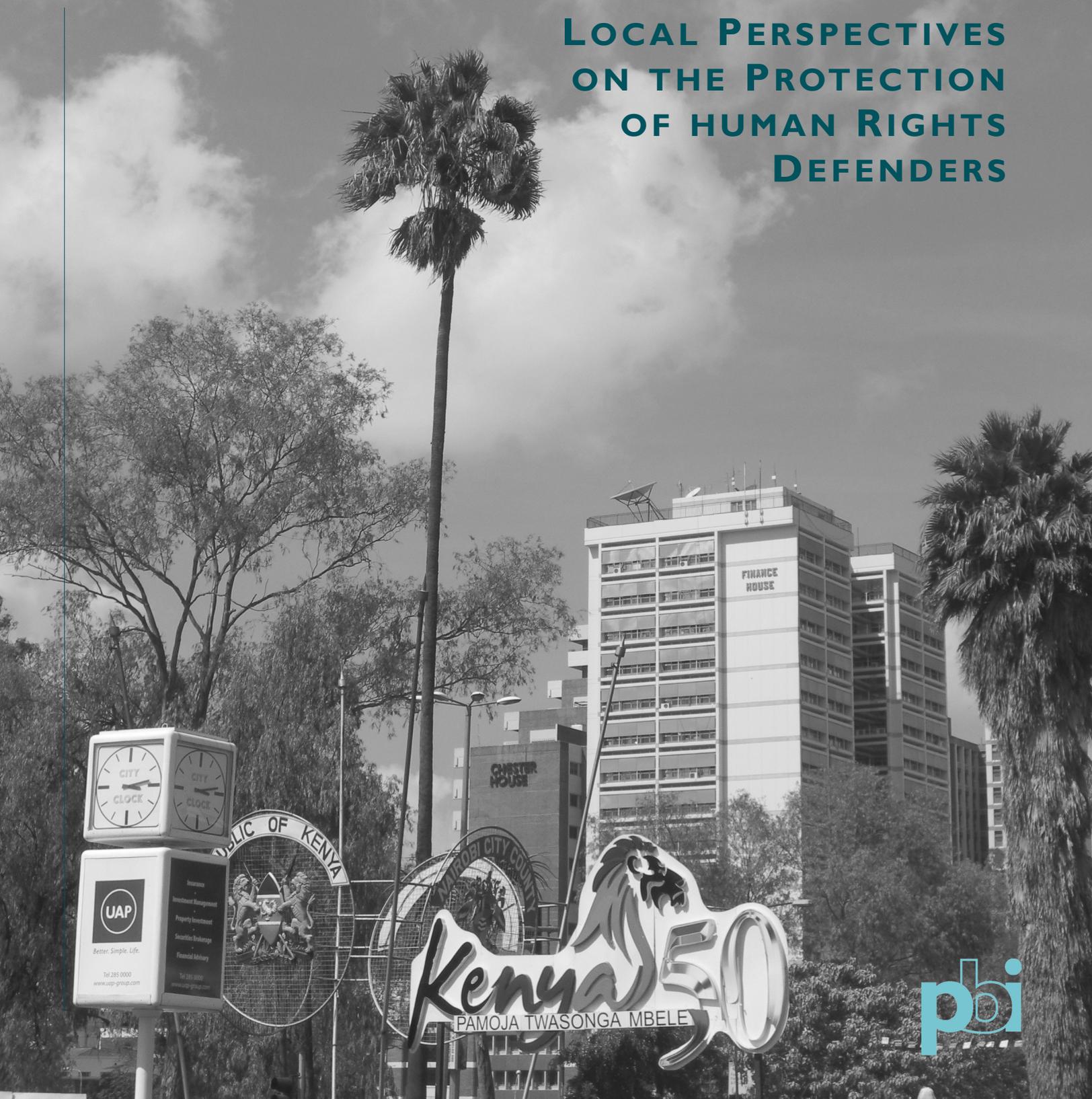


Peace Brigades International

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'THIS IS KENYA'

LOCAL PERSPECTIVES ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS



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PBI Kenya project volunteers.

Peace Brigades International (PBI) is an international NGO that has been promoting non-violence and protecting human rights since 1981. Our work has supported hundreds of communities and thousands of people in eleven countries in Latin America and Asia. We protect human rights defenders who have experienced threats, violence or displacement due to their tireless pursuit of justice and the realisation of basic human rights. Due to our principle of non-interference, we work only at the request of human rights defenders and in response to their needs. Protective accompaniment, our main methodology, combines on-the-ground expertise and local knowledge with international advocacy. Through the protective presence of PBI's international volunteers, we raise the stakes for potential attackers and aim to ensure that human rights defenders are able to carry out their work, contributing to social justice and peace, in relative safety.



AIMS AND METHODOLOGY

Human rights defenders (HRDs) are essential in promoting human rights and economic, environmental, and social justice. Often, they will have intimate knowledge of the local situation and context, and a strong understanding of the needs of groups and communities. HRDs play a key role in building local capacity and in raising awareness at the international level. Through networks at the national or international level, HRDs are also able to forewarn of imminent violent conflict or human rights violations and document, denounce and disseminate information when violations have already occurred. Therefore, when HRDs are targeted by strategies of repression, the ability of communities to defend and assert their own rights is weakened, and the likelihood of human rights violations increases.

Human rights defenders in Kenya face tremendous challenges in their work.¹ This publication seeks to provide a contextual analysis of the political and human rights situation in Kenya in

order to identify some of the needs and challenges of HRDs working within this context. It is based on PBI's findings since its exploratory mission to Kenya in 2011. It also presents an indication of PBI's future work in Kenya and elaborates on the unique yet complementary role PBI aspires to play within the local protection community.

The following analysis is based on both desk research and information collected through PBI's engagement with various members of the local human rights community and other national and international stakeholders in Kenya. In addition to regular meetings held with civil society in Nairobi, PBI also made multiple field trips to the Coast, the Rift Valley and West Kenya.² The PBI team has also engaged many other actors, including key embassies, the Working Group on HRDs (consisting of prominent members of civil society and the diplomatic community), UN representatives (including the UN Senior Human Rights Adviser, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), and established national and international NGOs. In addition, the PBI team met the Chief Justice of Kenya, various Ministry officials, the Inspector General of Police's office, the Independent Policing Oversight Authority, the National Cohesion and Integration Commission, the Nairobi County Commander of Police, and the Kenya National Commission on Human Rights, among others.

¹ For security reasons, PBI has maintained the anonymity of the HRDs we quote in this report.

² PBI conducted 10 field trips across Kenya: four to the Coast, three to Rift Valley and three to the West.

