

**Kenyan Domestic Media Monitoring Report**  
**Mikhala Lantz-Simmons, MIGS Media Monitor for Kenya**  
**June 27<sup>th</sup> – July 4<sup>th</sup>**

Report Content:

1. International Criminal Court case: witnesses being threatened
2. 2012 elections: controversy over the Independent Electoral and Boundaries Commission's Bill
3. William Ruto declares his new political ally in a bid for the presidency
4. Kenya plans to set up patrol bases on contested islands – said to spark conflict with Uganda
5. Members of Parliament: MPs unwilling to pay taxes; According to poll, 63% of Kenyans will not reelect their MPs
6. Freedom of the press: MP seeks injunction on media house for publishing defamatory articles
7. Miscellaneous: Prime Minister welcomes appointment of new IMF director; 10m face hunger due to drought

**1. International Criminal Court case: witnesses being threatened**

**“Kenya wins envoys’ praise for reforms”**  
**Daily Nation, privately-owned newspaper**  
**July 1<sup>st</sup>, 2011**

Ambassadors from the European Union praised Kenya for the reforms it has undertaken thus far. However the ambassadors called for a speedier implementation of the new Constitution before the General Election.

“Some important bills have been passed and key appointments made. However, a lot more remains to be done and there is little time left to the next General Election,”  
said Lodewijk Briet, the head of the EU delegation in Kenya.

The envoys expressed concern over the controversy surrounding the date of the next General Elections and asked Kenyans to secure a date as soon as possible. Charles Nyachae, the chairman of Kenya’s Commission for the Implementation of the Constitution assured the envoys, “the agreement on the election date was reached in August last year when Kenyans passed the constitution. There is no contest about that.”

Envoys proposed that bills on political parties, security and devolution be prioritized. They further appealed to the Executive and parliament to dedicate their time and energies to drafting and passing the legislation, as they are essential for the elections to take place fairly and peacefully.

The envoys further revealed that they had reports of some witnesses for the International Criminal Court’s case against the suspects of the 2007/08 post-election violence having been threatened.

### **“Appeal for ICC evidence rejected”**

**Daily Nation, privately-owned newspaper**

**July 1<sup>st</sup> 2011**

The International Criminal Court’s Pre-Trial Chamber II judges rejected the Kenyan government’s request for assistance gathering evidence on the Ocampo Six. The government wanted ICC prosecutor Luis Moreno-Ocampo’s evidence in order to kick off investigations against the suspects and justify challenging the admissibility of the cases at the ICC.

The judges ruled that Kenya failed to offer proof of ongoing investigations into the post election crimes and violence.

The six Kenyans facing charges at the ICC are Eldoret North MP William Ruto, radio presenter Joshua Sang, Tinderet MP Henry Kosgey, Deputy Prime Minister Uhuru Kenyatta, Head of Civil Service Francis Muthaura and post-master general Husein Ali.

### **EU expresses concern over threats to Kenyan ICC witnesses**

**The Star, privately-owned Kenyan newspaper**

**July 1<sup>st</sup> 2011**

The European Union revealed that it has received credible reports of persistent threats against the witnesses of the 2007/2008 post-election violence. The EU’s statement came one day after the ICC court ruled that the confirmation hearings against the six suspected organizers of the post-election violence will be held at the Hague and no evidence will be given to the government of Kenya.

The envoys from the EU said the threats might compromise justice for the victims. Dutch envoy Laetitia Assum elaborated that no attention is being paid to the victims who are still suffering especially now that they are being threatened.

## **2. 2012 elections: controversy over the Independent Electoral and Boundaries Commission’s Bill**

### **Storm persists over 2012 elections team**

**The Standard, privately-owned newspaper**

**July 1<sup>st</sup> 2011**

A controversy has arisen around the setting up of independent commissions to oversee the General Election and mapping of 80 new constituencies. The Independent Boundaries and Electoral Commission Bill is ready for presidential assent however it has emerged that the president might send back the bill, which was passed by the House last month.

The controversy stems from a contentious clause, which reportedly deals with the salaries of the commission staff. The current clause says the Salaries and Remuneration Commission would “determine” the perks, however the constitution says the commission “advises”.

In a series of back and forth arguments, the chairman of Commission for the Implementation of the Constitution, Charles Nyachae accused Attorney General Amos Wako of slowing down the implementation of the bill

**“I will not take blame for delay’ says Wako”**

**Kenya Broadcasting Corporation, [government-owned](#) broadcasting company**

**Written by Lillian Mwendu, July 2<sup>nd</sup> 2011**

Attorney General Amos Wako will present the Independent Electoral and Boundaries Commission’s Bill to the president on Wednesday of this week. Responding to the controversy over the delay in presenting the bill, Wako explained that the bill had been delayed by the clerk of the National Assembly (and not his office). According to Wako, the National Assembly has to confirm that the bill is a true copy before the president’s assent. The Constitutional Implementation Commission (CIC) raised a red flag over the attorney general’s delay in presenting the bill, which the parliament passed a month ago. "Whilst it may be understandable that Parliamentary processes resulted in the delay relative to the internal timeliness, we are with respect, unable to see any justification for the delay in presenting the Bill to the President for Assent" said the Charles Nyachae, CIC chairman.

