



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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4 August 2004

### **KEN42855.FE**

Kenya: Conditions in the country, including human rights and the current political situation (September 2003-August 2004)  
Research Directorate, Immigration and Refugee Board, Ottawa

This Response is an update to KEN42064.E of 26 September 2003 on the conditions in Kenya since the election of the National Rainbow Coalition (NARC).

During his December 2002 election campaign, Kenyan President Mwa Kibaki promised to enact a new constitution within his first 100 days in office (BBC 24 July 2004; *ibid* . 30 June 2004; see also KEN42064.E of 26 September 2003). However, a recent decision to push back, for a second time, the enactment of the constitution, scheduled for release on 30 June 2004, not only resulted in changes in the political agenda (IRIN 1 July 2004; *ibid*. 5 July 2004; BBC 3 July 2004; *ibid* . 30 June 2004; *Courrier international* 5 July 2004), but also in demonstrations in the country's major cities (*ibid* .; IRIN 5 July 2004; BBC 24 July 2004; *Le Monde* 6 July 2004).

The failure to comply with the political agenda caused the NARC to split (BBC 9 July 2004; *ibid* . 7 July 2004). In the departmental shuffle that followed, members of the Liberal Democratic Party [one of the 14 NARC components] were demoted (BBC 7 July 2004; *ibid* . 3 July 2004; *ibid* . 30 June 2004; IRIN 7 July 2004) or sidelined (*Le Monde* 6 July 2004), while members of the former governing party, the Kenyan African National Union (KANU), were brought into the new "government of national unity" (IRIN 1 July 2004; BBC 7 July 2004; *ibid* . 3 July 2004; *ibid* . 30 June 2004). The Forum for the Restoration of Democracy-People (FORD) also became part of the new government when its president, Simeon Nyachae, was appointed as energy minister (BBC 30 June 2004; IRIN 1 July 2004).

Police used bullets, batons and teargas to quell the demonstrations in early July 2004 that resulted from the President's announcement that the new constitution would be delayed; some protestors were chased by officers and injured in clashes (BBC 7 July 2004; *ibid* . 3 July 2004; IRIN 7 July 2004; *Courier International* 9 July 2004; *Le Monde* 6 July 2004; AFP 7 July 2004). Reports on the demonstrations indicated that one person was killed, one hundred were arrested, and ten were injured by police shooting at protestors in the streets of Kisumu, a city in western Kenya (BBC 9 July 2004; *ibid* . 7 July 2004; *The Nation* 7 July 2004a; IRIN 7 July 2004). Another demonstration, organized on 3 July 2004 in Nairobi by a lobby group called Katiba Watch [meaning "constitution watch"] (*Le Monde* 6 July 2004; AFP 3 July 2004) and in which some members of the opposition and the NARC also participated, resulted in more clashes with

police (*ibid* .; *Le Monde* 6 July 2004; BBC 3 July 2004; *Courrier International* 5 July 2004). According to some sources, several people were injured and others arrested during this protest (IRIN 5 July 2004; BBC 3 July 2004). A 24 July 2004 BBC article indicated that approximately 3,000 people rallied in a third demonstration in the costal city of Mombassa, but no injuries were reported.

Recent corroborating sources noted an increase in incidents of torture by Kenyan police forces (*The Nation* 7 July 2004b; *ibid* . 28 June 2004; IPS 24 June 2004; BBC 28 June 2004; *Kenya Times* 18 Dec. 2003). One source estimated the number of victims of torture and extrajudiciary killings in 2003 at 358 (*The Nation* 7 July 2004b), while another had the number at 458, compared with 140 cases reported in 2002 (IPS 24 June 2004). Many incidents involved the rape of women in police cells to get evidence from suspects (*The Nation* 28 June 2004).

With regard to freedom of the press, two sources indicated that, in January 2004, police cracked down on newspaper kiosks in several cities, arresting vendors and confiscating newspapers (IFEX 12 Jan. 2004; *Africa Research Bulletin* 26 Feb. 2004, 15605). The newspapers targeted in these raids included *The Independent* , *Kenya Confidential* , *Citizen Weekly* , *News Post* , *Weekly Wembe* and *Summit* (*ibid* .; IFEX 12 Jan. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate 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. Please find below the list of additional sources consulted in researching this Information Request.

#### References

*Africa Research Bulletin* [London]. 26 February 2004. Vol. 41, No. 1. "Kenya: 'Gutter Press' Crackdown."

