

KENYA

An open letter from Amnesty International to Presidential Candidates and Political Party Leaders in the 27 December 2002 elections

AI Index: AFR 32/023/2002

Date: 16 December 2002

Amnesty International is addressing all Presidential candidates and political party leaders because we believe that it is particularly important at this time that they exercise leadership with regards to human rights. It is important both in terms of the prevention of human rights abuses during the election period and in terms of the deeper issues of how to strengthen the protection and promotion of human rights in Kenya in the long term.

Through this open letter Amnesty International urges all presidential candidates and political parties to commit themselves publicly to protecting and promoting respect for human rights during the election campaign and in the post-election period.

Amnesty International is a worldwide movement, independent of all governments, political affiliation or religious creed, which works to promote the principles enshrined in the Universal Declaration on Human Rights, as well as other international human rights standards.

The last two multi-party elections in 1992 and in 1997 were marred by politically motivated violence, human rights abuses by politically and/or ethnically aligned militia, as well as by law enforcement officials. Amnesty International is concerned that human rights violations have already occurred in the run-up to the elections and since the nominations of presidential candidates. For example:

- On 19 November, one person was stabbed to death and at least ten were injured as supporters of opposing political parties clashed in Nairobi when two presidential candidates presented their nomination papers to the Electoral Commission of Kenya;
- On 21 November a journalist was attacked and stabbed with a knife on the left arm allegedly by supporters of a political party during parliamentary nominations in Isiolo District, Eastern Province;
- Two people were reportedly killed in Chagamwe, Mombasa, and Vihiga, Western Province, on 22 November during a confrontation between supporters of rival candidates vying for their political party's nomination for a parliamentary seat;
- At least twelve people were allegedly injured after supporters of rival groups clashed in Wajir South, in North Eastern Province, on 22 November. According to press reports, the clashing groups supposedly coalescing along ethnic lines and supporting different candidates, attacked each other with machetes and swords at the Burder nomination center;

- An opposition candidate for the Nakuru town parliamentary seat was reportedly shot outside his house by a band of six people on the night of 22 November. It is believed that the attack was politically motivated;
- Scores of people were injured when armed police dispersed supporters from a political party protesting nomination results in Maua town on 23 November.

Amnesty International appeals to all presidential candidates and political party leaders to immediately call on their supporters not to abuse human rights, so that all Kenyans are able to participate freely and without fear in the forthcoming elections.

Amnesty International further urges all presidential candidates and political party leaders to respect Kenya's Electoral Code of Conduct and to prohibit the hiring of vigilante groups used to intimidate political opponents and supporters and/or to foment political violence, leading to human rights violations.

Kenya was hit by a suicide car bomb attack against an Israeli-owned hotel in Mombasa just one month before the scheduled elections, resulting in the death of at least 13 people. There can be no justification for the deliberate targeting of civilians. Amnesty International unequivocally condemns all such attacks.

Several arrests were made by Kenyan security services in connection with the attack, with investigators admitting that no evidence was found to link those arrested with the attack. Amnesty International has concerns that this incident may be used to justify controls on freedom of assembly, association, and movement, which would target followers of a particular religious or ethnic group, and undermine legal safeguards for those in detention. Amnesty International urges presidential candidates to denounce any curbing of civil liberties and reduction of safeguards against human rights violations in the wake of this attack. Amnesty International believes that reinforcing respect for human rights is an important step towards improving security.

Kenya has started a process of constitutional reform, which has presently been halted due to the upcoming elections. This process represents a unique opportunity to strengthen human rights protection for all Kenyans and to fulfill Kenya's obligations under international human rights law. The draft constitution made public on 27th September 2002 contains several provisions that would further guarantee the enjoyment of human rights in Kenya. Amnesty International calls upon presidential candidates and political leaders to prioritize the constitutional reform process with a view to completing it within a reasonable period after the installation of a new parliament.

We hope the new President of Kenya will actively support policies to protect and promote human rights.

Yours sincerely,

Irene Khan
Secretary General
Amnesty International