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KENYA

Political violence spirals

10 June 1998

SUMMARY

AI INDEX: AFR 32/19/98

DISTR: SC/CC/CO/GR

Within a few weeks of the second multiparty Presidential and Parliamentary elections in Kenya on 29 December 1997 parts of the Rift Valley were again affected by politically motivated ethnic violence. The attacks followed a similar pattern to the political violence in the area in the run-up to the previous elections in 1992 and beyond, when supporters of the ruling Kenya African National Union attacked members of ethnic groups considered to support the opposition. The involvement of high-ranking government officials in the 1991 to 1994 clashes was proven. The difference this time was that the violence began after the elections and for the first time members of the Kikuyu community retaliated to the attacks in an organised fashion, following the failure of the government security forces to act. Over 120 people were killed, thousands displaced and hundreds of homes destroyed. Less than six months previously similar political violence had resulted in over 70 deaths and thousands of people displaced in Coast Province.

Local ethnic divisions and disputes appear to be deliberately inflamed for political purposes. This has resulted in violence occurring in different parts of Kenya, 'apparently' of its own accord, but assisted by secretly organised armed groups from outside the area. Since 1992 the authorities have failed to provide sufficient security to the areas affected or to adequately address these human rights violations, to an extent which implies complicity. The response of the communities, whom the government has failed to protect and, in fact, appears to be targeting, has been to meet violence with violence. As a result human rights violations have increased. The majority of the victims, many of whom were elderly, were unarmed and were attacked in their homes. A number of women and children were killed.

At the time of writing this report, sporadic killings continue and the level of tension between the communities affected is palpable. Survivors of the violence in the area describe an ongoing 'war'. Although a small number of arrests has been made, the government has failed to investigate and punish armed aggressors, and to protect frightened, angry and

displaced people. If the spiral of violence is to be stopped, the Kenyan government must take immediate action to prevent further human rights violations.

This report is based on the findings of a joint delegation of Amnesty International, Article 19 and Human Rights Watch which visited Kenya in March and April 1998. The delegation visited Nakuru and Laikipia districts and interviewed more than 200 people from all sections of Kenyan society, including survivors of violent incidents as well as government officials. The joint mission was sent in the wake of waning international attention to the continuing human rights violations in Kenya and reflected the seriousness with which the organisations viewed the situation.

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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KENYA

POLITICAL VIOLENCE SPIRALS

'I was hiding in the bushes... when they saw me, they shouted "here's one". I didn't recognise any of them. I started running away from them and they shot four arrows into my back as they chased me. I kept running and jumped over a fence. They shot at me twice, but missed. I continued running until I stumbled. They caught up with me and then five of them surrounded me and started cutting me with axes. Three of them were wearing the uniform that the administrative police wear. They cut me on my head, neck and arms and left me unconscious' - Kikuyu displaced person, Nakuru district, April 1998

'We can live with other communities, but not with the Kikuyu community. The Kikuyu community will eventually kill us. For 23 years we lived peacefully with the Kikuyu ... But now we can never live with them ... Even if the government promises us security, the Kikuyu will kill us one by one.' - Kalenjin displaced person, Nakuru district, April 1998

1. Introduction

Within a few weeks of the second multiparty Presidential and Parliamentary elections in Kenya on 29 December 1997 parts of the Rift Valley were again affected by politically motivated ethnic violence. The attacks followed a similar pattern to the political violence in the area in the run-up to the previous elections in 1992 and beyond, when supporters of the ruling Kenya African National Union (KANU) attacked members of ethnic groups considered to support the opposition. The involvement of high-ranking government officials in the 1991 to 1994 clashes was proven.¹ The difference this time was that the violence began after the elections and for the first time members of the Kikuyu community retaliated to the attacks in an organised fashion, following the failure of the government security forces to act. Over 120 people were killed, thousands displaced and hundreds of homes destroyed. Less than six months previously similar political violence had resulted in over 70 deaths and thousands of people displaced in Coast Province.² The tension between communities in the Rift Valley, fanned by local and national politicians on both sides, is palpable. Yet the administration appears to be doing little to arrest the perpetrators or to prevent further bloodshed.

Local ethnic divisions and disputes appear to be deliberately inflamed for political purposes. This has resulted in violence occurring in different parts of Kenya, 'apparently'

¹See *The Report of the Parliamentary Select Committee to investigate Ethnic Clashes in Western and Other Parts of Kenya*, September 1992; the report of the National Council of Churches, *The Cursed Arrow: Organized Violence Against Democracy in Kenya*, April 1992 and *Divide and Rule, State-Sponsored Ethnic Violence in Kenya*, Human Rights Watch, November 1993.

²There were numerous reports of ill-treatment by members of the security forces deployed to investigate the political violence at the coast, which the government failed to contain, and was widely believed to have instigated.

of its own accord, but assisted by secretly organised armed groups from outside the area. Since 1992 the authorities have failed to provide sufficient security in the areas affected or to adequately address these human rights violations, to an extent which implies complicity. The effects of this failure were seen in Naishi on 26 January when the Kikuyu community were attacked and responded in an organised and violent fashion, which resulted in the deaths of large numbers of Kalenjin. The response of the communities, whom the government has failed to protect and, in fact, appears to be targeting, has been to meet violence with violence. As a result human rights violations have increased. The majority of the victims, many of whom were elderly, were unarmed and were attacked in their homes. A number of women and children were killed.

