

## **Kenya Domestic Media, March 14<sup>th</sup> 2011 (Covering Mar 8<sup>th</sup> – Mar 14<sup>th</sup>)**

**By Fatima Arkin, MIGS Reporter for Kenya**

### **State Owned Media**

*KBC Online text website, Nairobi, in English 9 Mar 2011*

#### **“Kalonzo meets UN boss Ban Ki-moon” by Kenyan Vice-Presidential Press Services**

Vice President Musyoka asked UN Secretary General Ban Ki-moon for his support to try suspected perpetrators of post election violence through a local judicial process. Ban Ki-moon urged Kenyans to quickly put in place a local judicial process as the UN will hold its biggest meeting ever in Nairobi next month where a woman will be appointed to head the UN headquarters in Nairobi. Government officials held discussions on Kenya's ICC cases deferral request, the situation in Somalia and a post-referendum in south Sudan with American UN envoy Susan Rice as well as the permanent representative to the UN of France and UK.

### **Private Media**

*Daily Nation website, Nairobi, in English 14 Mar 2011*

#### **“Kenyan government raises fuel prices”**

The Kenyan government raised consumer fuel prices due to unrest in oil-producing Arab countries. Super petrol used by most cars will now retail at 102.44 shillings in Nairobi starting April 14.

#### **“ICC's Ocampo says powers of head of Kenyan civil service need curtailed”**

Ocampo wants Kenya to limit the powers of Head of Civil Service Francis Muthaura and Deputy Prime Minister Uhuru Kenyatta both of whom occupy positions that enable them to interfere with witnesses for the ICC trials. Kenyatta in particular sits on the board that oversees the witness protection program. Ocampo said that he has sufficient evidence to support cases against the six suspects.

#### **“Reject Kenya plea, Orange asks UN” by Peter Leftie and Walter Menya**

ODM asks the Security Council to consider Kenya's request for deferral as evidence that President Kibaki and the PNU is "unable and unwilling" to punish those who committed crimes during the last election. 16 reasons are provided as to why the deferral shouldn't be granted the top of which is that postponement was masterminded by the Ocampo Six. The Kenyan government said that it already has the support of 10 members of the UN Security Council.

However, after inquiries at the UN, the *Daily Nation* found no country which said it supports Kenya's case.

*Sunday Nation, Nairobi, in English 13 Mar 2011*

**“State enlists Queen's Counsel in Hague cases” by Mugumo Munene**

British lawyers Sir Geoffrey Nice and Rodney Dixon arrived in Kenya to help the government put up a strong case against the ICC trials. Despite reservations from the ODM, the Kenyan government will go before the Pre-Trial Chamber to block Ocampo from prosecuting the cases. Attorney General Wako will plead that the ICC has no grounds to hear the cases.

**“Kenya in Catch-22 over Libya ties” by Walter Menya**

Investments by Libyan firms in Kenya are now the subject of debate because they're either owned by Al-Qadhafi and his family or by people close to the regime. Additionally, President Kibaki, who has been instrumental in forging ties with Tripoli, is soon leaving the presidency.

**“Major reshuffle of police officers is on the cards” by Dominic Wabala**

Many senior police officers are scheduled to be promoted and others moved in one of the largest reshuffles to occur in recent memory. Deputy Police spokesman Charles Owino Wahong'o confirmed that Board One, the highest police decision-making group, has been meeting, but no announcements have yet been made.

*Sunday Standard, Nairobi, in English 13 Mar 2011*

**“State will implement Constitution, asserts Kibaki” by Robert Nyasato and Kenan Miruka**

President Kibaki said implementation of the constitution will not be derailed by differences among politicians. He reminded Kenyans that all regions will be given equal attention in development by his government and pleaded with the people to promptly pay their taxes to support the course. The president officially opened Pope Benedict the 16th Minor Seminary, Masongo, which was built at a cost of 60 million shillings.

