



REFUGEE CONSORTIUM of KENYA

Advocacy and Policy Development Centre

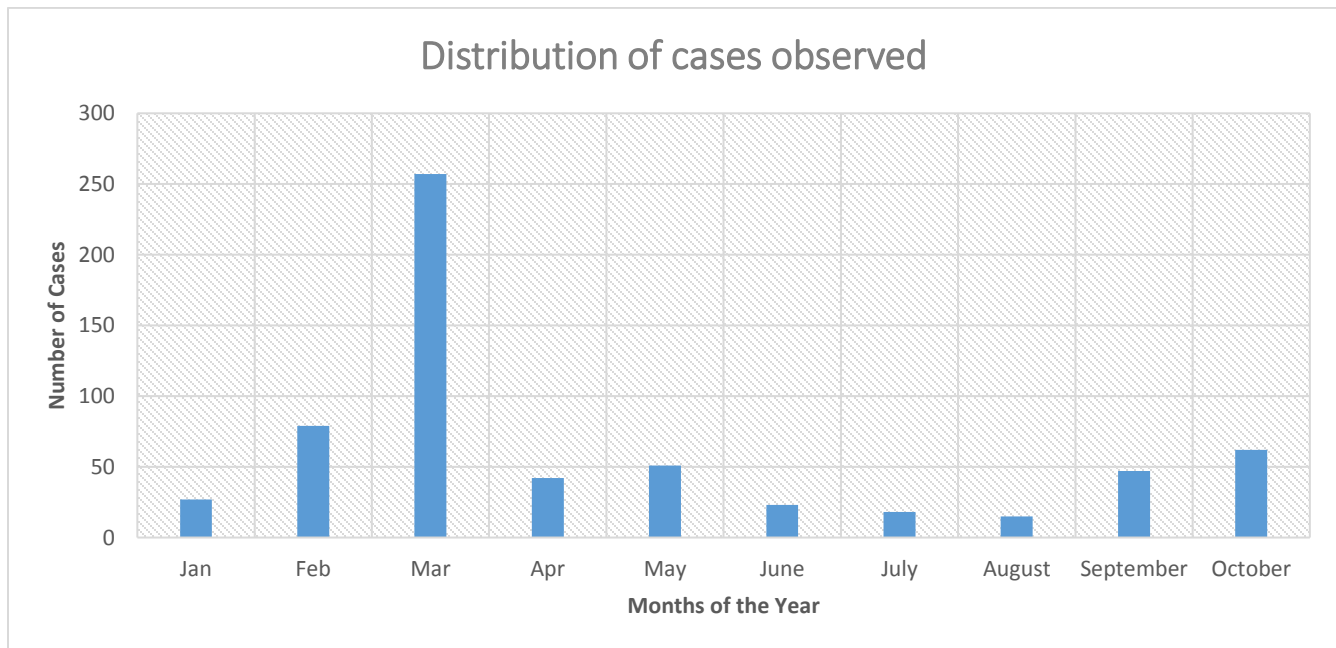
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Refugee Protection Situation Report (No.10/2017) Period: 1st October – 31st October Date: 16th November, 2017

Operational Context

On the 26th of October, 2017 Kenyans went back to the polls to elect the president. This election was ordered by the Supreme Court after it [nullified](#) the presidential elections that were held on 8th of August, 2017. There were tensions in the month of October leading up to the date of the repeat polls. The Independent Electoral and Boundaries Commission (IEBC) declared a winner of the second process on the 30th of October, 2017. However violence was witnessed in some parts of the country which did not participate in the repeat poll. The narrative below provides an account of the situation relevant to displacement or that affect persons of concern.

Cases of arrests and arraignment



Graph 1: Number of arrests and court arraignment cases recorded since January 2017



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In the period under review, there were 62 reported cases of arrests and arraignment in courts of law. This is an increase of 15 cases from the number of cases reported in September. This increase could be attributed to the heightened security owing to the repeat presidential polls. Of these 62 cases, 66 percent ended in the release of PoCs, 15 percent ended in convictions, 11 percent are still ongoing and 8 percent were resolved at the police stations. The table below provides a breakdown of the cases that RCK staff intervened in the month of October. Graph 1 above shows the distribution of the 621 cases observed by RCK staff since January 2017.

Reports of arraignment/arrests/harassment

Place of Incident	Incident	Characteristics of PoCs	Status of Situation
Garissa	Arraignment: Residing outside a designated area without authorization.	1 Adult Somali Male & 1 Minor Somali Male	The adult was fined Ksh.5,000 or 14 day jail term in default of the fine. The minor was released.
	Arraignment: Unlawful presence.	11 Adult Males, 2 Adult Females, 5 Minor Males & 3 Minor Females. (All were Somali nationals).	All the minors and adult females were discharged. 1 adult male was convicted and sentenced to 12 months in prison or pay a fine of Ksh.100,000 in the alternative. 5 adult males were convicted and sentenced to 6 months in prison with the option of paying Ksh.20,000 fine. The remainder of the cases are still ongoing.



