

Kenya

Women in Kenya

Repression and Resistance

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1. INTRODUCTION

Women in Kenya are standing up for their rights but this brings reprisals. Women politicians, human rights activists and development workers who have fought for women's rights have been intimidated, harassed and imprisoned by the authorities. Vulnerable women — detainees, refugees, the displaced — have been raped, tortured and ill-treated by police and soldiers. Women have been forced from their homes, raped and even killed in political violence instigated or condoned by those in power. This report is about Kenyan women's determined struggle for their rights and the government's responsibility for continuing human rights violations. It is part of Amnesty International's worldwide campaign for the protection of women's human rights.

A focal point during 1995 for the growing international women's rights movement is the Fourth UN World Conference on Women, held in China. Ten

years ago, the previous World Conference on Women took place in Nairobi, the Kenyan capital. Thousands of women from non-governmental organizations (NGOs) all around the world joined in events to promote women's rights. At the official inter-governmental conference, civil and political rights for women were kept low on the agenda, and Kenyan government representatives worked hard to promote a positive image of the human rights situation in the country. Yet astonishingly, while the conference was still in session, Kenya secretly executed 12 former air force members, three of whom had been forcibly returned to Kenya by the Tanzanian authorities despite having been granted asylum as refugees.

In the decade since the Nairobi conference, women have been increasingly active in the human rights movement in Kenya. The movement campaigned successfully for multi-party democracy in the early 1990s, but the reform of the political system did not bring an end to human rights violations. Women continue to be denied their basic civil and political rights, as well as being economically and politically marginalized.

In Kenya, as in many countries with repressive governments in Africa and other parts of the world, women suffer a particular set of human rights violations. They are targeted if they oppose the government or if they are relatives of government opponents; they are particularly vulnerable to intimidation and indiscriminate violence by the security forces; and they are raped and sexually abused by police and soldiers. Human rights violations against women frequently relate to their lack of power and economic independence. Because of the discrimination women face in society at large, they are particularly liable to be abused by those in authority and they are in a weak position if they try to gain redress. Women who have been ill-treated and raped by the security forces are usually too frightened to come forward and report the abuses because they fear reprisals or believe that their complaints will be ignored. Women in Kenya have suffered particular abuses as a result of ethnic-based political violence since 1991. Although most of those killed were men, the majority of those displaced from their homes and farms are women and children. They have been held in appalling conditions in camps and a number have been forcibly removed from their homes to "ancestral lands" which they left 20 or more years ago. Women's access to the political arena is restricted despite the fact that women are 52 per cent of the total population and 60 per cent of the voting population. There are currently only six women members of parliament and

Kenya's first woman cabinet minister, Winfred Nyiva Mwendwa, was appointed only recently, on 9 May 1995. The report by the National Election Monitoring Unit on the 1992 multi-party general elections states:

"More women could have won parliamentary and civic positions were it not for electoral malpractice targeted specifically against women. Without exception all women candidates we observed were harassed by their male political opponents. Many of them, especially the women parliamentary candidates, had their campaign meetings disrupted."

Yet despite all the obstacles women continue to fight for their rights as women and for political freedoms. They pursue complaints of human rights violations in the courts, lobby politicians, organize meetings and participate in demonstrations. A group of elderly women maintained a rolling hunger-strike for a year to demand the release of political prisoners. Women's groups have also worked with the police on programs to increase police awareness of the rights of women. Women's groups are growing in number and women activists play a significant role in the human rights movement in Kenya.

The government seeks to portray Kenya as a politically "stable" country in a region in turmoil. Human rights organizations and others who have criticized Kenya's human rights record are often accused of threatening this "stability". However, the government maintains "stability" through its hold on power, for which many Kenyans are paying a high price. The government is responsible for serious violations of human rights. Kenyans who criticize the authorities face harassment, intimidation and imprisonment. Torture of prisoners is widespread and political killings apparently initiated or condoned by the government have claimed thousands of lives in the past four years.

Human rights activists, many of them women, are currently campaigning for a new constitution, an independent judiciary and the repeal of repressive laws. The final document from the Nairobi UN World Conference on Women declares:

"To promote their interests effectively, women must be able to enjoy their right to take part in national and international decision-making processes, including the right to dissent publicly and peacefully from their Government's policies."

(Nairobi Forward-Looking Strategies, paragraph 32)

In Kenya such dissent has put women and other human rights activists in direct conflict with the government. The community of Kenyan NGOs is currently

under threat. In the first three months of 1995, one NGO, Kituo Cha Sheria, was fire-bombed six times. Two other human rights NGOs were banned, one of which, the Centre for Law and Research International (CLARION), had recently produced a substantial report on corruption. Kenyans are looking to the international community for support in their demands for full human rights for women and men. They believe that Kenya's stability will only be maintained if these peaceful attempts to end human rights abuses are successful.

This report covers the period between December 1991, the advent of a multi-party political system, and June 1995. The information cited in it comes from a variety of sources within Kenya, many of whom cannot be named for fear of reprisals.

2. POLITICAL BACKGROUND

Since independence from the United Kingdom in 1963, Kenya has had just two Presidents: Jomo Kenyatta, leader of the Kenya African National Union (KANU), who ruled until his death in 1978, and Daniel arap Moi, who has been President since then. In 1982 the government changed the constitution and made Kenya a one-party state, prohibiting the formation of any political party other than the ruling KANU. This followed attempts by government critics to form an opposition party.

The most serious threat to the government came in August 1982, when there was a coup attempt by Kenya Air Force personnel in which several hundred people were killed and hundreds wounded in clashes between rebel troops and forces loyal to the government. Scores of women were raped by members of the security forces and civilians. Over a thousand air force personnel were arrested and later convicted of treason, mutiny and other offences. Twelve were condemned to death and were executed in July 1985. Over 60 university students, some of them women, were arrested following demonstrations in favour of the coup attempt and, although the majority were released and pardoned by the president in early 1983, 10 were sentenced to between four and 10 years' imprisonment for sedition. A number of other prominent critics of the government were detained for several years without charge or trial under the Public Security Regulations, which allow detention for an indefinite period without charge or trial.

In the mid-1980s there was a wave of arrests of suspected government opponents. Those detained included university lecturers, students, journalists, civil servants, teachers and farmers. Among them were a number of women. Ten people were detained under the Public Security Regulations. Almost a hundred were convicted of political offences relating to alleged links with *Mwakenya*, a clandestine socialist opposition organization, and sentenced in rushed trials to up to five years' imprisonment. Hundreds of others were arbitrarily detained for weeks before being released without charge. Many were tortured into signing confessions.

Between 1989 and 1991 the campaign for multi-party democracy intensified. Hundreds of people were arrested, including women such as Mary Mwaure Kinuthia, Jane Wambui and Ruth Wanjiru. The majority were released within a short period but some were sentenced to long terms of imprisonment. Several were detained without charge under the Public Security Regulations, including former government ministers and human rights lawyers. After several years of fierce resistance to ending the one-party state, President Daniel arap Moi agreed to do so in late 1991. This followed the decision by Kenya's main donors to suspend all aid to the country: the donors criticized the government for corruption and a lack of "good governance". Multi-party elections were held in late December 1992, which were alleged to have been marked by electoral irregularities. President Moi and KANU were returned to power, but opposition parties won almost half the seats in Parliament. In 1992 the authorities released the remaining political detainees and, with one exception, all known political prisoners serving prison sentences.

