

same day a court in Almaty ordered the immediate suspension of all Alga activities and other courts ordered the majority of the targeted media outlets to stop publication, distribution and broadcasting.

Refugees and asylum-seekers

In defiance of a decision of the UN Committee against Torture and in contravention of its obligations under international human rights and refugee law, Kazakhstan continued to detain individuals with a view to extraditing them to countries, such as Uzbekistan, where they would risk facing torture or other ill-treatment.

In June, the Committee decided that by extraditing 28 Uzbek men, including asylum-seekers to Uzbekistan, Kazakhstan was in violation of the UN Convention against Torture.

■ Sobir Nosirov, an Uzbekistani man, was held for 12 months for extradition purposes, and then released in July 2012 without charge. He had left Uzbekistan with his family to work in Russia in 2005 and was granted legal temporary residence and work permits. In July 2011 he was unexpectedly detained at the border with Kazakhstan, due to an arrest warrant issued by Uzbekistan for his alleged participation in the violent unrest in Andizhan in May 2005. He was held incommunicado for several days in Uralsk. Despite clear evidence that charges outlined in the extradition request did not stand up to scrutiny, the court did not release him from detention. He was released without an official explanation on 24 July 2012 and escorted by security forces to the Russian border.

Amnesty International visits/reports

🚗 Amnesty International delegates visited Kazakhstan in December.

📄 Kazakhstan: Progress and nature of official investigations called into question 100 days after violent clashes between police and protesters in Zhanaozen (EUR 57/001/2012)

KENYA

REPUBLIC OF KENYA

Head of state and government:

Mwai Kibaki

Freedom of assembly and expression were attacked. Impunity persisted for both past and current human rights violations, including unlawful killings. Somali refugees and asylum-seekers were targets of xenophobic violence, and faced arbitrary arrest by the police. There were a number of grenade and bomb attacks in border towns in North-Eastern Province and in Nairobi.

Background

The implementation of constitutional reforms continued throughout the year, with Parliament passing more than 27 Bills. However, the Commission for the Implementation of the Constitution (CIC) criticized some of the Bills as not in line with the Constitution. The implementation of some laws that had been passed by Parliament, including the National Police Service Act, was delayed.

The country's security situation was affected by episodes of violence across the country, including in North-Eastern Province, Coastal Province and the cities of Kisumu and Nairobi.

Impunity – post-election violence

No steps were taken to bring people responsible for crimes and human rights violations, including possible crimes against humanity, allegedly committed during the post-election violence of 2007-2008, to justice, despite the government saying several times that investigations were continuing.

In February, the Director of Public Prosecutions established a taskforce to deal with the prosecution of 5,000 pending cases. It was the third time a taskforce had been created to look into the caseload. In August, the taskforce revealed that most of the evidence was not of a sufficient standard for trial.

The UN Human Rights Committee, in its Concluding Observations issued in July following consideration of Kenya's record in implementing the International Covenant on Civil and Political Rights, expressed concern at the lack of investigations and prosecution of those responsible for the violence.

Human rights violations by police

Amnesty International continued to receive reports of a range of human rights violations by the police including excessive use of force, arbitrary arrests and cases of ill-treatment of people in police detention. There were also numerous reports that the police targeted members of particular communities, in particular people of Somali origin, across the country.

Impunity for human rights violations committed by the police continued. The implementation of key laws setting the framework for police reform was seriously delayed. The Independent Policing Oversight Authority (IPOA) began work in June. It was mandated to investigate complaints and disciplinary or criminal offences committed by any member of the National Police Service. However, there were concerns that the budget allocated to IPOA was not sufficient for it to carry out its mandate.

■ In October, police arrested Mombasa Republican Council (MRC) leader Omar Mwamnuadzi, as well as more than 40 other people believed to be members of the MRC. During their arrest, two people were killed and several others injured by the police, including Omar Mwamnuadzi who was beaten. The group was charged with a range of offences, including belonging to an unlawful group, incitement and possession of firearms. Their cases were pending at the end of the year.

■ In October, police fired rubber bullets into a crowd demonstrating outside a police station about insecurity in Mathare, an informal settlement in Nairobi. Three protesters were arrested and charged with incitement to violence. Seven activists, including an Amnesty International staff member and two volunteers, who had attempted to meet with the police to discuss the protest, were arbitrarily detained, held overnight at Pangani police station in incommunicado detention and beaten. They were charged with incitement to violence, obstructing an officer while on duty and disorderly behaviour. The case was pending at the end of the year.