At the time of writing this report, sporadic killings continue. The upward 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 and provides adequate protection for all Kenyans.

This report is based on the findings of a joint delegation of Amnesty International, Article 19 and Human Rights Watch which visited Kenya in March and April 1998. The delegation visited Nakuru and Laikipia districts and interviewed more than 200 people from all sections of Kenyan society, including survivors of violent incidents as well as government officials. The joint mission was sent in the wake of waning international attention to the continuing human rights violations in Kenya and reflected the seriousness with which the organisations viewed the situation.

2. Context

The renewal of political violence happened against a backdrop of increased distrust between the government and the opposition, divisions within the ruling party and severe constraints on the economy, resulting in large numbers of unemployed. Politics in Kenya are divided almost entirely along ethnic lines.³ The Kalenjin, together with a number of other ethnic groups, are perceived as KANU supporters while the Kikuyu are perceived as supporters of the opposition, voting mainly for the Democratic Party (DP). Corruption is a major problem in Kenya and political power is abused to benefit the communities of those in power. Though serious concerns were raised regarding aspects of the recent elections and the validity of the result in a number of constituencies has been questioned, the re-election

³Kenya is made up of over 40 different ethnic groups of which the largest is the Kikuyu at 21 per cent. The Kalenjin ethnic group, at 11 per cent, is made up of a number of very small ethnic groups, including the Kipsigis, Nandi, Pokot, Marakwet, Nderobo and President Moi's ethnic group, the Tugen. The Kikuyu are an agricultural community, while the Kalenjin, are mainly semi-nomadic pastoralists.

of President Moi has been accepted by the opposition parties -- with the exception of the DP-- and by the international community.

Significant legislative reforms were passed in November 1997 following talks between the government and opposition politicians in the Inter-Parties Parliamentary Group (IPPG). However, many of these reforms have yet to be implemented and freedom of expression and association continues to be curtailed. Demands for political pluralism, specifically constitutional reform, are answered by calls from KANU Members of Parliament (mps) for the introduction of a *Majimboism* system of ethnic federalism. There is concern that the proposal could be used to strip certain ethnic groups of their rights. Pressure for reform continues to be met with a combination of punishments and rewards, in the form of brutal state repression tempered by promises of change. Recently demands for an open and inclusive process of constitutional reform provoked threats to deregister non-governmental organisations (ngos) and serious harassment of human rights activists. In May a meeting held by opposition and KANU Members of Parliament in Kwanza, Trans Nzoia district, to discuss insecurity in the North Rift Valley, was declared illegal and the police beat politicians, journalists and others to prevent it from continuing.⁴ A subsequent meeting organized three weeks later at the same venue, in direct response to the first meeting, was invaded by 30 armed raiders. Two people were wounded by arrows and scores of others injured after a grenade was apparently thrown into the crowd. According to reports the police did not intervene, but removed the body of one of the raiders killed by the crowd.

Access and rights to land are a key issue of contention in Kenya, particularly in the Rift Valley Province. The customary rights of the nomadic pastoral communities, including the Kalenjin, to land in the province were usurped during the colonial period by white settlers, who expropriated much of the best land. The settlers recruited agricultural labour from neighbouring provinces, particularly the Kikuyu from Central Province, who became squatters on European farms. After Independence the conflicting rights of the pastoralists and the squatter communities were not addressed. Many Kikuyu took advantage of land-buying schemes and settled permanently in the Rift Valley. The area in the Nakuru district affected by the violence had been settled in the late 1970s by both the Kikuyu and Kalenjin communities. Since 1996 2,000 to 3,000 Kalenjin families have been settled by the government in the forest areas neighbouring the Njoro to Molo road.⁵ These families were

⁴A number of people have been killed and several thousand displaced following attacks in the area, described as 'cattle-rustling' by the authorities, which, according to reports, have been conducted by well-organised groups of men armed with guns.

⁵Pressure on land has resulted in forest areas being settled. However, this policy has caused controversy and many settlement schemes have been challenged, often on the grounds that they

from the Bomet and Kericho areas. Prior to the elections the two communities lived peacefully together.

