

AMNESTY INTERNATIONAL REPORT 2022/23

**THE STATE OF THE WORLD'S
HUMAN RIGHTS**



**AMNESTY
INTERNATIONAL**



FAILURE TO TACKLE CLIMATE CRISIS

Kazakhstan's energy sector remained almost entirely dependent on fossil fuels. The government had not updated its NDC to reduce greenhouse gas emissions since 2016.

1. "Kazakhstan: Ordering security forces to 'fire without warning' a recipe for disaster", 7 January

KENYA

Republic of Kenya

Head of state and government: **William Samoei Ruto** (replaced Uhuru Muigai Kenyatta in September)

The police used excessive and sometimes lethal force to break up protests. The right to life continued to be violated. Over 100 people were unlawfully killed; the incoming president disbanded a police unit he said was responsible for such killings. Millions suffered hunger due to prolonged drought. The government continued to struggle to protect social and economic rights, including to housing and health. Steps were made towards the realization of women's and girls' rights. The High Court directed parliament to enact legislation allowing abortion in some circumstances.

BACKGROUND

The Supreme Court confirmed William Ruto as the president following a contested election. He was sworn in on 13 September.

FREEDOM OF EXPRESSION AND ASSEMBLY

On 9 April, activists Anthony Kanyiri, Minoo Kyaa, Nahashon Kamau and Clinton Ojiambo were arrested in Kasarani for protesting against high living costs. They were charged with unlawful assembly and resisting arrest and were later released on cash bail.

EXCESSIVE USE OF FORCE

On 2 June, General Service Unit officers killed four protesters and injured seven others in Masimba, Kajiado County.¹ They

had been demonstrating against the Kenya Wildlife Service's inaction in dealing with elephants after Felix Kilapae Moloma, a 27-year-old teacher, was killed by an elephant. The police officers opened fire on the demonstrators on the Nairobi-Mombasa highway. They said they were responding to protesters throwing stones at them. The cabinet secretary for the Interior and Coordination of National Government ordered the Inspector General of Police to investigate the killings, but no further information was provided by the end of the year.

RIGHT TO LIFE AND SECURITY OF THE PERSON

Elizabeth Ekaru, a human rights defender and a member of the Isiolo Gender Watch Community Group, was killed in Isiolo County on 3 January following a suspected land dispute. A suspect was arrested and charged. The case was ongoing at the end of the year.

Sheila Lumumba was found dead in her house in Karatina, Nyeri County, on 17 April. The pathologist's report showed signs of rape, broken limbs and multiple stab wounds to the neck and chest areas. Two suspects were arrested, and one of them was standing trial. During the presidential election period, Wafula Chebukati, chairperson of the Independent Electoral and Boundaries Commission (IEBC) complained of intimidation, profiling, abduction and harassment of electoral officials by security agencies. The Embakasi East Constituency returning officer, Daniel Mbolu Musyoka, disappeared on 11 August and was found dead four days later.² The Director of Public Prosecutions directed the Inspector General of Police to investigate the disappearance and killing within seven days. On 19 October, four people were arrested in connection to the killing and arraigned. A woman who was in possession of the official's phone agreed to testify in court.

EXTRAJUDICIAL EXECUTIONS

According to Missing Voices, a coalition of human rights organizations, including

Amnesty International Kenya, 128 people were extrajudicially executed by the police in 2022. In January, 37 bodies were recovered from the River Yala in western Kenya. The bodies bore injuries, including deep cuts and severed fingers, and some appeared to have been suffocated by having their heads covered by polythene bags; most of the bodies were decomposed beyond recognition.³ Officers of the Special Service Unit (SSU), a branch of the National Police Service (NPS), were suspected of having questioned some of the victims before their deaths or were seen accompanying them. Some of the victims were suspects in criminal matters, some had won cases against the NPS and others had no record of criminal cases. At the time the bodies were discovered, no information was made public about any impending or ongoing national security threats.

On 16 October, the president disbanded the SSU, noting that it was responsible for extrajudicial executions in Kenya. He further noted that the police unit had resorted to killing people to restore security instead of protecting them. Following this, nine suspects were arrested in connection with the bodies found in the River Yala. The case was ongoing at the end of the year.

On 22 July, the High Court found police officers Fredrick Leliman, Stephen Cheburet and Sylvia Wanjiku, and police informer Peter Ngugi, guilty of murdering Willy Kimani, his client Josephat Mwenda and their taxi driver Joseph Muiruri on 23 June 2016. Willy Kimani was a human rights lawyer working with the International Justice Mission. The men were killed on their way from the Mavoko law courts in Machakos County.

FORCED EVICTIONS

The government failed to resettle 18,988 households forcibly evicted in Mukuru Kwa Njenga, an informal settlement in the capital, Nairobi. In January, then President Kenyatta apologized for the demolition of their houses in November 2021, which had been carried out to make way for the construction of a

highway leading to Jomo Kenyatta International Airport.

