether the soldiers would have left her alone, had she not replied in English when they spoke to her. She feels guilty toward her family for not having become a lawyer, and feels frustrated because, as a consequence of the rape, her ambitions were curtailed, and she could not have the life she had planned and the profession she had chosen for herself. For some years after the birth of her child, she was depressed and had mixed feelings toward her daughter. Later she was worried because other children did not accept her daughter at school and called her "*mzungo*" (white person in Swahili). When her daughter looks sad, Elizabeth Rikanna thinks that it may be because she does not feel accepted.

Elizabeth Rikanna has tried to resign herself to what happened by putting it in the past. She has finally decided to come forward and tell her story, notwithstanding how difficult and painful it continues to be to remember and talk about it.

## Oseina Thomas Koitat

### Circumstances of the attack

Oseina Thomas Koitat was born in 1964. She was reportedly attacked when she was in her late teens, possibly in 1984, at around midday, when she was taking her sheep home. A group of seven UK soldiers was walking past her and greeted her. It is reported that, suddenly, one of the soldiers ran toward her. She became scared and started to run as well, but tripped and fell on her knees. The soldier reportedly caught up with her and held her down. She screamed and struggled. She tried to get up, but the other soldiers came and held her down. Oseina Koitat told Amnesty International that there were seven soldiers: she remembers being raped by four of them, and that she then lost consciousness. It is reported that the men who raped her were white and were wearing military fatigues, boots, a headgear of leafy branches, and were carrying large backpacks and guns.



**Oseina Thomas Koitat - Amnesty International's picture**

### Aftermath

When Oseina Koitat regained consciousness, she found herself in a pool of blood. She was angry and confused. She told Amnesty International that she felt like mud. She got up and walked for a long time, feeling dizzy. When she was close to her home, she saw the councillor's car parked nearby. Her neighbours were in the car and they asked what had happened. She reportedly told them that she had been raped. They took her home

to her husband, who brought her to Nanyuki hospital where she stayed for one day. The following day the chief of the village went to visit her at home. Her husband reported the rape to the police.

### Impact

At the time of her rape Oseina Thomas Koitat had two children, and she has had another six since, but she stated that her health has never been the same again since the attack. As a result of the attack, she bled profusely, and suffered back and stomach pains.

After the rape, some people stopped socializing with her, and she feels ashamed because everybody -- even her grandchildren -- knows what happened to her. When she

attends meetings related to bringing legal proceedings in connection with the alleged rapes, she does not tell her family where she is going and why, but everybody knows. Since the attack, she often feels very angry; when she sees a military vehicle or soldiers her heart beats faster. At times, while she is going about her daily chores, all of a sudden the thought of the attack crosses her mind and she stops and feels enraged.

### **Elizabeth Naeku Mburia**

Elizabeth Naeku Mburia,<sup>5</sup> who is now 48, was reportedly attacked 25 years ago, in her home. It is alleged that six UK soldiers -- who had been drinking heavily -- burst into her house and offered her and her friend money for sex. The women refused but each of them was reportedly raped by at least two soldiers. The women did not scream because they feared for their lives. According to reports, the women sustained injuries, but were too ashamed to go to hospital or report the rapes to anybody. As a result of the alleged rape, Elizabeth Naeki became pregnant and gave birth to a child of mixed race parentage, Maxwell. Elizabeth Naeki and her husband separated following the attack, and she had to raise her child alone.

### **Esther Sukuko**

Esther Sukuko,<sup>6</sup> a 40-year-old Maasai woman, alleges that she was gang raped in 1985, while she was gathering firewood with three other women and a 10-year-old girl. It is alleged that there were about 20 soldiers, although about half of them did not take part in the attack directly. She vomited during the alleged rape and lost consciousness. She stated that the 10-year-old girl was not raped, but the other women were. Esther Sukuko was reportedly left unconscious by the roadside. Eventually, she was found and taken to hospital by the owner of the ranch where her father worked. She spent some months in hospital, suffering from trauma. She is deeply distressed by the fact that everybody knows that she was raped.

