

both ears, sometimes resulting in ruptured ear drums; removal of toenails and fingernails; near-asphyxiation caused by the immersion of the head in dirty water; being held in a cell filled with two inches of water for several days; beatings administered while the victim is suspended from a tree in the forest at night; rape or the insertion of objects into the vagina; and pricking the penis with large pins or tying the penis with a string and pulling.

The report referred to information asserting that: the vast majority of officials engaging in torture or ill-treatment were said to act with impunity; courts rarely investigated complaints of torture, examined medical evidence, questioned the lack of medical treatment for a prisoner who alleges torture, or declared evidence or confessions of guilt inadmissible when extracted by torture; courts seldom enforced the legal limits on the duration of detention periods; and, lawyers defending prisoners alleged to have been tortured have faced threats to their employment and received excessively high income tax bills to dissuade them from taking up such cases. Further information asserted that: the denial of medical care to prisoners was prevalent; private doctors were frequently denied access to prisoners or had to overcome such hurdles as obtaining a court order in order to gain access; doctors who were able to examine prisoners faced intimidation from warders; and, detainees and prisoners were often refused access to hospitals and, even when taken, were sometimes removed from hospital before treatment had commenced or been completed.

The government replied, stating that: torture as a means of intimidation or extracting confessions from prisoners or witnesses was prohibited and confessions obtained as a result of torture or intimidation were inadmissible in a court of law; in cases where police officers had overstepped their bounds, they had been called to face the law and, if it were established that they had committed an offence, the officers were punished; law enforcement officers were instructed to follow both Kenyan national law and the UN Code of Conduct for Law Enforcement Officials; officers who exceed lawful force are subjected to criminal prosecution and/or disciplinary measures; in recent times, the Attorney General has acted in about 25 cases, sanctioning 48 law enforcement officers on various charges, such as murder and manslaughter, torture, and/or had directed public inquests to be held. The government asserted that: the allegation that courts consistently failed to investigate complaints of torture was untrue, there had been many instances when officials were summoned to court to produce suspects held in police custody and, such orders had always been complied with; the Commissioners of Police and Prisons had on several occasions been ordered by courts to take suspects to hospital or to allow private doctors to visit those being detained; while it was true that fees for courts and lawyers were higher than the average Kenyan might be able to afford, the problem was economic in nature and could best be solved by development projects geared to raising the standards of living for everyone; there had never been a deliberate attempt by the government to deny prisoners medical facilities; the Prisons Act required prison officers to take ill prisoners to hospital and the Ministry of Health managed prison health facilities with the available resources; private doctors were also allowed to treat prisoners within the procedures stipulated in the Prison Rules; poor health

facilities were a national problem stemming from lack of resources and not a problem of detainees only; and, the Prison Department and the Ministry of Health were only able to meet the health needs of detainees from limited resources.

The government noted that: Kenyan prisons were 30 per cent overcrowded, but efforts were being made to alleviate this problem; in October 1995, the president released some 10,000 petty offenders serving custodial sentences; the government organized a symposium for law enforcement and judicial officers on extramural punishment, with a view to having more extramural sentences adopted to alleviate crowding in the prisons; in February 1996 the Attorney General appointed an Interim Committee in Community Service to implement the symposium's recommendations and produce legislation to that effect; the capacity of old prisons had been expanded and new prisons had been built; and, more blankets, mattresses and clothing for prisoners had been acquired.

The SR transmitted 24 cases to the government and received replies on 14 of them. The SR observed that the nature and extent of the information received suggested the continuing desirability for the government to extend an invitation so that a visit to Kenya can be undertaken.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, paras. 17, 22, Section IV)

In the section dealing with rape and sexual violence, the report refers to the incident in July 1991 in which 71 teenaged schoolgirls at a Kenyan boarding school were raped by male classmates and 19 of the girls died as a result of the attacks and the chaos that followed. In the section dealing with trafficking in women and forced prostitution, the report refers to the fact that the promotion of tourism as a development strategy has contributed to the prevalence of trafficking in women for prostitution. The report notes that in Kenya the flourishing tourism industry has led to an increase in trafficking in the region and that women from India are lured to Kenya to work as performers, but end up as prostitutes. The report states that: trafficking is mostly carried out under the guise of marriage, friendly invitations, and job offers, with Nigerian women known as "madams" or "Mama-Loa" acting as middlepersons between the victims and their traffickers; parents in eastern Uganda are deceived by traffickers into believing that their daughters will work on farms or as domestic workers in Kenya; and, women who work in so-called massage parlours are forced to work 24-hour shifts and receive a mere 25 per cent of their earnings.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR : (E/CN.4/1997/25, paras. 3, 29)

The report of the Secretary-General notes that two Kenya nationals, one working for UNEP and the other for UNHCR, were shot and killed while on duty in Nairobi. The first victim was killed in the course of a car hijacking (December 1995); the second during a robbery (May 1996). The report refers to information provided by the UN Office at Nairobi stating that armed car hijackings, while decreasing, posed the greatest risk to UN officials. It showed that in recent years, three officials have been killed and two wounded; that there were 18 armed vehicle hijackings; and there were 24 house robberies and 18 cases of street crime. The report notes that the UN