In December 1991 President Moi predicted that multi-party politics in Kenya would result in the outbreak of ethnic violence. He argued that Kenya's many different ethnic groups would be unable to live together peacefully — there are over 40 different ethnic groups in Kenya. His prediction appeared correct as ethnic-based political violence began in late 1991 between the Kalenjin community — President Moi's ethnic group — and Kikuyu, Luo and Luhya communities. The government has blamed the violence on opposition parties, government critics, the church and the media. However, there is strong evidence that it has been instigated and manipulated by the government. Furthermore,

the government has not taken adequate steps to prevent the violence or to investigate and bring to justice those involved in human rights abuses.

Since 1992 the harassment of critics of the government has continued, particularly aimed at those who have been attempting to investigate or report political killings in the Rift Valley Province. Although opposition political parties and the independent press operate openly, members of parliament, human rights activists and journalists have frequently been arrested in connection with peaceful demonstrations, speeches, publications or investigations into human rights abuses. Editions of newspapers and publications critical of government policies have been impounded and printing presses have been put out of action. In 1994 alone over 80 journalists, human rights activists, opposition politicians and government critics were detained for short periods, many of whom were prisoners of conscience. Over 56 opposition members of parliament were arrested during 1994, mostly when they attempted to hold public meetings. Licences to hold public political meetings are frequently denied or withdrawn at the last minute by the authorities. Women's groups, opposition groups, churches and others have also often been prevented from holding educational seminars and workshops which do not require a permit, or have had their meetings broken up by the authorities, sometimes violently.

Government critics who have been arrested have not generally been tried. Some have been held for short periods and released without charge. Others have been charged with sedition or other political offences, such as subversion, and released on bail after a few days or weeks, with the charges dropped some months later. But in a new development in 1993 the government began to use capital criminal charges — actual and attempted robbery with violence (which are not bailable) — against particular opponents whose only "offence" appeared to be that they were non-violent critics of the government. This practice apparently developed in order to avoid using the much criticized Public Security Regulations to detain opponents indefinitely without charge or trial. At least 10 political prisoners, including three women, are currently held under these charges which carry the death penalty.

The Kenyan authorities are not only abusing their own laws, they are also breaching international laws they have guaranteed to uphold. Kenya acceded to the International Covenant on Civil and Political Rights (ICCPR) and the

International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1972. In 1992 Kenya ratified the African Charter on Human and Peoples' Rights.

3. IMPRISONED AND HARASSED

FOR DISSENT

3.1 The Mothers' hunger-strike

One campaign to release political prisoners in Kenya involved a rolling women's hunger-strike. It was led by a group of mothers of political prisoners. They were supported by Professor Wangari Maathai, a prominent environmentalist and human rights activist, and by the Release Political Prisoners group (RPP), a non-violent pressure group, whose members also joined the hunger-strike. The mothers — aged between 60 and 82 — marched to Uhuru Park in central Nairobi on 28 February 1992 demanding the release of their sons. To demonstrate their determination and put pressure on the authorities, these elderly women went on hunger-strike. The protest soon became known as the "Mothers' hunger-strike".

All other avenues appeared to have been closed. Before the protest began, the women had met the Attorney General and presented him with a petition demanding the release of 52 political prisoners. They argued that as opposition parties had been legalized on 10 December 1991, there was no longer any reason for their sons to remain in prison. Their sons had been arrested during the campaign for a multi-party system.

The area where they camped became known as "Freedom Corner" and their hunger-strike generated considerable national and international publicity. Some former political prisoners came forward and talked publicly for the first time about their torture and imprisonment.

The authorities made a number of unsuccessful attempts to persuade them to leave "Freedom Corner" but the mothers refused to move. On 3 March, five days after the protest began, the General Services Unit (GSU), a paramilitary police unit, surrounded "Freedom Corner" and the tent the mothers were using as a shelter and prevented anyone from entering the area. At 3pm they attacked the camp and fired tear-gas canisters at the women. One hit Professor Wangari Maathai who was leading the singing and she was knocked unconscious. The police then began hitting the mothers, members of the RPP and others at the

camp with batons and rifle butts. Panic ensued and many of the demonstrators were hurt. In response to the violence some of the mothers stripped naked in a traditional expression of protest. In African tradition a mother or elderly woman exposing her body is taboo, and for a woman to be forced to expose her body is a curse. As one mother stated:

"The ages of most of the mothers here are between 60 and 80. At our age we cannot afford to be combative at all. Let me state that this is exactly what made us strip down to our bare nakedness. It was an indication that there was nothing else we could have done in the circumstances; nothing else could have saved us and our children from the punishment that was being meted out at us... That act brought about some immunity because, had we not stripped, we would have been killed at the Park." (Society , 23 March 1992)

In response to the women stripping some of the police turned away and retreated and the violence abated. A number of women were taken to hospital, including Professor Wangari Maathai, Nancy Njeri Muchima and Margaret Wanjiru Kariuki. All the remaining mothers and RPP members were removed by over 50 women police officers that evening. The mothers were detained overnight and then sent back to their rural homes while some of their supporters were detained at Embakasi police station in Nairobi for several days. "Freedom Corner" was cordoned off by the police. However, the women, undeterred, returned to Nairobi and continued their hunger-strike at the nearby All Saints Cathedral several days later. They maintained a "chain hunger-strike" for a year — when one woman became too weak to continue, another would take over while the first recovered. Throughout the year the "Mothers' hunger-strike" remained a focal point for political pressure on the government. Many women, church leaders, opposition figures and human rights activists visited the hunger-strikers at All Saints Cathedral during the year and the calls for the release of all political prisoners in Kenya increased. When the hunger-strike ended in early 1993, 51 out of the 52 political prisoners, some of whom were prisoners of conscience, had been released.

3.2 Guilty by association — the harassment and imprisonment of relatives of government opponents

Some women have been detained because of their political or human rights activities but most women harassed or imprisoned for political reasons have been targeted because they are relatives of government opponents. Such women are prisoners of conscience. For example, the wife and mother of Koigi wa Wamwere have been persecuted by the authorities. Koigi wa Wamwere, a human rights activist and former politician, has been detained twice without charge or trial under the Public Security Regulations, from 1975 to 1978 and again from 1982 to 1984, and imprisoned twice on criminal charges. He fled to Norway in 1987 following threats to his life. In 1990 he was allegedly abducted in Uganda and taken to Kenya. There he was imprisoned for three years with two human rights lawyers, Mirugi Kariuki and Rumba Kinuthia, and his cousin, Geoffrey Kuria Kariuki, on treason charges. The charges against them were dropped in January 1993 and they were released. Following an alleged raid on Bahati police station in November 1993, Koigi wa Wamwere was arrested again with three others — including his brother and brother-in-law — and they are currently on trial for their lives. Amnesty International believes the charges against Koigi wa Wamwere and his three co-defendants are false and that he has been imprisoned for his non-violent political activity.

His wife, Nduta wa Koigi, and his family have been intimidated and harassed by police on a number of occasions. Nduta wa Koigi eventually left Kenya to join her husband in Norway in 1988 and has remained there ever since. His mother, Monica Wangu Wamwere, who participated in the Mothers' Hunger Strike and is a member of the RPP, has had her house surrounded by police on several occasions and demolished twice:

"Our home is at Kabazi, where we have had constant problems since Koigi joined politics. Our houses have been demolished on various occasions, the last time being 1988 when they were razed down..."

"Let me say that having gone through all the problems because of Koigi's political stand, my hopes were raised when the political reforms were incorporated in Kenya as I now expected my son and others charged with him to be released because they had been advocating for the same reforms." (Society, 23 March 1992)

In January 1995 Monica Wangu Wamwere's home was again surrounded by the police while a service was being held there in memory of her husband, who had

died a year earlier. Monica Wangu Wamwere has refused to bury him until her two sons are allowed out of prison to attend his funeral.