BACKGROUND OF PBI KENYA

In 2009, PBI established an Africa Working Group which investigated the situation of HRDs across the continent, including Kenya. Kenyan defenders and the international community strongly supported a PBI protective accompaniment project in the country. Therefore, in 2011, PBI established a Kenya Project Exploratory Committee (KPEC), made up of experienced PBI activists and Kenya/Africa experts from outside PBI, to assess in greater depth the protection needs of HRDs in Kenya, as well as the feasibility and effectiveness of a PBI protective accompaniment project in the country. The KPEC carried out desk-based research and undertook a 4-week field trip to Kenya in September-October 2011. The exploration found that key conditions for protective accompaniment were met in at least some regions of Kenya, particularly Mombasa, Nairobi and West Kenya.³ As such, a field team consisting of four international volunteers and a coordinator was deployed to Nairobi, Kenya in 2013.

Throughout our time in Kenya, PBI has conducted ongoing research to inform our strategy and assess the most effectual mode of PBI's work to support HRDs in Kenya. PBI has built a support network with Kenyan HRDs and civil society, as well as the international community. Most importantly, the field team has met with multiple human rights organisations and defenders who address a wide variety of human rights abuses, including extrajudicial executions and other human rights violations by security forces, corruption, illegal evictions, and sexual violence.

Numerous human rights organisations have explicitly requested PBI support. PBI has engaged in close dialogue with these organisations to conduct a more in-depth analysis of the threats they face, the actors involved, and the potential impact of PBI's support.

HOW PBI WORKS

Our work is based on the theory of deterrence and creating political space. PBI's signature approach is international protective accompaniment. By accompanying HRDs with international field volunteers, we represent the support of the wider international community, which in turn raises the profiles of HRDs. This broadens the political space in which HRDs can work while at the same time narrowing the space of the aggressor.

We work only at the request of HRDs and in response to their needs. PBI respects the autonomy and the right of self-determination of all people and sees its services as a complementary contribution to their own efforts for peace-making. PBI does not provide any funding.

Protective accompaniment can take many forms, including physical accompaniment, advocacy and communications support, solidarity and moral support, as well as demonstration and trial observation. In existing PBI projects, international volunteers accompany HRDs to police stations, at their offices, and during travel to increase the visibility of HRDs, which in turn increases their safety. PBI volunteers meet authorities at all levels, typically including civil authorities, the police, and the military, to explain

³ Peace Brigades International, "An assessment of the feasibility and effectiveness of protective accompaniment in Kenya" (July 2012) at http://www.mypbi.net/fileadmin/user_files/international/files/special_report/PBI_Kenya_report.pdf.

PBI's work. With the consent of HRDs, the PBI volunteers will notify in advance the local and, if appropriate, national authorities about their presence in an area to increase accountability for the security of the HRDs.

Additionally, the volunteers on the ground will have the support of PBI's international network, which includes embassies, government officials, national parliaments, the European Union, UN bodies, networks of internationally renowned legal bodies, and other relevant actors that can be mobilised to apply different forms of pressure for action in case of security incidents. Members of the public might be asked to send faxes, e-mails or letters protesting a violation of, and urging respect for, human rights.

PBI field projects build and maintain these connections by meeting with representatives of foreign embassies based in the country to share useful information about the human rights situation and to seek their support. Outside the country, PBI country group offices, based throughout Europe, the Americas and Australia, build links with influential politicians and officials around the world. In addition, country groups advocate for national and international human rights protection, participate in wider peace and human rights forums, and raise the profile of HRDs at risk.

The goal is to multiply the protective power of PBI's international presence, while giving citizens around the world a way to learn about conflicts and take effective action. We aim to deter violations from occurring in the first place and mobilise our support network only when the situation starts to become critical.

KENYA: HUMAN RIGHTS CONCERNS SINCE THE 2007/08 ELECTORAL VIOLENCE

Kenya is widely known as a vibrant hub of East Africa, but after incumbent President Mwai Kibaki was declared the winner of the controversial election at the end of 2007, the country was rocked by widespread violence that left Kenya's population of approximately 39 million in ethnic and political turmoil.⁴ Today, the country is in many ways still recovering from the post-election violence, in which over 1100 people were killed and hundreds of thousands displaced. Nonetheless, many have been hopeful that the implementation of Kenya's progressive 2010 Constitution, which brought institutional reforms to strengthen accountability and social justice, as well as a new devolved system of government, would usher in an era of peace and justice in Kenya.

This new legal framework and consequent ongoing reforms, including reform of the judiciary, give HRDs new tools to uphold human rights in Kenya. Nonetheless, in meetings with PBI, Kenya's HRDs raised a variety of issues they consider problematic for human rights in the country and which also create a difficult working environment for HRDs.

⁴ See, for example, Human Rights Watch, "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance" (March 2008) at <<http://www.hrw.org/sites/default/files/reports/kenya0308web.pdf>>.

2013 Elections

The March 2013 elections dominated the news and discourse of Kenya throughout 2012, creating concern across the country that election violence would again be widespread. Although the elections still saw pockets of violence and allegations of electoral inconsistencies,⁵ this was to a much lesser extent than in 2007/08. The election results were disputed by former Prime Minister Raila Odinga and members of civil society but were upheld by the Supreme Court in its ruling confirming the election of President Uhuru Kenyatta and Deputy President William Ruto.⁶

Voting in Kenya generally takes place along ethnic lines with over 42 different ethnic groups in Kenya. People predominantly vote for politicians from their own ethnic group or from a political allegiance formed by leaders of their ethnic groups. While people in Kenya agree that there have been positive judicial reforms, HRDs have told us that many questioned the Supreme Court decision to uphold the election results, particularly those from ethnic groups who lost the election and who now no longer have faith in the judicial system.⁷ Civil society and legal commentators have different views about whether the Supreme Court decision was correct. In addition, some commentators argue that those indicted by the International Criminal Court (ICC) should not have been eligible to stand for office in the first place.



Voting line in Nairobi, Kenya General Election 2013.

International Criminal Court trials

President Uhuru Kenyatta and Deputy President William Ruto are both facing trial at the ICC for their alleged roles in the post-election violence of 2007/08. After failed attempts to establish a special tribunal to prosecute the instigators of the violence in Kenya, the matter was referred to the ICC. The case against Ruto began in September 2013 with Kenyatta's trial due to start in 2014. The Government of Kenya had agreed in 2008 that if steps were not taken to prosecute perpetrators of the post-election violence then the cases would be referred to the ICC. However, in 2013 Kenya, supported by the African Union (AU), moved to question the jurisdiction of the ICC in Africa.⁸ HRDs are concerned about the implications of this government position for international human rights and criminal justice, not just

⁵ See, for example, J. Gettleman, *N.Y. Times*, "Spurts of Violence Punctuate Calm After Kenyan Vote Is Upheld" (31 March 2013) at <http://www.nytimes.com/2013/04/01/world/africa/kenya-sees-some-violence-after-vote-is-upheld.html?_r=1&>.

⁶ Supreme Court of Kenya, *Raila Odinga & 5 others v Independent Electoral Boundaries Commission & 3 others* (Ruling delivered on 30 March 2013 and written reasons issued on 16 April 2013) at <<http://www.judiciary.go.ke/portal/assets/files/Supreme%20Court/Corrected%20judgment-Petition%205%20of%202013.pdf>>.

