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# STATE OF HUMAN RIGHTS AT THE COAST DURING COVID-19 PANDEMIC

March – May 2020

*in partnership with*





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## State of Human Rights in the Coastal Region During the Covid-19 Pandemic March – May 2020 Report



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*Munir Mazrui*

**Chairperson**

**HAKI Africa**



## Executive Summary

This is the human rights report of HAKI Africa and partner social justice centres at the Coast of Kenya during the Covid-19 pandemic. It has been compiled to present to the people and the authorities the true position of human rights *vis a vis* the Covid-19 pandemic. It has been compiled at a time when more and more questions are being raised about the suitability of the measures being taken by the Kenyan government to deal with the unfolding global medical predicament. The report therefore is not just a piece of documentation but one to inform policy and practice in both government and communities.

The report expounds on the human rights situation in the six counties at the Kenyan Coast. It commences with giving the overall picture of the Coast and the prevailing situation in relation to Covid-19. It then presents the overall human rights situation as well as specific group of human rights cases including killings, gender based violence such as rape and defilement, land/eviction matters, torture/assault, labour related cases and other human rights cases. The report finally gives recommendations on what ought to be done moving forward by different stakeholders to help the region effectively address human right during the Covid-19 pandemic.

In its conclusion, this report confirms that the Covid-19 pandemic measures witnessed so far have negated human rights adherence in the counties and limited the enjoyment of fundamental freedoms guaranteed in the Constitution of Kenya. It has given certain authorities the false impression that human rights have been suspended and that the Covid-19 pandemic justifies extra legal means. This situation must be dealt with by both the State and communities and ensure human rights are guaranteed. Covid-19 pandemic is no justification to violate human rights and any measure put in place that negates enjoyment of human rights must be reversed.

It is our hope that this report will be used by all stakeholders to better improve the country's response to Covid-19 pandemic and at the same time ensure respect for human rights and rule of law.

*Hussein Khalid*

**Executive Director**

**HAKIAfrica**



## **1.0 Introduction to HAKI Africa**

### **1.1 Background**

HAKI Africa is a human rights organization based in Mombasa working to improve livelihoods and enhance the progressive realization of human rights in Kenya and beyond. Initiated in 2012, the organization promotes partnership between State and Non-State Actors in order to constantly improve the well-being of individuals and communities and ensure respect for human rights and rule of law by all. Particularly, the organization seeks to agitate for the recognition and empowerment of local communities in Kenya to fully participate in rights and development initiatives with a view to improving the standards of living amongst all including the poor and marginalized.

### **1.2 Vision, Mission, Goal and Motto of HAKI Africa**

**Vision** – A society that respects fundamental rights and freedoms for sustainable development

**Mission** – To foster the progressive realization of human rights

**Goal** – To have individuals and institutions who are enlightened about their rights and working together to enhance the development of their communities

**Motto** – Enhancing the progressive realisation of human rights in Kenya and beyond...



*Ferry users under police guard at the Likoni channel*

## **2.0 Background of the Report**

### **2.1 Introduction**

HAKI Africa and partner social justice centers have compiled this Status of Human Rights at the Coast during the Covid-19 Pandemic for the period 13<sup>th</sup> March – 31<sup>st</sup> May 2020 and hereby releases the findings. During the period, our work was centered on addressing cases of human rights violations including making follow ups, documenting, highlighting, advising and acting on the cases accordingly. It is in the dispensation of these duties that this report has been compiled. The cases of human rights violations in this report include extra-judicial killings, enforced disappearances, gender related offences including rape, defilement and sodomy, torture, labor related cases, land/eviction cases and other human rights abuses in the six counties of Coast namely Mombasa, Kwale, Taita Taveta, Kilifi, Tana River and Lamu.

During the reporting period, it was evident that human rights violations during the Covid-19 pandemic were numerous. Police Stations and the courts, as major stakeholders in the justice system, were not fully functional thus adversely affected the human rights landscape at the courts of Kenya. Many cases, such as gender based violence cases, were unreported due to Police Stations inaccessibility as a result of movement restrictions and the curfew. This contributed to many women suffering in silence.

As human rights organisations who were actively following up on human rights within communities, we received first hand information about the incidences and have documented them in this report. Some of the cases in this report have been concluded, others are still being followed up and a few more were seconded to other justice institutions.

## **2.2 Objectives of the Report**

The following are the objectives of the report:

- To document human rights violations within the Coast region during the Covid-19 pandemic;
- To sensitize and create awareness of the effects of Covid-19 pandemic to human rights enjoyment;
- To offer a reference document on status of human rights during the Covid-19 pandemic; and
- To ensure human rights based approaches are exercised in the provision of health services in the coastal counties.

## **2.3 Methodology**

The information in this report was compiled by HAKI Africa, partner social justice centers and paralegals primarily through both virtual and face to face interviews with victims, their family members, friends and relatives, witnesses to the violations, government officials and senior police officers. As an institution rooted at the Coast, most of the cases are brought to our attention by either individuals walking into our offices all over the region or through our paralegals based in their respective counties who respond swiftly whenever incidents happen and file their reports to our head office. During the reporting period, HAKI Africa also had a hotline number that received complaints in hotspot areas like Old Town in Mombasa that were inaccessible due to the cessation of movement. The report also made use of secondary data which was derived from media and civil society organisations' reports during the reporting period.

## **2.4 Introduction to Coast Region**

The Coast region of Kenya is composed of six counties namely Mombasa, Kilifi, Kwale, Taita Taveta, Lamu, and Tana River which are headed by their respective Governors who manage the affairs of these counties. The Coast population index from the 2019 census puts the region at a population of about 4,329,474.

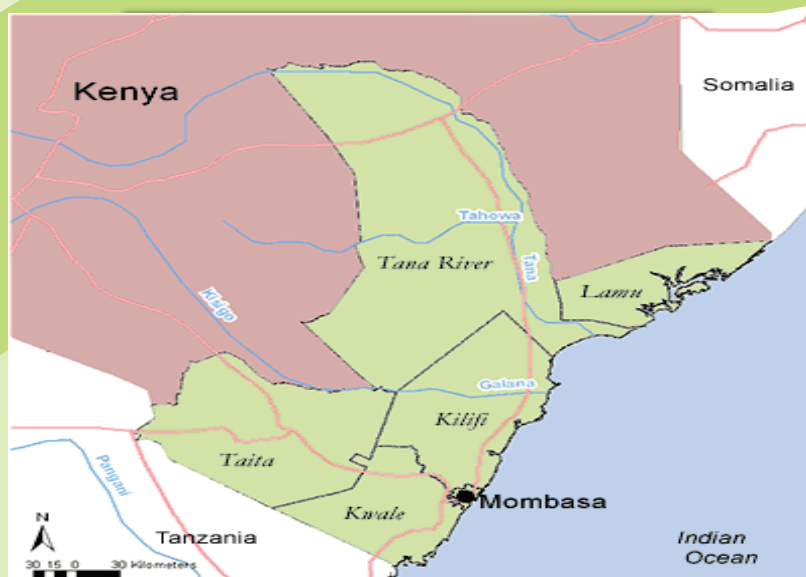


The population is spread across the six counties as follows:

| County       | Male Population  | Female Population | Intersex Population | Total Population |
|--------------|------------------|-------------------|---------------------|------------------|
| Mombasa      | 610,257          | 598,046           | 30                  | 1,208,333        |
| Kwale        | 425,121          | 441,681           | 18                  | 866,820          |
| Kilifi       | 704,089          | 749,673           | 25                  | 1,453,787        |
| Tana River   | 158,550          | 157,391           | 2                   | 315,943          |
| Lamu         | 76,103           | 67,813            | 4                   | 143,920          |
| Taita Taveta | 173,337          | 167,327           | 7                   | 340,671          |
| <b>Total</b> | <b>2,147,457</b> | <b>2,181,931</b>  | <b>86</b>           | <b>4,329,474</b> |

*Table 1: Population spread across the coastal counties*

The economy of the region is heavily dependent on tourism and logistical businesses due to the port of Mombasa. The beaches, ocean and warm weather, coupled with hotels and hospitable nature of the inhabitants has made the Coastal region a favorable tourist destination for many foreign and local tourists. The presence of the Mombasa port has also put the region into the map as a business hub where clearing and forwarding of goods has been a major employer. The social and cultural fabric of the region shows a majority of people professing the Islamic faith followed closely by those who profess the Christian faith with a lot of preservation of old traditional beliefs especially by the Mijikenda community. There are also people professing the Hindu faith predominantly by the Indian community.