### **Tition Pere**

Tition Pere,<sup>7</sup> who is now about 40, was reportedly attacked in the mid-1980s by four soldiers, while she was tending her goats. She claims that when she saw the UK soldiers she started to run, as it was allegedly notorious that UK soldiers raped women. The soldiers chased her for about a kilometre. When the first two reached her, they appeared

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<sup>5</sup> *The Observer*, 20 October 2002.

<sup>6</sup> Also mentioned in the press as Elizabeth Naeku Mburia. *The Observer*, 20 October 2002; *The Guardian*, G2, 23 May 2003.

<sup>7</sup> *The Observer*, 20 October 2002.

to argue about who should rape her first. She says that the two who arrived later tried to stop their companions. She was wearing a wraparound garment that in the course of the attack became undone and the soldiers could see that she was heavily pregnant (with her first child). It is reported that she suffered a stillbirth the day following the attack. She told only her husband about her ordeal.

### **Nkaramas Putunoi**

Nkaramas Putunoi,<sup>8</sup> born in 1935, alleges that she was attacked in June 1983 while she was herding her goats in the area of Soitoudo/Lampaa, not far from Dol Dol. She was then in her late twenties and had five children. She saw a large group of UK soldiers and started to run. They caught up with her and reportedly raped her. She does not know how many soldiers raped her because she lost consciousness. When she was eventually found, she was taken to hospital. As a result of the attack she alleges that her hearing has been permanently impaired. She was not able to bear another child for about 10 years after her rape. She still feels very distressed by the fact that everybody knows that she was raped.

### **Tianta Siakong Ilkapori**

Circumstances of the attack



**Tianta Siakong Ilkapori - Amnesty International's picture**

It is alleged that Tianta Siakong Ilkapori, born in 1930, was attacked in 1998 at about 4pm by a white soldier wearing a white jogging suit, while she was returning home from Dol Dol village, where she had been to buy food. Her son and her daughter-in-law were behind her at some distance. The soldier reportedly emerged from a bush and pushed her from behind, causing her to fall over. He then allegedly raped her. As a result of her fall she lost both of her front upper teeth and sustained an injury to her forehead; she also sustained an injury to one of her right hand's fingers which

has never healed properly.

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<sup>8</sup> Also mentioned in *The Observer*, 20 October 2002, as Nkaramat Puiunoi.

## Aftermath

Tianta Siakong Ilkapori explained to Amnesty International that she was found by her son and daughter-in-law and taken home to her husband, Kabori Ole Saikol. She was not taken to hospital after the attack, but was treated with traditional remedies. Upon hearing about the attack, her husband went immediately to look for Peter Kilesi. At that time he and Peter Kilesi were both working for the UK Army as camp guards. Kabori Ole Saikol asked Peter Kilesi to accompany him to speak with the UK Army camp commander, because Peter Kilesi spoke English. Kabori Ole Saikol told Amnesty International that he was extremely angry. He and Peter Kilesi reported the alleged rape to the UK Army camp commander, who allegedly promised that, if the allegations were proved, measures would be taken. However, Kabori Ole Saikol stated that they never heard either from the camp commander or from any other UK Army official again. The rape was also reported to the chief and the elders of the community, but they reportedly asked the couple to forget about the incident.

Peter Kilesi confirmed to Amnesty International that he and Kabori Ole Saikol met two UK army officials, the camp commander and another UK Army officer. Peter Kilesi and Kabori Ole Saikol suspected the latter of having carried out the attack because that officer was the only person known to jog at that time of the day and along that path. Peter Kilesi stated that he believed Kabori Ole Saikol when he said that his wife had been raped. He explained to Amnesty International that a wife's rape is such a devastating thing in Maasai culture that nobody would make it up. In the course of the meeting that they had with the UK Army officials (of which there are no written notes nor any record of which Peter Kilesi is aware) the officer, whom they suspected of being the perpetrator, reportedly admitted that while jogging that day he had seen a woman running and had heard her screaming but could not give any explanation as to her behaviour. Peter Kilesi also alleged that the camp commander promised that tough action would be taken if the rape allegation was confirmed, but has never heard of any measure taken. After that meeting, Peter Kilesi and Kabori Ole Saikol continued to work for the UK Army for two more days.