*The Standard, Nairobi, in English 12 Mar 2011*

**“Revealed: Details of Kenya's case to UN” by Juma Kwayera**

Kenya argued that since the six suspects were prematurely named, implementation of the new constitution has slowed down. The government warns of renewed violence if suspects are charged, alleging that tensions are high. According to diplomatic sources in Nairobi, the US and Britain are worried that politicians opposed to the Hague are deliberately riling the public to show that ethnic passions will likely resurface. The ICC has now summoned the Ocampo six.

Details emerge only hours after it became clear that Kalonzo failed to gain US backing on the trials.

*The Standard website, Nairobi, in English 11 Mar 2011*

**“Why America wants Wako out of office immediately” by Biketi Kikechi**

The US wants Kenyan Attorney General Amos Wako replaced on the belief that he will sabotage the new constitution. The US blocked Wako from high profile jobs in the UN and US upon retirement and banned Wako from ever setting foot on US soil even after leaving office.

**“Kenya has just one chance to challenge ICC” by Standard Team**

Senior legal policy advisor to the High Commissioner Chile Eboe-Osuji reminded the Kenyan government that the right to challenge can only be exercised once up to and including the commencement of the trial. For the case to be determined inadmissible Kenya has to show that it's genuinely investigating or prosecuting the case in question. Osuji warned against challenging the trials. Evidence has emerged showing that the move by the government to challenge the jurisdiction of the ICC was political.

**“ICC Court to issue arrest warrants for contempt” by Lucianne Limo**

Warrants of arrests will be issued to any of the six suspects who fail to appear at the ICC and fail to comply with the conditions set by the pre-trial chambers. ICC Legal Officer Mohammed El Zeidy said the suspects will be free to return to Kenya the day following their hearing.

**“No easy way out of The Hague process” by Standard Team**

ICC conditions weaken Kenya's efforts to fight proceedings over admissibility. In a video series circulated to local television stations, the ICC declared the challenge would only be entertained if the country "has actual proceedings against the same individuals and over the same charges". This news coincided with a declaration by President Kibaki's spokesman, Alfred Mutua, as well as cabinet members from his Party of National Unity that the state officials who received summons won't step aside.

**“State, MPs insist ICC suspects won't step aside” by Standard Team**

The Kenyan government said that Ocampo suspects: Deputy Prime Minister Uhuru Kenyatta, Head of Civil Service Francis Muthaura and Postmaster General Major General (Rtd) Hussein Ali won't step aside from their duties. Government Spokesman Alfred Mutua said thus far the ICC has summoned the six to give their side of the story. After consulting President Kibaki and Prime Minister Odinga, the three suspects issued a statement challenging the jurisdiction of the ICC to charge the six suspects. Civil Society groups and a section of Kenyans called for the resignation of the three officials while the government remains divided on the matter.

*Daily Nation website, Nairobi, in English 11 Mar 2011*

**“Sh11bn shot in the arm for war against malaria” by Simon Siele**

Public Health and Sanitation Minister Beth Mugo said the money will be used in a five-year anti-malaria campaign. She was speaking during the launch of 10 million mosquito nets for 80 malaria-prone districts. Kenya is striving to be malaria free by 2017.

**“Donor funds bypass Education ministry” by Samuel Siringi**

The UK officially started accessing school children directly amid allegations of corruption at the Kenyan education ministry. The latest textbook project will provide over two million textbooks to 250 000 students nationwide. Publishers have complained that some of their books were not selected despite being on the government approved book list. However, Kenya Publishers Association chairperson Nancy Karimi said it was difficult for the association to meddle in the process since it was a private arrangement.

*Daily Nation website, Nairobi, in English 10 Mar 2011*

**“Kalonzo mission fails woo US” by Kevin Kelly**

Soon after VP Musyoka met with US Deputy Secretary of State James Steinberg, a State Department official told the nation.co.ke that "we do not support a UN Security Council resolution to defer the ICC Kenya investigation". The US doesn't agree with Kenya's approach to use Article 16 of the Rome Statue as a basis for deferral. However, the US pointed to the use of Article 19, which would permit a deferral if Kenya establishes a credible domestic mechanism to prosecute the Ocampo Six. Musyoka held talks with representatives of other Security Council member states in New York. No word yet on their position regarding the possible deferral.