*Map of the six counties of the Coast Region (formerly Coast Province)*

## 2.5 Covid-19 in Coast at a Glance

By 31<sup>st</sup> of May 2020, the Coast had reported a total of 613 Covid-19 infection cases. Out of the six Coastal counties, only Lamu and Tana River have not reported any infections. As at 31<sup>st</sup> May 2020, the infections were spread in the 4 counties as: Mombasa 557 cases, Kwale 32 cases, Kilifi 15 cases and Taita Taveta 9 cases. From the pandemic, just like the rest of the country, all learning institutions were closed down, government officers directed to work from home, religious institutions closed and all residents advised to work from home.

As a result of the above, Covid-19 pandemic has had a devastating effect on all social, economic and political activities of the region. The government in combatting the spread of corona virus proposed measures that not only were difficult to be implemented by the locals immediately but also adversely affected the Coastal counties economically. These measures included a dusk to dawn curfew and the cessation of movement in Mombasa, Kwale and Kilifi counties as well as Old Town ward in Mombasa. With the region being largely a socially led society which freely interacts, it was difficult to change overnight and observe some of the rules such as social distancing.

While it is understandable the government measures were merely to protect its citizens from the disease, it is clear now that the Covid-19 regulations have had a negative impact on the enjoyment of human rights by the citizens. Right to life, freedom of worship, freedom of movement, right to security, right to gainful employment as well as social economic rights including right to food, health care and education among others were adversely affected. For example, on 27<sup>th</sup> March 2020, the government declared immediate dusk to dawn curfew beginning the very day. In Mombasa, ferry users were subjected to daylight police brutality which led to scores being injured. The same also happened in various other parts of the Coast.

Many human rights organizations have since condemned the police brutality and called for scrutiny of police excesses through bodies such as the Independent Policing Oversight Authority (IPOA). President Kenyatta, on behalf of the government, apologized and regretted the manner in which police officers enforced restrictions on movements and public gatherings. The inter counties cessation of movement among counties of Mombasa, Kilifi and Kwale brought stigmatization and decline of the economy of these counties. Many locals lost their jobs as businesses and establishments such as hotels closed their doors. As a result, livelihoods were lost and locals left vulnerable to human rights violations.



On 6<sup>th</sup> May 2020, the government further announced and commenced the cessation of movement in Old Town area that caused panic among the residents with many reported to have left before the curfew began and others trying to sneak out of the restricted area from time to time.

The move locked the residents of Old Town from interacting with other areas of Mombasa thus making it difficult for them to access basic services. The cessation of movement in Old Town further exposed corruption within the police service as many from Old Town were seen moving in and out either after paying something small or simply by “talking nicely”. The Old Town cessation of movement was never strictly enforced.



*Red Cross and HAKI Africa in a food distribution exercise*

During the same period, different counties rolled out a relief food distribution program with Mombasa taking the lead. By end of May 2020, Mombasa had distributed food to over 50,000 households. This was a commendable move by the counties as it helped cushion the *mwanaanchi* at the local level considering the challenges noted above.



*HAKI Africa staff following up on a human rights violation case*

### 3.0 Key Findings on the State of Human Rights at the Coast of Kenya

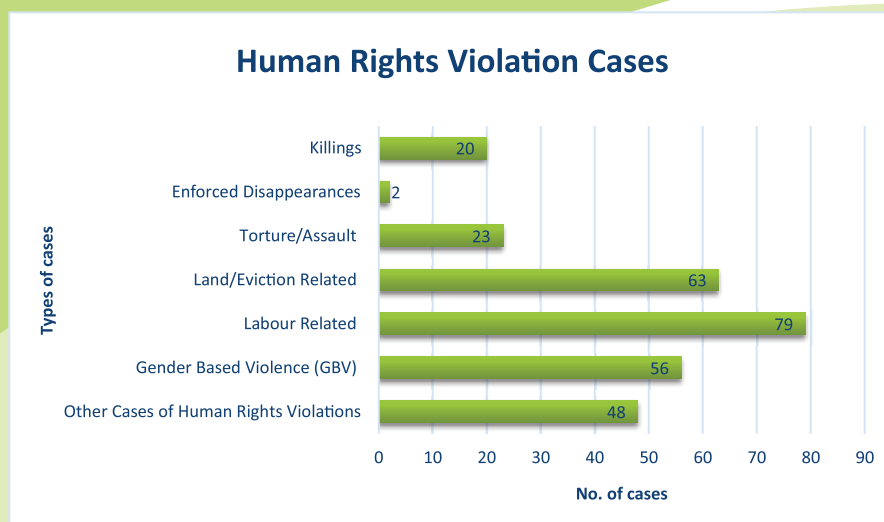
#### 3.1 Summary of Key Findings

During the reporting period, HAKI Africa and partner social justice centers received and documented 291 human rights violation cases stretched across all the six counties of the Coastal region. Below is a summary of the key findings:

- **Negation of Human Rights:** During the reporting period, there was negation of human rights and limitation of fundamental freedoms. The Covid-19 pandemic has exposed individuals and communities to each other and also gave certain authorities the false impression that human rights have been suspended and that the Covid-19 pandemic justifies extra legal means.
- **Concern over Extra Judicial Killings:** During this Covid-19 pandemic period, HAKI Africa and partner social justice centres documented 14 cases of killings at the Coastal counties where police were involved (70%) and the circumstances allege extra judicial killings. The total number of 14 is more than double the number of killings by criminal gangs (2) and killings by mobs/civilians (4) combined.



- **Covid-19 Pandemic Related Killings:** From the total number of killings (20), there were at least 5 killings directly linked to Covid-19 pandemic circumstances including curfew. Out of these five, four are alleged to have been committed by police and one by members of the public.
- **Killings by Criminal Gangs:** There were at least 2 cases of killings alleged to have been committed by criminal gangs that were documented.
- **Killings by Mob/Civilians:** HAKI Africa and partner social justice centres received and documented at least 4 cases of persons suspected to have been killed by mob/civilians during the pandemic at the Coast.
- **Enforced Disappearances:** At least 2 persons were alleged to have been disappeared during the pandemic.
- **Torture/Assault Cases:** At least 23 cases of torture/assault were received and documented during the reporting period.
- **Land/Eviction Related Cases:** Land cases dominated the period with 63 cases received and documented within the Coastal counties.
- **Labour Related Cases:** 79 labour related cases were received and documented by HAKI Africa and partner social justice centres as well as from other secondary sources.
- **Gender Based Violence (GBV) Cases:** Amidst the many unreported cases, HAKI Africa received and documented 56 cases of gender based violence including rape, defilement and sodomy across the six Coastal counties.
- **Other Cases of Human Rights Violations:** Other human rights cases received during the reporting period were 48 in the six counties.