## Impact

In addition to the physical injuries mentioned above, since the attack Tianta Siakong Ilkapori has also suffered from back pain and finds it hard to bend, for example to milk cows, one of her main chores. She also reportedly suffers from very bad headaches. She feels that the community looks at her differently since her rape.

## **Rape allegations at Lekiji village, Dol Dol**

Between November 1999 and March 2000 at least 27 rapes -- of which many were gang rapes -- were reported to have occurred near the village of Lekiji. About four to six mixed race children were born, reportedly as a result of pregnancies following rape. During the time when the rapes reportedly occurred, Gurkha regiments were stationed in the area.

The village of Lekiji borders on one side with the Mpala range, used by the UK Army for training. The training camp is open and the only boundary between the village and the range is a narrow river, which can be reached in a 10-minute walk from the village homes. At the time of the alleged rape incidents about 600 people were living at Lekiji, more than half of whom were women.



**Isac Hasan Lenguyo, chief of Mpala sub-location - Amnesty International's picture**

Isac Hassan Lenguyo, currently chief of Mpala sub-location -- of which Lekiji is the biggest village -- was chairman of the sub-location (a lower rank than chief) at the time of the alleged rapes. Isac Lenguyo told Amnesty International, in the course of an interview in June 2003, that the first rape incident was reported to him in November 1999. He then recorded six further cases in January 2000; seven in February; and 14 in March of the same year. Amnesty International had access to his records. Isac Lenguyo also ensured that the

victims reported the rapes to Kenyan police, at Ngarenghero police station. In addition, the incidents were reported to the then chief of the sub-location. Beyond the incidents that were so recorded, many other women informally told Isac Lenguyo that they had been raped, but did not want their case to be recorded, nor to report it to the police, and therefore were not included in the list that he kept.

The impact of so many rape allegations within a short period of time on the life of a small community was devastating. Women were very scared. The attacks were reportedly taking place in very similar circumstances, when women were fetching firewood and water or grazing their goats. Many attacks involved many soldiers and several women. Women were advised to stay at home if possible; carry out their chores in groups; and fetch firewood only on the side of the community land which did not border on the Mpala range. However, most of the land owned by the villagers stretches

along the border with the Mpala range; besides, that area of the land is the only one which is good for goats to graze on. The men were frustrated because the authorities were not protecting them, notwithstanding the fact that the police had been informed.

The first attack in November 1999 reportedly involved 18 soldiers and six women. Two of the women went immediately to see Isac Lenguyo at his home in the late afternoon and told him that they had just been raped with four other women who were feeling too ashamed to report the rape in person. Isac Lenguyo told Amnesty International that he remembers that the women looked shocked and were bleeding profusely. They were extremely distressed and ashamed of being looked at by him and other men, so he asked another woman from the village to check on all the women who had been attacked.

The women gave him an account of their ordeal. The six women had been fetching firewood along the river. They were surrounded by some 18 Gurkha soldiers and then raped. A boy -- who had been herding goats -- heard the women screaming from the area by the river, went to see what was happening and found them crying and injured. The boy also saw UK soldiers running away from the area. The boy went back to the village and called for help.

Isac Lenguyo told Amnesty International that the main concern of the women who went to see him immediately after being raped was that they were afraid that their husbands, upon hearing that they had been raped, might beat them and treat them like prostitutes. He explained to Amnesty International that such is the stigma attached to being raped that the women were at serious risk of being beaten or even killed by their husbands. In addition, their husbands feel justified in leaving them to marry other women. In light of this, Isac Lenguyo called a community meeting and assured the villagers that government authorities would take action to protect the community and that the women must not be ill-treated in any way. Isac Lenguyo also reported the attack to the then chief of the area and sent the six women to report the rape to the police, in order to obtain the P3 form needed to be treated in hospital. The women did go to the police to report the rape but, having found that the hospital was too expensive, they returned home without having received medical treatment.