**“AccessKenya steps up internet market share battle on telcos” by Jevans Nyabiange**

AccessKenya opened its first retail store in Nairobi, becoming the first internet service provider (ISP) to go retail in the face of growing competition. Analysts see the move as a comeback strategy, as Access Kenya fights to stay afloat in a fluid market.

*The Star, Nairobi, in English 10 Mar 2011*

**“Raila, Uhuru, Ruto should go to court, says Kibunjia” by Mosoku Geoffrey**

National Commission on Cohesion and Integration (NCIC) Chairman Mzalendo Kibunjia said that PM Odinga, Deputy PM Kenyatta and Eldoret North MP Ruto should be prosecuted for hate speech. He accused them of employing "scorched earth politics". Justice and Constitutional Affairs Minister Mutula Kilonzo warned that if any of the three ascended to power they may even want to abolish the NCIC. He suggested that the NCIC formalize warning letters.

### **“Ocampo witnesses now sent to Europe”**

Witnesses to testify at the ICC trials have been relocated to Europe. 11 witnesses, most with their families, were placed under witness protection last year. Four are classified as "highly credible" and three are former Mungiki members who allegedly possess both verbal and recorded evidence to be presented to the ICC.

*The Standard website, Nairobi, in English 10 Mar 2011*

### **“ICC: Six plead innocence but pledge compliance”**

The Ocampo six reaffirmed their intention to prove their innocence at the Hauge amidst a government declaration to "challenge admissibility of the case" and "jurisdiction of the court". The country reacted with fright and trepidation over the ICC summons. The Kibaki side declared the state will finance the legal defence of three of the officials who are still in public service.

### **“Kibaki, Raila hold talks over ICC judges' move” by Athman Amran and Martin Mutua**

President Kibaki and Prime Minister Odinga met to decide on a way forward following the issuance of summonses by the ICC. Possible options under the International Crimes Act and the Rome Statute were presented. The leaders were reportedly told that the only alternative is to challenge the admissibility of the cases and the jurisdiction of the court. Justice Minister Kilonzo and Attorney General Wako advised the president against continuing shuttle diplomacy since prosecutions haven't started at the ICC and investigations had been concluded.

*The People, Nairobi, in English 9 Mar 2011*

### **“Kenyan Muslim group denies funding Somalia's Al-Shabab”**

Pumwani Riadha Mosque Committee refuted claims that rent collected from their premises was funding Al-Shabab activities. A former Pumwani Riadha Mosque Committee trustee Hashim Kamau said tenants deposited their monthly rent at a bank in Eastleigh.

*Daily Nation, Nairobi, in English 9 Mar 2011*

### **“Let's unite in terror war, Israel tells Kenya”**

The Israeli government asked Kenya to support efforts to stop acts of terrorism by working closely with countries that fight the vice. Israeli Deputy Foreign Minister Danny Ayalon told a delegation of Kenyan MPs led by Speaker Kenneth Marende that Israel will assist Kenya to protect its borders from subversive elements.

### **“State accused of delaying piracy trials” by Philip Muyanga**

Mombasa Chief Magistrate Rosemelle Mutoka complains over delayed ruling on piracy trials. Separately, Senior Resident Magistrate Karimi Mwangi declined to rule on whether he has

jurisdiction to try suspected Somali pirates. He said determining the issue may turn out to be futile since the matter is in the Court of Appeal.

### **“Man denies links to terrorist group” by Fred Mukinda**

Abdulrahman Mutua Daud claimed innocence a day after police released his photograph and linked him to Al-Shabab terror group. Daud claims to have been in contact with anti-terrorism unit detectives since last December when he was arrested. He plans to go to the police today accompanied by his lawyers.