3. Political violence as a human rights issue

*'Everyone has the right to life, liberty and security of the person.'*⁶

*'Extrajudicial executions are unlawful and deliberate killings, carried out by order of a government or with its complicity or acquiescence.'*⁷

Location and timing of the violence

The 1998 attacks began in Laikipia district in mid-January and spread to Nakuru district. They occurred only in areas where the DP had won seats in the 1997 Parliamentary elections and began shortly after Mwai Kibaki, the DP chairperson, announced he was mounting a legal challenge to the Presidential election results.⁸

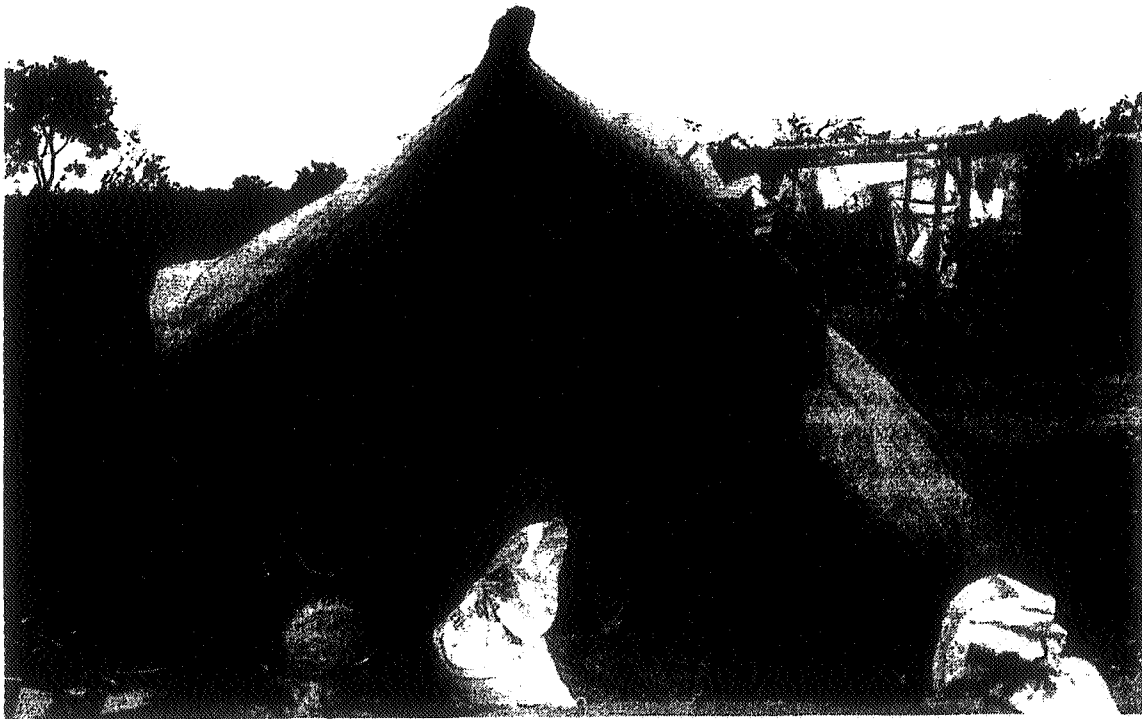
In Laikipia district the violence was sparked by a raid on a farm. On 11 January 1998 the home of Esther Njeri Mburu was attacked by armed Pokot who raped her and her daughter and stole 15 goats. The assailants were followed by a group of Kikuyu who, unable to catch them, attacked 54 animals belonging to the Pokot. This increased the tension in the area and as a result the District Officer of Ng'arua division, Mr Soi, organised a peace meeting on 13 January between the Kikuyu and the Pokot communities. However, shortly after the meeting ended raiders from the Pokot and Samburu communities, supported by some Turkana, began attacking unarmed Kikuyu, killing four people and burning and looting their houses in Magadi, near Ol Moran. Killings, house-burnings and looting then spread to Survey, Miharati and Merigwit. There followed a series of attacks in the area on unarmed Kikuyu in their homes and five women and girls were raped in front of their families. From the 14 to 17 January almost 2,000 people fled the area and sought refuge at the Catholic mission at Ol Moran and the National Council of Churches of Kenya

ignored customary rights to the land. This settlement was challenged by the Ndorobo, one of the Kalenjin ethnic groups.

⁶Universal Declaration of Human Rights, Article 3.

⁷Amnesty International 14-Point Program for the Prevention of Extrajudicial Executions.

⁸In Rift valley Province KANU won 39 seats, the DP seven seats and FORD-Kenya three seats. The MP for Molo, Kihiki Kimani, is the former MP for Laikipia West. He is chairman of the land-buying company *Ngwataniro Mutukania* which settled the Kikuyu in the area in the late 1970s. The same company settled Kikuyu in Laikipia district.



Oi Moran displaced camp, Laikipia district, April 1998.

(NCCK) compounds. Many of the wounded were taken to the Catholic church at Kinambe. One man, Kamand Ndegwa, a driver from Thika district, was killed while assisting some of the displaced to carry their belongings to the camps.

On 17 January the Kikuyu organised a response to the attacks and over 100 men armed with *pangas* (machetes) and *rungus* (sticks) confronted the raiders at Rum-Rum Valley, Mutamaiyu. However the majority of the raiders had guns. They surrounded the Kikuyu and attacked them. Shooting bullets into the air to signal the beginning of the attack, they killed over 30 people and wounded many others.

By the end of January most of the killings in Laikipia district had stopped. Over 50 people had been killed, almost all Kikuyu, over 2,500 people had been displaced and 78 Kikuyu houses and stores had been burnt. There were five reported cases of rape during the attacks. In the previous seven years there had only been eight reported cases of rape. The majority of those people killed were aged over 60, with the exception of those Kikuyu killed on 17 January (see Appendix One). Not all of the bodies of those killed have been found.