As a result of the report of the November 1999 rape claims to the police, the manager of the Mpala range requested that Kenyan police officers be deployed along the boundary between the range and the village. The deployment appears to be confirmed by copies of documentary evidence to which Amnesty International had access. However, Isac Lenguyo remembers that the police officers stayed at the range, sleeping and eating at the UK Army camp; and that their mission appeared to be to check whether Maasai women were trespassing and entering the range or whether the Gurkhas were going to the

village. The police officers are reported to have stayed at the range for some four to seven days, but not to have conducted any investigation. They never went to the village or interviewed the women who alleged to have been raped, according to Isac Lenguyo.

In December 1999 a regiment of Gurkhas left and a new one arrived in January 2000. According to Isac Lenguyo, soon after their arrival the soldiers of the new regiment began to behave in a similar manner as soldiers from the previous regiment, “hunting” for the women of the village, so much so that it looked as if word had been passed from one regiment to the other. This second regiment stayed at the Mpala range until March 2000. As rape incidents continued to be reported, Isac Lenguyo held a second community meeting and asked the villagers to report any future attacks to him. However, his request was ill-received. There was deep frustration among the residents of Lekiji because rapes were continuing and nothing had been done by the authorities to protect the community and investigate the cases already reported since the first meeting had been held following the rape incident in November 1999.

According to Isac Lenguyo, who is informed as a matter of practice of the arrival of UK Army units at the range, to alert him that firing may be taking place, no Gurkha regiments have been sent to the Mpala range since March 2000. Other regiments of the UK Army have been at the range to train, but there have not been any allegations of rape in connection with their presence.

### **Lekiji women’s stories**

Amnesty International interviewed three women who allege to have been raped in two separate incidents at Lekiji. Their names are not disclosed because the organization understands that their cases may currently be under investigation by the RMP-SIB.

Two of the women, who were allegedly raped in the course of the November 1999 gang rape, remember that they were collecting firewood on a hot late afternoon, when they realized that each of them had been surrounded by several UK soldiers. The soldiers were reportedly wearing uniforms; some had light rucksacks; they had Asian features and dark hair; and were not speaking English but a language which the women described as being of “sharp and short sounds”. One of the women stated that a soldier had a packet of sweets and talked to her, but she could not understand him. She gestured with her arms to try to make herself understood and ask him what he wanted. Suddenly the soldier grabbed one of her arms. They began to struggle. The soldier swung her violently and she fell over. It is reported that two other soldiers joined the first one and started raping her. While one was on top of her, the others were holding her down and at the same time almost fighting with each other to claim their turn.

The second woman, who claims that she too was raped during the same incident, remembers that she was gathering firewood among some shrubs when she heard her friend screaming. She looked up and realized that she had been surrounded by three soldiers. One soldier grabbed her and threw her to the ground. As she fell, her hair got stuck in the branches of a shrub and was torn so violently that hairs remained entangled in the shrub's branches. One soldier got on top of her, while two others were holding her limbs and gagging her. After some time, when the soldiers heard the voices of people, who had heard the women screaming and were coming to help, they fled.

The third woman stated that she was raped in a separate incident in 2000, at about 4pm, while collecting fodder for her goats, along the river bank. She heard footsteps and when she looked up she saw that she was surrounded by three soldiers in uniform. She said that they were white but did not look British. They grabbed her neck while -- still bent to gather the fodder -- she was trying to look up. The soldiers forced her on her knees and raped her from behind, taking turns. She stated that they kept her head down and forced themselves onto her, including by sodomizing her. They used her wraparound cloth to gag her. She stated that she remembers them panting like dogs. She vomited and lost consciousness. At about 6 pm three elderly men, who were walking from Mpala, found her and asked if she had been attacked by the "Johnnies", the jargon name used to refer to UK soldiers. She was carried home and treated with traditional remedies. Her rape was reported to the chief and to Kenyan police at Ngarenghero police station.