*Graph 1: Number of human rights violation cases per category*

### 3.2 Detailed Findings

The following is a detailed report of the findings of HAKI Africa and partner social justice centres with regards to the state of human rights violations in the Coast region during the reporting period. In total, at least 291 cases were received and documented in the six counties of the Coast of Kenya. Out of the 291 cases, 103 (35%) were reported in Mombasa, 52 (18%) cases in Kwale, 41 (14%) cases in Lamu, 35 (12%) cases in Kilifi, 48 (17%) cases in Taita Taveta and 12 (4%) cases in Tana River.

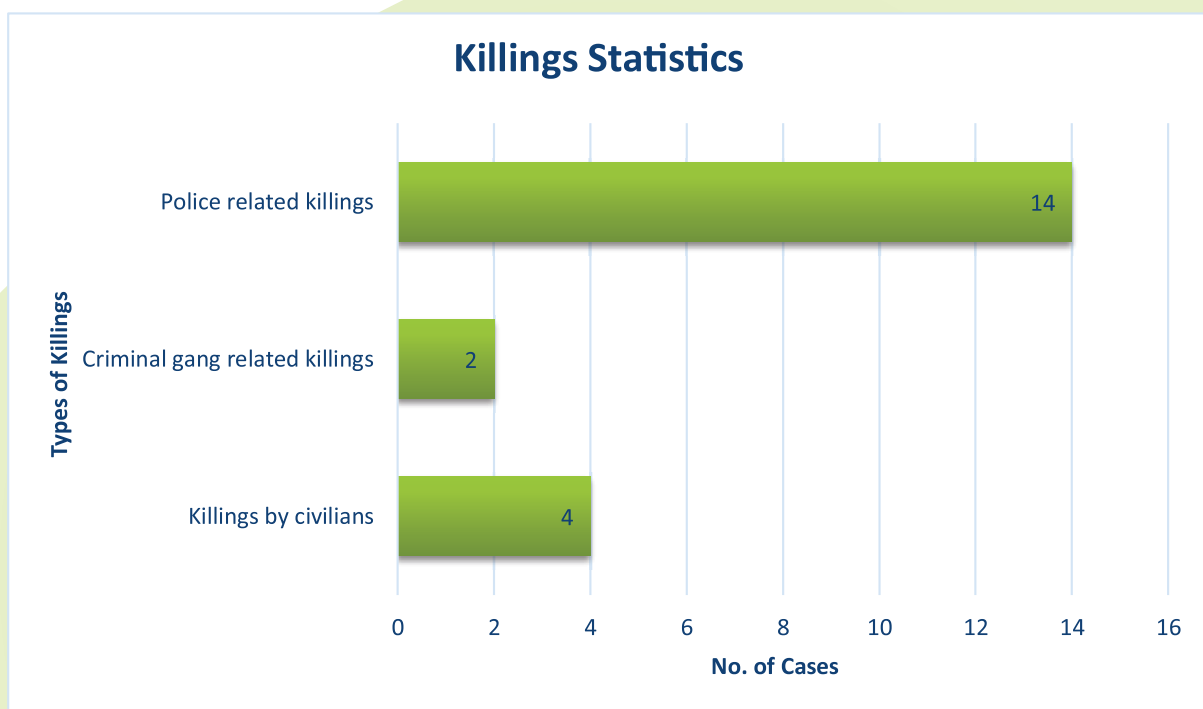
#### Number of Human Rights Violations In Counties



Graph 2: Number of human rights violation cases per county

#### 3.2.1 Killings

Below are details of cases of killings documented by HAKI Africa and partner social justice centres at the Coast of Kenya during the period 13<sup>th</sup> March to 31<sup>st</sup> May 2020. During the reporting period, more than twice the number of killings linked to police officers were documented compared to killings linked to criminal gang and mob/civilians combined. While we documented 14 killings related to police, we documented 2 killings related to criminal gangs and 4 by mob/civilians.



*Graph 3: Number of killings by police, criminal gangs and civilians*

#### **(a) Extra Judicial Killings Cases**

Cases of extra judicial killings by police and other state security agents are common in the Coastal region. Unfortunately rarely do such cases lead to prosecution or justice for the victims. The rate of extra judicial killings at the Coast of Kenya high compared to other regions in the country. The situation continued to manifest itself even during the Covid-19 pandemic.

HAKIAfrica for instance followed up on the case where four persons including two children and a foetus were killed. According to the police, Ramadhan Mohamed Chitswa was a suspected terrorist who when approached to surrender, threw a grenade at the officers. Police also claim that he used the children as a human shield.

According to eye witness reports documented by HAKIAfrica, the father had been subdued by the police outside the house when they heard a loud bang that threw them backwards and also injured them. The same eye witness reported that they then ran to hide in the bedroom since they didn't know who was attacking them. While inside the room, the door was opened and the first thing that happened is the shooting dead of six year old Ramadhan Chitswa.

Upon surrendering, the eye witness claims his hands were tied and when being escorted outside, he saw his little sister Swalha Chitswa in a pool of blood as well as pregnant mother Mwanahalima Mwachili also covered in blood on the floor. On reaching outside, he was kept next to his father Ramadhan Mohamed Chitswa who was writhing in pain claiming he had been badly beaten.

After a while, he was taken aside and he heard gunshots and from then, his father's moans were heard no more. Postmortem reports confirmed Ramadhan Mohamed Chitswa had three bullet wounds, four year old Swalha had 2 and six year old Ramadhan had 4.

The next morning it was confirmed that the pregnant woman Mwanahalima was injured in the stomach and the penetration pierced the foetus which died. She was operated and the dead foetus removed.



*Human rights activists viewing the bodies of 6 years old Ramadhan and 4 years Swalha who were killed in the incident*



Below is a table highlighting some of the cases linked to police and alleged to have been extra judicial killings during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME             | AGE      | DATE AND LOCATION                | CIRCUMSTANCES SURROUNDING THE KILLINGS   |
|------------------|----------|----------------------------------|--|
| 1. Emmanuel Lugo | 24 years | 27/3/2020<br>Kanamai,<br>Kilifi  | Emmanuel together with other youth had gone to secure a piece of land which had originally been ear marked for the construction of a market. It was claimed that the land had since been grabbed by a private developer. The Youth were demonstrating against the land grabber and the police came to disperse the demonstrators. Eye witnesses claimed that in the process of dispersing the demonstrators, police shot and killed Emmanuel Lugo who died on the spot.  |
| 2. Hamisi Juma   | 49 years | 28/3/2020<br>Ng'ombeni,<br>Kwale | Hamisi Juma was allegedly attacked by police officers for flouting the curfew regulations. According to his family, the late Hamisi arrived home around 7.30pm writhing in pain and complaining that he was beaten by the police. It was alleged that Hamisi was returning home after dropping a pregnant woman to the hospital with his boda boda motorcycle when he was accosted by police officers around Mkunazini in Likoni area. Family members claim Hamisi reported he had been severely beaten by the police. He died three days later from his injuries. Police claim Hamisi got injured after he fell in a ditch with his motorcycle as he was avoiding arrest. |
| 3. Erick Ngethe  | 22 years | 1/4/2020<br>Ukunda,<br>Kwale     | The victim, Eric Ng'ethe, was alleged to have been at a local pub in Ukunda past curfew hours when police officers raided the establishment to disperse the revelers. It's alleged that a tear gas canister was thrown inside the pub and in the ensuing melee, there was commotion to run out of the pub and also away from the police. According to eye witnesses,   |

