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Kenya: Freedom of Assembly under increasing threat

“The violent methods used by the Kenyan police over the weekend to break up rallies in various parts of the country are appalling,” Amnesty International said today. “The authorities appeared to be unwilling to prevent violence by some of their own supporters.”

Different rallies were held by both opposition and ruling party members of the Parliament and others who are critical of the government.

On 26 November 2000, at the Tumsifu Centre in Kisumu, Western Kenya, a group of about 50 youths violently disturbed a public hearing on the Kenyan Constitution, organized by the Ufungamano Initiative which is challenging Parliament’s control of Constitutional reform. The youths who were armed with clubs, axes and stones were allowed to run riot for 30 minutes while a police patrol reportedly did nothing but stand by and watch. They were reportedly members of the National Development Party (NDP), whose leader, Raila Odinga, has played a key role in the setting up of the parliamentary process for Constitutional review.

Those speaking at the meeting were attacked along with members of the audience. A petrol bomb was thrown at Dr Oki Ombaka, chairperson of the People's Commission of Kenya (PCK). The injured included members of the PCK and a photojournalist from the Kenyan daily newspaper *East African Standard*; several cars were also smashed in the attack. Windows were broken and chairs destroyed.

Not only was no attempt made by the police to stop the violence but when Dr Oki Ombaka later attempted to lodge an official complaint, the local head of police refused to take his statement and physically removed him from the police station.

The Kisumu incident is only one in a series of violent attacks on opposition rallies that form part of a continuing pattern of harassment of government critics in Kenya. More than 20 people were injured, at least one of them seriously, on 25 November 2000 when armed police broke up a *harambee* (fundraising) meeting organized by Rangwe MP Dr Shem Ochuodho, using teargas, clubs and rubber bullets. The authorities cancelled *harambees* organized by Cherangany MP Kipruto Arap Kirwa, and the crowd was violently dispersed by police on 10 and 24 November 2000. Several politicians have been banned by the authorities from holding any further public rallies.

In a number of these cases, the police have defended their action by claiming that the organizers had failed to obtain permission for the rallies. However, this has been disputed by the organizers themselves who claim they did give advance notification of the meetings as required by the 1997 amendments to the Public Order Act. “The actions by the police have made a mockery of these amendments which were intended to allow politicians and others to meet and speak freely,” Amnesty International said.

The behaviour of the police was condemned by the Law Society of Kenya as a reflection of how the State would "manufacture consensus". It added that Kenya might see unparalleled political instability due to the two rival Constitutional review commissions. The Federation of Women Lawyers (Kenya) also condemned the attack.

Amnesty International is calling on the Kenyan government to institute thorough, independent and impartial investigations into all reports of excessive use of force by the police, to take active measures to prevent human rights violations by non-state actors and to punish those responsible. "The Kenyan government must take effective action now to ensure that future public meetings can proceed peacefully," Amnesty International said.

Background

President Daniel arap Moi on 25 November 2000, speaking at a fundraising rally in Baringo, ordered the police not to interfere with political meetings, including those organized by the opposition. However, a month earlier he had banned all rallies by *Muugano wa Magenzi* (Movement for Change), a cross party lobby group formed in September 2000 to call for political change. On 27 November 2000, President Moi reportedly called *Muugano wa Magenzi* a "revolutionary movement bent on unleashing chaos in the country," and said its activities were legally questionable.

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