⁷ For 2011-2012, Transparency International ranked Kenya 103 out of 142 countries reviewed for judicial independence with a score of 2.9 out of 7. See <<http://www.transparency.org/country#KEN>>.

⁸ African Union Assembly, "Decision on Africa's Relationship with the International Criminal Court (ICC), Ext/Assembly/AU/Dec.I (Oct.2013)" in *Extraordinary Session of the Assembly of the African Union, 12 October 2013, Addis Ababa, Ethiopia: Decisions and Declarations* at <http://summits.au.int/en/sites/default/files/Ext%20Assembly%20AU%20Dec%20&%20Decl%20_E.pdf>.

in Kenya.

Truth, Justice and Reconciliation Commission

In 2013, the Truth, Justice and Reconciliation Commission (TJRC), which was established pursuant to Agenda Four of the 2008 National Accord, published a report on gross human rights violations and other historical injustices in Kenya between 12 December 1963 and 28 February 2008. The comprehensive report was based on the testimony of witnesses and HRDs from across Kenya. Although the report’s findings were supposed to be legally binding, MPs caused alarm amongst civil society organisations by voting to allow themselves to alter the report, enabling them to remove allegations against themselves or their colleagues.⁹ According to Freedom House, “*The report is based on years of engagement with the voices of Kenyans from all walks of life; it is a grave disservice to them that Parliament is more interested in suppressing parts of the report rather than listening to the voices of their constituents.*”¹⁰ HRDs in Kenya are concerned that this is an indication of ongoing impunity in Kenya.

Legislative restrictions

Other legislative developments causing concern in Kenya include those related to recently passed media laws and the Public Benefit Organisations (PBO) Act. HRDs have told us that they are concerned about the restrictions being placed on NGOs. They believe that the media laws and the proposed PBO Act amendments suggest a pattern of restrictions on those working for human rights: “*The package of bills being brought before parliament is just a veiled attempt by the authorities to silence any kind of criticism of the worrying state of human rights in Kenya.*”¹¹

The Information and Communications Amendment Bill, for example, creates a government appointed Appeals Tribunal with the power to revoke journalists’ accreditation and impose very high fines on journalists and media companies for their reporting. Human Rights Watch is concerned that the penalties could be imposed on journalists on the basis of anonymous complaints, which would not allow the journalists (or media houses) to defend themselves against accusations.¹² They are apprehensive that this infringes the rights of the accused and could be open to abuse by authorities. The bill would also be contrary to the United Nations Human Rights Committee’s view that journalists should not be subject to state licensing.

Proposed amendments to the PBO Act will regulate NGOs operating in Kenya and place financial restrictions that could cripple many NGOs’ ability to operate in the country. According to Amnesty International, “*The level of control Kenyan authorities are trying to impose on NGOs is shameful. These organisations play a critical role in helping communities realise basic human rights through provision of services... A cap on the external funding they can receive would have a devastating impact on their capacity to help those in most need.*”¹³

⁹ A. Shiundu, *The Standard*, “MPs seek to alter TJRC report amid fears of purging bigwigs” (29 November 2013) at <<https://www.standardmedia.co.ke/?articleID=2000098917>>.

¹⁰ Freedom House, “Kenyan Parliament Hinders Justice Process” (17 December 2013) at <<http://www.freedomhouse.org/article/kenyan-parliament-hinders-justice-process#.Uwvjer5FCM8>>.

¹¹ *Ibid.*

¹² Human Rights Watch, “Kenya: New Laws Would Undermine Basic Rights” (12 November 2013) at <<http://www.hrw.org/news/2013/11/11/kenya-new-laws-would-undermine-basic-rights>>.

¹³ Amnesty International, “Kenya: Proposed reforms will dramatically undermine human rights” (13 November 2013) at <<http://www.amnesty.org/en/news/kenya-proposed-reforms-will-dramatically-undermine-human-rights-2013-11-13>>.

Suggested amendments to the National Police Service Act, 2011 and the National Police Service Commission Act, 2011 have also caused concern amongst HRDs in Kenya. The Police Reform Working Group, made up of 15 organisations working to protect human rights, worries that the new amendments will: inhibit the role of independent police oversight commissions and prevent them from carrying out their mandate to investigate police abuses (including arbitrary use of firearms, torture and extrajudicial killings); prevent independent vetting of police officers; enable police officers to shoot at will to protect property (contrary to international standards); and remove critical safeguards to ensure the Inspector General of police is accountable to the public.¹⁴ Kenyan civil society organisations have noted that, without properly defined criteria on the use of force by the police, the proposed amendments leave citizens and HRDs at risk of extrajudicial killings as it gives police *carte blanche* to shoot to kill.¹⁵

Anti-Terrorism

Terrorism has become a more prominent issue in Kenya in recent times. In response to the presence of Kenya Defence Forces fighting in Somalia, Al Shabaab, a Somali group, has increased terror attacks in Kenya. In 2012, there were 30 terror attacks in Kenya killing at least 76 people and injuring around 220 people.¹⁶ Human rights organisations are concerned at the response to terrorism by the government and potential human rights violations arising from anti-terrorist policies. The Open Society Foundation suggests that while terrorism is a very real problem in Kenya, Kenya's counter-terrorism strategies should not infringe on human rights.¹⁷ Human rights organisations are very concerned about the backlash against the Somali community in Kenya.

Corruption

Transparency International scored Kenya 27/100 in its 2013 Corruption Perceptions Index. Kenya was 136th out of 177 countries reviewed for the level of perceived corruption.¹⁸ HRDs and civil society organisations are very concerned about corruption in Kenya: "*Corruption is a concern to human rights defenders because we believe it to be the single most critical impediment to the realization of human rights and further democratisation in most countries of Africa...Kenya's former Minister of Justice and Constitutional Affairs called for corruption to be classified as a crime against humanity for its debilitating effects in almost every sphere of public life.*"¹⁹

Insecurity

General insecurity is a grave concern of HRDs and civil society organisations in Kenya. Child abuse, domestic violence, cattle rustling and violent crime are common and put at risk the population's right to a safe environment. In Nairobi, armed crimes are on the increase, and around four mob lynchings take place each week in the city. In December 2013, the Kenyan Government deployed the Kenyan armed

¹⁴ The Police Reform Working Group, "Kenya Press Statement on the Proposed Bills to Amend the National Police Service Act, 2011 and The National Police Service Commission Act, 2011" (2 August 2012), at <<http://www.khrc.or.ke/media-centre/press-releases.html?start=8>>.

¹⁵ Ibid.

¹⁶ Open Society Foundation, "Kenya Needs to End Human Rights Abuses by its Anti-Terrorism Police Unit" (19 November 2013) at <<http://www.opensocietyfoundations.org/voices/kenya-needs-end-human-rights-abuses-its-anti-terrorism-police-unit>>.