There are many other cases in which women related to critics of the government have been detained. Ruguru Njui, wife of former Nakuru Councillor Anthony Njuguna Njui, was arrested on 19 September 1994 and held without explanation or charge for several days, shortly after her husband's arrest. He was a founder member of the RPP and a friend of Koigi wa Wamwere. Anthony Njuguna Njui was subsequently charged with robbery with violence and had not been tried by mid-1995.

Josephine Nyawira Ngengi, who was arrested in May 1994 in Nakuru, is the sister of G.G. Njuguna Ngengi, a prominent government critic on trial with Koigi wa Wamwere. She is also an RPP member and had been attending her brother's trial. She had previously actively campaigned for the release of political prisoners in Kenya and participated in the Mothers' hunger-strike in 1992. She was held illegally and incommunicado for 22 days before being charged with robbery with violence, which carries the death penalty. Two other women, Ann Wambui Ng'ang'a and Tabitha Mumbi, and 16 men were charged with the same offence. All three women allege that they were tortured while in police custody.

Josephine Nyawira Ngengi stated that she was beaten and that blunt objects were forced into her vagina until she bled. She said:

"At one point, one officer got so incensed that he took a wooden plank and hit me hard on the head. I was then ordered to wipe the blood from the resulting wound with my tongue, which I did."

Their case has come to court three times. In August 1994, when none of the prosecution witnesses identified the defendants, the prosecution withdrew the charges. However, all the defendants were immediately rearrested and four days later Josephine Nyawira Ngengi, the two other women and six men were charged again with the same offence in a different court. In December they were all released when the charges were again withdrawn, but again immediately rearrested, taken to Nyahururu police station, and held for four days before being charged for the third time with the same crime. Each time the case has come to court since then, it has been adjourned. Meanwhile Josephine Nyawira Ngengi is ill in hospital and needs surgery for a growth in her chest. If the defendants are convicted, they will face a mandatory death sentence.

Some women appear to have been arrested in order to put pressure on their relatives. In November 1993 Mary Wanjiru was arrested with her husband, David Ngugi, a property surveyor and chairman of the local branch of the opposition Democratic Party (DP). He was accused with five others of robbery with violence following a raid on the Chief's Camp in Ndeiya in Kiambu Province. Mary Wanjiru was held with her husband and 11 other men for the first four days of her detention at Parklands police station. Her husband was tortured and Mary Wanjiru was threatened with rape and made to clean her husband's blood from the cell where he had been tortured. Mary Wanjiru was extremely frightened and unable to help her husband, who was in a great deal of pain. She was also desperately worried about their six-month-old baby whom they had been forced to leave at home when they were arrested. David Ngugi believes that her arrest was another form of torture for him and his family:

"The reason that she was held with me was to show her how sick I was and how there was nothing she could do to help me and how I was incapable of looking after myself."

Mary Wanjiru was released without charge after 11 days in custody. The case against the "Ndeiya Six", as they came to be known, was dismissed in June 1994 when the Nairobi Chief Resident Magistrate refused to accept their "confessions", which he said had clearly been obtained through torture. He ruled that there was no evidence to warrant their standing trial. David Ngugi, who had been unable to walk when he appeared in court in November 1993, was on crutches when he was freed. The magistrate directed the Commissioner of Police to take immediate action against those responsible for torturing the defendants. But no investigation is known to have been carried out and there have been no arrests. Susan Wangui, the wife of Mirugi Kariuki, a human rights lawyer and former prisoner of conscience, was arrested on 18 September 1993. They were both arrested with Koigi wa Wamwere while travelling to the town of Burnt Forest in the Rift Valley Province. With five others they were held incommunicado in Nakuru police station where some of the men were tortured. After six days in custody they were taken to court and charged with possession of weapons, which they denied, and "seditious publications". The publications in question were leaflets produced by the National Democratic and Human Rights Organization and similar pamphlets. They were also charged with violating security regulations

enforced in areas of "tribal clashes". The security regulations were published on 20 September and back-dated to 17 September 1993. They were all released on bail and the case is still pending. Susan Wangui, a nurse at a government hospital, has been suspended without pay since her arrest. This was the second time she had been arrested in connection with her husband's political activity. Loyce Nyamora was arrested in Nairobi on 16 April 1992 with her husband, Pius Nyamora, editor of *Society*, a weekly magazine. Loyce Nyamora was a director and accountant of the company that published it. During her arrest she was ill-treated by the police:

"One was particularly rough with me. He was trying to twist my arm. He then kicked me and I fell. I crawled down the rest of the stairs... My pleas for them to let me go home to collect at least a sweater to shield me from the cold, or have somebody get in touch with my daughter, Margaret, to let her know that I was still alive fell on deaf ears. I was kept incommunicado. Nobody knew where I was, not even my husband, whose whereabouts I was also not aware of."

(Society, 1 May 1992)

Loyce Nyamora was held incommunicado for several days in Kiambu police station, Nairobi. She, her husband and three others arrested with them were taken to Mombasa, brought to court and remanded in prison. She was held in solitary confinement in the remand block of the women's prison for several days before being charged with sedition in connection with articles alleging government involvement in political killings. All five were released on bail, but were required to return regularly to Mombasa, 430 kilometres from their homes in Nairobi, for court hearings. The charges against them were eventually withdrawn in 1994. The magazine subsequently closed.

3.3 Persecution of women activists

Women who are active in Kenyan politics — pro-democracy advocates, members of opposition groups, government critics, human rights activists and others — have been intimidated, harassed and imprisoned. They have also faced financial penalties such as huge income tax bills. Lawyers who defend government opponents have faced threats to their employment.

Prominent environmentalist and human rights activist Wangari Maathai has been arrested on a number of occasions. In January 1992 she was arrested three days after a press conference where she and other opposition activists claimed

they had evidence that the government intended to hand over power to the army. She was released the following day after having been charged with "publishing a false rumour which is likely to cause fear and alarm in the public". She was hospitalized after her release with chronic rheumatism brought on by having to sleep on the police cell's concrete floor without a mat or blankets. The next month, undeterred, she led the "Mothers' hunger-strike" appealing for the release of political prisoners.

In February 1993 Wangari Maathai formed a new organization to assist victims of the political violence, the Tribal Clashes Resettlement Volunteer Service (TCRVS). This followed a visit to the scene of recent clashes in Burnt Forest. The government responded by accusing her of responsibility for the violence. The organization initiated a resettlement program and published leaflets urging Kenyans to act to end the violence. However, three seminars which the organization tried to set up were stopped by police. When she attended the UN World Conference on Human Rights in June 1993 in Vienna, a photographic exhibition she had organized on the political violence was vandalized by a government-sponsored delegation of Maasai youths and copies of reports on the political violence were stolen.

On numerous other occasions Wangari Maathai has been harassed, as have other members of the environmentalist group, the Green Belt Movement, which she set up and coordinates. On 11 October 1994 the provincial authorities in Laikipia threatened to have Green Belt Movement workers arrested when they tried to organize a meeting in the area. The Green Belt Movement's aim is to encourage tree planting and improve the environment and it has criticized the government for clearing and selling forest areas. The organization also promotes women's education on issues of good governance. A member of the organization believes: "It is perceived as dangerous to the government because it politicizes women. Any NGO which is involved in political activities is harassed and threatened with banning."

Despite this persecution Wangari Maathai continues to campaign actively against human rights abuses. She recently published an open letter to President Moi, criticizing the forced resettlement of victims of the political violence in Naivasha District. The letter was printed in the February edition of *Inoore*, a Catholic Church newsletter, which also carried an article accusing the government of

human rights abuses and asking if Kenya was sliding back to a one-party dictatorship. This edition was banned. A Roman Catholic priest and three trainee priests, who demonstrated against the ban, were charged with possessing a banned publication and organizing an illegal demonstration. They were later released on bail.

