



Kenya: Domestic Media Monitoring Report

Montreal Institute for Genocide and Human Rights Studies

Unless otherwise stated, all articles were written in English.

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Report Content:

1. Issues facing the coalition government: a report from Kofi Annan
2. The judicial nominees and fraud allegations
3. The new budget is announced: private and government reports
4. Appealing the International Criminal Court's ruling
5. Miscellaneous: The Wagalla Killings of 1984; border threats

1. Issues Facing the Coalition Government:

"Annan warns over rift in Coalition government"
The Standard, privately-owned daily newspaper
June 10th, 2011

General Kofi Annan, former United Nations Secretary has predicted that a rift in Kenya's coalition government is likely to widen as the 2012 general election approaches. A research firm monitoring reforms and performance of the coalition government said that this rift could threaten the implementation of the new constitution.

Annan's report was posted on Kenya National Dialogue and Reconciliation's website. The report surveyed 2,000 Kenyans from all 47 counties in March 2011. According to the report, 75 per cent of Kenyans say they would not like to see another power-sharing coalition in the future. However, the report states that Kenyans would like the coalition government to remain in office until the next general election as it secured peace and has gone on to deliver the constitution.

The report states that parochial and short-term interests have gradually factionalized the two parties (Party of National Unity and Orange Democratic Movement) and fueled disputes within the government.

The report observes that the coalition government has largely failed to lead on the issue of internally displaced persons. Corruption, lack of social cohesion, and landlessness remain the main challenges to finding lasting solutions for resettlement. The issue of Internally Displaced Persons "is only mentioned where politicians wish to generate political capital out of it" reads the report.

Background :

Now president Mwai Kibaki entered a power-sharing deal with rival Raila Odinga after both claimed victory in the December 2007 presidential election.

Right after the election, Kibaki was sworn into office, leading to widespread unrest throughout the country.

After months of negotiations, a coalition cabinet was created and sworn into office in April 2008

Source: BBC Kenya Country Profile



Left, Mwai Kibaki and Raila Odinga sign a power-sharing deal brokered by ex-UN head Kofi Annan.

<http://news.bbc.co.uk/2/hi/africa/7268903.stm>

2. Judicial Nominees and Fraud Allegations:

Privately-owned media:

“Panel clears Mutunga, Baraza and Tobiko”
Daily Nation, privately-owned newspaper
June 9th, 2011

The Constitutional Implementation Oversight Committee has cleared Dr. Willy Mutunga, Nancy Baraza and Keriako Tobiko to be appointed Chief Justice, Deputy Chief Justice, and Director of Public Prosecutions respectively.

“NGOs headed to court to block Tobiko”
Capital FM, privately-owned radio station
June 13th, 2011

Ten civil society organizations are going to court today to block the nomination of Keriako Tobiko for Director of Public Prosecutions. The African Centre for Open Governance has drawn attention to numerous corruption allegations leveled against Tobiko and raised concerns over the Constitutional Implementation Oversight Committee (CIOC)’s voting pattern; Tobiko received a 50-50 vote but still received approval.

The civil society organizations presented their petition to Parliament, demanding that the vetting process for a new DPP begin, as Tobiko’s nomination was “unconstitutional”. Kenya Human Rights Commission (KHRC) Executive Director Muthoni Wanyeki observed that several members of the CIOC’s recruiting panel have close ties to Tobiko.

Tobiko is accused of facilitating illegal transfer of land in the Mau as well as using intermediaries to extort sh5 million (54,208 CAD) from former local government Permanent Secretary Sammy Kirui.

Tobiko firmly denies both allegations.

Government-owned media:

“VP calls for passing of judicial nominees”
KBC News, government-owned broadcasting company
June 12th, 2011

Vice President Kalonzo Musyoka has urged all Members of Parliament to accept all three judicial nominees. The Vice President said it is time for the MPs to work through their differences and take a common stand on this matter. He continued by saying that passing the nomination of Dr. Willy Mutunga for Chief Justice, Nancy Baraza for Deputy Chief Justice and Keriako Tobiko for Director of Public Prosecution, is the only way to quickly implement judiciary reforms.

Musyoka condemned some MPs for hatching a scheme to discredit Mr. Tobiko in order to bar him from the position. Musyoka urged Kenyans to put aside ethnic and political differences and work together towards building the nation.