¹⁷ Ibid.

¹⁸ Transparency International at <<http://www.transparency.org/country#KEN>>.

¹⁹ Kenya National Commission on Human Rights and Kenya Land Alliance, "Unjust enrichment: The Making of Land Grabbing Millionaires" (2006) at <http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/5483/06_KLA_Unjust_enrichment.pdf>.

forces to four areas in Kenya: Marsabit, Samburu, Turkana and West Pokot Counties. This campaign was supposed to help tackle crime and reduce insecurity. However, in the past, such deployments of the military have been accompanied by massive human rights abuses.²⁰ Civil society and HRDs fear insecurity for its negative effects on society as well as for the direct effect it, and any State security crackdowns, can have on their ability to work safely.

MOST THREATENING AREAS OF WORK

PBI has spoken to a large number of HRDs and other stakeholders in Kenya to understand the challenges HRDs face. Based on these discussions, PBI has identified the following areas of work as presenting particularly high risks to HRDs.

International Criminal Court (ICC)

HRDs across Kenya have told us that the numerous attacks against witnesses have conveyed a strong message that individuals cooperating with the ICC’s investigations risk severe repercussions. Witness withdrawals have compelled the Prosecution to request more time to review new evidence, leading to further delays and the need for more witnesses. HRDs we have spoken to believe that there is an ongoing campaign to victimise and intimidate people who were involved in or know too much about the 2007/2008 post-election violence, along with civil society activists who have assisted and sheltered potential witnesses. HRDs we met have warned that the deferral of the Kenyan cases at the ICC may lead to further witness intimidation and that HRDs are also likely to be victimised, attacked and killed.

“The government believes that the ICC evidence was collected by NGOs and now wants to control the activities of NGOs and make us weaker so that we can’t hold the government to account.” – HRD in Rift Valley

An HRD from Nakuru told PBI that since the authorities believe that ICC evidence was collected by NGOs, they are now attempting to weaken NGOs and control their activities through legislation. Moreover, HRDs working closely with the ICC on justice for victims are particularly at risk if they happen to be Kikuyu or Kalenjin, the ethnicities of the President and Deputy President, as they are then treated as traitors to their ethnic groups.

HRDs have also told us that they believe the media has taken a decidedly pro-establishment stance in its reporting of the ICC cases and that reporting on the ICC often appears as an indignant and impassioned defence of the indicted. They believe this has contributed to the demonisation of HRDs working on the issue.

Anti-terrorism

Attacks by suspected terrorists have increased since late 2011 when Kenya sent military forces into Somalia to fight the militant group, Al Shabaab. The Anti-Terrorism Police Unit (ATPU), with its mandate to combat terrorism, has been particularly active in the coastal region of Kenya, which has a sizeable

²⁰ See, for example, Human Rights Watch, “Criminal Reprisals: Kenyan Police and Military Abuses against Ethnic Somalis” (2012) at <<http://www.hrw.org/sites/default/files/reports/kenya0512webwcover.pdf>>.

Muslim population.²¹

HRDs have told PBI that, particularly after the terrorist attack on the Westgate shopping mall in September 2013, HRDs attempting to document violations arising from counter-terrorism operations have experienced an increase in surveillance, threats and intimidation. In particular, Muslim HRDs have spoken of the challenges they experience undertaking human rights work because they believe attempts have been made to discredit them. They spoke of being branded as supporters of terrorism with negative consequences for how communities perceive their activities.

HRDs also noted that many defenders working on anti-terrorism issues do not work under the banner of an established organisation and are thus more exposed and more vulnerable. PBI was told that HRDs working on their own, in the absence of an established support and protection network, are particularly likely to be targeted for extrajudicial killings. There is a sense among HRDs working on anti-terrorism issues that they do not know where or to whom to report violations due to significant mistrust and fear of the police.

Security Forces

Throughout 2013, HRDs have reported ongoing human rights abuses by the security forces in Kenya, including rising numbers of extrajudicial killings.²² Defenders working on this topic face very high risks, and HRDs working on cases of extrajudicial killings are often forced into hiding due to the threats they receive.

According to Kenya civil society organisations, the authorities rarely investigate allegations of unlawful killings and disappearances, and perpetrators are seldom prosecuted.²³ Investigations into the cases of a number of HRDs are still outstanding years after they were killed or disappeared. These include, among others, the cases of: two human rights activists, Oscar Kamau King'ara and John Paul Oulu in March, 2009; Bernard Kiriinya, a whistle blower who provided information to the Kenya National Commission on Human Rights on extrajudicial killings of alleged Mungiki members; and Francis Nyaruri, a journalist who advocated against corruption in the police force.²⁴

In August, 2013, well-known Moyale based HRD, Hassan Ali Guyo, was shot dead by an army officer as he documented the use of excessive force, including tear gas and live bullets, against demonstrators in Moyale town. Following the attack, the camera with which he is said to have been recording police and military brutality against civilians was confiscated by a member of the Kenyan Defence Forces upon his death. The Independent Medico-Legal Unit (IMLU) and the National Coalition of Human Rights Defenders-Kenya (NCHRD-K) released a statement stressing that Hassan's execution was not an isolated incident with the country's security agents continuing to arbitrarily use lethal force on peaceful

²¹ Open Society Foundation and MUHURI, "We're tired of taking you to court: Human Rights Abuses by Kenya's Anti-Terrorism Police Unit" (2013) at <<http://www.opensocietyfoundations.org/reports/were-tired-taking-you-court-human-rights-abuses-kenyas-anti-terrorism-police-unit>>.

²² Kenya Human Rights Commission, *et al.*, "Kenya CSOs Report to the African Commission on Human And Peoples' Rights" (October 2013) [not available online].

²³ *Ibid.*

²⁴ *Ibid.*

demonstrators elsewhere in the country.²⁵

The following month in Bungoma, the murder of prominent human rights lawyer Peter Wanyama Wanyonyi, who in the months prior had received death threats linked to his involvement in several human rights cases, added to claims of an emerging trend of attacking lawyers in the line of duty.²⁶

“These killings may be part of a wider attack on civil society”, said Daniel Bekele, Africa Director at Human Rights Watch. “The government should show that it is ready to reverse this trend by ensuring that police investigators can get to the bottom of the killing of these human rights defenders, and by protecting other activists who face threats.”²⁷

Although police in Bungoma and Moyale claim to have undertaken investigations into the killings, there do not appear to have been any meaningful efforts to hold the perpetrators to account.

Land

Land-related disputes, with their ethno-political undertones, are a highly volatile issue in both rural areas and the urban informal settlements of Kenya. These disputes are centred on access to land and insecurity resulting from lack of title deeds and forced evictions. PBI has been told that HRDs challenging land grabbers, particularly high profile ones, are under intense pressure and face significant threats. HRDs have also informed PBI that bringing important land cases against the State is an extremely high risk activity. It was explained to PBI that paralegals, who are usually members of the local community with legal, human rights and advocacy training, are especially vulnerable. As members of the community, paralegals are able to handle cases on the ground but this exposes them to greater risks. PBI has also been told that HRDs working on land issues on the Coast are sometimes branded as affiliates of the Mombasa Republican Council (MRC) and promoters of its secessionist demands. HRDs explained that not only does this accusation undermine their work, it also exposes them to greater threats.