In Nakuru district the violence began late at night on 24 January when Kalenjin raiders attacked unarmed Kikuyu in their homes in Mauche at 9pm and later at Ndeffo *Store Mbili* (two stores). The Kikuyu in the area fled to Naishi, a predominantly Kikuyu area, during that evening and the following day.⁹ On 25 and 26 January the Kikuyu responded to the attacks on their community in an organised manner and attacked unarmed Kalenjin in their homes at Naishi. Over 35 Kalenjin were killed. Witnesses described being attacked by organised groups of Kikuyu men carrying *pangas* and *rungus*. One Kalenjin woman described how a large group of Kikuyu men searched her house, accusing her of hiding sixteen Kalenjin raiders, but they found none. She was ordered to accompany the raiders, but when she refused the elders in the group stopped the young men from threatening her further. The following day the raiders came back and burnt her house. She fled with her children, but her mother was killed. One Kalenjin woman lost two of her children, seven and ten years old, for three days when she fled her home in Naishi after it was attacked. Her children were rescued by a Kikuyu neighbour and taken to Kinyanjoya police station.

Attacks by Kalenjin on unarmed Kikuyu civilians continued on 25 January at Mwureri, Mutukanio and again at Mauche. One Kikuyu man described how he was attacked: *'There were about 30 people wearing shukas (loin-cloths) with pangas and spears. I pushed against the door to block them, but they started to dig holes under the wall and push spears through the wall. About 10 of them managed to break in ... then they started to cut me with pangas. My hand was hanging off and they were kicking me and cutting me on my face. Then they left me for dead. They took my five cows and burnt my house before they left.'*¹⁰ On 26 January there were attacks on Kikuyu at Kihingo, Milimani, Likia and Kinyanjoya.

The Kalenjin attacked at Naishi fled to different areas, with some of them travelling through Nakuru game park, reaching Barut Location on the outskirts of Nakuru Town on 27 January. Between 28 and 31 January the Kalenjin attacked the Kikuyu living in Barut who fled to the Presbyterian Church of East Africa in Nakuru Town.

Attacks continued until mid-February. By then over 70 people had been killed many others wounded, 1,500 displaced and over 132 Kikuyu houses and 106 Kalenjin houses had been burnt. The majority of those killed were Kalenjin. Sporadic incidents continue - at the end of April five people were killed, including a 20-year-old woman, Helen Njeri Mbuthia, who died as a result of horrific wounds from *panga* cuts after her house was attacked by a group of Kalenjin men.

⁹Naishi, a Kalenjin name, is also known as Lare in Kikuyu.

¹⁰Interview with Kikuyu displaced person, Nakuru district, 2/4/98.



A demolished house, Nakuru district, April 1998.

Possible outside involvement

Compelling evidence suggests that the initial attacks were organised from outside the area in a similar pattern to the previous political violence. Eyewitness described how the attacks by Kalenjin were well-organised and included both locals and men from outside the area dressed in a 'uniform'. In Laikipia district the attacks did not follow the usual pattern of 'cattle raids', since people, not cattle, were the main targets and houses were burnt and looted. Witnesses described the raiders as approaching houses quietly in an organised manner. Some were local, wearing *shukas* and carrying bows and arrows and *simes* (large knives). But others, not recognised by those they attacked, were wearing green trousers and camouflage jackets. The latter were armed with AK47 rifles and carrying ammunition belts. Almost all the deaths in Laikipia district were from bullet wounds.

Shortly before the attacks in Nakuru district there were reports of over 300 Kalenjin men being transported into the area. One woman stated: *'Three weeks before the attack three lorries came into the area. Each had about 100 men. There were also some smaller cars with women inside. We thought they were being dropped off for a Kalenjin*

celebration.¹¹ Another witness stated that in Kihingo the Kalenjin 'were buying pangas the day before the attack.'¹² Kalenjin raiders were described by eyewitnesses as well-organised, moving together in large groups, making sounds like dogs yelping before attacking, killing people and burning and looting houses in broad daylight, apparently with no fear. Many were wearing a 'uniform' consisting of white shirts and red shorts, some with ash on their faces, and carrying pangas, bows and arrows. One witness described the attack on her village: 'We heard screaming and crying. When we came out of our house we saw houses burning. There were about ten attackers around each house. They were wearing red trousers and white T-shirts. We all ran to the church for safety.'¹³ Survivors stated that the Kalenjin raiders worked in groups with local Kalenjin, who identified the houses of the Kikuyu. One group engaged in fighting and burning houses, a second in looting, and a third group, made up of women, assisted in removing the looted goods. Houses were set on fire after they were looted.