### **“Arms expected at the port ‘include rockets’” by Githua Kihara**

Maersk Lines Limited Spokesperson Kevin Speers said the four containers in question consist of ammunition, which was properly declared when the vessel arrived in Angola. However, he did not explain the itinerary of the ship or the expected date of arrival in Mombasa. He also declined to disclose who the consignee of the four containers was. Military Spokesperson Bogita Ongeru said the military frequently bought weapons through various agents. The ownership of the consignment could only be explained when it arrives at Mombasa port. Government Spokesman Alfred Mutua said the consignment was for use by the Kenyan military.

### **“Kenya to challenge poll chaos case at The Hague” by Bernard Namunane**

The ICC took the Kenya case after parliament rejected moves to set up a local tribunal and asked that the cases be referred to The Hague. The government had earlier signed an agreement to cooperate with ICC on the cases.

*Daily Nation website, Nairobi, in English 8 Mar 2011*

### **“Court blocks Kabogo drug stories” by Jillo Kadida**

Justice John Mwera issued a temporary order barring the Standard Media Group from publishing or broadcasting any stories linking an MP to drug trafficking. Juja MP William Kabogo claims that he’s been maligned by a story carried by the media house depicting him as a drug peddler and a side kick to an alleged drug baron. This severely injured his credit, character and reputation.

### **“Findings on smuggled gold sent to Interpol” by Fred Mukinda**

Kenyan police seek Interpol’s help in finding 2.5 tonnes of gold that was allegedly smuggled from the Democratic Republic of the Congo then went missing in Nairobi. Democratic Republic of the Congo President Joseph Kabila visited Nairobi last week and gave President Kibaki a list of 15 Kenyans and DRCongolese to be investigated. Six people have been interrogated and denied involvement in the trade. Detectives close to the investigation told *The Nation* that the prospects of getting the consignment were remote.

### **“Piracy case sent to High Court” by Philip Muyanga**

Senior Resident Magistrate Timothy ole Tanchu referred a piracy case to the High Court for directions on whether magistrates' courts have jurisdiction over the matter. There are seven piracy cases before magistrates which have failed to proceed following last year's high court ruling that Kenyan courts didn't have jurisdiction to try the cases.

### **“Police name 11 linked to al Shabaab group” by Fred Mukinda**

Police named 11 “agents” who were given military training and sent to Kenya, possibly to organize terror attacks for Al-Shabab. Two were killed last year. Police are on the lookout for Eric Achayo Ogada, also known as Swaleh or Ibrahim and his partner Steven Mwanzia. Others suspects include Abass Hussein Nderitu, Ibrahim Ruta, Abdulrahma Mutua Daud, Jeremiah Okumu alias Duda Black, Abaaa Mohamed Mwai, and Juma Ayub Otit Were. A report identifies their spouses, who have also adopted new names.

*The Standard website, Nairobi, in English 8 Mar 2011*

### **“Mungiki: Politicians bankrolled us” by Cyrus Ombati**

Former Mungiki followers David Wagacha and Joseph Ndung'u confessed to being on the payroll of politicians and warned that the sect may be used to cause more chaos in 2012. The two also dismissed their former leader Maina Njenga, saying he was behind the killing of hundreds of youths during a government crackdown on the movement. Supposedly, nobody could do anything without the prophet's (Njenga) orders. This statement could exonerate three of the Ocampo six - Uhuru Kenyatta, Francis Muthaura and Maj-Gen Hussein Ali from the post-election violence issue. Maina denied the allegations saying the two were disgruntled over personal problems.

### **“Kibaki steps up fight as ICC ruling draws closer” by Martin Mutua and Ally Jamah**

President Kibaki is pushing for the deferral of the cases without the support of Prime Minister Odinga, Justice Minister Kilonzo and Attorney General Wako, who argue the move would further isolate Kenya and project her as an arena for impunity. The new developments came as 37 civil society organizations from across Africa wrote to three African countries sitting in UN Security Council urging them to withdraw their support for Kenya's bid. In a letter to the foreign ministers of South Africa, Nigeria and Gabon, the activists told them to reconsider support for an Article 16 deferral.