Disputed land in Makueni county.

In the context of informal settlements, forced evictions are also widespread. HRDs with whom PBI has spoken have identified work on land-related issues in the informal settlements of Nairobi as a particularly high risk area of work since it necessarily involves the particular heightened challenges and insecurity characteristic of these marginalised areas of the city.

²⁵ IMLU and NCHRD-K, “Press statement on the shooting of human rights activist Hassan Guyo in Moyale last evening by an army officer” (8 August 2013) at <<http://www.imlu.org/2011-08-04-18-06-26/press-releases/item/57-press-statement-on-execution-of-mr-hassan-guyo.html>>.

²⁶ Harold Ayodo, *Law Society of Kenya*, “Lawyer Peter Wanyonyi Wanyama Burial Set For September 28” (September 2013) at <<http://www.lsk.or.ke/index.php/component/content/article/1-latest-news/320-lawyer-peter-wanyonyi-wanyama-burial-set-for-september-28>>.

²⁷ Human Rights Watch, “Kenya: Rights Defenders Under Attack” (4 October 2013) at <<http://www.hrw.org/news/2013/10/04/kenya-rights-defenders-under-attack>>.

Informal settlement of Mathare in Nairobi.



In the informal settlement of Mathare, HRDs work on a range of issues, organising demonstrations against land grabbing, meeting with local police officers about the security situation, and trying to ensure good governance related to land and other human rights issues. HRDs are routinely followed and often arrested on charges that limit their ability to work, such as incitement to public disorder. These charges are commonly later dropped due to lack of evidence. One prominent HRD working in the community was accused of stabbing people, as a means to discredit him. This HRD also had his home broken into and his work papers and personal savings stolen. He has been beaten, arrested and held without charge repeatedly. Despite the threats to his personal security, he continues to work in the service of his community.

KEY THREATS FACING HRDs

Throughout 2013, civil society has noted not only increased human rights violations but also the closing space for HRDs to carry out their work safely. One HRD in Nairobi remarked to us that, “*The overall climate is against human rights defenders.*” Some of the key threats facing HRDs are described below.

Arbitrary Arrests

Many HRDs believe that it is a deliberate tactic of the government to arrest them when they are carrying out their activities in order to immediately stop such activities and/or to intimidate them to move away from human rights work. It is not uncommon for HRDs to have several charges pending against them at the same time. Although the Constitution provides that every arrested person has the right to be released on bail or bond on reasonable conditions pending a charge or trial, HRDs are subjected to arbitrary arrests leading to long periods of incarceration, sometimes beyond the legal limits, and are sometimes unable to pay bail that is often set inordinately high.²⁸

Criminalisation

PBI believes that states have every right and duty to open criminal investigations as long as there are guarantees of due process. However, HRDs are sometimes prosecuted without respect for standards of due process, and in some cases such prosecutions have been used as tools to silence HRDs. In those cases, prosecutions are sometimes based on trumped-up charges which can have multiple disturbing consequences for the work and safety of the accused HRDs and their families. The adverse consequences of malicious prosecutions include the significant immediate drain on resources that mounting a defence will cause HRDs and their organisations, both in terms of money and time, as well as the emotional stress of facing a trial. Longer-term, HRDs and their organisations may also stand to lose credibility, which may affect support from others in the future. This isolation may also lead to an increase

²⁸ Kenya Human Rights Commission, *et al.*, “Kenya CSOs Report to the African Commission on Human and Peoples’ Rights” (October 2013) [Not available online].

in physical danger.

In Kenya, criminalisation as a strategy to limit human rights work has been raised as a concern by a number of HRDs. For example, on the Coast, HRDs working on land rights cases have told PBI that they perceive the police to be working in collaboration with parties thought to be involved with irregular and illegal allocation of public land, and this leads to deliberate criminalisation of HRDs working on these issues.

Defamation

PBI believes that defamation campaigns, stigmatisation and slander have serious effects on the legal and legitimate work carried out by human rights organisations. Defamation can come from different sources and has the effect of increasing the risk of those targeted. The closure of an HRD's space for work may occur because defamation:

- increases risk to the life and physical integrity of the defamed person/organisation. For example, portrayal of an HRD as a terrorist may result in them being targeted by security forces, or claims that an HRD is a “mouth-piece” of, and paid by, “the West” may lead to threats from conservative forces in their community or from criminal gangs after the money;
- reduces advocacy capacity, as public defamation may lead to a loss of credibility and access to certain spheres of influence;
- causes financing problems, particularly as some donors may decide to reduce or freeze funding to defamed NGOs until the truth of accusations have been clarified;
- results in unfounded criminal prosecutions; and/or
- causes personal psychological distress to HRDs or to their families and colleagues.

Many of the NGOs and HRDs we have met have found their work complicated by negative portrayals of them in the press and the image painted of them by the Kenyan State.²⁹ Some find themselves considered to be enemies of their own country.

Surveillance

PBI has received reports of HRDs being followed, their offices and homes being burgled, their papers and laptops stolen, and websites and e-mail accounts being hacked, as well as telephones being monitored. It is often clear to HRDs that the surveillance is a deliberate attempt to acquire information on their work since devices containing sensitive information are stolen while other valuables are left behind. PBI has also experienced surveillance, including an incident where we discovered someone hiding behind a window and watching our meeting with an HRD in Nakuru.

“Like many houses in rural areas, my house is an open house without a door and windows, and the latrine is just outside of the house. When it gets dark, I don't dare go outside to the latrine, and I have to relieve myself inside of this house because of the fear...I am sure there are people hiding behind bushes and trees who are keeping an eye on me.” – HRD on the Coast

²⁹ Human Rights Watch, “Kenya: Rights Defenders Under Attack” (4 October 2013) at <<http://www.hrw.org/news/2013/10/04/kenya-rights-defenders-under-attack>>.

Death threats

Many HRDs have received death threats, both directly in person and indirectly, such as via SMS texting. These threats often take the form of an insinuation that causes fear on the part of the HRD, but may also be outright declarations of intent to kill. One HRD told us of a text message saying, “We will plant you and make sure you never germinate.” Death threats are often anonymous, but many HRDs believe they originate from people in power. HRDs have told us about text messages in which unknown people are asking for their heads or telling them they will kill them if they do not stop their work. According to Human Rights Watch, civil society and HRDs in Kenya have come under increased pressure in 2013, and increasing threats and intimidation of HRDs underscore a worsening environment for defenders in Kenya.³⁰

Attacks

HRDs report being attacked in the street. PBI spoke to two women human rights defenders who were abducted by perpetrators attempting to intimidate them to give up their work. Human rights defenders in Kenya have suffered sexual harassment and rape in 2013 as well as arson on their farms and homesteads. At least one prominent defender has been killed in the last year, and others have died in unclear circumstances. PBI is also increasingly receiving reports from HRDs whose family members are being attacked or harassed as well, a situation which leaves them particularly vulnerable. HRDs are also at risk of being beaten in police stations when arbitrarily arrested, and we have talked to women HRDs who have also suffered harassment at police stations.

