

Mikhala Lantz-Simmons: MIGS Media Monitor for Kenya
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{Unless otherwise stated, all reports were written in English }

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1. Prosecuting the Ocampo Six: public dissatisfied with government's progress

“Annan team supports prosecution of PEV suspects”

KBC, government-owned broadcasting company

July 6th 2011

The panel of African eminent Persons is calling for the prosecution of the perpetrators of the 2007-2008 post election violence. According to the panel's Dialogue Team, many Kenyans feel that prosecuting the masterminds will deter others from committing similar crimes in next year's general elections. Less than two months remain before the first of the Ocampo Six travel to the Hague for their hearings. A report conducted by the South Consulting firm shows that the public is disillusioned by the lack of progress in arresting lower and middle level perpetrators of the violence and of holding influential people accountable for their participation in the violence. The report further concluded that the government's failure to prosecute political and civil crimes has led to a lack of public trust in the government.

Other findings from the report:

- The continued presence of Internally Displaced Persons in camps demonstrates that communities have not fully reconciled and that the reforms on the matter have been insufficient.
- The lack of bi-partisan leadership and internal conflicts have slowed the pace of implementing the Constitution
- The date for the next General Election should be made public as soon as possible and police reforms and electoral laws should be prioritized to ensure a clean and peaceful election.

“Kenya investigators quiz Ocampo Six”
Daily Nation, privately-owned newspaper
July 5th 2011

Kenyan authorities have begun interrogating the Ocampo Six on their role in the 2008 post-election violence. In a report to Director of Public Prosecutions Tobiko Keriako, investigators say they questioned Tinderet MP Henry Kosgey on June 6 at the Criminal Investigation Department (CID) Headquarters in Nairobi. Kosgey “denied the various allegations put to him.” According to the report, which was forwarded to the International Criminal Court (ICC), the investigators will question the other five this week.

The report states that 35 witnesses recorded statements regarding the Ocampo Six. However, according to the investigators, “no evidence has been received from any of these witnesses, which could link any of the suspects to the crimes as alleged by the ICC prosecutor, or any other crimes.” Investigators have not been able to locate five people who recorded statements with the CID in 2008 concerning an alleged meeting with Ruto, one of the suspects, in which arming people to commit violence was discussed and planned. According to the report, it is unknown whether or not these people have become ICC witnesses and therefore been moved to safety.

The government is seeking to prove to the ICC that it is conducting ongoing investigations into the Ocampo Six. "The appeals chamber is respectfully requested to accept this report as further confirmation that the national investigation into the six ICC suspects is ongoing and progressing expeditiously," says the government through its lawyers Sir Geoffrey Nice and Rodney Dixon.

2. Money-laundering: Director of Public Prosecution agrees to extradition of duo

“Tobiko Okays extradition proceedings against Okemo, Gichuru”
KBC, government-owned broadcasting company
Written by Kennedy Osir and Halligan Agade, July 6th 2011

The Director of Public Prosecution Keriako Tobiko has approved extradition proceedings against Nambale MP Chris Okemo and former Kenya Power and Lighting Company boss Samuel Gichuru for a trial in Jersey. The two are faced with fraud and money laundering charges. Tobiko’s confirmation comes a day after British High commissioner Rob Macaire urged Attorney General Amos Wako to speed up the extradition process for Okemo and Gichuru saying they have enough evidence to inculcate the pair. Last month, the authorities in Jersey presented Wako with 23 reports demonstrating how Okemo and Gichuru used proxy companies to squander public funds and receive bribes of over 900 million shillings (approximately 9 million CAD).

Jersey authorities say the pair received up to Sh900 million in bribes from companies wanting contracts in the energy industry. If charged, the offence carries a maximum sentence of 14 years in a Jersey jail. Okemo says he wants to be spared money-laundering charges as the offence was not yet a crime in Kenya when it was allegedly committed. Okemo denies the crimes, which were reportedly committed between February 1, 1998 and June 28, 2002.

3. Chief of the Kenya Defense Force post soon to be vacant

“Race for top job narrows down to two generals”

The Standard, privately-owned newspaper

Report by Ben Agina and Juma Kwayera, July 3rd 2011

After a two-and-a-half year extension of his four-year term, Chief of General Staff (CGS) General Jeremiah Kianga will retire next month. The succession battle for his position is between vice-Chief of General Staff, Lt-Gen Julius Karangi, and Army Commander Lt-Gen Njuki Mwaniki

The next CGS will have the title of Chief of the Kenya Defense Force and will have the responsibility of transforming the armed forces according to the new constitution. The constitution explicitly states that the highest positions of the defense forces must reflect the regional and ethnic diversity of Kenya.

