ANNUAL REPORT TO USAID 2001

ORGANISATION : BUNGOMA PROFESSIONAL ASSOCIATION

GRANT NO: 698-0583-G-00-00104

STRATEGIC OBJECTIVE: REDUCE TORTURE INCIDENCES IN KENYA.
2. **Description of project**

The second National Medico Conference held in Mombasa from 9th to 12th August 2001. It brought together 90 doctors, lawyers, forensic scientists, magistrates, judges, prosecutors, human rights activities and journalists.

Parallel to this meeting was a meeting of the East Africa Great Lakes Network of Torture Rehabilitation Centers.

During the Conference the Attorney General of Kenya, Hon. Amos Wako, officially launched "Handbook of Forensic Medicine and Medical Law In Kenya" a publication of IMLU.

3 **Project Activities in relation to our objectives:**
OUR OBJECTIVES WERE:

a) To empower doctors and lawyers with human rights knowledge relevant to torture

Activity: The Istanbul Protocol was adopted by the United Nations as its standard for investigating torture. This protocol was introduced and distributed during the conference. The Tokyo Protocol of the World Medical Association stating doctors' obligations with respect to torture, cruel and inhuman treatment was discussed and distributed. The Declaration of Geneva about doctors' duties in general: the International Code of Medical Ethics: the Declaration of Oslo on therapeutic Abortions: The Declaration of Helsinki on Biomedical Research were all distributed.

b) To create a network of doctors and lawyers to assist victims of torture with medical and legal support

Activity: The conference brought several new professionals into our network. Particular mention can be made of Kisii, Meru and Eldoret. New was the participation of the Judges and magistrates and the office of the Attorney General. The Government Chemist sent Forensic scientists from Mombasa for the first time.

In Kisii the four participants managed to call together 50 other doctors and lawyers for a local follow-up meeting on 22 September 2001 to discuss local medico-legal challenges as pertaining to the on-going ethnic cleansing in their area.

c) To educate doctors and lawyers on ways of recognizing torture; and the medical and legal interventions they are obliged to take under domestic and international law:

Activity: The conference papers dealt with this e.g.

- Sexual Violence
- Evidence Act
- Excessive use of force
- Political Killings
- Prison visits
- Death in Custody
- Rapporteurs report on Kenya

d) To lobby for access to prisons

Activity: The Commissioner of Prisons was represented by a public relations officer from Headquarters and a Deputy provincial Commissioner from the Coast. The issues of prisons came up during debate and the Guidelines on Prison visits was distributed. Direct negotiations on access to prisons has been ongoing between KMA and the Commissioner of prisons.

e) Disseminate Statistics on Torture and promote a culture of Activism among professionals

Activity: The results of the Health partners survey on prevalence of Human rights abuses as seen by Kenyan doctors was presented. The participants left feeling inspired to continue in their local duty station, some commenting on "we see what we could have done earlier."
f) To lobby the Government for endorsing minimum standards on the documentation of rape, death in custody, torture and child abuse.

**Activity:** The launch of the *Handbook on Forensic Medicine and Medical Law in Kenya* by the Attorney General, gave a heavy official endorsement to our work. The AG even wrote the forward to the handbook.

During the launch the AG was presented with a copy of "the P3 form we want" which attempts to update the documentation of rape. This is the result of a focus group started after the First Medico-Legal Conference in 1999. The Attorney General’s office has since then set down its internal working group to look at the document.

g) To share experience and expertise with our East African Colleges

**Activity:** The foreign delegates took part in all the seminars. The active participation and sense of ownership that the professional associations expressed impressed several. In Ethiopia they had tried to call for a one-day workshop on torture with the Ethiopian Medical association but no doctor came. The Ugandans were inspired to set a theme for their upcoming annual scientific conference on the documentation of torture.

They shared their experiences in papers: Particularly the Rwandan experience was moving.

4. **CRITICAL EVENTS THE PAST YEAR.**

i) Preparation and launch of "Handbook of Forensic Medicine and Medical Law in Kenya"

ii) Attorney General’s endorsement of the *Handbook* in particular and IMLU's work in general.

iii) The Kenya association of Clinical Pathologists endorsement of the *Handbook* (their Chairman’s Speech) and IMLU (forward to East Africa medical Journal's supplement August 2001)

iv) The Kenya Association of Clinical Pathologists own work on setting guidelines on postmortems

v) Official participation in the debate, by the Kenya Magistrates and judges Association. The Kenya Magistrates and Judges Associations agreement to hold joint workshop with IMLU/KMA July 2001 (although Dr. Kituyi was not allowed to speak or attend and our materials including the Istanbul protocol were not allowed distributed)

vi) The Chief Justice's permission for magistrates to attend the Second National Medico legal conference given 48 hours before and three weeks after deadline for registration.

vii) Increased openness from the Prisons department. The Commissioner of Prisons sending representation to the conference springs from KMA and IMLUs two year work with the department

viii) The attorney General's Office insisting they needed more than the two participants allocated to them and also recommending legal council for Special Branch to attend.
ix) KMAs sense of ownership as seen in debate at KMA Council and participation from 11 out of the 14 divisions

x) Government Chemist sending representatives. This comes after him being invited as key-speaker during our documentation of rape workshop August 2000

xi) Law Society's members wanting more places (was offered two per chapter)

xii) Human Rights Organizations wanting more places

xiii) Media interest and cover of the conference plus book review of the Handbook

xiv) The Handbook being cited in Court by the State Counsel as an authority

xv) Exams at University of Nairobi being set from the Handbook

xvi) Closer link forged between East African Torture rehabilitation Centers
### Activity Summary Table