The three judicial nominees: from left to right Dr. Willy Mutunga, Nancy Baraza, and Keriako Tobiko
<http://in2eastfrica.net/mps-disagree-over-team-to-vet-nominees/>

3. The New Budget:

Privately-owned media:

“Uhuru spares Kenyans tax increase”

The Standard, privately-owned daily newspaper

June 9th, 2011

To the surprise of many Kenyans, Finance Minister Uhuru Kenyatta did not put into place large tax increases for the new budget, creating a “fresh sense of optimism among the poor.” The focus of the new budget is to protect the poor from the rising costs of basic necessities such as food and fuel, while maintaining high spending on infrastructure to help economic growth. Massive resources are to be spent on agriculture and infrastructure projects to work towards food security and sustainable development. About 1.14 billion dollars (CAN) will go to agriculture related projects such as irrigation, water harvesting, environmental conservation, and fisheries. The infrastructure projects include roads, energy, exploration of geothermal energy, and the Nairobi commuter rail project.

These projects will create a deficit that is 6.8 percent of the country’s gross domestic product. Some politicians have raised concerns about interest rates. Kenyatta responded to the concern: “We do not expect short term interest rates to rise drastically, but care will be taken to ensure credit to support economic productivity.”

“Huge resources” will be allocated towards the implementation of the new constitution (to prepare for next year’s General Election). Funds will go to setting up constitutional offices, drafting of new laws, judicial reforms, expansion of parliament’s facilities, and preparation for the general election, which “are taunted to be the most competitive” with President Kibaki retiring.

Other funds will go to: bursaries to poor families, money for sanitary towels for girls in primary schools, increased monthly allowance to the elderly, free primary education, subsidized secondary education and the school feeding programme, health services such as ARVs for Kenyans with HIV/AIDS, equipment for screening of cervical and breast cancer and a Jobs for Youth initiative.

Uhuru gave specific attention to the problem of internally displaced persons evicted from the Mau Forest. 9.8 billion shillings will go toward their resettlement.

Government-owned media:

“Uhuru unveils tax proposals in the Ksh. 1.15 trillion budget”

KBC, government-owned broadcasting company

June 8, 2011

President Mwai Kibaki attended parliament for the presentation of the Budget Statement for 2011/2021. Deputy Prime Minister and Minister for Finance Uhuru Kenyatta presented the statement.

Uhuru listed out a variety of measures that the government thinks will cushion Kenyans from the high cost of living while also sustaining economic growth for all citizens. The plan: removal of the duty on kerosene, diesel and motorbikes; importation of maize at a lower duty of 10% and zero rated wheat and rice imports; a higher budget for roads, money to boost power generation through geothermal drilling; sufficient funds for social programmes, the implementation of the constitution, continued infrastructural investment and the expansion of youth empowerment programmes. Uhuru urged the private sector to create internship opportunities for new graduates.

Faced with the insecurity in the country, the Minister upped the budgetary allocation to the police department and announced plans to review the terms and conditions of service for those on the force.

The Numbers: Ksh 20.8 billion for implementation of the constitution, Ksh 8.2 billion to free primary education, Ksh 1.6 billion to school feeding programme, Ksh 180 million to every constituency, Ksh 10.2 billion to the Ministry of Finance to expand irrigation programmes across the country, Ksh 4.2 billion for the ongoing resettlement of Internally Displaced Persons and Mau Forest evictees.

The Kenyan Shilling
1 CAD = 92.3074 Ksh

4. Appealing the International Criminal Court's ruling

Privately-owned media:

“Wako files appeal against ICC ruling”

Daily Nation, privately-owned newspaper

June 7, 2011

Attorney General Amos Wako has officially appealed the International Criminal Court to overturn its decision to prevent the Government of Kenya from trying the Ocampo Six. As it stands, the Ocampo Six, suspected of orchestrating the 2007/2008 post-election violence, will be tried at The Hague.

According to Wako, the ICC declined the Government of Kenya an oral hearing, preventing the judges from receiving all of the facts. Last week, the pre-trial chamber judges rejected the Kenyan Government's claim that it was dedicated to investigating and punishing those who orchestrated the election violence.

The claim was rejected as the Kenyan Government was unable to provide reliable proof. For instance, the government gave the court a letter written by the Attorney-General ordering the Police Commissioner to investigate people suspected of being behind the violence. Yet the letter was written after the government had filed its case to have the Ocampo Six tried at home.