The National Cohesion and Integrity Commission previously raised questions about the ethnic composition in government departments including the military. Defense Assistant Minister David Musila blames ethnic imbalance in the military top command for giving certain communities undue advantages over the others.

4. Federation of Women Lawyers Kenya calls for renewed investigation into the death of a female university student

“FIDA Kenya orders fresh probe into student's death”

KBC, government-owned broadcasting company

Written by George Kithuka, July 1st, 2011

The Federation of Women Lawyers Kenya (FIDA) is accusing the Nairobi police of careless investigations in a case surrounding the death of Nairobi University student, Mercy Keino. FIDA Kenya says police commissioner Mathew Iteere’s statement that Mercy’s death was the result of a hit and run by a motor vehicle is negligent, due to conflicting statements of several witnesses. Iteere said a postmortem examination of the body showed severe injuries, a smashed head, multiple fractures on the arm, legs and bruises on other parts of the body. The FIDA is calling for the Police Commissioner and the Director of Public Prosecutions to recommence investigations.

5. President signs law creating electoral boundaries for the next general election

“Kenyan president signs new elections law”

Daily Nation, privately-owned newspaper

July 5th 2011

President Mwai Kibaki has signed into law the Independent Electoral and Boundaries Commission Act 2011 and Independent Offices Act 2011. These lay the foundation for the creation of electoral zones and an electoral commission.

{See last week's report for the controversy leading up to the signing into law of the Independent Electoral and Boundaries Commission Act. }

6. Police continue arrests of suspected members of the Mombasa Republican Council

“Police vow to step up war on illegal group”

Daily Nation, privately-owned newspaper

July 7th 2011

Police in the Province of Coast said they will continue their crackdown on suspected members of the Mombasa Republican Council (MRC). As many as 100 MRC members have been arrested and charged with various offences including engaging in organized crime. Coast provincial commissioner Earnest Munyi said the secessionist group has destroyed voters' cards in some parts of the province while urging people to boycott next year's polls. Coast police chief Aggrey Adoli said the MBC will continue to be regarded as a militia group unless their lawsuit before of the High Court removes it from the list of outlawed organizations.

7. Updates in the media: new government website and new vernacular radio station

“Kenyans can now access govt data online”

KBC, government-owned broadcasting company

Written by PPS, July 8th 2011

On Friday, President Mwai Kibaki officially launched the Kenya Open Government Data Portal. The website, said Kibaki, will make large quantities of Government data available to the public in a digital electronic format. Kibaki termed the move a step towards ensuring that Government information is available to all Kenyans. The information ranges from the recent census to Government budgets and expenditures to schools and health facilities, noted Kibaki. The President called for Kenyans to use the Government Data Portal to increase accountability and improve the country's governance.

“Kenya proposes local content requirements for TV, radio”

Daily Nation, privately-owned newspaper

July 6th 2011

The new Communications Commission of Kenya (CCK) released a draft of a broadcasting code for radio and television on July 5th. The code was released for public comment before being required by

law. According to the draft document, television and radio stations will be required to increase local programming to more than 40 per cent within the year, excluding advertising and tele-shopping. According to Media Owners Association vice chairman Kiprono Kittony, the local content clause will strengthen local production however the 40 per cent requirement is unrealistic within the given time frame. “There is shortage of local content and players will need more time on this,” said Kittony who is also the Radio Africa Group chairman.

“Broadcasting, because of its immediate and lasting impact on audiences, demands that its practitioners display a high sense of responsibility, morality, fairness and honesty at all times,” reads the Code.

**“Kenya's KBC opening vernacular radio in west”
KBC, government-owned broadcasting company
July 7th 2011**

The Ministry of Information and Communication, in line with various tenets of the new constitution, has stated that it is committed to supporting the establishment of vernacular radio stations. KBC owned Minto FM radio station will now broadcast across western Kenya in the language Ekegussi. Information and Communication Secretary Ezekiel Mutua said the move indicates an adherence to the new constitution. At the launch of the new radio station, Mutua underscored the role of vernacular radio stations in empowering different communities through an access to information. The KBC managing director Waithaka Waihenya said the station will be objective, accurate and fair in its news presentation.