Nyachae questioned whether the delay was a plot to stall the implementation process or whether it is a lack of appreciation for the constitutional obligation of the Attorney General in this process. The new constitution requires the Attorney General to leave office by the end of August.

### **3. Ruto declares his new political ally in a bid for the presidency**

**“Ruto declares his new political ally”**

**Kenya Broadcasting Corporation, [government-owned](#) broadcasting company**

**Written by Metabel Mainya, July 2<sup>nd</sup> 2011**

United Democratic Movement (UDM) party leader William Ruto has formed an alliance with Matuga MP Ali Chirau Mwakwere. The two declared that the time has come for politicians of like mind and vision to leave their political parties and form an alliance to save the country from poor leadership – the current reason for widespread poverty in Kenya. “If I am defeated by Ruto, I will accept and become his running mate and incase I defeat him, the Eldoret North MP will be my running mate,” said Mwakwere.

Eldoret North MP William Ruto is one of the suspects in the International Criminal Court’s case on human rights abuses in Kenya’s post-election violence in 2007/08. Ruto is suspected of having helped organize the crimes.

### **4. Kenya plans to set up patrol bases on contested islands – said to spark conflict with Uganda**

**“Kenya security team headed to Migingo”**

**Daily Nation, [privately-owned](#) newspaper**

**July 1<sup>st</sup> 2011**

Allan Machari the Nyatike District Commissioner said plans for setting up patrol bases on Migingo and Ugingo islands are almost complete. This move by the Kenyan government is likely to spark new conflict with Uganda, whose authorities have been collecting levies in Migingo since 2004. Ugandan security forces reportedly will not leave Migingo until receiving official orders from Kampala, the

capital. Machari assured Ugandans that they will be allowed to continue fishing around Migingo “in the spirit of East African Community.”

## **5. MPs unwilling to pay taxes; According to poll, 63% of Kenyans will not reelect their MPs**

**“MPs accuse Principals of dishonesty over taxes”**

**Kenya Broadcasting Corporation, [government-owned](#) broadcasting company**

**July 2<sup>nd</sup> 2011**

House Speaker Kenneth Marende said he received three letters from the Attorney General Amos Wako, Kenya Revenue Authority and Finance Minister Uhuru Kenyatta specifying that sitting Members of Parliament will be exempted from paying taxes once the new constitution is passed. During the Kenya National Assembly Breakfast Prayer outreach, Marende and several MPs accused the President and Prime Minister of hoodwinking them into supporting the new constitution during referendum campaigns last year. According to Marende, the MPs were assured that their perks would not be touched during the current term in return for support of the new constitution.

Former Attorney General Charles Njonjo insists that everyone should pay taxes and the MPs are no exception. Prime Minister Raila Odinga and Vice President Kalonzo Musyoka as well as several other MPs have paid their outstanding tax debts.

**“Most Kenyans will not re-elect their MPs, according to poll”**

**KBC Radio, [government-owned](#) radio station**

**July 2<sup>nd</sup> 2011**

Sixty-three per cent of Kenyans will not re-elect their current MPS said an opinion poll released by the research company Infotrak. Those interviewed by the pollster said that most MPs were corrupt, failed to act on their promises and exhibited poor leadership.

## **6. Freedom of the Press: MP seeks injunction on media house for publishing defamatory articles;**

**“Kabogo wants to gag media, Standard tells court”**

**The Standard, [privately-owned](#) daily newspaper**

**June 29<sup>th</sup>, 2011**

Juja Member of Parliament William Kabogo has submitted an application for an injunction against the media house Standard Group. The MP is trying to block the media firm from broadcasting or publishing defamatory articles concerning his alleged involvement in violent crimes and drug trafficking. Kabogo’s lawyer told the judge that Standard Group’s publications had already caused his client irreparable injuries and if not restrained, the group may publish further information “of this kind”

In response, Standard Group’s advocate Manjit Billing said by seeking an injunction, Kabogo is “trying to muzzle the right of reporters in reporting matters of national interest

The judge hearing the case extended an interim injunction blocking the Standard Group from publishing defamatory articles against Kabogo. The final ruling will be delivered this September.

## **7. Prime Minister welcomes appointment of new IMF director; 10m face hunger due to drought**

**“PM lauds Lagarde’s appointment”**

**Kenya Broadcasting Corporation, *government-owned* broadcasting company**

**June 29<sup>th</sup>, 2011**

Prime Minister Raila Odinga welcomed the new appointment of French Minister Christine Lagarde as the new managing director of the IMF. Odinga stated that Africa has high expectations of her. “I call on the IMF, under the new leadership of Christine Lagarde, to be bold and innovative in assisting Africa sustain high economic growth, maintain macroeconomic stability and achieve the Millennium Development Goals, with greater and timely flows of highly concessional resources,” said Odinga.

**“10m face hunger in East Africa’s ‘worst drought’”**

**Daily National, *privately-owned* newspaper**

**July 1<sup>st</sup>, 2011**

The United Nations says that large parts of northern Kenya and Somalia are now in the “emergency” category, one phase before “famine”. Humanitarian agencies are calling for around 525m dollars for Kenya as they are barely 50 per cent funded.

According to Elisabeth Byrs, spokeswoman for the UN Office for the Coordination of Humanitarian Affairs, “two consecutive poor rainy seasons have resulted in one of the driest years since 1950/51 in many pastoral zones ... There is no likelihood of improvement until 2012.”