In their ruling, the judges also noted that Kenya does not have sufficient measures in place to punish those found guilty, regardless of their promises for future action.

The **Ocampo Six** are the suspects accused of responsibility for the 2007/08 post poll chaos. They are, Deputy Prime Minister and Minister for Finance Uhuru Kenyatta, Head of civil service Francis Muthaura, former police commissioner Hussein Ali, Eldoret North MP William Ruto, Tinderet MP Henry Kosgei, and radio journalist Joshu Sang.

-KenTV

According to the BBC Kenya Country Profile, around 1,500 people died in the fighting and 300,000 were displaced following the elections in which both Mr Odinga and President Kibaki claimed to have won.

Privately-owned media:

“Ugandan to chair hearing of ICC case”

The Standard, privately-owned daily newspaper

June 9th, 2011

The International Criminal Court has appointed Justice Daniel David Ntanda Nsereko, a judge from Uganda, to preside over Kenya's appeal. Justice Nsereko along with ICC President Sang-Hyun Song will lead the team in making the decision over whether or not the Kenyan government will get to try the Ocampo Six at home. The team will either overturn or uphold the decision made by Pre-Trial Chamber II. The Kenyan government wants the Appeals Chamber to return the case to the existing, or a reconstituted, Pre-Trial Chamber to hear and assess evidence.

5. The Wagalla Killings of 1984 and Border Threats:

Privately-owned media:

“Wagalla victims claim Kiplagat ordered killings”

The Standard, privately-owned daily newspaper

June 7, 2011

A witness in the ongoing Truth, Justice and Reconciliation Commission (TJRC) hearings over the Wagalla Massacre in Wajir in 1984 claimed that Ambassador Bethwel Kiplagat ordered the killings to take place.

Kiplagat stepped down from the TJRC chairmanship as a result of the accusation. A survivor of the violence said Kiplagat called for the elimination of “troublemakers”.

During the hearing held in Nairobi, a statement from a former prisoner at the Wajir Prison was read. According to the statement, Kiplagat visited the prison in February of 1984 and is quoted saying “why are you tolerating these people, just finish them?” Kiplagat denied the accusations and said he did not remember having visited the prison or making the statement. He also insisted that he was not present at the Special Wajir District Security Committee meeting of February 9th, 1984 which reportedly decided to round up hundreds of Degodia clansmen.

In a long series of questions with Patricia Nyaundi, the commission’s Chief Executive and Leader of Evidence, Kiplagat insisted that his visit to Wajir had nothing to do with the massacre.

Lawyer Harun Ndubi who is representing the victims urged the TJRC to push the Attorney General to declassify documents, allowing for more information to come into the public view. “The victims of the massacre feel that the commission is being used by Government officials to absolve themselves from blame. We are not seeing major disclosures” said Ndubi.

“Security at stake as state downplays border threats”

Sunday Standard, Kenyan privately-owned newspaper

written by Oscar Obonyo, June 12th 2011

In recent days, Merille militiamen from Ehtiopia crossed the border and murdered 20 Kenyans. Mr. Geoffrey Gitahi, a former Internal Security Minister accuses the Government of being engrossed in “internal house-keeping affairs” such as the vetting of judicial nominees, at the expense of the safety of citizens. Gitahi blames the Government’s inaction on indifference and a lack of political goodwill. Dr. Ekuru Aukot, former director of the committee of experts on the review of the constitution accuses the government of obsession with meaningless political intrigues.

President Kibaki assures Kenyans that everything possible is being done to secure the country’s borders. Kibaki also stated that the Islands of Misingo and Ugingo are undeniably on Kenyan territory in Lake Victoria. “There should, therefore, be no cause for alarm on the issue,” declared the president.

A government team from Uganda visited the disputed islands and told its officers to ignore the Kenyan president’s pronouncement.

Gitahi maintains that Kenya can only negotiate the conflict from a position of strength. He is calling for military action.

The exact number of victims killed in the Wagalla massacre is unknown. **Estimates range from** the official government number of **57** (BBC, “Kenya admits mistake over ‘massacre’”) **to over five thousand** (The Standard, privately-owned Kenyan newspaper, “Fading images: How province is fighting one-eyed bandit’s legacy”)