Agence France Presse (AFP). 7 July 2004. Bogonko Bosire and Gerald Vandenberghe. "Kenya : l'opposition revoit son plan de manifestations, un mort à Kisumu." (Dialog)

\_\_\_\_\_. 3 July 2004. "Police Clash with First Anti-Kibati Regime Demonstrators in Kenya." (Dialog)

BBC. 24 July 2004. "Kenyans Rally for New Constitution."  
<<http://news.bbc.co.uk/1/hi/world/africa/3923429.stm>> [Accessed 26 July 2004]

\_\_\_\_\_. 9 July 2004. "Annan Urges Calm Reform in Kenya."  
<<http://news.bbc.co.uk/1/hi/world/africa/3879513.stm>> [Accessed 9 July 2004]

\_\_\_\_\_. 7 July 2004. "Police Shoot Kenyan Protesters."  
<<http://news.bbc.co.uk/1/hi/world/africa/3873433.stm>> [Accessed 9 July 2004]

\_\_\_\_\_. 3 July 2004. "Tear Gas Fired at Nairobi Rally."  
<<http://news.bbc.co.uk/2/hi/africa/3862555.stm>> [Accessed 9 July 2004]

\_\_\_\_\_. 30 July 2004. "New Unity Government for Kenya."

<<http://news.bbc.co.uk/1/hi/world/africa/3854449.stm>> [Accessed 8 July 2004]

\_\_\_\_\_. 28 June 2004. "Kenya: Rights Groups Claims Torture Cases 'Increasing'." (BBC International Reports/Dialog)

*Courrier International* [Paris]. 9 July 2004. "Kenya - Emeutes et chaos à Nairobi." (NEXIS)

Integrated Regional Information Networks (IRIN). 7 July 2004. UN Office for the Coordination of Humanitarian Affairs (OCHA). "Kenya: One Killed, Several Injured in Pro-Reform Demo in Kisumu." <<http://www.irinnews.org>> [Accessed 27 July 2004]

\_\_\_\_\_. 5 July 2004. UN Office for the Coordination of Humanitarian Affairs (OCHA). "Kenya: Political Activists Plan More Rallies after Nairobi Riots." <<http://www.irinnews.org>> [Accessed 27 July 2004]

\_\_\_\_\_. 1 July 2004. UN Office for the Coordination of Humanitarian Affairs (OCHA). "Kenya: President Brings Opposition Leaders into Government." <<http://www.irinnews.org>> [Accessed 26 July 2004]

Inter Press Service (IPS). 24 June 2004. Joyce Mulama. "Rights - Kenya: Police Torture Said to Be on the Rise." <<http://ipsnews.org/africa/interna.asp?idnews=24357>> [Accessed 26 July 2004]

International Freedom of Expression Exchange (IFEX) [Toronto]. 12 January 2004. "Police Crack Down on 'Alternative Press.'" <<http://www.ifex.org/en/content/view/full/56106>> [Accessed 28 July 2004]

*Kenya Times* [Nairobi]. 18 December 2003. Alice Mithamo. "Govt Urged to Intervene Over Torture." <<http://www.kenyatimes.com/18dec03/nwsstory/news18.html>> [Accessed 29 July 2004]

*Le Monde* [Paris]. 6 July 2004. "À Nairobi, un rassemblement pour la réforme de la constitution est dispersée par la forces." (NEXIS)

*The Nation* [Nairobi]. 7 July 2004a. Allan Odhiambo. "Police Shoot Eight in Kisumu Riots," <<http://fr.allafrica.com/stories/200407070016.html>> [Accessed 26 July 2004]

\_\_\_\_\_. 7 July 2004b. Lucas Barasa. "The Ugly Face of Police Injustice." <<http://fr.allafrica.com/stories/200407061437.html>> [Accessed 26 July 2004]

\_\_\_\_\_. 28 June 2004. Angwenyi. "Torture Cases on the Rise, Say Rights Groups." <<http://fr.allafrica.com/stories/200406280485.html>> [Accessed 28 July 2004]

#### Additional Sources Consulted

**Publications** : *Africa Confidential* , *Indian Ocean Newsletter* , *Jeune Afrique/L'Intelligent* , Resource Centre country file.

**Internet sites, including** : AllAfrica, Amnesty International (AI), Ecoi.net, Human Rights Watch (HRW), ReliefWeb, Swiss Refugee Council (OSAR), United States Department of State.

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