These women described the aftermath of the rape as "terrible". They told Amnesty International that they were ashamed and in a state of shock. Moreover, they were extremely afraid of the reaction of their husbands. The women told Amnesty International that, upon hearing what had happened to them, their husbands wanted to beat them, as well as to take revenge on the soldiers. The husbands also insulted the women in front of their children. For a long time it was impossible to discuss the incident in a calm manner. The women confirmed that it took the intervention of Isac Lenguyo to persuade their husbands not to beat them. In the experience of these women, even now, if a husband becomes upset about something, he would refer to the rape and insult his wife.

One of the women interviewed by Amnesty International was told by her husband that he would not stay "with the leftovers" of the Gurkhas. Another woman said that she has never been able to conceive again due to the fact that since the alleged attack she has not been menstruating. Although she asked her husband whether she could go for a medical check-up, he refused, saying that it did not matter because he would take another wife.

All three women interviewed by Amnesty International complained that before being raped they had harmonious relationships with their husbands and were consulted

before important decisions were taken. Now they are simply ordered around. One of them has been forced to have two more children after the rape, even though before the rape she and her husband had agreed that the four they had already were enough.

These women feel ashamed because everybody in the community knows what happened to them. Such is the stigma that has been attached to being raped that even small children feel entitled to insult them and mock them. For example, the bridge close to the site where the November 1999 gang rape involving six women is alleged to have taken place was called *Langa tes Saa Sita* in Swahili, but since then it has been renamed after the name of one of the women that was raped there.

## **Allegations of rape in the Archers Post area**

The town of Archers Post is a stopping point along the Great North Road linking Cape Town, South Africa, to Cairo, Egypt. The area surrounding Archers Post town is not densely populated and the UK Army trains at a range located at some distance from the *manyattas* (local villages). The range used by the UK Army is not fenced, and the area is routinely used by the local population for grazing their animals.

Some 200 (possibly 250) rapes are alleged to have occurred in the Archers Post area, of which about 150 are likely to be corroborated in some manner, for example, by confirmation of local chiefs that the rape was reported at the time it allegedly happened; or by some contemporaneous documents. Representatives of the local non-governmental organization PARAN (Poverty, Alleviation, Recovery and Nutrition) -- which is involved in gathering information about the rape allegations, in cooperation with Impact -- told Amnesty International that over 20 mixed race children are alleged to have been born as a result of rapes, the youngest being a girl born in 2001.

Amnesty International's representatives were also told that on 14 January 1981 an elderly man reported to Archers Post police station that he had witnessed UK soldiers attacking five women. The organization was also told that about 10 further rape allegations in the area had been recorded at the local police station.

In addition, Amnesty International has received reports that in October 1997 Councillor Fabian Laresoro, Chairman of Samburu District Council, along with the District Officer for Archers Post, met with the UK Army camp commander at Archers Post and informed him that some 25 women from the village had reportedly been raped over the previous few weeks. The rape allegations implicated soldiers from a Gurkha regiment stationed at the camp. Many of the rapes allegedly occurred in the women's homes during the day, while the men of the villages were at work.

## **Sabina Ngedu Lesirikali**

### Circumstances of the attack

Sabina Ngedu Lesirikali, born in 1970, was reportedly attacked in 1988. She was walking home after school to her *manyatta* in Laresoro, at about 5pm, with three other girls. On their way home they had to pass by a camp where UK soldiers would rest after their training. The girls came across two soldiers who were resting under a tree and who looked like they had just been jogging, as they were wearing shorts and T-shirts. The soldiers reportedly called out to the girls, who, as a result, stopped. Sabina Ngedu Lesirikali was ahead of the other girls, because she was the older and was leading them. One of the soldiers reportedly grabbed her, while the other soldier chased the other girls. The soldier who had grabbed her took her behind some bushes, away from the road. Then he and the other soldier reportedly took turns in raping her. Meanwhile the other girls had run away to their *manyatta* and had told Sabina's mother that she was being attacked.