The violent response of the Kikuyu, though also well-organised, does not appear to have involved outsiders. Kalenjin witnesses recognised many of their attackers, often neighbours, who were wearing normal clothes and carrying pangas and rungas.¹

Statements by high-ranking government officials and others

Tension in both areas increased in the lead-up to the elections. Kikuyu witnesses accused the Kalenjin of threatening them by saying that if they did not vote for KANU they would be forced to return to Central Province.¹⁴ In Nakuru district, shortly after the election, the former MP for Molo, Njenga Mungai, warned of rising tension because of the DP's victory over KANU in the area. Before the election Njenga Mungai had resigned from the DP and joined KANU as their candidate for the Molo constituency.

Violence began in Nakuru district within days of KANU politicians holding a meeting in Narok Town on 17 January criticising Mwai Kibaki's announcement that he was mounting a legal challenge to the Presidential election results and verbally threatening DP supporters with reprisals. Several days after the legal challenge was filed in court on 22 January these threats were repeated at two separate meetings held by KANU politicians in the Nandi Hills and Kericho district. One assistant minister in the Office of the President,

¹¹Interview with displaced woman, Nakuru District, 1/4/98.

¹²Interview with eyewitness, 1/4/98.

¹³Interview with displaced woman, 1/4/98.

¹⁴Several Kikuyu shops were burnt at the beginning of December 1997 and there were reports that as a consequence some Kikuyu shop owners were refusing to serve Kalenjin.

Simon Kiptum arap Choge, warned that there would be *'bloodshed country-wide if the Kibaki petition threatened Moi's presidency'*. He and other politicians later denied any involvement in the attacks following widespread condemnation. However, no attempt has been made by the authorities to investigate inflammatory statements made by KANU leaders and no charges have been preferred against them, in spite of the fact that such statements and threats continue to be made.¹⁵

Opposition politicians have also made statements supporting or even justifying their communities right to take up arms and defend themselves, following the lack of action by the authorities. For example, Mwai Kibaki stated: *'Mr Moi cannot afford to maintain silence as if nothing is happening ...[when] the killing of our citizens has been going on in the last two weeks. It is only natural that the victims will take arms to defend themselves.'*¹⁶ President Moi has criticised opposition politicians for making inflammatory statements and accused the DP of fuelling hostilities in its bid for political power. One opposition politician, Steven Ndicho, has been charged with inciting violence.

Response of the authorities

*'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'*¹⁷

*'Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.'*¹⁸

'Measures taken by Governments to open independent and impartial investigations with a view to identifying and bringing to justice those responsible for human rights violations constitutes one of the main pillars of the effective protection of human

¹⁵On 28 March four KANU mps threatened two opposition politicians and a leading government critic and banned them from entering parts of the Rift Valley.

¹⁶Mwai Kibaki, Daily Nation, 27/1/98

¹⁷Article 26 of the International Covenant on Civil and Political Rights (ICCPR)

¹⁸Code of Conduct for Law Enforcement Officials, Article 1.

*rights. Consequently, a climate of impunity for human rights violators contributes to a great extent to the persistence of - and sometimes even increase in - human rights abuses in a number of countries.*¹⁹

In both districts there was widespread condemnation of the government's failure to address the violence. Delays in strengthening security in the area were coupled with the failure of the security forces to respond to attacks and no attempts to disarm the raiders.

In Laikipia district, despite the large numbers of dead, the local police refused to intervene. As one church leader noted on 21 January: *'In at least three instances, when suspected raiders were sighted, the police were informed in good time, but came many hours later and no arrests were made.'*²⁰ Concern was expressed by the NCCK that the failure to act could increase the level of violence. *'We regret the government's continued unwillingness or inability to arrest this unfortunate situation. The government's failure to arrest the situation may force the victims to retaliate and thus cause anarchy.'*²¹

It was not until 21 January more than a week after the attacks had begun, when the Provincial Commissioner visited Laikipia district, that a contingent of over 100 members of the General Security Unit (GSU) were deployed. At a public meeting on the same day the PC announced that there would be a new administrative post, a District Officer, at Ol Moran and security would be strengthened. Seven new police posts were set up. But when the security forces moved into the area, the raiders moved elsewhere and further killings occurred. In March, in one of the few incidents when the police did respond quickly to an attack, the police vehicle was ambushed and a policeman was killed. This incident took place shortly after armed raiders were reported to have killed the daughter of a policeman. The majority of the new police posts remain, although several were removed in March when police officers were recalled to participate in the police games, an annual sporting event, in Nairobi.

In Nakuru district witnesses also complained of the failure of the police to intervene and stop the violence. Local police visited the area where attacks were taking place on 26 January but took no action. The brother of one victim stated that when the police were called to an attack at Likia on 26 January they refused to pursue or to arrest the Kalenjin. He personally challenged one of the policemen about this but was told they did not have

¹⁹ United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, 1993 report, para 686.

²⁰ *Daily Nation*, 23/1/98.

²¹ NCCK statement 18/1/98.

any authority to shoot. Allegations that the police did not have orders to act were frequent. One incident on 27 January happened in the presence of a group of Catholic priests and nuns, and national and international journalists, who had travelled to the affected areas. They stopped on the Njoro-Molo road, close to a police unit of about 38 men and witnessed an attack by Kalenjin raiders, wearing red *shukas*, white T-shirts and carrying *pangas* and bows and arrows, on a homestead near the road. When they asked why the police were not intervening, they were told: '*Ask the commander, he gives the orders.*' The officer in charge refused to respond to questions. Eventually a group of nuns marched up the hill towards the armed raiders and between ten and fifteen police officers followed them. The raiders moved up the hill and went into the forests. No-one was arrested. The GSU were deployed to the area on 29 January and a number of temporary police posts were set up.