In November and December, hundreds of ethnic Somali people were arbitrarily or discriminatorily detained by the police and other security forces, particularly in the Eastleigh area of Nairobi, following grenade or other bomb attacks. The attacks were thought to be linked to Al Shabaab, an Islamist armed group operating in Somalia but which has allegedly carried out some operations in Kenya. However, there

is also a pattern of discrimination against Somalis in Kenya because of the perceived burden on the country as it hosts a large number of Somali refugees (see Refugees and asylum-seekers sub-section). Over the course of three days in December, up to 300 people were reported to have been arrested, including Somali refugees and asylum-seekers as well as Kenyan Somalis. Most were subsequently released without charge. However, many of those detained alleged that security forces had ill-treated them during arrest or detention and had extorted, or attempted to extort, money from them. The wave of arrests and lack of charges gives rise to serious concerns that the response of the authorities was rooted in discrimination against Somalis.

■ In October, Shem Kwega, an Orange Democratic Movement politician, was killed in Kisumu city by unknown people. His death led to a public demonstration, which turned violent, with stones being thrown at police. In responding to the protest the police used live ammunition and four people were reported to have been fatally shot. A number of people also died when a container in which they took shelter caught fire. Witnesses said that the fire started when police fired tear gas into the container.

Communal violence

Conflict between the Pokomo and Orma communities over water and pasture land intensified in Tana River County. It is believed that some 200 people had been killed in such clashes by the end of the year, and approximately 30,000 displaced.

Despite the deployment of more than 2,000 police officers to the Tana Delta in September, the clashes persisted, raising serious concerns about the security forces' response to the situation and their ability to protect the human rights of people in Tana. Residents claimed that they repeatedly attempted to raise their concerns about the escalating situation with the police and security forces before August, but they were not taken seriously.

The Kenyan authorities created a Commission of Inquiry to investigate these killings and allegations that the police failed to respond appropriately, but it had yet to report by the end of the year.

International justice

In January, Pre-Trial Chamber II of the International Criminal Court (ICC) decided to proceed to trial in

cases against William Ruto, Joshua arap Sang, Uhuru Kenyatta and Francis Muthaura for crimes against humanity allegedly committed during post election violence in Kenya in 2007-2008. Uhuru Kenyatta, currently the Deputy Prime Minister, and William Ruto, a former government minister had declared they would be candidates in Kenya's 2013 elections. The Kenyan government appeared to try to undermine the ICC's jurisdiction over the four cases. The East African Legislative Assembly (EALA) passed a resolution in April urging the East African Community Council of Ministers to request the transfer of the ICC cases to the East African Court of Justice (EACJ). However, the East African court does not have jurisdiction over crimes under international law. In July, the ICC announced that the trials would commence in April 2013.

Refugees and asylum-seekers

By the end of 2012 Kenya was hosting in excess of 600,000 refugees and asylum-seekers, the vast majority of whom were from Somalia. Most were living at the Dadaab refugee camps. The process for registration of new arrivals in Dadaab remained suspended, as did the transportation of asylum-seekers from the border to Dadaab – which meant people had to walk about 100km to seek asylum. Police continued to abuse refugees in the Dadaab camps. In May, Kenyan police arbitrarily arrested, detained, and beat refugees after an attack on a police vehicle in the camps. Police were purportedly searching for explosives.

Senior government officials repeatedly threatened to close the Dadaab refugee camps and forcibly return all residents to southern Somalia throughout the year, describing Dadaab as a “security threat” and claiming that areas of southern Somalia were safe. Amnesty International and other human rights groups disputed this (see Somalia entry).

In addition to those living in refugee camps in Kenya, some 55,000 refugees and asylum-seekers were registered with UNHCR in Nairobi and other urban centres.

In December, the Kenyan government announced that all refugees and asylum-seekers in urban areas should be relocated to refugee camps. UNHCR expressed serious concern and called on the government not to implement the policy.

Internally displaced people

The Internally Displaced Persons Act was passed by Parliament in October. The Act requires the government and others to protect people against factors which could cause them to become displaced, and requires the government to put in place structures to assist those who become internally displaced.

Housing rights – forced evictions

■ On 28 January, police forcibly evicted scores of people in Mukuru Kwa N'jenga in the east of Nairobi from their homes. Three people died in the process. One woman was electrocuted by a live power cable that fell during the eviction and another woman was killed by a stray bullet. The third person, a child, was killed during a stampede by anti-eviction demonstrators fleeing from police.

