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## **KENYA: WORDS ARE NOT ENOUGH**

**Press conference statement by Pierre Sané, Secretary General, Amnesty International  
Nairobi, Kenya, 11 June 1997**

The Amnesty International delegation has been in Kenya for two weeks now and met with ordinary Kenyans, religious leaders, business people, human rights activists, donors, political parties and the diplomatic community. What we have seen and heard confirms that our concerns about the human rights situation are well-founded.

But these are not just our concerns. What is clear is that the majority of Kenyans share these concerns. They don't want genuine human rights protection in Kenya falling victim to political posturing, or the very real issues lost in internal arguments. What they want is meaningful dialogue to improve the situation so that the next few months are not marred by violence and a lack of respect for human rights.

We met with the government and look forward to more co-operation in the future. Regrettably the Government's statement on the human rights situation just does not square up with the reality on the ground.

I want to focus on four issues we have raised with the government, what their response was, what the reality is and what needs to be done.

### **1. Police Brutality, torture and the use of excessive force**

The government says that it does not condone police brutality, that those responsible have been subjected to due process of the law, and that there is a determination to uphold national laws and international obligations on torture, following the ratification of the Convention Against Torture.

Amnesty International says that anyone arrested in Kenya is at risk of torture or ill-treatment; that the police routinely beat criminal suspects.

We witnessed ourselves the police breaking up a peaceful rally in Uhuru Park with teargas and severe beatings while failing to protect business from violent looting. Is the government conducting any independent public inquiry into these sad events?

We met with Josephine Nyawira Ngengi, accused of armed robbery. She was acquitted on the grounds that her confession, the only evidence against her, was obtained as a result of torture. The Attorney General told us that there had been no reports of torture in her court case and as a result there has been no investigation into her allegations.

**What needs to be done?** The government must ensure that torture and ill-treatment are prohibited in practice, public pronouncements are not enough. All allegations of torture must be promptly and independently investigated and those responsible brought to justice. All police and prison personnel must be made aware that they cannot get away with torture.

## **2. Police Killings and deaths in custody**

The government says that it does not tolerate the misuse of arms by security force personnel, that those responsible for unlawful killings have been subjected to due process of the law and that action is taken against the culprits.

Amnesty International says that the police have killed a disturbing number of people in recent years -- either by torturing them or using excessive force, and that it is very rare for police personnel to be brought to trial.

In Lodwar, we met with the family of Lomoroi Amodoi, a young boy who was tortured to death in police custody. Those responsible have not been arrested. The District Commissioner told us that the officer allegedly responsible had been taken to court in Kitale. This is simply not the case -- we were later informed that he is still at liberty in Lodwar, and there is no record in the court of any charge against him.

**What needs to be done?** To stop these killings, all police personnel need to be convinced that if they unlawfully kill someone, they will go to jail. The government should enforce international standards applying to the police. All incidents of unlawful killings must be investigated and those responsible brought to justice.

## **3. Freedom of Assembly and Expression**

The government says that it respects the international standards it has ratified. These include the International Covenant on Civil and Political Rights which guarantees freedom of assembly and expression.

Amnesty International says that non-governmental organizations, human rights activists, journalists, political parties and trade unions have been harassed, their meetings dispersed -- sometimes violently -- or prevented from taking place, and that opposition leaders have been subjected to arbitrary arrests and attempts have been made on their lives.

In Lodwar, we were prevented from addressing a civic education seminar organized by the Kenya Human Rights Commission and Catholic Justice and Peace Commission by Kanu youth wingers armed with sticks and stones who had been given alcohol and paid to disrupt the meeting. We were forced to move it to a church. Despite repeated requests the police failed to provide any protection against threats of violence.

**What needs to be done?** The government must encourage civic education seminars instead of hindering them and instruct local officials accordingly. The Government should not hinder Kenyans gathering peacefully and the promised Peaceful Assembly Act must not violate these rights. Harassment of journalists must stop.

#### **4. Legal and constitutional reforms**

The government says that all the laws Amnesty International is concerned about are actively under review by various Task Forces, but their recommendations are unlikely to be presented to parliament this session, and that a review of the constitution will only take place after the election.

We fail to understand why these reforms under active review since 1993 have still not been completed and presented to the public. We believe that even with the introduction of the Peaceful Assemblies Act, the President will retain widespread discretionary powers to restrict freedom of association and expression -- such as those granted under the Preservation of Public Security Act.

The government has delayed its investigations of human rights violations, delayed prosecutions of those responsible, and delayed legislative reforms. The people of Kenya have told us that they no longer believe in the government's promises.

#### **A Human Rights Manifesto for Kenya**

All of these recommendations are included in this Human Rights Manifesto. We are calling on all political parties, religious groups, businesses, women's organizations, professional associations, the international community, and individuals throughout the country to publicly endorse this manifesto.

As for the international community, we want them to deploy international human rights monitors now throughout the country to document the human rights violations taking place, raise these violations publicly and with the government and call on the authorities to meet their commitments. They should also send observers to all civic education seminars.

The government accuses Amnesty International of interference in its domestic affairs and argues that human rights are an issue of national sovereignty. We say listen to the people of Kenya. They want their human rights protected. They are entitled to the same rights as anyone else.

By ratifying international human rights standards, the government has recognized that the international community has a right to monitor the human rights situation in the country, and hold the government accountable for its human rights record. This is the responsibility of the international community -- including donors and business.

Amnesty International's one million members around the world will be holding the government accountable. We will be scrutinizing and monitoring how government respects the rights of its citizens. But it should not be up to us -- it is the responsibility of all governments and influential actors to do the same.

Finally, let me refute strongly the argument that we should not criticize the Kenyan government too strongly, as it is 'not so bad compared to Rwanda, Burundi, Zaire or Somalia.' It is completely unacceptable to use the example of one of the worst genocides this century as a yardstick against which to measure violations here. And it is an insult to the parents of Lomoda

Amodoi, Josephine Nyawira Ngengi and the relatives and the victims of all the violations in Kenya. We owe each of them the truth. We owe each of them justice. /