Opposition politicians are frequently harassed and detained, women as well as men. For example, Christine Nyagitha Miller, a politician, was arrested on 10 April 1994 and held for several hours. She had been campaigning for the opposition in Githunguri and was accused of addressing a group of her supporters without a licence.

An 18-year-old school student was arrested just for writing to an opposition member of parliament, Paul Muite, in April 1994. She was held overnight before police interrogated her about her correspondence and reportedly threatened to prevent her from obtaining a place at university. She was subsequently released without charge. The police, who are alleged to monitor the mail and telephones of the majority of government critics, defended their interception of her letter on the grounds that the Post Office is government property.

Women's self-help groups have been prevented from holding public meetings, either because the meeting was unlicensed or the permit for the meeting was withdrawn at the last minute. *Harambee*, self-help fund-raising events in which women often play an important role, have also been stopped by local authorities for not having a permit, despite the fact that a *harambee* does not require a permit. The refusal to licence public meetings by district officials appears to be a direct way of harassing government opponents. Women's groups among others have also been prevented from holding educational seminars and workshops which do not require a permit. On several occasions the authorities have used violence to prevent or stop meetings by women's groups.

On 16 July 1994 police disrupted a seminar of the Kenya Women Workers Organization at Ufungamano House in Nairobi and declared it illegal. The one-day workshop had been organized to create a national plan of action for women workers in Kenya.

On 18 June 1994 armed police attacked women at a seminar in Kirinyaga, organized by the League of Kenyan Women Voters, the Federation of Women Lawyers-Kenya branch (FIDA) and the women's desk of the National Council of

Churches of Kenya (NCCCK), the umbrella body of Protestant Churches in Kenya. The local opposition member of parliament, Martha Karua, a human rights lawyer, was one of the speakers. The local district officer attempted to cancel the meeting and the Catholic Church compound, where the meeting was to be held, was closed and surrounded by armed police. The police threatened the women with arrest if they did not leave the area and then attacked the peaceful gathering. Over 100 women were beaten by police officers, including members of FIDA. Eventually the police withdrew, following appeals by senior Catholic officials to the provincial administration. The seminar was allowed to proceed in the afternoon and, possibly as a result of the police action, the number of people attending increased to around 1,300 women and 400 men. The Law Society of Kenya and FIDA later wrote to the Attorney General and to the Police Commissioner criticizing the treatment the women received. Martha Karua and three other women are suing the Attorney General over the assault by armed policemen on seminar participants.

Armed policemen stormed a Catholic convent in Kisumu Rural constituency and broke up a women's group seminar attended by around 100 women in March 1994. The seminar was presided over by an opposition member of parliament, Professor Peter Anyang Nyong'o. When the policemen arrived armed with rifles, clubs and riot gear, the women, the majority of them elderly and middle-aged, fled.

4. TORTURE, RAPE AND ILL-TREATMENT

4.1 Torture

The police in Kenya use torture to obtain confessions almost systematically. Common methods of torture include beatings and whipping on different parts of the body, particularly the feet. Detainees are often tortured by being made to crouch while a stick is passed behind their knees and in front of their elbows. Their wrists are then chained together and they are suspended upside down and beaten on the soles of their feet. Some political detainees have been tortured even more severely. Some have been submerged in water while others have been taken to forests at night, hung from trees and beaten. Women have been raped and had objects inserted into their vagina. Men have been tortured and humiliated by having their genitals pricked with large pins or tied with a string

and pulled. Victims of torture by the police are frequently refused medical treatment for their injuries.

The police often refuse to take torture victims to hospital and frequently hold them in police cells until it becomes apparent that their injuries will not heal without medical attention. When prisoners are finally taken to hospital, they are chained to their beds at night, and sometimes during the day. In hospital they are treated by government doctors who are under considerable pressure from the police not to produce medical reports which would indicate the severity of the injuries and their cause. There have been cases of doctors falsifying death certificates and post-mortem reports following pressure from the police. Doctors who criticize the police have been transferred, or have lost their jobs and government housing. At least one doctor has been imprisoned for several days for writing medical reports on political prisoners. Government doctors went on strike between July and November 1994 in an unsuccessful attempt to improve their poor working conditions.

Women's groups such as FIDA which have acted on behalf of women who have been tortured by the security forces have often found it difficult to proceed because police officers are reluctant to investigate and prosecute these cases. In a few cases, the torture of women in custody has been so severe that the authorities have had to press charges. However, police officers are rarely convicted. Truphena Obwaka Shirako, a 51-year-old woman, was accused of stealing 15,000 Kenyan shillings (Ksh) (US\$150 equivalent), from her employer, an international NGO, and arrested in January 1994. She was tortured by four policemen at Langas police station, Uasin Gishu District. During her ordeal a bottle was pushed into her vagina and one of the policemen is said to have put his hand in her vagina to look for the money. She was beaten for five hours. She had extensive injuries and bleeding and was eventually taken to hospital. A senior provincial police officer said the "cruel and shameful" incident would be investigated. Two policemen were arrested and charged with "indecent assault and assault causing actual bodily harm". Both denied the charges and were released on bond. Their trial began in late 1994, but has been adjourned on a number of occasions and is still continuing. An eye-witness — a pastor — testified that he had heard one policeman say to the woman that she would be taken to the "slaughter house".

A 16-year-old girl was tortured by two police officers from Buru-Buru police station in Nairobi in August 1992. Florence Muthoni had been accused of stealing Ksh 20,000 (US\$200) from her employer, one of the police officers involved in the assault. She was reportedly burnt, tied up with a rope and a stick was forced into her vagina. She received hospital treatment as a result of her injuries, which included bleeding from her vagina, a swollen face, bruises on her thighs and back and burnt finger-nails. The two policemen were charged with causing her grievous bodily harm and released on bond. Both are still reportedly on active duty. By the beginning of 1995 the case had still not come to trial.

At least one woman has died in police custody as a result of torture since 1991. Rosemary Nyambura was reportedly beaten by up to seven police officers at Ruaraka police station, near Nairobi. She died as a result of her injuries on 10 May 1992. She had been stopped by police early that morning when returning from a nightclub with a friend. The police reportedly searched both women and demanded their identity cards. Rosemary Nyambura was unable to produce hers, and the Ksh 6,000 (US\$60) found on her was taken by the police. Police corruption in Kenya is rife and there are regular reports of police taking money in this way. Rosemary Nyambura followed the police officers back to Ruaraka police station demanding the return of her money. Once at the police station she was arrested. The police alleged that she had committed suicide, but the post-mortem report indicated she died of ruptured kidneys and spleen. Her family demanded an inquiry and FIDA took up the case, but it was over a year before an investigation started and as yet no police officer has been charged in connection with her death.

Defendants frequently allege in court that they have been tortured by the police and this results in a "trial within a trial". By the time defendants are brought to court marks of torture have often disappeared and they rarely have medical reports to support their claims. Sometimes magistrates order medical treatment or medical reports on defendants who have alleged torture. In one case in July 1994, for example, Jane Wanjiru Githaiga, on trial for the possession of drugs, stated that she had been severely beaten by the three policemen who arrested her. The magistrate in the trial ordered her to be taken to hospital for treatment. However, it is very rare for a confession of guilt to be declared inadmissible by the magistrate on the grounds that it was obtained under

torture. Magistrates usually find in favour of the police, even when there is evidence that torture has occurred.

