

Amnesty International, ARTICLE 19 and Human Rights Watch

**KENYA JOINT RESEARCH MISSION
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Kenya: Urgent Need for Action on Human Rights

NAIROBI, 8 April - A coalition of three major human rights groups today called Kenya "a powder keg waiting to explode" and warned the government to stop using "divide and rule" tactics that are likely to plunge the country deeper into violence.

The delegation of three groups, Amnesty International, ARTICLE 19 and Human Rights Watch, interviewed more than 200 people from all sections of Kenyan society, including survivors of violent incidents as well as Kenyan government officials. The joint mission was sent in the wake of waning international attention to continuing human rights violations in Kenya, reflecting the seriousness with which the organizations view the situation.

The delegation found the situation particularly serious in the Rift Valley, where killings continue sporadically after the recent mass attacks. More than 100 people have been killed and thousands displaced since the latest violence began in January 1998.

"Kenya is a powder keg waiting to explode, all the signs are there" said Edge Kanyongolo, a spokesperson for the delegation, speaking at a press conference today in Nairobi. "The downward spiral of violence and ethnic hatred is resulting in increasing human rights violations, and will not end until the government stops using divide and rule tactics".

Survivors of violence in the area describe an ongoing "war" in which members of previously mixed communities attack each other with arrows and *pangas* (machetes). In the first wave of incidents, in Laikipia, guns were also used.

Many survivors are afraid to return to their homes, citing the lack of security in the area and the apparent unwillingness of the authorities to prevent further attacks. The government has systematically failed to investigate and punish armed aggressors, and to protect frightened, angry and displaced people. The human rights delegation expressed fears that the supporters of the ruling party are instigating political violence, but blaming the incidents on spontaneous outbursts of ethnic hatred.

Statements like the following, from one survivor, were common and emphasize that unless the root causes of violence are addressed, people will not return to their homes. He stated that "when we try to visit our homes, we receive warnings such as "even if you till, you are just doing useless things. Even after planting, you will not eat". Some one else expressed a common sentiment: "My fear is not even for the past or the present but for the future".

This violence follows the pattern established in 1991-94, the delegation said, in which supporters of the ruling party, KANU, attacked members of ethnic groups considered to support the political opposition. In that violence, high-ranking government involvement was proven. This time, compelling evidence suggests that the initial attacks were organized from outside the communities.

Attacks occurred only in areas where the opposition Democratic Party (DP) won seats. Violence began within days of KANU politicians visiting the area and verbally threatening DP supporters, who had recently mounted a legal challenge to the presidential election results.

This violence is not occurring in a vacuum. Demands for a system of political pluralism, specifically an inclusive constitutional process, are answered by calls from members of the ruling party to introduce a system of ethnic federalism (Majimboism). There is concern that the manner in which the system is being proposed could be used to strip certain ethnic groups of their rights.

In 1998, the delegation found some worrying new developments, including an increasing use of more sophisticated weapons, and a new tendency to target women for rape and killing. Old people and children are not spared.

The delegation also noted that 1998 was the first time that members of the Kikuyu community retaliated to attacks in an organized fashion, following the failure of the government to act.

Subsequently the wave of violence slowed to a trickle, reinforcing calls within that community for armed retaliation to achieve security.

There is an ongoing problem all over Kenya with access to accurate and affordable information, particularly in rural areas. The delegation concluded that this information void provides a fertile ground for acceptance of rumour as fact, and that, reconciliation in such an atmosphere is impossible. The cheapness and availability of firearms can only exacerbate the cycle of revenge.

The delegation concluded that since 1991, when the government was forced to introduce a multiparty system, it has actively undermined freedom of expression and contributed to and promoted a culture of impunity and growing violence, with the aim of undermining genuine and meaningful reforms. Pressure for reforms is continually met with a combination of sticks and carrots, in the form of brutal state violence tempered by promises of change.

Most recently demands for an open and inclusive process of constitutional reform have provoked government threats to deregister non-governmental organizations, and serious harassment of human rights activists.

Despite interventions by the international community on human rights issues in the lead-up to the elections in December 1997, momentum has not been sustained. Small concessions by the Kenyan government, often not carried through, have been hailed as major steps forward, missing the ongoing pattern of government unwillingness to promote and protect the rights of all its citizens regardless of ethnicity or political affiliation.

Kenya is a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. Amnesty International, ARTICLE 19 and Human Rights Watch call on the Kenyan government to prevent future human rights violations, hold perpetrators of such violations accountable and defend freedom of speech, association and assembly. The international community should increase pressure on the Kenyan government to uphold its national and international legal obligations and should closely monitor any promised reforms using clearly articulated benchmarks.

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