|                                     |          |                                 |  |
|-------------------------------------|----------|---------------------------------|--|
|                                     |          |                                 | Eric was caught by the police and was beaten to the extent of losing consciousness. He succumbed to his injuries and died a few hours later. Police claimed that Eric died after he was injured in the stampede that was a result of him and others rushing out of the pub. The matter was reported to IPOA for investigations   |
| 4. Albanas Mwema                    | Aged man | 3/4/2020<br>Ukunda,<br>Kwale    | A cobbler at Ibiza in Ukunda was on his way home from work on 2 <sup>nd</sup> April 2020 at around 8:00pm (past curfew time) when he met police officers on patrol. It is alleged he was clobbered by police for allegedly flouting the curfew orders as neighbors helplessly watched the scene through their windows. Albanas who was living alone and it is reported he crawled to his house which was a few meters away. His neighbors found him dead at his doorstep in the morning of 3 <sup>rd</sup> April 2020. |
| 5. Unknown                          | Unknown  | 21/4/2020<br>Nyali,<br>Mombasa  | Police shot and killed two robbery suspects in Mombasa. The two were killed at Nyali bridge after a chase from Makupa area where police claim they had allegedly stolen cash from a shop. They were riding a motorcycle with no number plate.  |
| 6. Unknown                          | Unknown  | 21/4/2020<br>Nyali,<br>Mombasa  | Police shot and killed two robbery suspects in Mombasa. The two were killed at Nyali bridge after a chase from Makupa area where police claim they had allegedly stolen cash from a shop. They were riding a motorcycle with no number plate.  |
| 7. Kennedy Okaka                    | Unknown  | 24/4/2020<br>Likoni,<br>Mombasa | Police reported shooting and killing a terror suspect in a shootout in Likoni, Mombasa County. It was alleged by the police that the suspect was found in the house of another terror suspect named Ali Kodza.   |
| 8. Suleiman Ali Godza (alias Pembe) | 28 years | 26/4/2020<br>Ngerenya,<br>Kwale | Police in Kwale shot and killed a terror suspect Suleiman Ali Godza, a day after he had allegedly escaped police dragnet in Mombasa. Godza, alias Pembe, who police termed as an Al-Shabaab ring leader in Diani, was killed in Ngerenya area in Ukunda while boarding a motorbike.  |

|                              |          |                                     |  |
|------------------------------|----------|-------------------------------------|--|
| 9. Abdallah Mohammed         | 45 years | 10/5/2020<br>Tezo,<br>Kilifi        | Abdallah Mohammed was allegedly arrested by the police in Tezo Roka Kilifi for violating the curfew regulations. It is claimed by his family that the officer assaulted him seriously before releasing him. Abdallah died while receiving treatment in a nearby clinic.  |
| 10. Unknown                  | Unknown  | 23/5/2020<br>Mshomoroni,<br>Mombasa | Police shot and killed one suspected member of Wakali Kwanza gang in Mshomoroni, Junda. The officers claimed that four others managed to escape with bullet wounds.  |
| 11. Ramadhan Mohamed Chitswa | 42 years | 30/5/2020<br>Kibundani,<br>Kwale    | 42 years old Ramadhan was killed when security officers raided his home in Kibundani, Kwale county. Police claim he threw a grenade at them and that he used his children as human shield. Eye witnesses claim it's the security officers who used the grenade and shot at the victims. Postmortem report revealed Ramadhan was shot three times at the back of the head |
| 12. Ramadhan Chitswa         | 6 years  | 30/5/2020<br>Kibundani,<br>Kwale    | 6 years old Ramadhan Chitswa was killed when security officers raided their home in Kibundani, Kwale county. Police claim Ramadhan was used as human shield. Eye witnesses claim it's the security officers who used the grenade and shot at the victims. Postmortem report revealed Ramadhan had grenade/shrapnel wounds and was shot four times.                       |
| 13. Swalha Chitswa           | 4 years  | 30/5/2020<br>Kibundani,<br>Kwale    | 4 years old Swalha Chitswa was killed when security officers raided their home in Kibundani, Kwale county. Police claim Swalha was used as human shield. Eye witnesses claim it's the security officers who used the grenade and shot at the victims. Postmortem report revealed Ramadhan had grenade/shrapnel wounds and was shot twice.                                |
| 14. Chitswa foetus           | Unknown  | 30/5/2020<br>Kibundani,<br>Kwale    | The unborn foetus was killed when security officers raided the home where the mother was living in Kibundani, Kwale county. In the incident, the pregnant mother was injured in the stomach. On receiving medical treatment after suffering the injuries, doctors confirmed that it the foetus was injured fatally so they removed it. The mother survived.              |

Table 2: Table showing alleged extrajudicial killings

### (b) Killings by Criminal/Terror Gangs

Below is a table of the cases of killings by criminal/terror gangs during this Covid-19 pandemic period. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME           | AGE     | DATE AND LOCATION             | CIRCUMSTANCES SURROUNDING THE KILLINGS   |
|----------------|---------|-------------------------------|--|
| 1. Esther Sidi | 8 years | 18/5/2020<br>Bamba,<br>Kilifi | A girl was found dead near a river in Bamba village. It was alleged that Esther was raped by unknown men before being thrown into the river.   |
| 2. Unknown     | Unknown | 27/5/2020<br>Bofu,<br>Mombasa | An unknown man was found dead inside a well in Bofu ward in Mombasa. The man was found naked with injuries on his private parts. According to Manyatta Youth CBO Director Nicholas Songora, the man is suspected to have been killed and dumped in the well. The body awaits postmortem examination to determine the cause of death. |

Table 3: Table showing killings by criminal/terror groups

### (c) Killings by Mob/Civilians

Below is a table highlighting some of the cases linked to killings by mob/civilians during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME                          | AGE      | DATE AND LOCATION                  | CIRCUMSTANCES SURROUNDING THE KILLINGS   |
|-------------------------------|----------|------------------------------------|--|
| 1. George Kotini Hezron       | 35 years | 17/3/2020<br>Kibundani,<br>Kwale   | It is alleged that George was sneezing when he passed a group of youths seated by the roadside. His sneezing attracted their attention and it was then that they wrestled him to the ground. They questioned his sneezing, likening it to that of a corona virus patient and began beating him for spreading the disease. He died later of his injuries. |
| 2. Police Officer George Aluo | 37 years | 30/3/2020<br>Changamwe,<br>Mombasa | It was alleged that Mr. Oluoch, a police officer from Changamwe Police Station, had arrested a culprit on a traffic offence and while on their way to the Police Station, the culprit rammed the vehicle onto another vehicle on the side the officer was seated killing him instantly. The driver ran away but was tracked in Ukambani and arrested.    |

|                 |          |                                   |  |
|-----------------|----------|-----------------------------------|--|
| 3. Tekra Muigai | 33 years | 4/5/2020<br>Kizingitini,<br>Lamu  | Tekra Muigai was found unconscious and bleeding in her house in Lamu. One version of what happened is that the victim fell off the stairs of a private house she was staying in Lamu with her boyfriend Omar Lali. The other version is that the boyfriend was responsible for her death. The boyfriend was later arrested on allegations of murder. |
| 4. Unknown      | Unknown  | 24/5/2020<br>Kongowea,<br>Mombasa | The victim, an unknown man was hit by a speeding car along the New Mombasa-Malindi road near Swalihina. The public and police took too long to call for help and left the man writhing in pain. The man succumbed to death after a short while due to heavy bleeding.  |

*Table 4: Table showing killings by civilians*

### 3.2.2 Enforced Disappearance Cases

The international convention for the protection of all persons, describes enforced disappearance as the arrest, detention and abduction or any other form of deprivation of liberty of agents of the state or a group of persons acting with the authorization, support or acquiescence of the state. In the Coast region, issues of enforced disappearances are particularly at the heart of communities as many have fallen victims to the practise. To address the perennial problem, HAKI Africa has filed several suits in court against the state over the disappearances of coastal residents. Most of these cases are still in court with the state playing defensive and claiming that they had no hand in the disappearance cases. In several occasions, the victims' families claim that armed men who claimed to be police officer took their kin with no trace of them in police cells, hospitals and/or morgues.