When women in police custody are placed in the same cells as men, they are at risk of sexual assault. There have been allegations that male prisoners have sometimes been encouraged by the police to harass and even rape women held in the same cell. In one incident in April 1994 two women were reportedly put in the same cell as four male prisoners and the police then told the men to rape them. FIDA noted in its 1992 report, *Women and the Criminal Justice System in Kenya*, that during discussions with police officers:

"A recommendation was made that police cells should be separated between men and women remandees. This implied that male and female suspects are sometimes kept in the same cells, thus exposing women to assaults by male suspects."

4.2 Conditions in prison

Conditions in Kenyan prisons generally are harsh and women prisoners are not spared. Prisoners suffer from severe overcrowding and lack of adequate food, clothing, blankets and basic sanitary requirements. There are few, if any, medical facilities. Women prisoners have also frequently complained of ill-treatment by prison officers, including beatings, slaps, kicks, or being hit with a baton on the back, head or shoulders.

The main women's prison in Kenya is Lang'ata Prison in Nairobi. There are smaller women's prisons in Nyeri, Meru, Mombasa, Kisumu, Kakamega and Nakuru, and in other towns the main prisons have separate women's sections. In their report on women's prison conditions in Kenya, the Kenya Human Rights Commission, a non-governmental body, noted that in Lang'ata Prison women are held in large cells housing up to 100 women. One former prisoner noted: *"If one rolled at night it was possible to touch another prisoner. We slept in two rows, heads next to the walls so that we left a path in the middle."*

Under the Prisons Act every prisoner should be supplied with adequate bedding, and additional bedding should be given if recommended by a medical officer. However, many women do not get a mattress or a blanket. One prisoner said: *"In order to get access to them [bedding] I had to 'buy' with my meals, I gave my lunch and supper to another prisoner for three days, after that I qualified to share her two blankets, one for a mattress, the other for a cover". (A Study of*

Conditions of Women's Prison and Women Prisoners in Kenya, Kenya Human Rights Commission 1995)

Medical facilities are extremely poor in all Kenyan prisons. There are very few doctors attached to prisons and not all prisons have medical orderlies. Women prisoners have claimed that sick prisoners are rarely referred to the sick-bay and pregnant women often give birth on the cell floor with the assistance of other prisoners unless their labour becomes complicated or prolonged. These claims are consistent with reports Amnesty International has received on the denial of adequate medical care to prisoners, particularly political prisoners. Seven women prisoners are believed to be on death row, facing the ultimate cruel, inhuman and degrading punishment. They are a small minority: there are currently over 560 prisoners on death row in Kenya. No executions are reported to have been carried out since 1988 and under Kenyan law pregnant women cannot be executed. Kenyan law also provides corporal punishment as a penalty for certain offences, but women are exempt.

4.3 Rape and sexual assault

Rape by members of the security forces in Kenya is a widespread problem. However, women's groups and human rights groups that take up rape cases state that the police, while willing to proceed with cases against private individuals, are extremely reluctant to prosecute members of the security forces. When a policeman is accused of rape, for example, the authorities either do not investigate or do not investigate adequately, and the policeman concerned is rarely prosecuted. Policemen who have been accused of rape or sexual assault are often transferred to another station or dismissed from their job and the authorities appear to believe that dismissal is sufficient punishment. Bernard Chunga, Deputy Public Prosecutor, stated in a letter of December 1992: "Following the incidents which gave rise to the complaints, full police investigations were carried out. As a result, the offending police officers were dealt with under Police Force Standing Orders and Regulations and were dismissed from the service. As it can be seen, legal and administrative action was swiftly taken against the offending police officers. Their dismissal from the service is, indeed, a severe punishment in law. Normally, we should have liked to let matters rest there."

The two women in this case alleged that they had been tortured on several occasions by the police. The torture included being forced to strip and having a bottle filled with hot water and chillis inserted into their vaginas. They were also beaten.

There have been frequent reports of sexual assaults on female students by members of the GSU and police during raids on universities in Kenya. For example, on 21 February 1994 police raided residence halls at the University of Nairobi to break up a meeting of students called to discuss whether to remain on campus while university lecturers were on a year-long strike for the right to form a union. A number of female students were allegedly assaulted sexually. There have also been reports of women arrested for public disorder or similar offences and being raped in police stations. However, very few women are prepared to come forward and testify against the police. Cases involving the police only reach court after considerable publicity and pressure on the authorities. These cases take a very long time to process. One human rights lawyer told Amnesty International: "Even where the law is adequate, enforcement falls far below the standards one can expect."

There has apparently been no official investigation into complaints by over 200 women after a house-to-house search by a combined force of Kenya Police and Kenya Army officers in Wajir, North Eastern Province, on 17 January 1994. Some of the women said that they had been raped by police and army officers during the searches.

In December 1993 two young girls, on their way to an evening church service, were reportedly raped for several hours by two armed police officers. They were taken by surprise by the two men and they screamed for help. People who came to their rescue fled when the policemen threatened them with their guns. One girl was reported to have sustained serious injury to her vagina. The two policemen were subsequently dismissed from the force but no further action was taken against them.

Women who have been displaced by the political violence have also been raped (see Displaced women abused, below).

4.4 Rape of refugees

Women who have uprooted themselves and their families, fleeing in terror from persecution and violence in their home countries to seek refuge in Kenya, have

been raped and brutalized by members of the security forces who are supposed to ensure their safety.

About 300,000 refugees fled to Kenya from the civil conflict that erupted in Somalia in 1991 and were housed in camps in the North Eastern Province. Hundreds of Somali women were raped in these camps between April 1992 and November 1993. Although the majority of rapists were bandits (shiftas), many of them Somalis or Kenyan Somalis, a number of women were raped by Kenyan soldiers or police.

"To our knowledge, no police officer implicated in a rape case has been disciplined by police authorities or by the courts. Largely as a result, refugee women who have been raped by Kenyan police are extremely reluctant to report the violation to the police, and also fear being penalized or repatriated back to Somalia should they decide to do so." (The Nightmare Continues... Abuses against Somali Refugees in Kenya, Africa Watch, September 1993)

One woman victim stated that the police "treat refugees how they want and you can't do anything because you are a refugee".

Somali women who have been raped face the double burden of being ostracized by their families. There is a strong stigma attached to rape in Somali culture and women are therefore reluctant to report rapes. Unmarried women fear that they will be unable to marry, while for married women being a rape victim can mean their husbands will leave them.

Under international law the Kenyan authorities are responsible for protecting refugees. As far as Amnesty International is aware, no Kenyan police officers have been prosecuted for raping or otherwise assaulting Somali refugees. In response to a question in Parliament in early 1993, an Assistant Minister in the Office of the President denied the rapes were happening. He stated that the claims were being made to "attract sympathy and give the government negative publicity".

Security in the refugee camps was subsequently improved. The government increased the number of police in the area from 63 to 230, and the UN High Commissioner for Refugees (UNHCR) began a special women's project, which included fencing round the refugee camps. A social worker and a lawyer from FIDA were employed to assist women who had been raped and many women

who reported rapes were moved to safer camps, such as Utange camp outside Mombasa.

The UNHCR women's project appears to have contributed to the decrease in rapes by policemen. However, the women's project ended in June 1995; there is no more separate funding for work to protect women refugees. A number of refugee camps have been closed, including Utange camp, following a statement by the President that all refugees should leave Kenya. Many Somali refugees are now reluctantly returning to Somalia, rather than to refugee camps in North Eastern Province.

5. HUMAN RIGHTS ABUSES IN POLITICAL VIOLENCE

5.1 Background

Political violence erupted in Kenya in late 1991 at the same time as pressure mounted internally and externally for multi-party democracy. Initially the violence appeared to be sparked by a local land dispute, but it quickly escalated into large-scale killings, mainly in the Rift Valley and Western Provinces.

