

Kenya

Response to Information Request Number:	KEN99001.RIC
Date:	12 July 1999
Subject:	Kenya: 1) Information on the status and treatment of members of the Safina opposition party 2) Information on the murder of Dr. Robert Ouko in 1990
From:	INS Resource Information Center, Washington, D.C.
Keywords:	Kenya / Safina / Arbitrary arrest / Detained persons / Freedom of association / Freedom of expression / Opposition leaders / Prisoners of conscience / Political opposition / Political persecution / Political prisoners

Query:

- 1) What is the status of the Safina party and how are its members treated?
- 2) What were the circumstances of the 1990 murder of Dr. Robert Ouko, former minister of foreign affairs and international cooperation?

Response:

1) The Safina party was officially registered by the Kenyan government in November 1997, just 33 days before general elections were to be held (*Political Handbook 1998*, 1998, 497). Before the passage of electoral reform laws in late 1997, the government remained officially opposed to Safina, denying numerous registration attempts and condemning the party as neo-colonialist and subversive (*Political Handbook 1998*, 1998, 497; *Washington Post* 27 Nov. 1997).

Safina, which means "ark" in Kiswahili, was launched in May 1995 by conservationist Richard Leakey, a Kenyan of British descent (*Political Handbook 1998*, p. 497). According to Department of State *Country Reports* for 1996 and 1997, Safina members were beaten, threatened, and arrested by Kenyan police and security forces. In 1995, a Safina officer was beaten and threatened by police when he refused to allow police to search his home without a warrant (*Country Reports 1997*, 1998, 136; *Country Reports 1996*, 1997). Also in 1995, Leakey and other party leaders were assaulted, reportedly by partisans of the ruling Kenya African National Union party (DIRB 4 Apr. 1996).

Intimidation against Safina members by authorities also occurred in February 1997 when security personnel violently broke up a party meeting (*Country Reports 1998*, 1999, 163; *Political Handbook 1998*, 1998, 498).

After Safina was officially registered in November 1997, three members won parliament seats in the December elections (*Political Handbook 1998*, 1998, 498). According to the Kenya Desk Officer at the U.S. Department of State, opposition parties have not suffered persecution since the multiparty elections (USDOS 7 July 1999). The officer said that the U.S. Embassy in Nairobi reported "no evidence whatsoever of persecution" of Safina party members in the last year. "Claims of persecution are not credible given the current political climate," she said (USDOS 7 July 1999). However, both Amnesty International and Human Rights Watch reported that government opponents continued to be intimidated and harassed by authorities in 1998 (AI 1998; HRW Dec. 1998, 46).

2) Dr. Robert Ouko, Minister for Foreign Affairs and International Cooperation, was killed in February 1990 (Africa Watch July 1991; *The East African* 24 June 1999; *The Nation* 4 June 1999). Widespread suspicion of official complicity in the murder led to large anti-government demonstrations and riots in Nairobi and Kisumu, the capital of Nyanza province (Africa Watch 1991, 29).

In the nine years since Ouko's death, numerous inquiries have resulted in no conclusive findings or convictions. In recent months, several sources have proffered new theories on who was behind the murder. Scotland Yard detective John Troon said that the motive for the murder was Ouko's investigation of corruption at the Kisumu Molasses plant, while British biographer Andrew Morton blamed the killing on a rift between Ouko and late presidential secretary Hezekiah Oyugi (*The East African* 24 June 1999; *The Nation* 5 Nov. 1998).

In May, Member of Parliament James Orengo accused the government of covering up the Ouko murder; Orengo claimed that he received anonymous letters and telephone threats "telling him to tread carefully because he was not better than Dr. Robert Ouko" (*The Nation* May 12 1999; *The Nation* 21 Apr. 1999).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

References:

Africa Watch. July 1991. *Kenya: Taking Liberties*. New York: Human Rights Watch.

Amnesty International (AI). 1998. "Kenya," *Amnesty International Report 1999*. (Internet: Amnesty International gopher)

Country Reports on Human Rights Practices for 1997. March 1998. U.S. Department of State. Washington, D.C.: U.S. Government Printing Office.

Country Reports on Human Rights Practices for 1996. February 1997. U.S. Department of State. Washington, D.C.: U.S. Government Printing Office.

The East African [Nairobi]. 24 June 1999. Paul Redfern. "Moi Biographer Advised to Call off Interview." (WESTLAW)

Human Rights Watch (HRW). December 1998. "Kenya," *Human Rights Watch World Report 1999*. New York: Human Rights Watch.

Immigration and Refugee Board, Documentation, Information, and Research Branch (DIRB), Ottawa. 4 April 1996. Response to Information Request KEN23558.E.

[Internet] <http://www.cisr.gc.ca/cgi-bin/foioci.exe/refinfo>.

The Nation [Nairobi]. 4 June 1999. Vincent Mwangi. "Ouko: Biwott to serve authors." (WESTLAW)

The Nation [Nairobi]. 12 May 1999. Kipkoech Tanui and Alfred Odour. "Orengo alleges cover-up." (WESTLAW)

The Nation [Nairobi]. 21 April 1999. Mburo Mwangi. "Orengo implicates govt, NDP leaders in 'murder plot.'" (WESTLAW)

The Nation [Nairobi]. 5 November 1998. Mutegi Njau. "Oyugi 'Directly Involved in Ouko Murder' – Book." (WESTLAW).

Political Handbook of the World 1998. 1998. Edited by Arthur S. Banks and Thomas C. Muller. Binghamton, NY: CSA Publications.

U.S. Department of State (USDOS). Kenya Country Desk. 7 July 1999. Telephone Interview, Washington, DC.

Washington Post. 27 November 1997. Stephen Buckley. "Kenya Recognizes Long-Spurned Party." (WESTLAW).

Attachments:

Africa Watch. July 1991. "Deadly Verdict: The Murder of Foreign Minister Dr. Robert Ouko," *Kenya: Taking Liberties*. New York: Human Rights Watch.

The East African [Nairobi]. 24 June 1999. Paul Redfern. "Moi Biographer Advised to Call off Interview." (WESTLAW)

Immigration and Refugee Board, Documentation, Information, and Research Branch (DIRB), Ottawa. 4 April 1996. Response to Information Request KEN23558.E.

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The Nation [Nairobi]. 12 May 1999. Kipkoech Tanui and Alfred Odour. "Orengo alleges cover-up." (WESTLAW)

The Nation [Nairobi]. 21 April 1999. Mburo Mwangi. "Orengo implicates govt, NDP leaders in 'murder plot.'" (WESTLAW)

The Nation [Nairobi]. 5 November 1998. Mutegi Njau. "Oyugi 'Directly Involved in Ouko Murder' – Book." (WESTLAW).

Political Handbook of the World 1998. 1998. Edited by Arthur S. Banks and Thomas C. Muller. "Kenya." Binghamton, NY: CSA Publications.

Washington Post. 27 November 1997. Stephen Buckley. "Kenya Recognizes Long-Spurned Party." (WESTLAW)

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