A GSU camp, Nakuru district.

Witnesses stated that the police were not prepared to confront the raiders and only provided security -- often after a bribe -- to enable them to remove household goods from their homes. When challenged by journalists and others, the police complained of having no orders to act. One member of the GSU stated: '*We would have ended this operation in a matter of days, but as you know, instructions are instructions because we are told to do*

*nothing.*²² At the end of January both the police commissioner and President Moi issued statements denying that the security services had been given orders not to act. The Police Commissioner announced an investigation into the causes of the violence. No details were given of its terms of reference, or whether any findings would be published.

The government has failed to effectively investigate and punish armed aggressors and appears not to be acting evenhandedly. The majority of those arrested have been Kikuyu. The security forces did not arrest anyone during the raids. Kalenjin survivors recognized many of their attackers and have reported them to the police. Few of the Kikuyu attacked believed there was any point in reporting attacks to the authorities. They appear to have no confidence in the police or the judicial system. One witness stated that they had taken one Kalenjin accused of being involved in the attacks on the Kikuyu to the local GSU camp. The response of the GSU to beat him and then release him.

One human rights ngo which had visited the Laikipia district, the Kenyan Human Rights Commission, stated that they had given the police a list of people accused of being involved in the attacks on the Kikuyu, but they appeared not to have acted on this information.²³ Instead a number of Kikuyu assisting with transporting the bodies of victims from Rum-Rum Valley were arrested and their vehicles impounded. They were accused of ferrying Kikuyu to the valley, prior to the counter-attack, and were charged with incitement.

In Nakuru district more people have been arrested. However the majority are Kikuyu. Charges include arson, possession of offensive weapons and assault. Ten Kikuyu are facing charges of murder. Over 500 Kikuyu were charged with violating the curfew which was imposed on parts of Nakuru district on 5 February for a month. Kikuyu residents complained of harassment by the GSU during the curfew. Two chiefs, one Kikuyu and one Kalenjin, have been charged with incitement.

The failure of the government to address the root causes of the violence means security remains a major concern. Displaced people interviewed by the delegation believe they will not be safe in their homes. In Laikipia district one witness said: *'We will be killed if we return, but we have no other choice.'* Anyone who could leave the area, because they had relatives elsewhere or other resources, has already left. In Nakuru district one survivor stated that: *"when we try to visit our homes, we receive warnings such as "even if you till,*

²²Daily Nation, 27/1/98.

²³Two human rights activists who participated in a demonstration in Nairobi against the political violence in Rift Valley Province at the end of January were arrested and charged with holding an unlawful assembly. The charges were later dropped. Similar charges are still pending against seven other human rights activists who participated in a similar demonstration on 3 February.

you are just doing useless things. Even after planting, you will not eat."" 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.

4. Conclusion and recommendations

The incidents of violence appear to be on the increase and the level of tension between the communities affected by it is palpable. Survivors of the violence in the area describe an ongoing 'war'. Although a small number of arrests have been made, the government has failed to investigate and punish armed aggressors, and to protect frightened, angry and displaced people. There are real fears that the supporters of the ruling party are instigating political violence, but blaming the incidents on spontaneous outbursts of ethnic hatred. As one witness stated: *"my fear is not even for the past or the present, but for the future."* If the spiral of violence is to be stopped, the Kenyan government must take immediate action to prevent further human rights violations.

As a member of the United Nations (UN) and the Organization of African Unity and as a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights, the Kenyan government is obliged to respect and protect human rights including the right to life. The measures to be taken to ensure respect of these rights are set out in a number of UN instruments including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

In accordance with these obligations Amnesty International is urging the government to:

