

104TH CONGRESS
2D SESSION

H. CON. RES. 135

Expressing the sense of the House of Representatives concerning the political and human rights situation in the Republic of Kenya.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1996

Mr. PORTER (for himself, Mr. HINCHEY, Mr. LIPINSKI, Mr. FRANK of Massachusetts, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. ENGEL, Mr. DEFAZIO, Mr. HOUGHTON, Mr. REED, and Mr. HASTINGS of Florida) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the House of Representatives concerning the political and human rights situation in the Republic of Kenya.

Whereas the Governments of the United States and the Republic of Kenya have enjoyed friendly relations as the Republic of Kenya has been an important and politically stable ally to the United States in Africa;

Whereas the Republic of Kenya is a major tourist destination in East Africa enhancing its economic and political importance to the United States;

Whereas the Republic of Kenya is the recipient of a substantial amount of United States foreign assistance;

Whereas such foreign assistance had been offered to encourage democratic freedoms, human rights, and political stability in the Republic of Kenya;

Whereas after 9 years as a single-party state led by the Kenya Africa National Union, a 1991 constitutional amendment restored multiparty democracy;

Whereas the Kenyan Constitution guarantees the rights of assembly, association, conscience, and expression;

Whereas the Republic of Kenya, as a signatory to the United Nations Charter, the United Nations Declaration of Human Rights which includes the International Covenant on Civil and Political Rights, and the African Charter, is obliged to adhere to its international legal obligations and to protect the fundamental human rights of all its citizens;

Whereas despite the 1991 constitutional amendment restoring multiparty democracy, the Government of Kenya continues to wage a campaign of repression designed to eliminate criticism and dissent;

Whereas Government of Kenya security forces have harassed and detained government critics, including former cabinet members and others advocating multiparty democracy;

Whereas former Member of Parliament from Nakuru, Koigi Wa Wamwere, who has been recognized as a determined opponent to ethnic cleansing, brutality, and corruption in the Republic of Kenya, has been targeted by the Government of Kenya for his political beliefs and has spent the better part of the past 9 years in police detention;

Whereas numerous international human rights groups and independent international observers have concluded that the trial and sentencing of Mr. Wamwere and his 2

codefendants, Charles Kuria Wamwere and G.G. Njuguna Ngengi, to 4 years in prison and 6 “strokes” (lashes with a cane), was conducted in a manner that was inconsistent with international legal standards, that the charges against the defendants were unsubstantiated by the evidence, that much of the evidence was fabricated, and that the trial was not conducted by an independent and impartial tribunal;

Whereas the Government of Kenya continues to intimidate and harass human rights attorneys, peaceful demonstrators, and human rights activists by regularly interfering with many civil liberties, including freedoms of speech, press, assembly, and association;

Whereas prisoners in the Republic of Kenya, especially political prisoners, are detained in prison for indefinite periods of time without being charged with a crime;

Whereas prisoners in the Republic of Kenya charged with crimes remain in prison for excessively lengthy periods of time without being brought to trial;

Whereas prisoners in the Republic of Kenya are often subjected to various kinds of torture, including beating with sticks, fists, handles of hoes, and gun butts, often resulting in permanent disability;

Whereas life threatening prison conditions in the Republic of Kenya, including sexual abuse, severe overcrowding, poor diet, inadequate health care, substandard bedding materials, and flooded or unheated cells led to several hundred deaths in prison in 1994;

Whereas despite constitutional provisions to the contrary and the Kenyan Police Commissioner’s June 1993 announcement that torture was prohibited and would not be toler-

ated, there continue to be credible reports that police and security forces resort to torture and brutality to break up licensed public assemblies;

Whereas the President of Kenya exerts overwhelming influence over the country's Judiciary, including through the President's refusal to renew contracts of the 3 High Court Judges who have issued rulings adverse to the Government; and

Whereas the Republic of Kenya's political stability is threatened by the Government of Kenya's repression of individual rights and democratic freedoms and its intolerance toward political dissent: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION 1. STATEMENT OF POLICY.**

4 It is the sense of the Congress that the Government
5 of Kenya should—

6 (1) uphold the rights of assembly, association,
7 conscience, and expression, which are guaranteed in
8 the Kenyan Constitution;

9 (2) adhere to its international legal obligations
10 under the United Nations Charter, the United Na-
11 tions Declaration of Human Rights which includes
12 the International Covenant on Civil and Political
13 Rights, and the African Charter;

14 (3) end all intimidation and harassment of
15 those who are critical of government policies and
16 those working for democracy in Kenya, particularly

1 individuals within the church, the press, and the
2 legal and academic communities;

3 (4) either charge and try or release all pris-
4 oners, including persons detained for political rea-
5 sons;

6 (5) cease all physical abuse or mistreatment of
7 prisoners;

8 (6) release Mr. Koigi Wa Wamwere and permit
9 him to exercise his rights of free expression, associa-
10 tion, and political participation in a multiparty de-
11 mocracy; and

12 (7) restore the independence of the Judiciary.

13 **SEC. 2. ASSISTANCE TO REPUBLIC OF KENYA.**

14 It is the sense of the Congress that the United States
15 should consider reducing, and possibly suspending, mili-
16 tary and economic assistance to the Republic of Kenya un-
17 less the Government of Kenya makes substantial progress
18 in addressing the concerns set forth in section 1.

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