*HAKI Africa Deputy Executive Director Salma Hemed comforting a relative of a victim of enforced disappearance*



Below is a table highlighting some of the enforced disappearance cases during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME                 | AGE      | DATE AND LOCATION                   | CIRCUMSTANCES SURROUNDING THE ENFORCED DISAPPEARANCES  |
|----------------------|----------|-------------------------------------|--|
| 1. Sheila Mkanyi     | 14 years | 13/4/2020<br>Mtwapa,<br>Kilifi.     | A student from Precious Hope Primary School allegedly went missing in Mtwapa. The family reported the incident at Mtwapa police station.   |
| 2. Maawiya Omar Hajj | 50 years | 28/5/2020<br>Mshomoroni,<br>Mombasa | Maawiya a resident of Mishomoroni, Mombasa and a native of Lamu county went missing on 28 <sup>th</sup> May 2020. He was last seen in Bondeni area where he left his phone to charge. He did not return back for his phone and was reported missing. |

Table 5: Table showing disappearances cases



Executive Directors of Pwani Social Justice Centres in a security forum



### 3.2.3 Torture/Assault Cases

Kenyan authorities started enforcing a dusk to dawn curfew, just days after the country recorded its first corona-related death. The curfew was announced on 27<sup>th</sup> March 2020 for an initial period of 21 days. The introduction of the curfew was something Kenyans and those at the Coast had never experienced. Only in places like Lamu and Tana River had they lived through a curfew. It was therefore challenging for them as they did not know what to expect.

A case in point is what transpired on the first day of the curfew at the Likoni ferry area in Mombasa county. On that day, there was no tested and proven order on how best to control the crowd at the ferry. On average, 300,000 people use the ferry services every day. Considering the huge number, the government deployed the police, General Service Unit (GSU) and the National Youth Service (NYS) to help in managing the crowds at the ferry. As thousands began to flock the ferry during the rush hour to beat the curfew deadline, the situation became challenging to ensure social distancing and hand washing at the same time. As a result of the overcrowding, some rowdy youth started complaining and shouting and other even began throwing stones towards the police. The police responded by throwing tear gas towards the crowds and even began clobbering others. What followed was a stampede that was combined with tear gas and clobbering. In the process, many got injured as the police forced others to lie on the ground in their bid to restore calm.



*A section of ferry users lying on the ground as ordered by the police on the first day of the curfew*

From the resultant melee, Red Cross confirmed treating at least 16 persons on that day. HAKI Africa followed up with some of them and offered further medical support. From the videos and pictures that were recorded of the incident, it was evident that police used excessive force as even women and children were caught up in the tear gas and confusion. The incident was roundly condemned by many across the country and world.

Another example is of a case reported to HAKI Africa on 5<sup>th</sup> April 2020. It was alleged by a family in Mtopanga area in Kisauni of Mombasa county that one of their family members was brutally attacked by the police a few minutes past curfew time on 29<sup>th</sup> March 2020. The victim, an elderly lady fish monger, was on her way home past 7pm when an officer allegedly attacked her leaving her unconscious. The elderly woman, through the help of well-wishers and her son, was taken to Coast Provincial General Hospital (CPGH) for medical assistance. The elderly woman claimed she lost two teeth in the incident. The matter was reported at Kiembeni Police Station and Independent Policing Oversight Authority (IPOA).

Below is a table highlighting some of the torture/assault cases during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases.

| NAME              | AGE            | DATE AND LOCATION                  | CIRCUMSTANCES SURROUNDING THE TORTURE/ASSAULT CASES   |
|-------------------|----------------|------------------------------------|---|
| 1. 16 Ferry Users | Not Applicable | 27/3/2020<br>Likoni Ferry, Mombasa | Police stationed at the ferry used excessive force, beating and tear gassing crowds of people on their way home from work on the first day of enforcing curfew timings. The media reported that police started beating people who were queuing to board the ferry, the only means of transport home out of the island to the mainland south. The incident happened more than two hours before the curfew. Red Cross reported treating at least 16 who were injured in the melee. Local television stations and social media showed footage of police apparently beating even journalists covering the incident. |

|                        |          |                                  |   |
|------------------------|----------|----------------------------------|---|
| 2. Asha Yusuf          | 58 years | 5/4/2020<br>Shanzu,<br>Mombasa   | The victim, an elderly fish monger, was on her way home past 7pm when an officer allegedly attacked her leaving her unconscious. The elderly woman was taken to Coast general hospital. It is alleged that she lost two teeth in the attack. The matter was reported at Kiembeni Police Station and IPOA.   |
| 3. Purity Kavata       | 31 years | 24/4/2020<br>Chaani,<br>Mombasa  | HAKI Africa received a complaint of an attack of a bar attendant in Chaani area for allegedly flouting the curfew regulations. It's alleged the lady was secretly operating the bar at around 7.30pm when a police officer from Chaani Police Station brutally attacked and arrested her. The matter was taken up by Independent Policing Oversight Authority (IPOA) for further investigation. |
| 4. Esther Kavutha      | 45 years | 24/4/2020<br>Chaani,<br>Mombasa  | Police officers from Chaani Police Station assaulted Esther Kavutha while at her work place where she was selling local coffee. HAKI Africa reported the matter to the Independent Policing Oversight Authority (IPOA) for further investigation.   |
| 5. Kalunda Kinyale     | 30 years | 24/4/2020<br>Chaani,<br>Mombasa  | Kalunda alleged that police officers from Chaani Police Station assaulted her while at her home around 8pm. The matter was reported and taken up Independent Policing Oversight Authority (IPOA) for further investigation.   |
| 6. Mwashigadi Mwachofi | 34 years | 1/5/2020<br>Voi,<br>Taita Taveta | Peter Mwashigadi Mwachofi who worked for Shreeji Enterprises was alleged to have been assaulted by police at Shell area in Voi due to an altercation between him and his colleagues. He was wounded and taken to Moi Hospital. The matter was reported at Voi Police Station.   |



*A section of a family who alleged psychological torture at an institution leaving the facility*



|                        |          |                                   |   |
|------------------------|----------|-----------------------------------|---|
| 7. Fahad Mohamed       | 27 years | 11/5/2020<br>Likoni,<br>Mombasa   | Fahad Mohamed complained that he was arrested by police officers from Likoni Police Station on assault charges. It's alleged that he threw stones and tortured one of the community members. The complainant later confessed that he threw stones to Bakari Ali but denied that he had tortured him and requested for help in terms of legal advice in order to get out of the cell. Both parties agreed to settle the matter out of court and the assaulted man was compensated. |
| 8. Claud Anta Mwanzala | 31 years | 16/5/2020<br>Voi,<br>Taita Taveta | Claud Anta Mwanzala a jua kali artisan was allegedly assaulted by police while working at a garage in Voi for failing to put on a face mask.  |
| 9. Veronica Mashaka    | 56 years | 17/5/2020<br>Voi,<br>Taita Taveta | Veronica Mashaka was allegedly assaulted by a village elder in her area. Medical reports indicated the loss of her teeth. The victim obtained an O.B number and P3 form but the case was allegedly stalled at the police. HAKI Africa reported the matter to the Office of the Director of Public Prosecutions (ODPP) who moved in to ensure the matter was processed.  |
| 10. Khalifa Mohammed   | 22 years | 22/5/2020<br>Mkunguni,<br>Lamu    | A 22 year old boy was brutally attacked and injured by his close friend in what was believed to be a retaliatory attack after a disagreement between the two. The parents of the victim complained to HAKI Africa that no action had taken despite reporting the matter with the police. HAKI Africa intervened and ensured the police acted on the matter.   |
| 11. Charles Okello     | 35 years | 24/5/2020<br>Likoni,<br>Mombasa   | The complainant was allegedly assaulted by police officers from Inuka Police Station for failure to put on a face mask. The matter was referred to the Independent Policing Oversight Authority (IPOA) for further investigations by Manyatta Youth CBO.  |

Table 6: Table showing torture/assaults cases

### 3.2.4 Land/Eviction Cases

For the past four regimes including colonial administration, land has remained an important political topic and instrument used by successive governments. The land marginalization at the Coast of Kenya as a result of historical injustices became more complicated leading to formation of movements like Mombasa Republican Council (MRC) who were pushing for secession of the region from the rest of the country. Since the advent of multi-party politics in Kenya in 1992, subsequent elections have always experienced either violence related to land or tension as politicians exploited the land question in their hunt for votes.