**Sabina Ngedu Lesirikali and her son Jared - Amnesty International's picture**

### Aftermath

Sabina's mother went to look for her and found her unconscious and bleeding under a tree. Sabina Ngedu Lesirikali told Amnesty International that she had never had sex and that she bled profusely as the soldiers had "torn her up". Her mother treated her with traditional remedies to stop the bleeding. She was never taken to hospital. Her mother reported the attack to the chief and the elders, but did not go to the police, because UK soldiers were regarded as

"untouchable", because they were from another country, and there was government involvement in their presence in Kenya.

### Impact

About a month later Sabina Ngedu Lesirikali found out that she was pregnant. She gave birth to twins, both boys. Reportedly, according to a tradition of the Samburu -- her local community -- a child born out of wedlock, or for whom the husband does not claim responsibility, is killed by poisoning him or her with boiled tobacco and other herbs. Although the practice is illegal according to Kenyan law, Sabina Ngedu Lesirikali said

that she believed that it was a real risk for her children at the time. She believes that what saved them was the fact that her mother had reported the rape to the chief, who had warned the community that the practice was against the law and should not be carried out. One of the twins died at three months after developing breathing difficulties. Sabina was left with one child, Jared. She had to stop going to school.

Sabina Ngedu Lesirikali told Amnesty International that since the rape, she has been regarded as inferior by her community and is not allowed to take part in traditional ceremonies. Jared is also frequently derided by other kids and referred to as a “*mzungu*”, a white person. For some time after the rape she felt angry and could not accept her mixed race child, but then decided to love him, because nothing could be changed. She never got married because she is regarded as “loose”. She has had a boyfriend for seven years. Jared questions her about why he is white whereas she and her boyfriend are black, and about why other children call him names, but she reportedly has yet to tell him the truth.

## **Benjamin Lechakwet**

The case of Benjamin Lechakwet is one of several cases that have recently been reported, in which it is alleged that UK soldiers raped young boys by sodomizing them in the same areas and in similar circumstances to those identified in the women’s rape allegations.

### Circumstances of the attack

In February 1995 Benjamin Lechakwet, who was then in his early teens, was herding his father’s cattle in the Laresoro area with a friend, younger than him. They were by a small stream and his friend was some distance away from Benjamin Lechakwet. Four soldiers in their uniforms, carrying small guns, and with dark colour marks on their cheeks, reportedly approached and greeted Benjamin Lechakwet. He remembers that one soldier was very tall. One soldier appeared to offer him a packet of biscuits and when Benjamin Lechakwet stretched out his arm to take it, the soldier allegedly grabbed him and held him so that the child’s arms were crossed over his chest. Benjamin Lechakwet was wearing a *shuka*, the traditional garment consisting of a cloth wrapped around the hips. The soldiers reportedly ripped it off. Benjamin Lechakwet told Amnesty International that he remembers being raped by three soldiers, and then he lost consciousness. He thinks he remained unconscious for about four hours.

### Aftermath

His friend, seeing the cattle untended, started looking for him, thinking that he may have been attacked by wild animals. When his friend found him, Benjamin told him what had

happened. His friend was too small to carry Benjamin Lechakwet, so he went back to the village to seek help. Once home, Benjamin Lechakwet told his father that he had been raped. Other men saw painful injuries to his lower body when he was brought back to the village. He was angry and ashamed, because what had happened is a taboo for his community. He could not speak to his mother about the attack because he was ashamed. He was not taken to hospital, but treated with traditional remedies by his father. He had diarrhoea, and for about two weeks after the attack, he experienced pain and difficulties in defecating. The father was too ashamed to report the attack to the police. However, the attack was reported to Chief Lesinik, and was reportedly known to have taken place among the members of the community.

Benjamin Lechakwet is aware of five or six other cases of boys who have alleged that they were raped, and he has tried to speak about it with one of them, but this boy was too ashamed to talk.

#### Impact

Benjamin Lechakwet still feels very angry at what happened. He does not like people in uniform, he thinks that “they only come to destroy and bring no income to the community”.