Demands for a multi-party system were countered by calls for *Majimboism* (regionalism) from prominent Kalenjin and Maasai KANU members of parliament who were keen to safeguard the interests of smaller ethnic groups. Under the guise of *Majimboism* members of parliament and others have demanded the expulsion of "non-indigenous" groups from the Rift Valley — the Kikuyu, Luo and Luhya who are perceived as opposition supporters. The Rift Valley Province has the highest number of seats in Parliament, 44 out of 188. As a result of the political violence, the opposition were unable to contest 16 parliamentary seats in the 1992 elections.

Hundreds of women, men and children have been killed in the violence, most by young men known as "Kalenjin warriors". These are armed with traditional bows and arrows, usually dressed in T-shirts and shorts, and attack in well-organized groups, often several hundred strong. Eye-witnesses say they appear to have had some form of military training. The majority of those attacked have been unarmed civilians mainly from the Kikuyu, Luo and Luhya ethnic groups, although some Kalenjin have been killed in reprisal attacks. Men have been the main target of the killings, but the majority of those rendered homeless have been women and children.

President Moi is a member of the Kalenjin community as are many members of the cabinet. Opposition leaders have accused the government of complicity in the violence and have claimed that close associates of President Moi deliberately provoked the killings. A report by the NCKK in June 1992 stated:

"There is evidence that there was cordial interaction between the warriors, security and administration officers..."

"Evidence has been received that homes and farms of senior government officials, political leaders and administrative officers have and are being used as hideouts for warriors, depots for weaponry, sanctuaries... where warriors return in the event of facing resistance..." (Report of Task Force, National Council of Churches of Kenya, June 1992)

Members of parliament have investigated these claims and confirmed government involvement in the violence. The official report of a Parliamentary Select Committee made up solely of KANU members, published in September 1992, estimated that the violence had caused the death of 779 people and made around 56,000 families homeless. The report concluded that the clashes were politically motivated and that government officials, provincial administrators and security officers had "directly participated in or encouraged the clashes". Prominent Kalenjin and Maasai ministers close to President Moi were also accused of orchestrating the violence. The report was rejected by Parliament in October 1992 and three members of the Parliamentary Select Committee voted against it, despite having originally signed it.

The violence continued in 1993 despite the KANU victory in the elections. In November 1993 Africa Watch published a report which estimated that the violence had, to that date, left at least 1,500 dead and as many as 300,000 internally displaced. The report concluded:

"[The ethnic violence] has been deliberately manipulated and instigated by President Moi and his inner circle and has undermined attempts to create an atmosphere conducive to political pluralism in a multi-party Kenya. Although the violence has been portrayed as the inevitable result of multi-partyism in an ethnically diverse country, its immediate causes are political rather than ethnic." (Divide and Rule: State-Sponsored Ethnic Violence in Kenya, Human Rights Watch/Africa Watch, November 1993)

The Kenyan Government has also been heavily criticized for not stopping the violence or preventing further attacks and for its outright hostility towards those who have attempted to help the victims. President Moi has not acknowledged the government's ultimate responsibility for protecting all Kenya's citizens nor censured any members of his government who have made statements inflaming ethnic feelings. In October 1993 the Minister for Local Government, William ole Ntimama, made a statement openly defending an attack on Enosupukia location by about 500 Maasai Morans in which some 30,000 people were forced from their homes. The government has accused the opposition, churches and the press of instigating the violence and "certain embassies" of supporting the perpetrators. One opposition member of parliament, Njenga Mungai, was detained for four months in early 1995 on charges of incitement and is currently on bail awaiting trial.

The government has failed to bring to justice those responsible for killing unarmed civilians. The majority of those charged have obtained bail and very few have yet come to trial. In September 1993 the government set up security zones in the Rift Valley in areas where violence had occurred. However, the effect of these security zones has been to prevent church leaders, journalists and human rights activists from entering the areas and investigating incidents of violence. The security zones were removed in early 1995 shortly after the US Ambassador was detained for an hour when visiting the area.

In 1994 political violence continued, although to a lesser extent, with about 30 people estimated to have been killed in the Rift Valley and Coast Provinces during the year and over 200,000 displaced. There has been at least one outbreak of political violence since the beginning of 1995.

5.2 Displaced women abused

The number of internally displaced people has continued to grow, the majority of whom are women and children. Women have been killed, raped and mutilated during and as a result of the violence. Women, some of whom were pregnant, and girls have been deliberately and arbitrarily killed in the violence, although the majority of people killed were men. Women have also been abducted and raped during attacks. For example, in one attack on Molo by "Kalenjin warriors" in May 1992 an eye-witness stated:

"I saw a woman we normally call Mama Ceera, who was pregnant, trying to escape with three of her boys and a girl. She was also trying to drive on a few goats. Only the girl was allowed to escape. The three boys were all cut to pieces and the pregnant mother's tummy viciously ripped open. She died and her body [was] left sprawled by a dam".

In the same attack over 30 women aged between 18 and 30 were reportedly abducted (Society, 25 May 1992).

Those who could stay with relatives and friends went there; others moved to the slums in Nairobi and other towns. Many men moved to towns and cities after losing their land to find employment and to avoid further attacks. The majority of displaced people still in their home areas have been housed in church compounds or displaced persons' camps, where conditions are appalling. Many families are living in temporary shelters covered with plastic sheeting or under corrugated metal sheets. Food is inadequate, sanitary conditions poor and there are limited, if any, medical facilities. On several occasions local administration officials have attempted to destroy the camps and disperse the displaced, who were seen as a security threat and were attracting national and international attention.

Maela camp, near Maela town, was set up in December 1993 and housed around 12,000 people. Most were Kikuyu displaced from Enosupukia in Narok District by an attack in October 1993 by around 500 Maasai Morans. The attack followed a series of attempts by the local administration to evict the Kikuyu living in the area. The local member of parliament, William ole Ntimama, the Minister for Local Government, had accused the Kikuyu of damaging the environment in the area. He labelled the community as "foreigners", despite the fact that many of them had been living there for between five and 20 years and had rented or bought land from the Maasai. The area was declared a water catchment area which meant it could not be farmed. The District Commissioner had issued an eviction order to Kikuyu residents in late September 1993. The Kikuyu accused the Minister of attacking them for opposing him politically, in particular in the 1992 general election. In July 1994, William ole Ntimama said:

"People say I hate the Kikuyu. But it is they who have driven me to that extremism. Because they were never grateful for what we had done for them."
(*Economic Review*, 11-17 July 1994)

Before the eviction order could be carried out by the District Commissioner, Maasai Morans attacked Enosupukia and the Kikuyu residents were forced to leave their homes and fled to Maela. After the attack a GSU unit was called in and surrounded Enosupukia, ostensibly to restore order. However, the GSU remained there for almost a year and no one was allowed into the area without official permission. By December 1993 it became clear that the displaced families from Enosupukia would not be able to return to their homes and the camp at Maela was then formally established.

Little security or police protection was provided for the displaced people in the camps and there have been numerous reports of women being raped with impunity in camps, while travelling between camps or when attempting to return to their farms. In Maela camp, for example, rape by police and security personnel has been a frequent problem for women, particularly when the camp was first set up. One woman stated:

"When we first moved to Maela camp the GSU were based in the area surrounding Enosupukia. At that point there was a number of women raped by GSU. They came in groups at night, around 30 men and they picked younger women from the camp."

In one incident, five women were reportedly abducted and each raped by between two and three GSU personnel. One of the women, Joyce Njeri, subsequently died. She had had an operation shortly before she was abducted and after the rape her womb did not heal. Her husband had been killed in the attack on Enosupukia. The women in Maela camp reported the incidents to the Nakuru district officer and abductions were stopped after several months. No investigations are known to have been carried out and there have been no prosecutions.