The national land use policy which was expected to also provide administrative, technological, institutional and legal framework in optimal utilization and productivity of the land related resources, has also done little in addressing the challenge both at the national, county or community level. This policy which was aimed at providing the philosophy of environmental sustainability, economic productivity, social responsibility and cultural conservation of land, is also yet to fully achieve its objective.

Irrespective of having the best land laws and policies in place coupled with establishment of the National Land Commission (NLC), HAKI Africa and partner social justice centres can authoritatively report that most of the indigenous people in coastal counties still face challenges in land ownership and utilization. Land has and unfortunately continues to be a thorny issue in Coast region as a whole, with majority of the residents lacking land title deeds. Historically, locals have complained of deliberate government policies that discriminated them on issues of land. Over the years, various land based conflicts have been reported costing loss of lives and properties worth millions of shillings.

During the reporting period, one example best presents the acuteness of the house eviction situation. Two vulnerable mothers, Ruth and Geraldine, who hail from Mikindani, Mombasa county had the roofs and doors of their houses removed allegedly due to rent arrears. According to the landlord the two had not paid rent for about a year and with the Covid-19 pandemic, it was unlikely that they would. The two mothers had recently lost their jobs at an Export Processing Zone (EPZ) after the company decided to reduce workers due to loss of business as a result of the Covid-19 pandemic. The two mothers also claimed to have offered the landlord collateral security in the form of motorbike logbooks but the landlord declined the offer and demanded money as he also needed to sustain himself during the difficult time the country is facing.

The landlord further said that on his part, he was not able to meet his cost and so he had decided to follow up on those that had rent arrears. So he had decided to evict the mothers in order to get new tenants who would be able to pay rent on time.

Below is a table highlighting some of the land/eviction cases during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME            | AGE      | DATE AND LOCATION                 | CIRCUMSTANCES SURROUNDING THE LAND/ EVICTION CASES  |
|-----------------|----------|-----------------------------------|---|
| 1. Ruth Omumia  | 37 years | 1/5/2020<br>Mikindani,<br>Mombasa | A complaint was received of a landlord who had removed roof tops from two of his tenant's houses within Jomvu as a result of non-payment of rent. HAKI Africa responded by assisting the tenants vacate the house and by paying rent to the new house for the two tenants.  |
| 2. Omar Rashid  | 29 years | 1/5/2020<br>Kombani,<br>Kwale     | Omar Rashid, a young man residing in Kombani area of Kwale County, had been involved in a tussle with his neighbor over grazing land for his animals. After listening to both sides of the story, Omar was advised him to desist from grazing his animals on the neighbors land and use an alternative route while taking his animals for grazing.                          |
| 3. Hussein Huka | 29 years | 4/5/2020<br>Mpeketoni,<br>Lamu    | Hussein Huka complained that his shamba at Mpeketoni was grabbed and he had been ordered to vacate. HAKI Africa advised him to vacate and linked him with the authorities who took up the matter. The matter is now court.  |
| 4. Ali Ramadhan | 47 years | 7/5/2020<br>Likoni,<br>Mombasa    | Ali complained about harassment he had been receiving frequently from his landlord about rent. The landlord took action of breaking the front door of the house after locking Ali's wife and the kids for 4 hours. Ali was advised and assisted to report the matter to Likoni Police Station and obtained an OB number. The landlord was summoned and the matter resolved. |



|                  |          |                                       |   |
|------------------|----------|---------------------------------------|---|
| 5. Mercy Awour   | 33 years | 8/5/2020<br>Likoni,<br>Mombasa        | Mercy Awour reported that her parents were arrested and detained at Likoni Police Station after a quarrel with their landlord over electricity bill. Miss Awour argued that her parents were innocent and that the landlord took advantage of his powers to get them arrested. HAKI Africa mediated and got the matter resolved amicably as the parents were also released from the Police Station. |
| 6. Hamisi Thuram | 48 years | 9/5/2020<br>Kaloleni,<br>Taita Taveta | Hamisi Thuram from Kaloleni area in Voi sub county complained of Kaloleni Mosque community land being sold by unknown people. HAKI Africa staff advised him to report the matter to Voi Police Station.   |
| 7. Ali Kaka      | 34 years | 19/5/2020<br>Miritini,<br>Mombasa     | Ali Kaka, a resident of Miritini in Mombasa claimed that his family land approximately three Quarters of an acre was distributed to unknown parties by the Mombasa County Government illegally. He claimed of possessing letters from the area Chief and D.O that validates his family's ownership. HAKI Africa referred him to a legal counsel who took up the matter.                             |

Table 7: Table showing land/evictions cases



An aerial view of a house with roof removed due to non-payment of rent by tenants

### 3.2.5 Gender Based Violence (GBV) Cases

Prior to the Covid-19 pandemic, GBV has been a worrying concern in the country. While efforts have been made towards recognising women and girls as key actors in the development of the nation, this recognition has mainly remained on paper. In practice, they have continued to be marginalised, sidelined and even violated at home and in public spaces.

As a result of the piecemeal approach to addressing the issues, women and girls remain unempowered, which then renders them susceptible to sexual and gender-based violence. In both public and private spaces, they continue to suffer physical and psychological violence mostly from persons known and familiar to them. This very fact proves that as a society, Kenyans do not value women around them let alone those away from them. In the Covid-19 pandemic situation, therefore, women are left at the mercy of those who could hurt them the most – their closest relatives and friends.

Presently, women and girls at the Coast are bearing the brunt of the country being in a closed community. Wife battering is on the rise, rape in marriages becoming a norm and defilement of minors happening unabated. The curfew and cessation of movement further mean that it is difficult for women to run away from their situations and are forced to persevere the torment.

Undoubtedly, the situation needs to be reversed, and to do so will require well-thought-out multi-disciplinary approaches. Even as we fight the Covid-19 pandemic, we need to ensure respect for the role of women and girls in their communities.



*A victim of GBV showing her injuries*

A sample case of gender based violence during the reporting period is that of Esther Sidi an eight years old girl from Bamba, Kilifi county who was found dead after missing from 18<sup>th</sup> May 2020 at around 5.30pm. According to the family, Esther had gone to fetch water from and did not return home. This forced the family to search for her the whole night and the next morning of 19<sup>th</sup> May 2020 at around 8.45am, they found her body floating in the water. She had scratch marks on her face and there was some discharge from her private part which led the family to suspect that she was defiled before being killed.

