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PRESS RELEASE

KENYAN AND INTERNATIONAL NGOS CONDEMN THE GOVERNMENT OF KENYA'S LACK OF COMMITMENT TO ENDING TORTURE

A Joint Press statement on torture in Kenya issued by the Children Legal Action Network (CLAN), the Coalition on Violence against Women (COVAW), the Independent Medico-Legal Unit (IMLU), the International Commission of Jurists, Kenya Section (ICJ-Kenya), and the World Organization against Torture (OMCT).

Geneva, Thursday 13 November 2008

“The Government of Kenya is failing to take the necessary steps to stamp out torture in our country.” This is the central message of the reports prepared by a group of Kenyan NGOs, together with the World Organisation Against Torture, to inform the United Nations Committee Against Torture as it begins its examination of Kenya’s record on the prevention and eradication of torture, in Geneva, Switzerland.

The Children Legal Action Network (CLAN) on behalf of the Coalition of Child Rights national NGOs, the Coalition on Violence against Women (COVAW), the Independent Medico-Legal Unit (IMLU), the International Commission of Jurists-Kenya (ICJ), and the Kenya Human Rights Commission have come together to brief the Committee Against Torture on the national situation and to follow the presentation and examination of the Kenyan Government’s report to this Committee on 13 and 14 November.

The NGO group asserts that the people of Kenya, including women and children, are all too often victims of torture and other cruel, inhuman or degrading treatment or punishment. Sam Mohochi, Executive Director of IMLU, states that, “efforts to stamp out this scourge have been severely hampered, not only by a culture of impunity that enables those responsible for acts of torture to go unpunished, but also by the lack of specific legislation to prohibit torture.” Of particular concern to the NGO group is the increase in the numbers of extrajudicial killings and enforced disappearance of civilians in Kenya, which the Government has vehemently denied and, consequently, failed to address. “The Kenyan police continue to violate the law with impunity and there seems to be a lack of political good will to resolve this matter. Members of Parliament appear set on disregarding the recommendation of the Commission of Inquiry into the Post Election Violence to create a police oversight body,” explains Wilfred Nderitu, Chairman of ICJ-Kenya.

Mr. Nderitu also points out that, “there has been a distinct evolution in the profile of victims of torture in Kenya, and they are now more clearly identifiable according to socio-economic criteria rather than political status. In other words, it is increasingly the poorest and most marginalised Kenyans who are most vulnerable to torture.”

Sandra Musoga of COVAW warns that the situation of women and children is a serious concern, “in particular as regards trafficking, child labour, domestic violence, sexual exploitation, rape and violence in the context of conflict situations.”

Even as the high-level delegation from the Kenyan Government presents its report to the UN Committee in Geneva, there are disturbing reports from the Mandera District in North Eastern Province that Kenyan security forces, already implicated in mass human rights abuses in Mount Elgon, are once more engaged in acts of torture against members of pastoralist communities. On behalf of the NGO group, Sam Mohochi of IMLU condemned the Mandera military operation, as well as all other cases of torture deriving from land conflict, and called for it to be halted immediately. “We further ask the Government to account for the operation ‘okoa maisha’ which has also led to massive arrests and gross human rights violations,” he added. The NGO group expresses its strong opposition to this new development that sees the involvement of the Kenya military in maintaining law and order, a role which is not envisaged under military laws.

The NGOs gathering in Geneva urge the Government to see the examination of its report by the UN Committee Against Torture as an opportunity to begin a decisive campaign to end torture and other forms of violence in Kenya and to construct a society on the firm foundation of respect for human rights.

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