

AI Index: PRE 01/269/2010
03 August 2010

Kenya: Government must protect citizens during referendum

Amnesty International is calling on Kenyan politicians not to incite ethnic hatred or violence and for the country's security forces to protect the population from human rights violations during a key referendum on a new constitution.

Tensions are high ahead of the 4 August poll. Kenya's most recent elections in December 2007 led to a wave of violence and associated police killings in which over 1,000 people lost their lives. The UN estimated that over 500,000 people were displaced from their homes.

"Another bloodbath is not inevitable so long as Kenyan politicians act responsibly, do not stoke ethnic tensions, and avoid making statements that may be construed as advocating ethnic hatred or incitement to violence," said Justus Nyang'aya, director of Amnesty International Kenya.

"The referendum also provides an opportunity for the Kenyan security forces to show that they are capable of carrying out their professional duties in line with international human rights standards, particularly at such a moment of heightened political tension," said Justus Nyang'aya.

During the 2007 election some Kenyan police and security agents used excessive force, including the firing of live ammunition into crowds, to quell violence and mass protests.

As part of the power sharing deal that ended the deadly wave of violence following the disputed Presidential elections in 2007, it was agreed that a new constitution would be drafted.

If passed, the new constitution will, among other things, introduce checks to the President's power and ensure greater regional devolution.

Despite repeated calls by human rights organisations ahead of the referendum that politicians moderate their language, concerns remain that hate speech has already created divisions in parts of the country that could lead to violence.

The Kenya National Commission on Human Rights has captured various politicians on film using hate speech in their campaign rallies between May and July 2010. An MP from the Rift Valley was reportedly arrested by police and detained for one night, on allegations of circulating leaflets warning some people to leave his constituency.

"Kenyans have a responsibility to desist from acts of violence and the use of hate speech," said Justus

Nyang'aya.

Amnesty International is also concerned about the failure of the government of Kenya to address impunity for human rights violations and crimes committed during the post-election violence in 2007 and 2008, including by individuals, armed groups and security personnel and police.

“Unless the perpetrators of human rights violations and crimes are held to account, then such violations and crimes will continue to be perpetrated. By failing to punish the perpetrators of violations and crimes committed during the post-election violence, the government of Kenya is giving a green light for further violence,” said Justus Nyang'aya.