<table>
<thead>
<tr>
<th>Specific Activity</th>
<th>Objective</th>
<th>Target Audience</th>
<th>Attendance</th>
<th>Location</th>
<th>Comment/Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medico legal</td>
<td>1. Increase skills in documenting human rights abuses.</td>
<td>Doctors, Lawyers, Judges,</td>
<td>71</td>
<td>REEF</td>
<td>Well attended</td>
</tr>
<tr>
<td>Conference</td>
<td>2. Create a network of professionals advocating for respect for human</td>
<td>Magistrates, Law enforcement</td>
<td>39</td>
<td>Hotel</td>
<td>Several asked for follow up both regionally.</td>
</tr>
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<td></td>
<td>rights in general and abolition of torture in particular.</td>
<td>agencies, Forensic</td>
<td></td>
<td>Mombasa</td>
<td>Forensic psychiatrists was identified as needing a full conference as its own.</td>
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<td></td>
<td></td>
<td>psychologists, Psychologists</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Human rights activists.</td>
<td></td>
<td></td>
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<tr>
<td>Launch of</td>
<td>1. To provide written minimum standards on the investigation of rape,</td>
<td>Medical students, Law students</td>
<td>46</td>
<td></td>
<td>Well received, already quoted in court by senior state counsel.</td>
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<tr>
<td>handbook</td>
<td>child abuse domestic violence, torture death in custody</td>
<td>Doctors, Lawyers, Judges,</td>
<td>21</td>
<td></td>
<td>Used to set university examination</td>
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<tr>
<td></td>
<td></td>
<td>Law</td>
<td></td>
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| EAGLN Network meeting | 1. Network share experiences among East African Torture Rehabilitation Centres.  
2. Increase skills in documenting torture  
3. Demonstrate how close collaboration between professionals and state agencies can further the work. | enforcement agencies  
- Universities  
- Forensic scientists. | 5  
2  
Mombasa | - Great demand as it was featured in Sunday nation as hope to document rape cases.  
- Great interest in attending  
- Expressed the had learnt many documentation skills.  
- Inspired to work with professional organisations in their own country. |
7 QUALITATIVE RESULTS OF THIS PROJECT

♦ Doctors prepare better postmortem report.

*Indicator:* up to 1997 one line postmortem reports were the Norm, only the cause of death was stated. IMLU has had seminars with KMA across the country where Dr. Olumbe, the Chief Government pathologist has addressed "what is a postmortem" this has greatly improved the quality of postmortem reports in some areas of the country. We believe this conference to have furthered this aim. The doctors from Kisii (where 5 postmortems at the right of ethnic cleansing were refused to be done by the police February 2001) expressed they now know what they should do.

♦ Lawyers demand proper postmortem.

This is already happening after IMLU'S seminars with Law Society of Kenya during this conference, a senior state counsel (a talk on asphyxia) gleefully announced after which doctor she would crush the next time they met in court.

♦ The public demands postmortems and know their value

Most Kenyans are opposed to dissecting the dead. The past five years have seen a shift in opinion where relatives want postmortem. This is because good postmortem results have assisted in giving good legal redress. This conference and the handbook will continue to improve postmortems.

♦ Rape documentation improves and more rapists are successfully prosecuted.

*Indicator:* May 2000, Senior resident magistrate in Nairobi challenged doctors to improve the documentation as she had been forced to acquit people who she believed to be rapists due to faulty documentation.

♦ The P3 form we want, the handbook and the lecture on rape documentation standards seek important minimum standards. The Attorney General office has already set up a task force to continue working on the P3 form to make it an official version.

♦ The KMA is negotiating with JICA to set up pilot rape desks with the police, doctors and counselors at 3 provincial Hospitals.

8 KEY ORGANISATION ARCHIEVEMENTS

♦ Increased number of medical professionals trained in identification and documentation of human rights abuses.

♦ Increased number of legal professionals sensitized on torture.

♦ Functional network of medical and legal professionals.
9 MAIN LESSONS LEARNED

♦ The doctors have been doing sub standard work when comes to postmortems and it is positive that they have acknowledged their mistakes and are ready to change.

♦ For better way of fight against torture all the stakeholders must be involved. (public, law enforcement agencies, doctors and the judicial)

♦ There has been professional misconduct and both the professionals and the public has to be educated on how to complain about them to ensure proper work and results.

10. KEY PROBLEMS/CONSTRAINTS

♦ The means of transport was tiresome and time consuming. This made us to adjust the program because the participants delayed to arrive and hence giving speakers less time for discussion.

♦ Language barrier as we had a French speaking speaker and the translator was not clear.

♦ The program was too tight for the participants since we could only afford to keep them for the four days.

11. CORRECTIVE MEASURES

♦ IMLU is to fund raise for bigger budget lines in order to have more participants and better means of transport.

♦ It is also to have internal training to have multi-linguists since it is now an internationally recognized organization.

12. PLANS FOR THE NEXT YEAR

♦ IMLU is still carrying on training of medical students and law enforcement on human rights and ethics.
We are distributing the handbook of forensic medicine and medical law to the professionals for proper ways of identification and documentation of human rights abuses.

13 TRAINING:

(i) USAID funded - none

(ii) Other donors:

- Program officer sponsored by Canadian International Development Agency to attend a three week training on Human rights Education in Montreal June 2001

- Program Officer and Accountant sponsored by British Council to attend one week training on proposal writing January 2001

- Executive Director sponsored by British Council to attend three day course on Project Management January 2001

- Program officer sponsored by British Foreign office on one month course on basic Counseling skills and by Kenya association of professional consolers, October 2001

- Accountant sponsored by British Foreign Office to take CPA III

- Executive Director sponsored by International Rehabilitation Council for Torture Survivors to attend task Force on Global Torture Documentation Systems February 2001

- Executive Director sponsored by EU to attend a Sub Saharan meeting of Torture Rehabilitation Center in Johannesburg December 2000