To mitigate the ongoing housing shortage in Kenya, President Ruto's new administration committed to increasing the supply of new housing to 250,000 units each year and the percentage of affordable housing from 2% to 50%. On 8 December, the construction of 5,300 units in Mavoko, Machakos County, began. The president promised to enhance partnerships with local authorities and private investors to create more affordable housing.

RIGHT TO FOOD

In February, Kenyans protested on social media against the increased cost of food and high cost of living. By December, inflation had reached 9.5%, driven by the rise in the price of food. The war in Ukraine affected food prices because, according to the Agriculture and Food Authority, 90% of wheat consumed in Kenya had been imported from Russia and Ukraine before the war there. The cost of fertilizers had also risen by 70% since 2021, attributed to supply chain disruptions caused by the Covid-19 pandemic.

Climate change is known to have led to extreme weather conditions such as those experienced in northern Kenya, which did not have rain for the third consecutive year. It was considered the worst drought in the Horn of Africa in 40 years.⁴ Nearly 652,960 children under the age of five and 96,480 pregnant and lactating women were acutely malnourished, according to official figures from June. On 8 September, then President Kenyatta declared the drought in northern Kenya a national disaster, with 4 million people continuing to suffer from hunger among which 3.1 million faced acute food insecurity.

RIGHT TO HEALTH

Only 9.35 million Kenyans had been fully vaccinated against Covid-19 despite a government commitment to vaccinate 19 million adults by the end of June and the entire adult population of 27 million people by December. The shortfall was partly due to vaccines expiring after the government

delayed in administering 840,000 doses donated to Kenya.

On 21 June, President Kenyatta signed into law the Mental Health (Amendment) Act 2022. The Act aimed to ensure that everyone with mental health needs receives the highest attainable standard of care in line with the constitution.

WOMEN'S RIGHTS

In the August elections, seven women were elected as governors, three as senators, and 26 as members of the national assembly. One hundred others were elected as members of county assemblies. Additionally, President Ruto appointed seven women to cabinet secretary posts and three to cabinet-level roles, increasing their representation by three women. However, the number of appointments was less than half the 22 female cabinet secretaries he had promised under the women's charter prior to his election.

SEXUAL AND REPRODUCTIVE RIGHTS

On 24 March, the High Court in Malindi found that the police had violated the rights of a minor (known as PAK) to privacy and doctor-patient confidentiality after she was arrested and charged under penal code provisions with "procuring abortion". In 2019, a doctor had examined PAK at a health centre in Malindi and concluded that she had suffered a "spontaneous abortion" (miscarriage). He performed a manual vacuum evacuation after which plainclothes police stormed the medical facility, arresting PAK and the doctor. She took her case to the High Court, challenging the interpretation of penal code provisions that criminalize abortion, based on her right to life as recognized in the constitution, and on grounds that she should enjoy access to the highest health standards, freedom from torture and from inhuman treatment, and the right to privacy.

The court ruled that the right to abortion is enshrined in the constitution while noting that penal code provisions criminalize abortion and do not recognize any permissible

grounds for it. The court directed parliament to enact a law and public policy framework that provides for abortion in some cases, in line with the right to life.

-
1. "Kenya: Killing of four protestors by police in Masimba, Kajiado County", 3 June
 2. "Kenya: Intimidation of IEBC officials and the murder of Daniel Musyoka", 18 August
 3. "Kenya: Statement on the discovery of over 30 bodies in the Yala River, Siaya County", 22 January
 4. *Kenya: Missed Opportunities: A Human Rights Scorecard on the Jubilee Administration and Lessons for the Next Government*, 13 July

KOSOVO

Republic of Kosovo

Head of state: **Vjosa Osmani**

Head of government: **Albin Kurti**

Proceedings continued at the Kosovo Specialist Chambers established in The Hague in 2016. The Kosovo Assembly failed to pass the Civil Code due to a provision which would have paved the way for legalization of same-sex unions. Thousands of protesters demanded justice for an 11-year-old girl who was raped by five men in Pristina.

RIGHT TO TRUTH, JUSTICE AND REPARATION

In March, the Supreme Court of Kosovo upheld the guilty verdict of Zoran Djokić, sentenced to 12 years' imprisonment in 2021 for war crimes committed in 1999 against ethnic Albanians in Peja. In May, the Kosovo Specialist Chambers convicted leaders of the Kosovo Liberation Army Veterans Organization, Hysni Gucati and Nasim Haradinaj, for obstruction of justice, intimidation during criminal proceedings and violation of the secrecy of proceedings. They were each sentenced to four-and-a-half years' imprisonment.

In September, Pristina Basic Court sentenced Kosovo Serb Svetomir Bacević to five years' imprisonment for war crimes committed during the Kosovo war of