Below is a table highlighting some of the gender based violence cases. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases.

| NAME                    | AGE             | DATE AND LOCATION                  | CIRCUMSTANCES SURROUNDING THE GENDER BASED VIOLATIONS   |
|-------------------------|-----------------|------------------------------------|---|
| 1. Mwanatuma<br>Kea     | 41 years        | 3/5/2020<br>Likoni,<br>Mombasa     | A client complained that her husband had not been providing for the basic needs of his children and that she had been facing several challenges in her marriage without any positive behavior change seen from the husband. The matter was reported to the children officer for further action. |
| 2. Name<br>withheld     | Age<br>withheld | 8/5/2020<br>Mokowe,<br>Lamu        | An underage girl was reported to have been defiled by her uncle in Lamu. HAKI Africa followed up the case with the ODPP's office and OCS in Lamu. It was eventually taken to court.   |
| 3. Mwanaiki<br>Suleiman | 43 years        | 14/5/2020<br>Changamwe<br>Mombasa  | A complainant alleged that her daughter was beaten by her cousin and it resulted to a quarrel between their mothers which led to the daughter being thrown into a borehole. The matter was referred to Changamwe Police Station for further intervention.                                       |
| 4. Name<br>withheld     | Age<br>withheld | 16/5/2020<br>Manda,<br>Lamu        | A 16 year old girl was defiled in Manda in Lamu island. HAKI Africa followed up the case with the Office of Director of Public Prosecutions and Lamu OCS. The accused was arrested and arraigned in Lamu court.   |
| 5. Ruth<br>Anyango      | 43 Years        | 16/5/2020<br>Changamwe,<br>Mombasa | A client complained regarding mistreatment by her husband and failure to provide her with basic needs. The matter was reported at the area chief's office and solved through alternative dispute resolution.  |



|                  |              |                                    |  |
|------------------|--------------|------------------------------------|--|
| 6. Name withheld | Age withheld | 20/5/2020<br>Mikindani,<br>Mombasa | HAKI Africa received a complaint from a client stating that she was assaulted by her own brother. The matter was reported at Mikindani Police Station and is pending further investigations.   |
| 7. Name withheld | Age withheld | 21/5/2020<br>Mikindani,<br>Mombasa | A 10 year old school girl was allegedly defiled by her neighbor in Kwa Mwanzia area of Jomvu Sub County. The victim was taken to Port Reitz hospital for further tests. HAKI Africa intervened and the suspect was arrested by Mikindani Police Station officers and the matter taken to court.  |
| 8. Name withheld | 24 years     | 22/5/2020<br>Kizingo,<br>Mombasa   | HAKI Africa received a complaint from neighbours at Kizingo in Mombasa stating that there was a wife battering case in one of the households. HAKI Africa reported the matter to Central Police Station where they requested to have contacts of the wife and see how they can assist the woman. The complainant however denied the claims of being mistreated and the case was dropped. |
| 9. Name withheld | Age withheld | 21/5/2020<br>Kisauni,<br>Mombasa   | A client complained of being mistreated by her husband. The matter was referred to the chief's office where a meeting was held and the matter resolved amicably.   |

Table 8: Table showing gender based violation



HAKI Africa Rapid Response Officer attending to a victim of GBV



### 3.2.6 Labour Related Cases

During the Covid-19 pandemic, the country faced a harsh economic turmoil that led to the collapse of many businesses and the laying off of employees by many companies countrywide. Majority of the companies that retained their staff kept them under pay cuts in efforts to contain the devastating loss of business and revenue. Out of this prevailing economic situation, many labour related cases were brought to our attention with little being able to be done by ourselves. Many of the companies involved claimed that they lacked resources to fulfil their obligation of paying the complainants their dues.

A case in point is that of a group of youth from VOK, Mombasa who were enrolled on *Kazi kwa Vijana* Program which is spearheaded by the National government through National Youth Service (NYS). This was done in order to engage youth and enable them to sustain themselves during the Covid-19 pandemic period. The youth at VOK alleged that they were to be paid on a weekly basis. However, they complained of working for almost three weeks without getting paid. Due to non-payment of their dues, they decided to hold a peaceful demonstration and blocked the Mombasa – Malindi highway for a while before they were dispersed by police officers using tear gas. The matter was referred to the Regional Commissioner of Police who agreed to follow up on the same.



*HAKI Africa Executive Director, Old Town Chief and Ward Administrator following up on closure of businesses in Old Town*

Below is a table highlighting some of the labour cases. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases.

| NAME                    | AGE            | DATE AND LOCATION                 | CIRCUMSTANCES SURROUNDING THE LABOUR CASES   |
|-------------------------|----------------|-----------------------------------|--|
| 1. Patrick Sunguti      | 37 years       | 15/3/2020<br>Shimanzi,<br>Mombasa | The complainant alleged that his former employer terminated his contract without paying him his one month salary in lieu notice, as stipulated in his contract. HAKI Africa followed up with the company which later complied and paid the complainant accordingly.  |
| 2. Bare Abikar Ali      | 33 years       | 27/3/2020<br>Tononoka,<br>Mombasa | The client who was a former employee of a local hotel, reported a matter in which he claimed unfair termination of his work contract without payment of his dues. HAKI Africa followed up with the hotel administration and the client was paid his dues.  |
| 3. Omar Hussein         | 34 years       | 27/4/2020<br>Majengo,<br>Mombasa  | Omar complained of not being paid his salary dues fully. He further claimed that his salary was also deducted each time he fell sick. HAKI Africa referred the matter to the labour and social services office where he was assisted.  |
| 4. Feiswal Khatim Ahmed | 48 years       | 27/4/2020<br>Bamburi,<br>Mombasa  | Feiswal complained to have worked for Sun and Sand Beach Resort but was fired without payment of his dues. HAKI Africa followed up with the hotel administration and the client was paid his dues.   |
| 5. Said Mwaluma         | 24 years       | 3/5/2020<br>Voi,<br>Taita Taveta  | Mwaluma claimed that he was employed by the County government of Taita Taveta as a cleaner for three months without pay. HAKI Africa referred him to the labour and social services office for further assistance.   |
| 6. Youths from VOK      | Not Applicable | 15/5/2020<br>VOK,<br>Mombasa      | Youths from VOK complained of having worked at VOK dumping site area under the Kazi kwa Vijana government program, of which they were to be paid their stipends through their phones weekly. However, they were not paid for 3 weeks. HAKI Africa intervened and the matter was brought to the attention of the authorities. |

|                        |          |                                      |  |
|------------------------|----------|--------------------------------------|--|
| 7. Mwinyi Hamisi Ngala | 21 years | 15/5/2020<br>Ziwa la Ngombe, Mombasa | Ngala was involved in the Kazi kwa mitaa national program to ensure hygiene and tidiness in the slum area. According to the contract, the program was set to pay each worker Kshs 650 per day. He claimed to have worked for 2 weeks (10 days) but upon the payment date, he only received Kshs 2,612 instead of Kshs 6,500. HAKI Africa referred the matter to the County Commissioner's office for further action. |
| 8. Hesbon Chidzidzingo | Unknown  | 18/5/2020<br>Hola, Tana River        | Hesbon Chidzidzingo claimed that he was dismissed by KCB as a teller and denied his dues on allegations of transacting a group accounts money with only one signatory instead of three. He was advised to go to labour union and report his case for further action.   |

Table 9: Table showing labour related cases

#### 4.7 Other Human Rights Cases



HAKI Africa staff at Voi mortuary following up on the disappearance of other activists from Nairobi

HAKI Africa received numerous other human rights cases. These include defamation cases, wrongful discharge cases, accident cases, nepotism cases, corruption and many others as exemplified by the cases in the table.



