



Item 6

29th Session of the United Nations Human Rights Council – 25th March 2015 Oral Statement on the UPR Outcome Report for Kenya

Speaker: Praveen Gunaseelan

Mr. President,

The Commonwealth Human Rights Initiative commends Kenya for its engagement in the UPR process. However, CHRI remains gravely concerned by the Securities Laws (Amendment) Act. The new law detrimentally changes the procedure for appointment of heads of police and intelligence services, jeopardising their independence from the powerful executive. In tandem, pre-trial detention has been extended up to 360 days in terrorism cases; 'extreme belief systems' attract up to 30 years sentences; and intelligence agencies can carry out covert ops without court oversight.

CHRI is deeply concerned by the government crackdown on civil society. The Public Benefits Organisations Act has, for instance, been used to refuse registration of an LGBT group. Despite court orders not to discriminate, the government vowed not to register them and the matter remains in contention. Similarly the Prevention of Terrorism Act has been used to freeze the assets of MUHURI (Muslims for Human Rights) and Haki Africa. The court held there were no grounds for the accusations and ordered the unfreezing of assets.

CHRI notes with concern that cases involving Kenya at the ICC have been seriously impeded. The case against President Kenyatta was dropped for lack of evidence. Contributing factors mentioned were witness intimidation, gruesome deaths of key witnesses and a general lack of state cooperation. The remaining case against Deputy President Ruto and journalist Joshua Arap Sang has also been marred by witness bribery and fatal assaults on journalists covering the proceedings.

CHRI urges Kenya to: 1) Review the Security Laws (Amendment) Act to ensure Kenya's strong constitutional and civil liberties safeguards are honoured; 2) remove restrictions and overbroad discretions from the PBO Act and redesign these laws only after wide public consultation; and 3) fully cooperate with the ICC and respect their obligations as parties to the Rome Statute.