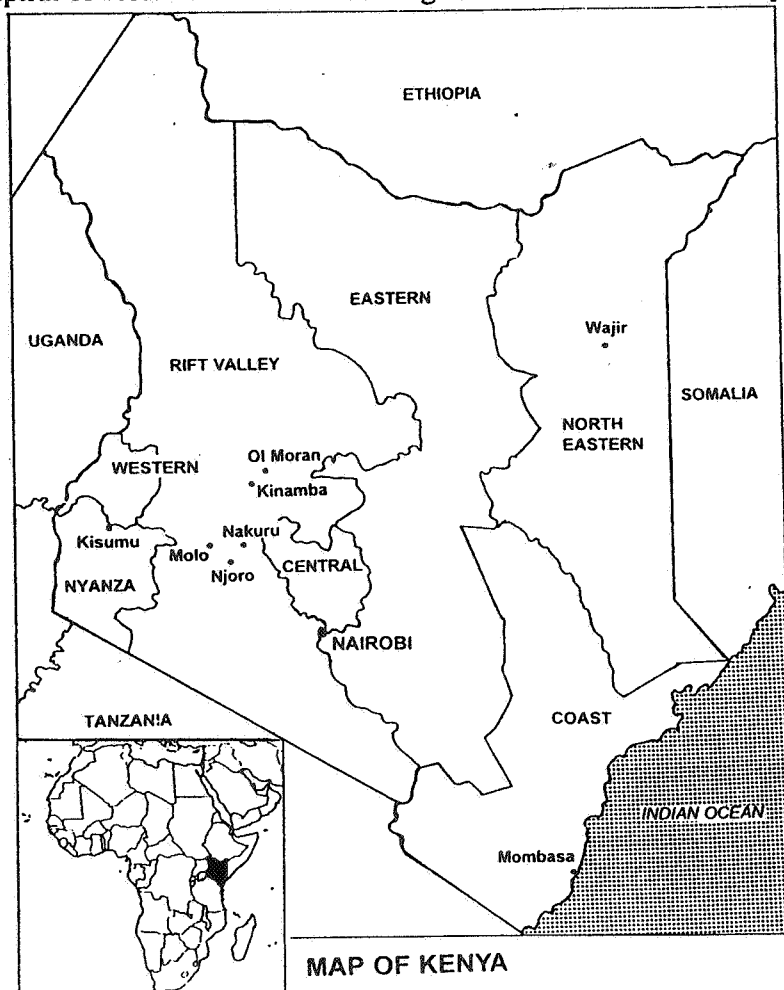
- carry out a prompt, independent and impartial investigation into all reported extrajudicial executions or probable extrajudicial executions and to publish the findings;
- ensure that individuals found responsible for carrying out or ordering extrajudicial executions are brought to justice within a reasonable time, in a trial which conforms to internationally accepted standards of fairness and without recourse to the death penalty;
- provide protection for sectors of the population most at risk, regardless of their ethnic or political affiliation, profession or background;
- institute safeguards against arbitrary arrests and ensure that sufficient evidence is produced against an individual before any arrest is carried out;
- ensure that human rights activists are protected from human rights violations and are able to exercise freedom of speech without fear of being arrested, ill-treated, made to disappear or extrajudicially executed;
- ensure freedom of access to sites of killings and other human rights violations - immediately after the incidents have occurred - to independent investigators and observers and members of Kenyan human rights organisations.

Amnesty International is appealing to all parties to the violence to:

- ensure that all members of each community refrain from making public statements which may incite the population to carry out false denunciations or acts of violence;
- ensure that all members of each community respect Common Article 3 of the Geneva Conventions of 1949, which applies to both governments and to armed opposition groups, and which provides for the protection of individuals taking no active part in hostilities. It prohibits among other things murder, mutilation, torture and other cruel and inhuman treatment.

Amnesty International is also urging the International Community to:

- increase pressure on the Kenyan government to uphold its national and international legal obligations;
- closely monitor any promised reforms using clearly articulated benchmarks;
- urge that the recommendations made above be carried out in order to put an end to the spiral of violence and the human rights violations which accompany it.



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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

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RECOMMENDED ACTIONS

This report has been prepared as the final document for the Kenya Priority Action. Please note the embargo date of 10 June.

Please use it as part of your final campaigning activities around the Priority Action and distribute it as widely as possible.

Please ensure that all those in your section or structure taking part in the Priority Action have copies of it. Please ensure that the document is centrally filed for future reference. Please use this in conjunction with the Action Circular Update No. 9 AFR 32/18/98.

DISTRIBUTION BY THE IS

This document has been sent direct by the IS to:

All Sections and Structures
Campaign Coordinators
Kenya Country Coordinators
EAFRAN Coordinators
Groups working on Kenya Action Files

APPENDIX ONE: KILLINGS IN LAIKIPIA DISTRICT, JANUARY 1998

(Source: joint report by CPK Church, PCEA Church & Catholic Church, Laikipia, 29/1/98)