HRDs AT PARTICULAR RISK

Women human rights defenders (WHRDs)

In addition to the challenges inherent in human rights work, WHRDs in Kenya are considered to be at particular risk due to restrictive societal gender norms. Through our work, we have learned that when WHRDs undertake activities that are not considered appropriate for them, they routinely face defamation, humiliation, intimidation or attacks. These attacks often come from members of their own communities. In addition, such threats are often dismissed by their male counterparts and authorities as unrelated to their HRD work, and WHRDs may also encounter reprisals from the community for raising the complaint outside the immediate community. WHRDs have also been subjected to similar police abuse.

“You're supposed to sit at home and be a housewife. If you take up human rights issues, people will start doubting your husband and ask him why he can't control you. This leads to a lot of gender-based violence and harassment and also name calling; calling these women prostitutes, for example.” - WHRD explaining the additional challenges they face

Global recognition for the safety and security of WHRDs was demonstrated by the adoption of a UN resolution on the protection of women human rights defenders.³¹ The African Commission on Human and Peoples' Rights has also tasked its Special

³⁰ Ibid.

³¹ UN General Assembly, “Protecting women human rights defenders” (4 November 2013) at http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/68/L.64.

Rapporteur on HRDs to study the difficult situation of women human rights defenders in Africa.³²

Young human rights defenders

Young HRDs, especially those based in the informal settlements of Nairobi, are at general risk of being arrested, beaten and killed. They also find that they are not taken as seriously as their older colleagues and have added difficulties in accessing national protection mechanisms. In many cases, young HRDs find themselves working with very limited guidance and support. Often, young HRDs do not have immediate role models, and some have told PBI that they must look back to Kenya's struggle for independence to find inspiration. This leaves young HRDs without a support network of experienced HRDs to counsel on how to work safely and successfully. It also leaves HRDs without a pre-established advocacy network that could raise their profile, and consequently young HRDs are more easily targeted by police.

“This is Kenya...it’s especially tough for youth. You can just be gunned down.” – young HRD in one of Nairobi’s informal settlements

SOURCES OF THREATS AGAINST HRDS

Threats from the community

Community members who have carried out crimes that HRDs are trying to seek justice for will often threaten HRDs. HRDs also receive threats from community members when they take up 'cultural' cases e.g. female genital mutilation (FGM). HRDs working on the promotion of Lesbian, Gay, Transsexual, Bisexual and Intersexual (LGTBI) rights face their greatest threats from community members. Some LGBTI defenders find that they also do not receive recognition from other members of the human rights community. In addition, many grass-roots HRDs work on rape cases which, according to many HRDs, are on the rise in Kenya. Often their work is complicated by community or family members of the victim, as they may prefer to keep silent or to settle the matter in a different way, for example, by forcing the victim to marry the rapist.

Threats from authorities

HRDs have also complained of threats by members of the security forces and by public authorities. According to their analysis, defenders working on extrajudicial killings and those trying to attain justice for post-election violence are particularly at risk. Many HRDs working on issues of social accountability also reported having received both direct and indirect threats from local authorities since they are directly challenging the vested interests of those in power.

Threats from companies

A number of HRDs we have spoken to are challenging or resisting operations of national and multinational companies, some of them extractive companies. Their struggle often has two components, one of them being the environmental damage the company is causing, the other being the related human rights violations that may occur. HRDs and communities commonly resist eviction from land that has been irregularly acquired by the companies. Since these HRDs are opposing vested economic interests,

³² African Commission on Human and Peoples' Rights, “230: Resolution on the need for a study on the situation of women human rights defenders in Africa” (2013) at <<http://www.achpr.org/sessions/52nd/resolutions/230/>>.

they often face considerable harassment. Threats are sometimes carried out by company owners or employers themselves but more often are carried out indirectly by people mobilised by the company. HRDs say that authorities and security forces are sometimes implicated in this either by omission (not preventing or investigating the harassment) or sometimes by taking part in the harassment themselves.

CHALLENGES FACING HRDs IN THE CURRENT SOCIO-POLITICAL CONTEXT

In the last year, PBI has spoken to many HRDs who have shared their stories, their motivations and the challenges they face. Unfortunately, the challenges faced by HRDs are many, and they are common to most of the human rights defenders we spoke to.

Organisational challenges

Limited capacity

NGOs and HRDs based outside Nairobi or in the informal settlements of Nairobi find it hard to increase their capacity, which is compounded by a lack of access to capacity-building programmes. When they are able to access these programmes, they often feel the programmes focus on the requirements of the training organisation rather than on the actual needs of HRDs and NGOs on the ground. Areas where HRDs most often identify a need to increase their capacity are investigating and documenting violations, legal matters, fundraising, managing the psychological stress that comes with their difficult job and, last but not least, increasing their security.

“I wish I had received training on protection methods, maybe then I could have saved my son.” - WHRD in West Kenya who lost her son in suspicious circumstances and is convinced his death is related to her human rights work

Absence of networking

Many of the organisations and individuals based outside Nairobi or in the informal settlements of Nairobi that PBI spoke to find it hard to network with established NGOs based in Nairobi. This is partly due to geographical isolation, lack of connections and capacity to access resources. In addition, some grass-roots HRDs are unaware of the existence of established NGOs in Nairobi and how they could be of support, or find it hard to build trusting relationships, especially when established NGOs have their own agendas. On a local level, some HRDs work very well together, but others find it hard to build a strong local network when they are in competition for support and funding.

Lack of funding

Almost all HRDs and NGOs find it difficult to access the funding they require to carry out their activities. Funding is most available to established NGOs based in Nairobi. Most grass-roots defenders and organisations based outside Nairobi usually undertake activities at their own expense. Some have set up a group funding system in which each HRD contributes to the cost of the activities. However, many have stated that this system is unsustainable and that the lack of funds is continually problematic for their work.

Of great concern to the NGO and HRD community were the amendments to the PBO Act tabled in November 2013. These amendments, if accepted in current form, would mean that funding for NGOs from external donors would be capped at 15% of total funds. Additional funding from external donors exceeding 15% would be subject to the approval of the Cabinet Secretary for Finance. NGOs and international donors have voiced concern about these amendments. The UN Special Rapporteurs on human rights defenders, on freedom of expression, and on peaceful assembly and association have also expressed their concerns, stating that the amendments would profoundly and negatively affect the work of human rights defenders.³³ Article 13 of the Declaration on Human Rights Defenders states that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means.³⁴

Difficult access to legal support

Many HRDs are trained as paralegals and advocates but do not have the legal expertise to take cases all the way to court. They find it hard to access affordable legal support, and many are unable to proceed with cases as a result. According to one human rights organisation, there used to be more support from *pro bono* lawyers, but this assistance has decreased of late. Many HRDs are nonetheless willing to take on whatever case is presented to them. PBI met an HRD who is working on 68 different land-related cases. It is very difficult for him to get legal support for all these cases. Sometimes HRDs attempt to fundraise within the community to pay for legal expenses.