Below is a table highlighting some of other human rights violations cases reported during the Covid-19 pandemic. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

| NAME                      | AGE            | DATE AND LOCATION                 | CIRCUMSTANCES SURROUNDING THE HUMAN RIGHTS VIOLATIONS   |
|---------------------------|----------------|-----------------------------------|---|
| 1. Salama Kahindi         | 45 years       | 13/5/2020<br>Mikindani,<br>Jomvu  | HAKI Africa received a distress call from one member of the community, that there was an electricity power line that was hanging hence endangering members of the community. HAKI Africa called Kenya Power and had the issue rectified.  |
| 2. Mohammed Bwanamkuu     | 37 years       | 18/5/2020<br>Mkunguni,<br>Lamu    | Bwanamkuu and others complained of water shortage in their village for three weeks despite the risk of corona virus. The matter was referred to Managing Director of Lamu Water Service Company for further action.   |
| 3. Nzingo Karisa          | 45 years       | 19/5/2020<br>Junda,<br>Mombasa    | HAKI Africa received a complaint from a breastfeeding mother with a health condition that barred her from breastfeeding her child. The baby was <b>malnourished</b> . HAKI Africa followed up by reaching out to the mother and provided relief food and other items like pampers for the baby. The mother was also assisted to get medical attention at a nearby hospital. |
| 4. Bandi community        | Not Applicable | 20/5/2020<br>Bandi,<br>Tana River | Bandi villagers complained that the whole village was submerged by floods and had received no intervention from county government or Kenya Red Cross. HAKI Africa reported the matter to Kenya Red Cross who provided assistance.   |
| 5. Mahmud Ahmed           | 33 years       | 21/5/2020<br>Amu,<br>Lamu         | HAKI Africa received a complaint from a client of dilapidated health services in Lamu county hospital due to mismanagement of funds. HAKI Africa followed up on the matter with the county government of Lamu who agreed to share details of the funds used.  |
| 6. Herbert Steven Mwawasi | 29 years       | 22/5/2020<br>Voi,<br>Taita Taveta | Mwawasi, a young man working in Voi town at a restaurant, sought assistance to compel the Teachers' Service Commission (TSC) to compensate his family for the death of his father, Bryson Kimori Mwawasi, in 2016. HAKI Africa followed up the matter to get the complete details for further   |



|                         |          |                                       |  |
|-------------------------|----------|---------------------------------------|--|
|                         |          |                                       | intervention. The matter is still being followed up with the TSC.  |
| 7. June Benson          | 36 years | 22/5/2020<br>Mwatate,<br>Taita Taveta | Benson complained that the residents of Mwatate area were facing arbitrary arrests by police officers for not wearing masks. Most of those arrested were extorted Ksh. 3,000 each to secure their release as that was now the law. HAKI Africa advised the residents to wear masks or risk being arrested. On the bribery allegation, the matter was reported to the county commander's office for further action. |
| 8. Shawishi<br>Balagha  | 63 years | 22/5/2020<br>Kibokoni,<br>Tana River  | A village headman from Kibokoni South complained that his village was swept away by floods that destroyed crops and properties. HAKI Africa referred the matter to the county officials and Kenya Red Cross for humanitarian aid.  |
| 9. Abdulkadir<br>Swaleh | 31 years | 21/5/2020<br>Kibokoni,<br>Mombasa     | HAKI Africa dealt with a case where an individual was arrested for being in possession of fake volunteer identification cards which were originally issued by the Mombasa County government for food distribution exercise. The man was arrested and taken to Central Police Station.  |
| 10. Betty<br>Mwarabu    | 38 years | 23/5/2020<br>Garsen,<br>Tana River    | Mwarabu complained of her daughter having sustained injuries after a motorcycle accident. The mother further complained of police laxity on the case. HAKI Africa intervened on the case and the matter was handled with the urgency it deserved.  |

Table 10: Table showing other human rights violation cases



HAKI Africa and partner social justice centres following up on a disappeared and found case

## 7.0 Key Recommendations

- **Covid-19 Pandemic Half Measures Not Effective:** Government's decision to partially lock down the country only at night through the curfew was not effective. If anything, it only left room for abuse by citizens, more activities during the day and heightening tension towards the evening. An example is the ferry where the challenges of social distancing were heightened in the evenings. To control the spread of the disease, government should have moved to a complete lock down of the entire country, like Uganda, soonest possible. Night curfew only worsened spread of disease during the day. Having said this, we are now at a point where the spread is communal so lockdown will have zero effect. The half measures are presently doing more harm than good particularly on enjoyment of human rights. HAKI Africa and partner social justice centres are therefore calling for the lifting of the curfew and cessation of movement in the Coast region forthwith.
- **Police and Courts Missing in Action:** Since the Covid-19 pandemic, as a result of the social distancing rule and desire to reduce spread of the disease, police stations and courts have drastically reduced their reach and availability. While we understand the need for police and court officials to protect themselves from the disease, it must be noted that this has contributed to increase of human rights violations as many saw it difficult and challenging to get the two important justice actors to address their complaints. HAKI Africa and social justice centres are therefore calling for the immediate resumption of normal service by police and courts albeit with their officers provided with protective gear.
- **Right to Information:** Both national and county governments are not doing enough to share information about what they are doing around Covid-19 pandemic. While the efforts are seen and acknowledged by a few, to majority of the public, government is doing little. This leads to suspicion and mistrust. HAKI Africa and partner social justice centres are therefore calling on the national and county governments to do more to share information about what they are doing to tackle the Covid-19



*HAKI Africa staff ensuring ferry users have information on Covid-19*

- **Community Awareness of Covid-19 and Health Rights:** Presently, there is a lot of misinformation and half-truths circulating about the disease. Many of the people at the Coast believe that there is no Corona disease and that it's a government gimmick to attract international funding. This wrong perception has greatly contributed to the spread of the disease. HAKI Africa and partner social justice centres are calling on civil society and community groups to increase their work and reach out to communities and sensitise them about the disease as this is directly linked to their right to health which is a constitutional guarantee.
- **Stigma:** This remains the single most challenging hurdle in the fight against Covid-19. How Covid-19 was introduced in Kenya and Coast particularly led to many fearing the disease and those who contracted it. Scenes of persons suffering in quarantine, others dying and others separated from their loved ones led to stigma where the general public wanted nothing to do with those found to be positive of Covid-19. HAKI Africa and partner social justice centres are therefore calling on the authorities and particularly faith based organisations to address the issue of stigma.



*HAKI Africa staff assisting a woman after she was left stranded due to stigma*



## **8.0 Conclusion**

In conclusion, HAKI Africa and partner social justice centres takes note that the Covid-19 pandemic is not about to go away. It will be with us for months to come if not years. Therefore we must find ways of living with the disease. As scientists continue to study the disease and come up with better ways of dealing with it, the people must find ways of ensuring promotion and protection of human rights in the new reality of Covid-19. There is no reason to continue holding back communities and limiting their freedoms. Had this been done at the beginning, then it would have made sense and been beneficial. However, now that the disease is spreading communally, we must learn to make do with it as we did with cholera, tuberculosis and HIV/AIDS.

Communities must learn and appreciate the need to social distance, wearing masks and washing hands. We must understand the need to take care of our health and keep the elderly and sickly in constant check. The people must learn to listen and follow health directives and understand that these directives are for our own good. As we do so, we must remember that everything is tied to the protection of our rights and fundamental freedoms. The state at both national and county levels must appreciate that without respecting human rights and the dignity of each person, we will fail in addressing the Covid-19 pandemic challenges that our communities are faced with. Now more than ever, the State must give hope to its people by safeguarding their well-being and protecting their livelihoods. If we safeguard the peoples' rights, we shall definitely overcome.

**HAKI Africa**  
**June 2020**





Humanity | Activism | Knowledge | Integrity



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