NAME	DATE OF DEATH	PLACE OF DEATH	AGE	OCCUPATION
James Macharia	13/1/98	Magadi	60	Farmer
John Mburu	13/1/98	Not known	Nk	Not known
John Kamau Mugecha	13/1/98	Magadi	50	Farmer
Mwangi Njau	Not known	Miharati	60	Farmer
Samuel Maina Kabara	14/1/98	Survey	55	Farmer
Gitau Waichigo	17/1/98	Miharati	76	Farmer
Rahab Wanjeri Murira	17/1/98	Mirigwit	70	Farmer
John Ngugu	17/1/98	Magadi	60	Farmer
Justus Nguyo	17/1/98	Magadi	65	Farmer
Peter Kamau Karanja	17/1/98	Miharati	55	Farmer
Kamand Ndegwa	17/1/98	Kabati Thika	30	Driver
Francis Musota	17/1/98	Magadi	60	Farmer
Mika Maina Kamau	17/1/98	Magadi	30	Farmer
Robert Kioi Gakuo	17/1/98	Bondeni	21	Farmer
James Njogu Njoroge	17/1/98	Naibron	45	Farmer
David W. Weru	17/1/98	Not known	Nk	Not known
John Kinyariro Gachibi	17/1/98	Bondeni	32	Farmer
Joseph Mwaniki Gwandaru	17/1/98	Bondeni	60	Farmer
Joseph Ewata Makwal	17/1/98	Not known	Nk	Not known
Timothy Chira Mwangi	17/1/98	OI Ng'arua	30	Teacher
Issak Kimani Kamau	17/1/98	Kiamburi	27	Teacher
Ndirangu alias Wandawa	17/1/98	OI Moran	30	Businessman
Samuel Mukundi	17/1/98	Survey	25	Farmer
Dominc Ndegwa Mwangi	17/1/98	Survey	28	Farmer
Mathenge Njure	17/1/98	Miharati	35	Surveyor
Jackson W. Wanuthu	17/1/98	Tandare	35	Teacher
Francis Mbuthia	17/1/98	Miharati	35	Teacher
Waihenya Kagotho	17/1/98	Sipili	48	Not known
Francis Njenga	17/1/98	Bondeni	45	Farmer
Muiriri	17/1/98	Not known	Nk	Not known
David Kamau Macharia	17/1/98	Miharati	25	Farmer
Frederick Njoroge	18/1/98	Magadi	85	Farmer
Mary Wanjiru Njoroge	18/1/98	Magadi	80	Farmer
Eliud Njuguna	20/1/98	Kahuho	70	Farmer
Mburu Kariuki	24/1/98	Milimani	Nk	Watchman

Appendix Two: Brief Chronology of events

- 7 January At a rally in Nairobi the chairperson of the Democratic Party, Mwai Kibaki, announces that he is going to launch a legal challenge against the Presidential election.
- 11 January The home of Esther Njeri Mburu, a Kikuyu, is attacked in Laikipia district.
- 13 January Kikuyu living in Magadi, near Ol Moran, Laikipia district are attacked, four people are killed.
- 14-17 January Killings of Kikuyu and attacks on their houses spread to Survey, Miharati and Merigwit, Ol Moran location. Almost 2,000 displaced people seek refuge at the Catholic missions at Ol Moran, Sipili and Kinambe and the NCKK compounds.
- 17 January The Kikuyu organise a counterattack and over 100 men confront the raiders at Rum-Rum Valley, Mutamaiyu. Outmanoeuvred by the raiders, who have guns, over 30 Kikuyu are killed and many others wounded.
- 17 January A meeting is held in Narok Town by KANU politicians who criticize the DP's challenge to the Presidential election results and verbally threaten DP supporters with reprisals.
- 21 January 70 people reportedly invade three Kikuyu farms in Njoro, including the farm of Molo mp Kihika Kimani.
- 22 January Mwai Kibaki launches a legal challenge against the Presidential election.
- 23 January The GSU are deployed in Laikipia district. The Provincial Commissioner announces that seven new police posts will be set up in the district at Mutaro, Magadi, Miarate, Mirigwet, Kahuo, Ol Moran and Survey.
- 24 January Kalenjin attacks on Kikuyu living near Njoro, Nakuru district, begin.
- 25 January Two meetings of KANU politicians are held in Nandi hills and Keiyo district. Threats are again made to DP supporters following the challenge to the Presidential election result.
- 25 January Displaced Kikuyu flee to Naishi location. Counterattacks by Kikuyu on the Kalenjin living in Naishi begin. Attacks on Kikuyu homes in the area continue.
- 27 January Some of the Kalenjin who fled from the attack on Naishi reach Barut location.
- 27 January A peaceful demonstration is held in Nairobi protesting at the recent political violence in the Rift Valley. It is violently broken up by the police, and two members of the Released Political Prisoner (RPP) group, a human rights ngo, were arrested and charged with unlawful assembly.
- 28-31 January Kalenjin attack Kikuyu living in Barut who flee to Nakuru town.
- 29 January The GSU are deployed in Nakuru district. The Commissioner of Police announces that the government has launched an investigation into the recent attacks in Laikipia and Nakuru districts.
- 30 January The attacks in Laikipia district have significantly reduced.
- February Sporadic incidents of killings and looting of deserted houses in Nakuru district continue throughout February.
- 1 February The mass burial of 19 Kikuyu victims at Ol Moran, Laikipia district.
- 3 February Seven members of the RPP are arrested during a demonstration in Nairobi against the political violence and charged with holding an illegal demonstration.
- 5 February A curfew is imposed in parts of Nakuru district.
- 6 February The mass burial of 15 Kalenjins at Naishi location, Nakuru district.
- 11 February President Moi visits Njoro, Nakuru district.
- 13 February President Moi visits Ol Moran, Laikipia district. The charges of unlawful assembly against two members of the RPP are dropped.
- 4 March Curfew in Nakuru district lifted.
- 19 March Police Chief warns that further violence is planned in the Rift Valley.
- 28 March At a meeting KANU leaders threaten NCEC activists who visit the Rift Valley.
- 30 March Inflammatory leaflets are circulated in Nakuru districts and other parts of Kenya.
- 26-30 April Renewed violence in Nakuru kills three people.