However, when HRDs need legal support themselves, it is much harder to access support. In addition to difficulties in accessing legal aid, HRDs face serious complications in collecting bail if arrested. In at least one case shared with PBI, an HRD was in remand for over three months because he was not able to pay bail. There is also a need for international and national legal support for the cases HRDs work on.

Insecurity

NGOs and HRDs suffer routine security problems and often find it hard to carry out their work safely. For example, being in Nairobi’s informal settlements – with narrow, unlit alleyways – increases risk for HRDs, particularly WHRDs. A number of women human rights defenders we spoke to mentioned they are at risk of being raped in these places, and it is often hard to distinguish targeted attacks from the risks people run because of the general lack of security. It is difficult for HRDs to prove an attack was a result of a targeted attempt, which leaves them more vulnerable. In addition, some of the organisations who do peace-building or community work in remote areas have been subject to bandit attacks.

“I have learnt that unknown people went looking for me in my previous residence and forced the current residents to lose a whole night's sleep because they kept banging on the door at 1am and questioning the guard on my whereabouts until they were chased away.” – WHRD in Central Kenya

³³ Office of the High Commissioner for Human Rights, “Kenya: Statute Law Bill poses grave threat to civil society and must be rejected – UN rights experts” (3 December 2013) at <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14055&LangID=E>>.

³⁴ United Nations General Assembly, “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” (UN Doc. A/RES/53/144 (8 March 1999)) at <http://www1.umn.edu/humanrts/instree/Res_53_144.html>.

Challenges relating to State infrastructure

Absence of strong, reliable State frameworks

Some of the NGOs and HRDs we spoke to are concerned by the lack of capacity and funding of the national human rights and justice agencies, such as the Kenya National Commission on Human Rights (KNCHR, the government sponsored but independent constitutional body working on human rights), the Independent Policing Oversight Authority (IPOA) and the Witness Protection Agency (WPA). The process of establishing many of these bodies has been delayed and their mandates have often been weakened in practice, which is of concern to national and international human rights organisations. The UN Special Rapporteur on the situation of human rights defenders has emphasised the importance of national human rights institutions both for their ability to guide and advise governments on their human rights obligations, as well as the crucial role they can play in the protection of human rights defenders.³⁵ Both the UN Special Rapporteur on HRDs and the African Union Special Rapporteur on HRDs have raised concerns about agency budgets being inadequate to fulfil their mandates.

Failure to implement constitutional rights.

A number of HRDs have indicated to us that their constitutional rights of freedom of expression and peaceful assembly have not always been guaranteed. People have been prevented from holding demonstrations or protests and sometimes are arrested in the morning on the day of a planned protest - to be released without charge in the evening after the protest- ostensibly to stop them from taking part in the demonstration. In addition, HRDs are regularly arrested during peaceful demonstrations.



Demonstration in Nairobi's Central Business District.

³⁵ M. Sekaggya, "Report of the Special Rapporteur on the situation of human rights defenders" (UN Doc. A/HRC/25/55 (23 December 2013)) at <<http://www.refworld.org/docid/52e0f1c64.html>>.

EXISTING SUPPORT NETWORKS FOR HRDs AND PROTECTION MECHANISMS IN KENYA

In order to identify the protection needs of HRDs in Kenya, PBI has assessed the protection mechanisms currently available to HRDs at the international and national levels. While the protection mechanisms available to HRDs have increased since 2011, we found that HRDs still face important protection gaps.

At the regional and international level, the main protection networks and mechanisms that Kenyan HRDs can access include the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Human Rights Defenders in Africa whose mandate includes acting on information on the situation of HRDs, engaging in dialogue with member states and human rights institutions, developing effective strategies of protection, and promoting the implementation of the UN Declaration on HRDs in Africa.³⁶ HRDs can further engage the UN Special Rapporteur on the situation of human rights defenders³⁷ and work with the *EU Guidelines on Human Rights Defenders*.³⁸ The diplomatic community and civil society organisations meet regularly as part of the Human Rights Defenders Working Group which provides an important communication channel between civil society and foreign diplomatic missions.

While these are crucial tools to foster a more enabling environment for HRDs, they have limited efficacy in a situation of immediate threats. Furthermore, the Kenyan state has no effective legal mechanism in place to protect HRDs. For these reasons, protection work is largely left to civil society and a number of organisations present in Kenya who specialise in the protection of HRDs.³⁹ They offer a range of services, including relocation and safe housing for a limited period of time. Some offer short term funding to HRDs for relocation purposes. In some cases, HRDs have also been given funding for security equipment such as secure doors and CCTV to protect offices. Organisations also offer security training and workshops for HRDs, as well as online reference tools on digital security.

Some HRDs who become victims of violence or harassment may also be able to access medical and psychological support as well as some emergency support, including funding for medical expenses. In limited cases, legal aid has been available to HRDs facing criminalisation as part of their work in Kenya. This might include legal support in court and the payment of bail following arrest.

One HRD who has known of PBI since the 1990s said he was very happy that PBI has finally arrived in Kenya: *“International solidarity that leads to diplomatic connections is able to help more people, and PBI has many connections to policy channels...International solidarity is so important [because] it’s not the torture but the silence from you that kills me.”*

³⁶ African Commission on Human and Peoples' Rights, Special Rapporteur on Human Rights Defenders at <<http://www.achpr.org/mechanisms/human-rights-defenders/>>.

³⁷ Office of the High Commissioner for Human Rights, Special Rapporteur on the situation of human rights defenders at <<http://www.ohchr.org/EN/issues/SRHRDefenders/Pages/SRHRDefendersindex.aspx>>.

³⁸ European Union Guidelines on Human Rights Defenders (8 December 2008) at <<http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re02.en08.pdf>>.

³⁹ They include the National Coalition of Human Rights Defenders - Kenya, Protection International, Frontline Defenders and Freedom House. Other organisations that support HRDs but whose mandate is not specifically one of protection include the Kenya National Commission on Human Rights, the Kenya Human Rights Commission, the Independent Medico-Legal Unit, and the Rights Promotion and Protection Center.

Although no protective accompaniment organisations other than PBI are based in Kenya, some national organisations have, on occasion, accompanied HRDs to police stations as a measure to deter attacks against them. Furthermore, some organisations can raise international alerts if HRDs have been attacked or face immediate threats.