■ In August, people from 70 homes were forcibly evicted from Kiamaiko informal settlement in Nairobi, in spite of an ongoing court case to settle ownership of the land.

■ Deep Sea community in Nairobi remained at risk of forced eviction to make way for a road development project by the Kenya Road Authority (KURA). While KURA was developing a relocation plan for affected residents, community members said that they had not been adequately consulted about the plan and that it did not accurately reflect the number of people due to be affected by the eviction.

A Private Member's Bill providing guidelines for evictions and prohibiting forced evictions was tabled in Parliament in October. However, the Bill was not debated by the end of the year. In October, the Ministry of Lands appointed a new taskforce to review a similar Bill which the Ministry had drafted in 2011 but which had not been tabled in Parliament.

Death penalty

No executions were carried out in the country, but at least 21 death sentences were imposed throughout the year. The Kenya Defence Forces Act, passed in 2012, allowed for members of Kenya's Defence Forces being sentenced to death for a range of offences, including treachery, spying, aiding the enemy, assisting the enemy with intelligence information and unlawfully advocating for a change of government.

Amnesty International visits/reports

🚗 Amnesty International visited Kenya in January, October and December.

📄 Kenya: Submission to the Human Rights Committee, July 2012
(AFR 32/002/2012)

KOREA

(DEMOCRATIC PEOPLE'S REPUBLIC OF)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Head of state:

Kim Jong-un

Head of government:

Choe Yong-rim

Systematic human rights violations remained widespread. The food crisis persisted, with chronic and widespread malnutrition still a public health concern. Millions faced continued food insecurity and remained dependent on food aid. Despite reports that one political prison camp had closed, tens of thousands remained detained in such camps where they were subjected to sustained violations of their human rights, including extrajudicial executions, forced labour and torture and other ill-treatment. There were reports of executions, including of those purged in the leadership transition. Severe restrictions on the rights to freedom of expression, association, opinion and assembly persisted. The media remained under strict control.

Background

Kim Jong-un, North Korea's Supreme Leader following the death of his father in 2011 was elected to the newly created position of First Secretary of the Workers' Party of Korea on 11 April and promoted to Marshal of the Korean People's Army in July. The Democratic People's Republic of Korea (North Korea) successfully launched an Unha-3 rocket on 12 December, sending a satellite into space, after a number of failed attempts.

State media announced a prisoner amnesty in January, due to begin 1 February, marking the anniversary of the birth of the late North Korean leader Kim Jong-il; however, no information about the releases was made public.

In July, floods resulted in severe damage to housing, infrastructure and public buildings. According to government figures, at least 212,200 people were left homeless and 169 people were killed.

Food crisis

Despite reports that harvests had improved for a second year, food insecurity remained widespread. In November, the UN's Food and Agriculture Organization and World Food Programme Crop and Food Security Mission report stated that although household food consumption had improved, "serious gaps remained between recommended and actual nutrient intake. The predominant share of the population remains food insecure". Chronic malnutrition continued to plague most people, with several reportedly dying of starvation.

Arbitrary arrests and detentions

Hundreds of thousands remained arbitrarily detained, or held for indeterminate periods without charge or trial in political prison camps and other detention facilities. Detainees faced systematic and sustained violations of their human rights, including extrajudicial executions and long hours of forced hard labour with no rest days. Torture and other ill-treatment appeared to be widespread in prison camps. Many detainees died due to forced labour in perilous conditions, including inadequate access to food or medical care.

In October, there were reports that Political Prison Camp 22 in Hoeryong, North Hamkyung province, had been closed. It was not clear when the prison camp closed and where the prisoners, estimated at between 20,000 and 50,000, had been transferred. The camp, one of five of its kind, was a total control zone where inmates were held for life, without reprieve. Many of those held in political prison camps had not committed any crime, but were related to those deemed hostile to the regime and were held as a form of collective punishment.

■ In response to a query from the UN Working Group on Arbitrary Detention, the government stated in April that Shin Sook-ja, last known to have been held with her two daughters in Political Prisoner Camp 15 at Yodok, had died of complications linked to hepatitis. They also claimed that her daughters did not want any contact with their father Oh Kil-nam, now based in the Republic of Korea. This information could not be verified and it was not clear when Shin Sook-ja died or