Sometimes camp conditions render women vulnerable to rape. In Maela the camp was divided into three sites, a number of kilometres apart. Relief supplies were only distributed at one site and women were therefore forced to travel between the sites to get food. Often the distribution did not start until 5pm and by the time the women left for home it was nightfall. Women travelling between

the sites were then subject to attacks and rapes by men from the camp, other local residents, administrative policemen or members of the armed forces based at Lake Naivasha. A report on the legal status of displaced women noted that: *"The horror of it all is that not only can they do nothing about the attacks but they also know they still have to travel the route the same time on some other day. Worst of all sometimes the food that they have collected is spilled during the rape, their baby is hurt and bruised and they arrive home violated and with nothing to show for their efforts."* (Legal Status of Displaced Women, C. Mpaka, 1994, FIDA)

Many women were reluctant to report cases of rape by security personnel because of fear of reprisals and the well-founded belief that they would not be taken seriously. Security personnel rarely remained in the area for more than six months and the police were reluctant to investigate other policemen.

The authorities did nothing to prevent women being raped when they left the camps in search of food or to work as casual labourers for local Maasai. One woman told Amnesty International: *"Even though we knew this was likely to happen, we continued to do this work because our children were hungry and we had no choice"*. Although the women complained to the District Officer about these rapes and asked for protection, he did not give any assistance or take any action.

The lack of security means that many displaced people have been too frightened to return to their homes. Displaced people who tried to return have been attacked on more than one occasion and women have been raped and killed. For example, a Luhya family who returned to their farm in Chepkube were attacked within a week of their return leaving the farmer dead, his wife badly injured and their two daughters aged 16 and 12 raped. (*Clashes Update*, NCCK, volume 2, issue No 12, 25 January 1994) A member of the Catholic Justice and Peace Commission informed Africa Watch in May 1994 that:

"The displaced are ready to go back as long as the government will assure them protection. But [William ole] Ntimama and others are still advocating violence... the problem is with the leaders." (Kenya: Multi-partyism Betrayed in Kenya, Africa Watch, July 1994)

There are also reports of women in Bungoma District being subjected to forced female genital mutilation, known as "female circumcision" in Kenya.

Inter-communal fighting began in the region in late 1991 between members of the Sabaot ethnic group, part of the Kalenjin community, and members of the Bukusu ethnic group, from the Luhya community. Local Sabaot leaders had reportedly demanded that all "Madoadod" ("spots", a term for non-Sabaot) be removed from the area. At the height of the clashes, which dispersed over 2,000 people, there were reports in the press and from women's groups that Bukusu women married to Sabaot men were being forcibly mutilated. The Bukusu, unlike the Sabaot, do not practice female genital mutilation.

Those incidents of forced mutilation were not in keeping with Sabaot tradition, where female genital mutilation (in this case excision) is usually practised by women on young women around puberty and very rarely on married women with children. Women are not usually mutilated in a group and men are not involved. In one incident 18 Bukusu women, many of them mothers, were reportedly rounded up by 20 or 30 young Sabaot men, taken into the bush and forcibly mutilated. One woman stated that she was at home waiting for her husband to return one evening and there was a knock on the door. She opened it assuming it was her husband, but she was dragged out, taken to the bush by a group of young men where she was forcibly mutilated by an older woman.

Women's groups and women activists tried to investigate these reports but many of the women who had been mutilated were too frightened to come forward. A woman member of parliament raised the issue in Parliament and subsequently, although the government denied the reports of forced female genital mutilation, the number of reported incidents significantly reduced. No official investigation into these reports is known to have been carried out.

The government set up a program to resettle the displaced in late 1993, with the UN Development Programme (UNDP). The resettlement program has been heavily criticized as inadequate and in at least one area of the Rift Valley it has been used to forcibly relocate members of one ethnic group out of the area.

In December 1994, around 8,000 people were still resident in Maela camp. About 2,000 of them were forcibly relocated to Central Province, the "ancestral home" of the Kikuyu. Their families had migrated from there to the Rift Valley in the 1970s and 1980s. The forced removal began in the early evening of 23 December. The district officer arrived in the camp with members of the local administration, the police and the GSU. Relief organizations working in the

camp, including UNDP, were not informed in advance of the operation. Two nuns and a Roman Catholic priest, Father Kaiser, who were living and working at the camp, were placed under house arrest and guarded by several members of the GSU while the camp residents were rounded up. Residents were told they were all going to be given land for resettlement.

Over 100 people were crammed into each of seven trucks and family members were separated. No medical care was given to the displaced during the move. They were taken to three different centres in Central Province: Ndaragwa, Kirigiti Stadium in Kiambu and Ol Kalou where there were few facilities available. A further 1,250 people — 200 families — identified as "genuine" refugees by the government, were taken to Moi Ndabi, 18 kilometres from Maela, the following day. The police and members of the KANU youth wing then destroyed all three sites of Maela camp on the orders of the district officer. A witness stated: "a few people who tried to retrieve belongings from their tents were beaten away by GSU. The plastics [used for shelter] were taken away and the camp burned." Further removals were reportedly prevented by the UNDP. When the UNDP became aware that the fuel for the trucks had been paid for from the UNDP account, they promptly closed it.

The displaced who were resettled in Central Province were harassed by the authorities after their arrival and there were reports that food aid from relief organizations and others was misappropriated. In Ol Kalou young women and those with young children were ill-treated and seven women were reportedly abducted by the GSU "to be their wives" for two weeks before they were released. The women were raped by the GSU and reportedly now suffer sexually transmitted diseases. In the early hours of 4 January 1995 the displaced in Central Province were forcibly relocated once more. In Kirigiti Stadium the authorities used considerable violence. One witness stated:

"Those in charge of the exercise started calling out the names of all the people from Kiambaa. We all kept quiet. We didn't answer to our names. Then one lady answered. She was very old. She was pushed to a lorry and slapped. The old woman screamed. Everyone started screaming. The children took off in all directions. People were grabbed and dragged forward one by one. They were beaten until they said who they were and where they came from exactly. One lady who suffers from epilepsy began to have a fit. She was slapped so hard she

fell down with her two-month-old baby still strapped to her back. When I said what location I was from, I was thrown into a vehicle as if I was a sack of potatoes. I lost one of my children in the fracas and left all my property behind." (*Deception, Dispersal and Abandonment: A Narrative Account on the Displacement of Kenyans from Enosupukia and Maela*, Ethnic Clashes Network under the auspices of the Kenya National Council of NGOs, January 1995)

Families were taken to different centres within Central Province and dispersed in small groups. Many women were injured and four children went missing as a result of the government action. Many of those who were dispersed took shelter in church compounds and a few who were separated from their families have returned to Maela. There was strong condemnation of this action nationally and internationally.

An estimated 5,000 people still remain in Maela, the majority of whom live in the town. Landlords in Maela, who have been renting houses to the displaced, have reportedly been told to evict them. In the face of night-time harassment by members of the KANU youth wing, many displaced people are leaving Maela. Around 300 people remain in the original camp where they have little or no protection.

One of the victims of the resettlement in Maela said: "It seems government and people don't care for women otherwise they wouldn't let them suffer. ... [The] government doesn't care for women."

6. CONCLUSIONS AND RECOMMENDATIONS

The Kenyan Government promotes an image of Kenya as a country striving to maintain a good human rights record. The authorities allow a certain level of freedom of speech and association. Opposition parties exist; public meetings, seminars and conferences on a wide variety of topics, including human rights issues, are held; independent and opposition newspapers are tolerated; and there is a burgeoning Kenyan NGO community, which is frequently critical of the government.