## **Allegations of rape in the Wamba and surrounding areas**

The UK Army has been involved in various construction projects in and around the town of Wamba. Out of the about 100 rapes that are alleged to have occurred in the Wamba area between the early 1990s and 2002, about 60 may be corroborated in some manner. Some of the rapes are alleged to have taken place in areas adjacent to the road between Archers Post and Wamba. Some of the allegations were allegedly reported to the chiefs of the villages in the area at the time. Several children were born reportedly as a result of the rapes in the Wamba area.

Amnesty International was informed that five rape allegations were recorded in the Wamba police station “occurrence” book (incident book). In addition, the organization was told that seven rape allegations were recorded in the “occurrence” book of the police station of Laisamis, a town north-east of Wamba; and that a former Member of Parliament for Laisamis constituency has reportedly stated that he is aware of 10 rape cases that were reported to Laisamis mission hospital.

The organization has also received reports that another Kenyan Member of Parliament is aware that in 2000 two allegations of rape involving UK soldiers had been reported to a UK Army sergeant in charge of a UK Army unit which was carrying out a road construction project in the Wamba area at the time.

## **The UK and Kenyan authorities' recent handling of the rape allegations**

Amnesty International has been informed that the UK Ministry of Defence (MoD) claims that the rape allegations were brought to its attention for the first time in November 2002. The organization was informed by the MOD that in March 2003 an investigation by the Royal Military Police Special Investigation Branch (RMP-SIB) was opened into four rape allegations. Amnesty International has received reports that, since then, the investigation has been extended to about 12 other cases. It is reported that the team is comprised of six persons, including some women.

In May 2003 Amnesty International wrote to the UK Prime Minister to express the organization's concerns about the rape allegations, and to urge the government to carry out an independent and impartial investigation into the rape allegations, as well as into the UK Army's handling of such allegations to date.

The MoD responded in June 2003 and informed the organization that, as part of its investigation into the rape allegations, an RMP-SIB team had visited Kenya in April and at the beginning of June 2003 to interview alleged victims. The MoD added that: "The SIB have been shown the documents purporting to show that British Army personnel were made aware at various times that rapes had been occurring. One of the main aims of the investigation is of course to attempt to establish the authenticity, or otherwise, of these documents." Finally, the MoD referred to "language, the number of alleged victims, the remoteness of the areas involved, the elapsed time since some of the alleged offences took place and the need to co-ordinate closely with the local Kenyan authorities in every step of the investigation" as factors which are complicating the investigation. The MoD therefore envisaged that the RMP-SIB investigation would continue for some time.

On 9 June 2003 Amnesty International also wrote to the Kenyan Minister of Justice and Constitutional Affairs to seek clarification about the Kenyan authorities' position with regard to the rape allegations. The organization asked whether investigations had been conducted following the reporting of some rape allegations to various Kenyan authorities, including police, and whether measures had been taken to

protect the women in the areas identified in the allegations. No reply had been received by the end of June 2003.

In addition to being concerned about serious past failures of both the UK and Kenyan authorities to investigate the allegations of rape when they were reported, Amnesty International is concerned about the current handling of these allegations by both countries' authorities.

The organization is concerned that merely 16 rapes allegations are currently under investigation by the RMP-SIB. Amnesty International considers that the current RMP-SIB investigation -- which aims at establishing whether criminal charges should be brought against individuals -- has been an inadequate response to address the rape allegations as a pattern. The organization believes that grave human rights violations by members of the armed forces should be investigated by civilian police, to ensure that the investigation is not only independent and impartial, as required by the UK's obligations under international human rights law, but also seen to be so.

Furthermore, Amnesty International is concerned that no mechanism has been established to date to address and investigate the systemic failures of UK Army officials to take effective measures to: investigate the above-mentioned allegations; bring the alleged perpetrators to justice; ensure adequate reparation for the victims; and prevent further attacks. The organization believes that such failures may amount to institutional acquiescence in serious human rights violations of UK Army officials over several decades. The organization believes that the serious allegations that have emerged to date are indicative of a pattern of grave human rights violations.