While these are crucial mechanisms to support HRDs in a very challenging environment, most of them are not preventative methods allowing HRDs to continue their work on the ground. Organisations usually only become involved after an attack or an arrest has occurred, or to facilitate geographical relocation. While HRDs have shown great appreciation of these services, they are also aware of the deficiencies of relocation as a sustainable protection strategy, as this prevents them from continuing their work, interrupts their regular means of livelihood and also cuts them off from their families. HRDs have therefore signalled great interest in protection tools that would allow them to continue their human rights work despite ongoing threats. It is here that PBI hopes to be able to provide unique support.

THE FUTURE OF PBI KENYA

As explained above, PBI's signature approach of international protective accompaniment focuses on the prevention of intimidation, harassment and attacks to allow defenders to continue their crucial human rights work on the ground. HRDs and other protection organisations have confirmed that PBI's preventative approach to protection can fill gaps in the current protection network available to defenders. PBI has received numerous petitions to accompany HRDs in Kenya.

In most of its current country projects, PBI works with HRDs in formal mid- to long-term partnerships. Before entering such an agreement for support, PBI conducts an in-depth risk assessment in order to identify the origins of, and factors contributing to, the relevant risks and threats and PBI's potential to have an impact on those challenges. PBI Kenya also aims for well-defined partnerships with clear goals that are established for a given period of time. Nevertheless, over the past year in Kenya we have learned that in some cases a more flexible arrangement may better suit the needs of HRDs in Kenya. Therefore, we are currently exploring new and innovative ways of supporting HRDs outside formal partnership arrangements.



PBI UK Director, Susi Bascon; Chief Justice of Kenya, Willy Mutunga; PBI Kenya Coordinator, Anika Becher; and Clerk Atieno Odhiambo.

PBI Kenya aims to address a range of requests from HRDs, including:

- ◆ **Physical accompaniment** – HRDs have asked for PBI to accompany them to police stations, in selected rural areas, and in other places where they feel that international accompaniment will deter potential aggressors.
- ◆ **International solidarity in rural areas** – HRDs have repeatedly told PBI how much our presence can make a difference. In PBI projects elsewhere, we have been told that one of the most important aspects of our work is PBI's long-term presence in remote areas where HRDs work in relative isolation. PBI can help HRDs build local and international networks and bridge the gap between grass-roots HRDs and national NGOs.
- ◆ **International advocacy** – There is high demand for international advocacy, particularly from grass-roots HRDs who lack the networks and capacity to do this themselves. The protection organisations already working in Kenya have been clear that PBI can offer valuable assistance with international advocacy, human rights reporting and networking. We hope that PBI's approach of establishing a long-term presence in the field with a team of volunteers working on the ground with human rights defenders will also provide an important link to first-hand information concerning Kenyan HRDs and their safety.
- ◆ **Trial and demonstration observation** – HRDs and the protection organisations working in Kenya have made specific petitions to PBI to observe demonstrations and court cases in the hope of showing international solidarity to HRDs on the ground, to increase the likelihood of a fair trial, and to ensure that the international community is aware of demonstrations and court cases against HRDs.
- ◆ **Security capacity-building** – The demand for security training for HRDs outweighs the capacity of existing protection organisations to provide such training, particularly where HRDs are located outside Nairobi. PBI hopes to carry out security sessions in cooperation with other organisations on the ground.
- ◆ **Networking and bridge-building** – Due to its international character and its principle of non-partisanship, PBI can in some instances help to facilitate contacts between different HRDs, such as for example human rights organisations in Nairobi and grass-roots HRDs in rural areas, as well as between HRDs and government authorities and members of the international community. Kenyan HRDs have repeatedly told PBI that this would be immensely valuable to them.

Our aim is to be able to offer effective protective accompaniment, including physical accompaniment, to HRDs in a number of areas across Kenya, at the request of HRDs. We have made significant progress towards this goal. To be effective, protective accompaniment requires a solid foundation to be set through extensive background advocacy work with a multitude of stakeholders. Therefore, PBI will continue to engage with national authorities and the relevant local authorities on a regular basis as well as in cases of emergencies. By establishing good and transparent bilateral relationships with government authorities and security forces, PBI can keep authorities informed about our work, raise concerns about the problems faced by local HRDs and remind them of their duties in this regard under national and international human rights law.

At the international level, PBI hopes to expand and strengthen its existing international network by establishing relations with the relevant African Union institutions. In addition, PBI Kenya will continue to further productive dialogue with the international community on the ground in Kenya, such as the numerous foreign missions and United Nations institutions in Kenya, amongst others. These efforts will be complemented by the work of PBI country groups who play a key role in raising the profile of Kenyan HRDs within our international network. Moreover, PBI is currently exploring how its Alliance for Lawyers at Risk network⁴⁰ can connect with members of Kenya's legal community to support HRDs in Kenya.



PBI Kenya project volunteers.

Finally, PBI will of course continue to develop our relationships with other organisations offering protection to HRDs in Kenya in the hope that our complementary efforts will greatly contribute to the

⁴⁰ The Alliance is a PBI UK-coordinated network of influential lawyers that supports the work of human rights lawyers in different PBI projects. For more information see: Peace Brigades International, "Alliance for Lawyers at Risk" at <http://www.peacebrigades.org/country-groups/pbi-uk/alliance-for-lawyers-at-risk/>.

safety of defenders and open space for HRDs to carry out their work free from fear of harassment or attack. By working together, we aim to strengthen access to protection mechanisms on a national, regional and international level.

CONCLUSION

PBI Kenya believes in the rule of law, due process and a justice system that will hold the perpetrators and instigators of human rights violations to account. Our immediate concern is the security of all HRDs who carry out work relating to these issues in Kenya.

Kenyan human rights defenders often work under difficult, intimidating and sometimes dangerous circumstances. Kenya HRDs have requested the presence of PBI to support a safe environment in which HRDs can work free from threats, harassment and attacks in accordance with the rights safeguarded in the UN Declaration on HRDs.⁴¹ While the challenges of providing such support are numerous, PBI's experience during our first year in Kenya has strongly indicated that there is great potential for PBI's model of protection to complement existing protection mechanisms in Kenya.

⁴¹ United Nations General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (UN Doc. A/RES/53/144 (8 March 1999)) at <http://www1.umn.edu/humanrts/instree/Res_53_144.html>.



PBI accompaniment of HRDs.

Support PBI's work

*“Nothing serves to protect human rights more effectively than when we stand up for each other's rights. That is the very essence of Peace Brigades International,”
Alex Neve, Secretary General, Amnesty International Canada*

Your support is critical for us to protect and advocate for human rights defenders and their communities. You can help us by:

- ♦ joining your nearest PBI country group and the PBI Kenya Support Network;
- ♦ becoming a PBI volunteer; or by
- ♦ making a donation as an individual or through an organization. For details on how to make a donation, see <http://www.pbi-kenya.org/field-projects/pbi-kenya/donate/>

Thank you for supporting PBI Kenya!

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