However, this image does not stand up to close scrutiny. In reality human rights activists, government critics and others are intimidated and harassed. Repressive laws, such as those relating to sedition and subversion, are used to arrest and detain government opponents. Public meetings, particularly those in rural areas

held by opposition members of parliament or government critics, are stopped. Publications critical of the government have been banned or impounded and printing presses put out of action. Kenyan journalists reporting these actions have been detained for short periods. Foreign nationals, including journalists, have been threatened with deportation for publicly criticizing the government. NGOs involved in human rights activity have been harassed and their staff or board members threatened and attacked by people suspected of having connections with the authorities. Two NGOs have been banned.

Human rights abuses against women reflect this pattern of repression. Women who are government critics, opposition activists and members of the human rights movement in Kenya have been persecuted, as have female relatives of government opponents. Women have also been terrorized, raped and tortured by the security forces, often with impunity. In response, the Kenyan Government has issued blanket denials and justified the use of repressive laws on the grounds of national security. Despite a total lack of evidence, opponents are regularly accused by government and KANU officials of attempting to overthrow the government by violent means.

Amnesty International calls on the Kenyan Government to translate its stated commitment to human rights into effective action. Among other things, the government should amend repressive legislation and investigate human rights violations and prosecute those responsible. Kenya should ratify international and regional human rights treaties, and observe these and non-treaty standards such as the Declaration on the Elimination of Violence against Women.

Amnesty International also calls on the international community to publicly condemn human rights violations in Kenya. Many foreign governments, international aid agencies and foreign journalists have an economic or political interest in the country or use Kenya as a base for their work in neighbouring countries. They should not be silent witnesses to human rights violations. Without international pressure, Kenya is unlikely to respond positively to internal demands for an end to human rights abuses. As one Kenyan human rights lawyer said: "Our government has no ear for the local voices." Equally, without international support and solidarity, women's groups, human rights groups and others making those demands will remain at risk.

Amnesty International calls on the Kenyan government to increase protection for women. It urges the government to:

publicly commit itself to safeguarding women's human rights which are universal and indivisible;

take effective steps to prevent rape, sexual abuse and other torture and ill-treatment in custody. There should be prompt, thorough and impartial investigations into all reports of rape, torture or ill-treatment. Victims should receive fair and adequate redress, including financial compensation and appropriate medical care. Any law enforcement agent responsible for such acts, or for encouraging or condoning them, should be brought to justice;

end incommunicado detention. All detainees should have access to family members, legal counsel and their doctor promptly after arrest and regularly throughout their detention or imprisonment;

make clear that the arrest or torture of women in order to bring pressure on their relatives will not be tolerated. Those responsible for such abuses should be held to account;

ensure that female guards are present during the interrogation of female detainees and prisoners, and are solely responsible for carrying out any body searches of female detainees and prisoners to reduce the risk of rape and other sexual abuse. Female detainees and prisoners should be held separately from male detainees and prisoners;

provide all women under any form of detention or imprisonment with adequate medical treatment;

provide all necessary pre-natal and post-natal care and treatment for women in custody and their infants;

amend all legislation which permits the imprisonment of prisoners of conscience, including the laws on sedition, association and the Public Security Regulations. Such legislation should be brought into conformity with international standards;

ensure that all political prisoners charged with a criminal offence receive a prompt and fair trial by a competent, independent and impartial tribunal and that all political prisoners are treated in accordance with internationally recognized safeguards for fair legal proceedings;

protect refugee women and asylum-seekers from torture, including rape, and ill-treatment. Human rights violations committed against refugees and

asylum-seekers should be promptly, thoroughly and impartially investigated and those responsible should be brought to justice;

abolish the death penalty. All death sentences should be commuted;

guarantee that women activists and non-governmental organizations working peacefully for the promotion and protection of human rights can carry out their legitimate activities without risk of imprisonment, ill-treatment or harassment;

recognize that discrimination in law and practice against women and girls is a key contributory factor to human rights abuses such as torture, including rape, and other forms of custodial violence. The government should initiate a plan of action against such discrimination;

ensure that all law enforcement personnel and other government agents receive adequate training on national and international standards which protect the human rights of all women and how to enforce them properly. Law enforcement personnel and other government agents should be instructed that rape of women in their custody is an act of torture and will not be tolerated;

ratify international legal instruments which provide for the protection of the human rights of women and girls. Kenya has ratified the African Charter, the ICESCR, the Convention and Protocol relating to the Status of Refugees, and the ICCPR, but not its two Optional Protocols. It should also ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All forms of Discrimination against Women and the Convention on the Rights of the Child. The government should also include information specific to women in its reports to international and regional treaty bodies;

ensure that special steps are taken to uphold the UN Declaration on the Elimination of Violence against Women and other relevant non-treaty standards, including the UN Declaration on the Protection of All Persons from Enforced Disappearance; the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the UN Standard Minimum Rules for the Treatment of Prisoners; the UN Code of Conduct for Law Enforcement Officials; and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These steps should include a clear prohibition of gender-based violence, whether occurring in public or private life.

FOOTNOTES/ENDNOTES

¹ *Nairobi Forward-Looking Strategies, paragraph 32*

captions

A woman argues with a police officer at "Freedom Corner" in Nairobi, where campaigners for political freedom have been assaulted by police. March 1992 © Reuter

A meeting of a women's cooperative, one of the many non-governmental organizations that have developed in Kenya over the past decade © Neil Cooper/PANOS

The "Mothers' hunger-strike": a year-long protest for the release of political prisoners. Nairobi, 1992

Monica Wangu Wamwere, whose house has twice been demolished by police because of the activities of her son, Koigi wa Wamwere

Josephine Nyawira Ngengi, who has been arrested three times on the same charges and tortured in detention. If convicted she faces a mandatory death sentence.

Human rights activist and environmentalist Professor Wangari Maathai © Betty Press/PANOS

Rosemary Nyambura, who died in police custody, allegedly as a result of torture © Society

Liboi refugee camp, where about 40,000 refugees from the civil war in Somalia have sought safety. Many women refugees have been raped and sexually assaulted. © Howard J. Davies

A family displaced by political violence instigated or condoned by the authorities. Hundreds of women have been killed in the violence; tens of thousands have lost their homes. © Betty Press/ PANOS

KEYWORDS: WOMEN¹ / DISPLACED PEOPLE¹ / HUMAN RIGHTS ACTIVISTS¹ / FAMILIES¹ / BANNING¹ / TORTURE/ILL-TREATMENT¹ / SEXUAL ASSAULT¹ / IMPUNITY¹ / POLICE¹ / EXTRAJUDICIAL EXECUTION / DEATH IN CUSTODY / HARASSMENT / CONFESSIONS / UNLAWFUL ARREST / REARREST / DETENTION WITHOUT TRIAL / INCOMMUNICADO DETENTION / SOLITARY

CONFINEMENT / PRISON CONDITIONS / ILL-HEALTH / DEATH PENALTY / FEMALE GENITAL
MUTILATION / TRANSPORTATION / HOUSE DESTRUCTION / POLITICALLY MOTIVATED CRIMINAL
CHARGES / EXTORTION / PRISONERS OF CONSCIENCE / POLITICAL ACTIVISTS / POLITICIANS /
PARLIAMENTARIANS / REFUGEES / ENVIRONMENTALISTS / WOMEN'S RIGHTS ACTIVISTS /
NON-GOVERNMENTAL ORGANIZATIONS / DOCTORS / ACADEMICS / STUDENTS / NURSES /
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MORTEMS / ELECTIONS / HUNGER-STRIKE / DEMONSTRATIONS / COMMUNAL VIOLENCE /
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