With regard to the Kenyan authorities, Amnesty International is concerned that to the organization's knowledge they have not, to date, undertaken a thorough, independent and impartial investigation into the rape allegations that were reported to them, nor into the failure of Kenyan officials at various levels -- who received the allegations in the past -- to take adequate and immediate measures to provide protection as well as access to justice for those who had been subjected to sexual violence. In addition, Amnesty International has received reports indicating that the Kenyan authorities are allowing the RMP-SIB to investigate only those rape allegations that had been reported to Kenyan police at the time when they allegedly occurred.

## **Amnesty International's recommendations**

### **To the UK authorities**

Amnesty International urges the UK government:

- to establish without delay an independent and impartial commission of inquiry into the conduct of the UK Army in light of hundreds of allegations of rape of Kenyan women by UK Army personnel over the course of several decades. Amnesty International considers that the commission of inquiry should review all of the allegations and its terms of reference should include:
  1. the adequacy of measures taken to investigate each of the allegations;
  2. the adequacy of measures taken to bring perpetrators to justice;
  3. the adequacy of the measures taken to prevent such crimes, including measures aimed at eliminating and preventing violence against women;
  4. the adequacy of the measures taken to ensure redress and reparation for all those affected by such crimes.

The commission should be empowered to refer any information of criminal conduct arising from its investigations to relevant civilian police and prosecution authorities.

The commission should also be empowered to make recommendations including to ensure non-repetition of mistakes made and improvements for the future, including measures aimed at eliminating violence against women.

Such a commission should be empowered to subpoena witnesses and compel the disclosure of documents. It should also be empowered to liaise with relevant Kenyan authorities and seek access to all relevant information, including statements by alleged victims and witnesses.

Ways and means should be devised and adequate resources allocated to facilitate the commission's investigation and gathering of evidence, including the collection of testimonies from members of the local communities and other Kenyan nationals. This process should ensure respect for the dignity and protection of those who were subjected to sexual violence and of witnesses.

The scope, methods and findings of the inquiry should be made public.

In addition, Amnesty International urges the UK government:

- to ensure that civilian police and prosecution authorities investigate impartially, independently and thoroughly all allegations of criminal conduct of any UK soldiers in Kenya; and that any person reasonably suspected of criminal conduct be brought to justice in the course of a fair trial. Such criminal investigations and prosecutions must be conducted in a manner that guarantees respect for the dignity and protection of those who were subjected to sexual violence and of witnesses;
- to ensure that effective redress and adequate reparation will be provided to all the people who were subjected to sexual violence by members of the UK Army and others otherwise affected;
- to make public the Memorandum of Understanding between the UK and Kenyan governments, regarding the operation of the UK forces in Kenya, including any provisions in it regarding policing of UK Army personnel in Kenya.

## **To the Kenyan authorities**

Amnesty International urges the government of Kenya:

- to ensure that all allegations of rape made against UK soldiers are thoroughly and independently investigated either by instructing competent Kenyan authorities to conduct such an investigation or by instructing relevant Kenyan authorities to liaise and cooperate fully with UK investigating authorities; and to ensure that anyone reasonably suspected of criminal conduct be brought to justice in the course of a fair trial. Such criminal investigations and prosecutions must be conducted in a manner that guarantees respect for the dignity and protection of those who were subjected to sexual violence and of witnesses;
- to ensure that an independent inquiry is immediately opened into the failure of Kenyan officials at various levels -- who received the allegations in the past -- to take adequate and immediate measures to protect people from, and prevent further, human rights abuses, and to ensure access to justice for victims of violations;
- to implement the recommendations detailed in the recent document published by Amnesty International entitled *Kenya – Rape: the invisible crime* (AI Index: AFR 32/001/2002), including in particular: to review existing laws and/or introduce

new ones to prohibit all acts of violence against women whether committed by state officials or private individuals, and to establish adequate legal protection against such acts; to ensure that prompt, thorough, independent and impartial investigations are conducted into all reports of violence against women; and to ensure prompt examination free of charge by a specialist medico-legal practitioner, female wherever possible, of all women who allege that they have been sexually assaulted;

- to clarify which authority has responsibility for policing the conduct of UK Army personnel in Kenya, for receiving complaints against allegations of misconduct, and for investigating and prosecuting any such misconduct.