

Kenyan Domestic Media Monitoring Report
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1. British envoy warns of election crisis as no date has yet been established for 2012 general elections

“British envoy warns of election crisis”

Daily Nation, *privately-owned* newspaper

June 17th, 2011

Uncertainty over the date of the next general election could mean chaos for the country, said British High Commissioner Rob Macaire to the Members of Parliament on Thursday June 16th. Macaire further warned that delays in passing key reform laws could undermine growth and cause investors to bypass the country.

According to the article, there are suspicions of political maneuvering as an Electoral and Boundaries Commission for the 2012 elections has yet to be established and no date has yet been fixed for the upcoming elections.

2. Supreme Court becomes the “final judicial authority” with a new act signed into law by President Kibaki

“President Kibaki signs Bill into law”

The Standard, *privately-owned* newspaper

June 30th, 2011

President Kibaki signed into law the Act of Parliament, which allows the Supreme Court to act as a court of final judicial authority and to assert the supremacy of the constitution and the sovereignty of the people of Kenya. The bill will allow for an easier transition from the old constitution to the implementation of the new one. It also seeks to improve access to justice.

“Kibaki assents to the Supreme Court Bill 2011”
KBC, government-owned broadcasting company
June 22nd, 2011

President Kibaki signed into law the Act of Parliament, which provides for the operation of the Supreme Court as a court of final judicial authority. Under the Act, the Supreme Court can assert the supremacy of the Constitution and the sovereignty of the people of Kenya. It can also provide an authoritative and impartial interpretation of the Constitution.

The Supreme Court Act comes into effect at a time when the appointment of the five Supreme Court judges hangs in the balance as a court order bars them from taking oath. The Federation of Women Lawyers challenged the appointments as they ignore the Constitution’s one-third rule in appointments of persons of either gender.

3. Over 4 billion shillings stolen from the Ministry of Education

“Report reveals how billions of Kenya’s free learning cash was stolen”
The Standard, privately-owned daily newspaper
June 26th, 2011

An audit on the Kenya Education Sector Support Program has revealed that Ministry of Education officials stole billions of shillings from the Free Primary Education Programme. More than 4.6 billion shillings (about 4.9m CAD)* have been lost due to serious financial and accounting lapses. The cases of fraud include one education official who failed to account for 10.8m shillings (about 117,000 CAD) he took in the 2008/2009 financial year. Various officials reportedly took money and marked it for travel, accommodation, and subsistence allowances for workshops, seminars and other official business. The ministry also bought flash disks, computers, and printers whose prices were inflated by more than 500,000 shillings (about 5,480 CAD). The ministry further paid 7m shillings (about 75,000 CAD) as “facilitation fees” to government employees for doing their normal duties.

President Kibaki has promised to take decisive action against those found guilty of fraud. Prime Minister Raila Odinga urged Education Minister Sam Ongeru to take political responsibility. Civil society organizations have camped out in front of Ongeru’s office to demand his resignation. Donors, notably the British government, are demanding refunds following the news of misappropriation.

*Calculated with the current value of the Canadian dollar

“Activists stay put awaiting Ongeru’s resignation”
KBC News, government-owned broadcasting company
June 24th, 2011

A civil society group has, for the past four days, staged a sit-in outside Education Minister Ongeru’s house. The activists say they will stay put until Ongeru steps down and allows for an investigation into the free primary education funds scandal. The protestors continued despite having been smeared in human waste on Thursday. The activists are demanding Ongeru and other top officials implicated leave office over the 4.2 billion shilling theft.

4. Kenyan government officially tells the International Criminal Court that it is unable to “foot the bill” for the hearings of the Ocampo Six

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 Member of Parliament William Ruto, Tinderet Member of Parliament 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 Raila Odinga and Mwai Kibaki claimed to have won.

Context: At the beginning of June, the Kenyan government officially appealed the International Criminal Court to allow it to try the Ocampo Six in Kenya rather than at the Hague, saying that the judicial process was ready to undertake the responsibility.

“Cabinet refuses to aid ICC in Kenya”

The Star, privately-owned daily newspaper

June 24th, 2011

The Kenyan government has formally told the International Criminal Court (ICC) that it cannot afford to facilitate the hearings of the Ocampo Six in Kenya in September. Since the beginning of the year, government ministers have been arguing that the prosecution of the Ocampo Six should only take place in Kenya as the judicial reform process is well under way.

A cooperation agreement signed in 2010 between the government and the ICC stipulates that Kenya would provide some facilities and services should the court chose to hold hearings in Kenya. The ICC sub-committee wrote the ICC two weeks ago saying the government has budgetary constraints and that the ICC needs to meet the full cost of holding the hearings in Kenya. “The cost of hosting the judges, the staff and providing the necessary facilitation for the hearings is not provided for in the budget. So we have told ICC that if the judges decide to come here it will be up to them to foot the bill,” said a member of the Kenyan Cabinet Sub-Committee in charge of the ICC cases. Five of the six Ocampo suspects have also formally objected to the proposal of holding the hearings in Kenya as they are reportedly unaware of the ICC’s motives for changing the location. The ICC Pre-Trial Chamber is expected to decide next month if the confirmation hearings will be held in Kenya or not.

