

**An Open letter to and eleven point demand for the President and Prime minister
from Kenyan citizens and civil society organisations**

Delivered through a meeting with the Prime minister on March 9, 2009

We, the undersigned Kenyan citizens and civil society organisations, have sought this meeting following the assassinations of Kingara Kamau and George Paul Oulu of the Oscar Foundation and a student last week.

We note that **these assassinations come in the context of non-implementation of Agenda Items One and Two of the mediation process last year**—that is, ending the violence and disarming and demobilising all armed groups and militias and restoring fundamental rights and freedoms;

On Agenda Item One, ending the violence and the disarmament and demobilisation of all armed groups and militias, we reiterate there the position of the human rights movement that **the heavy-handed security approach is insufficient for the task and has also allowed for the security services to stigmatise young, un/deremployed males in low-income rural and urban areas leading to the disappearances and extrajudicial executions of the same. It has also allowed for the security services to extort money from the public on threat of the same;**

On Agenda Item Two, the restoration of fundamental rights and freedoms, we reiterate the position of the human rights movement that **the Constitutionally guaranteed rights of assembly, association and expression have been suspended since last year, allowing for the security services to harass, assault (including sexually assault) and illegally detain many human rights defenders** seeking to legitimately and peacefully protest various government actions and inactions;

We further note that we raised these concerns at a meeting with the minister of Justice, National Cohesion and Constitutional Affairs last year, who promised us she would seek audience for us with the minister of Internal Security on the same—a promise that has not been honoured;

We finally note that **last week's assassinations have occasioned, as we believe they were intended to do, an atmosphere of fear and threat among human rights defenders** who have consistently tried to demand that these concerns be addressed. As we speak, **several human rights defenders who have documented, with evidence, these disappearances and extrajudicial executions, have received verbal threats, have had to move to safe houses within the country and have even had to leave the country;**

This atmosphere of fear and threat has been fostered by the repeated statements of heads of security services, their spokespersons and the supposed government spokesperson linking human rights organisations themselves to armed groups and militias—accusations for which evidence has never been tendered to the public to support or formal charges brought against them in court;

We therefore demand:

In the immediate and short term:

1. **That the government, through the President and the Prime minister, publicly reiterate their commitment to full implementation of Agenda Items One and Two—and the rights of all Kenyans to life, safety and security of the person, the freedoms of assembly, association and expression as well as the freedoms to be assumed innocent until proven guilty in a court of law;**
2. **That, concretely, the President and the Prime minister, demonstrate that commitment by offering financial support to the families of those assassinated with respect to funeral expenses and livelihood losses;**
3. **That, concretely, the President and the Prime minister, demonstrate that commitment by enabling the demonstration planned by University of Nairobi students for tomorrow, march 10, to protest the assassinations to proceed peacefully, with full support of the security services and with no negative consequences such as the closing of the University of Nairobi;**
4. **That the government, through the President and the Prime minister, publicly reiterate their commitment to human rights defenders by ensuring that all dis/misinformation being peddled to the public about them cease and by guaranteeing their protection from the increased levels of risk and threat resulting from last week's assassinations;**
5. **That, concretely, the President and the Prime minister, demonstrate that commitment by proceeding with the independent investigation into the assassinations, for which the United States of America has already offered the services of its Federal Bureau of Investigations;**
6. **That, concretely, the President and the Prime minister, demonstrate that commitment by immediately dismissing from office, the Police Commissioner, the Police Spokesperson the head of the Criminal Investigations Unit, the Provincial Police Officer for Nairobi and the acting Officer in Charge of Police Division at Central Police station among others—who all bear direct political accountability (if not legal accountability) for the harassment, assault (including sexual assault) and illegal detentions of human rights defenders;**
7. **That, also concretely, the President and the Prime minister, release to the public any information it has regarding the supposed linkage of human rights organisations, such as the Oscar Foundation, with mungiki, by bringing charges to bear in a court of law against such human rights organisations;**

In the medium to long term:

8. **That the government, through the President and Prime minister ensure the release to the public of any proposed laws and policies to address matters of security sector reform—such as those announced recently by the minister of Internal Security—to allow for public debate and discussion of the same;**

9. That, concretely, the President and the Prime minister, push forward not only the laws and policies required for security sector reform, but also the core, critical and fundamental demand of the reports of both the Commission of Inquiry into the Post Elections Violence and the United Nations Special Rapporteur on Extrajudicial Executions—that for impartial, independent internal and external accountability mechanisms for all security services and the utilisation of those mechanisms to achieve individual legal accountability for all disappearances and extrajudicial executions of all individual security service members involved in the same;

10. That, concretely, the President and the Prime minister ensure the delivery to the public of a benchmarked and timebound plan of action on implementing the security sector reform proposals of the reports of the CIPEV and the UN SR;

11. Recognising the manner in which Kenya’s security agreements with bi/multilateral bodies (notably the governments of the United Kingdom and the USA as well as the European Commission) on matters ranging from anti-terrorism to training to piracy and regional peacekeeping capacity contribute to the apparent sense of impunity and lawlessness of our security services, **that the President and the Prime minister arrange tripartite discussions between the government, such bi/multilaterals and civil society on the same to ensure that legitimate security interests being so pursued are not at the expense of fundamental rights and freedoms.**

In conclusion, understanding that some of these demands need consultation and discussion within the government, we request a further meeting with you on the same within a week’s time at which the President and the minister of Internal Security are also present.

We thank you for your public statements on the concerns raised to date. We stress our willingness for dialogue with the government on these concerns (including constructive criticism on both sides). And we look forward to full implementation of Agendas Items One and Two of the mediation process.

(end/Kenyan citizens and csos/lmw/09)

Signed:

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Bunge la Mwananchi
Centre for Law and Rights International (CLARION)
Centre for Multiparty Democracy (CMD)
Centre for Rights Education and Awareness (CREAW)
COBADES
Constitutional Reform and Education Consortium (CRECO)
Fahamu
Gay and Lesbian Coalition of Kenya (GALCK)
Independent Medico-Legal Unit (IMLU)

International Centre for Policy and Conflict (ICPC)
Kenya Human Rights Commission (KHRC)
Legal Resource Foundation (LRF)
Mazingira Institute
Muslim Consultative Council
National Council of Non-Governmental Organisations of Kenya
Pambazuka News
Partnership for Change
Release Political Prisoners (RPP)
Sankara Centre
Social Democratic Party (SDP)
Social Reform Centre (SOREC)
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With the support of:
Kenya National Commission on Human Rights (KNCHR)