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Marsabit	Arraignment: Unlawful Presence	30 Adult Ethiopian Males	The investigation officer was ordered by the court to liaise with UNHCR to assess the asylum claims of these PoCs.
Moyale	Arrest: Residing outside a designated area without authorization.	1 Adult Somali Male and 2 Adult Ethiopian Females	The Somali man was escorted back to Kakuma refugee camp while the two women were escorted back to Dadaab refugee camp. This action was taken after RCK officers intervened.
	Arrest: Possession of expired asylum documents	1 Adult Ethiopian Female	She was escorted to RAS offices in Dadaab after RCK officer's intervention.
	Arrest: Unlawful presence	1 Adult Ethiopian Male	The man claimed that he was seeking asylum. The officer in charge liaised with UNHCR for an assessment after RCK officers intervened on behalf of the PoC. RCK are following up to learn the outcome of the assessment.
	Arraignment: Unlawful presence	3 Adult Ethiopian Males and 2 Adult Ethiopian Females	Two cases ended in a conviction. The person convicted was sentenced to 2 months in prison or to pay a fine of Ksh.5,000 in the alternative. One person was discharged while the other two cases are still going on.



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Busia

Election related violence broke out in Busia town on the 26th of October, 2017. Some 20 members of a community perceived to be supporters of one of the rival political groups spent the night at Busia police station while 4 others were accommodated at the Busia prison for fear of attacks. There were no ethnic attacks reported in the town. RCK monitor indicated that no government authority visited these persons. It is however reported that they returned to their homes the following day. They indicated that they would return to the police station/ prison should the situation generate into violence.

There have been no cases of refolement observed by RCK at the border points. Asylum seekers are being allowed entry after screening and vaccination at the border. No cases of the Marburg virus have been reported.

Dadaab

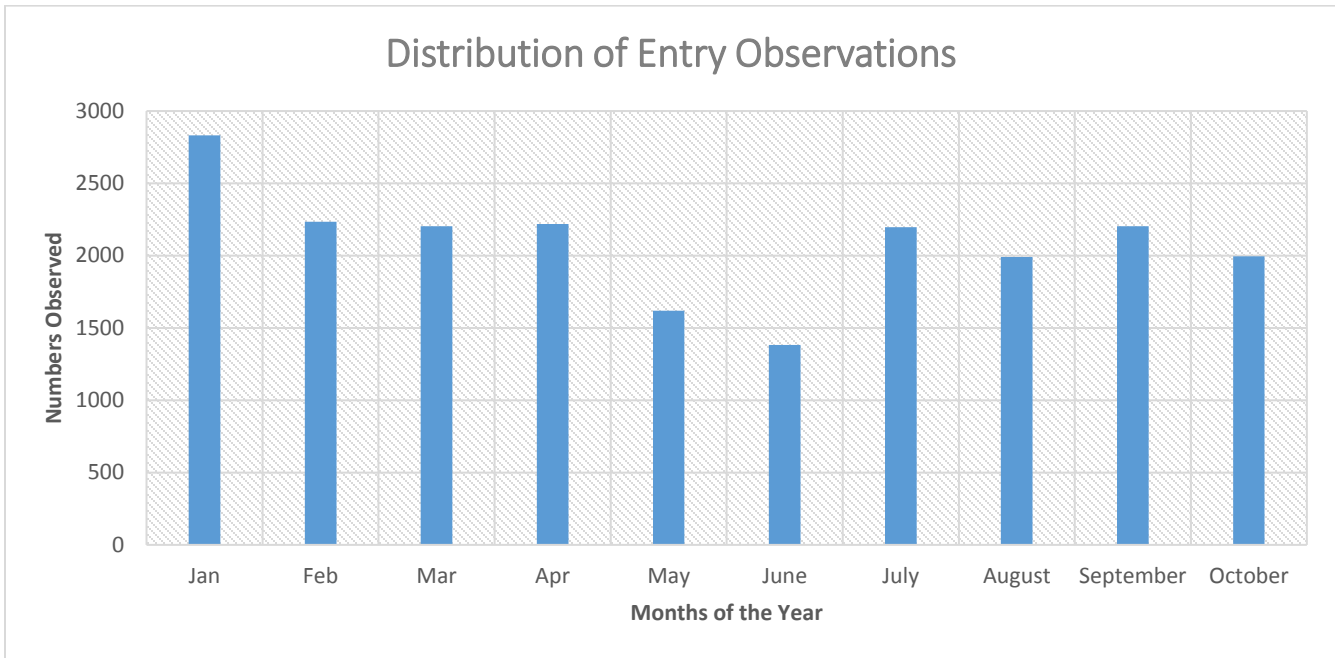
In the period under review, the number of foreign nationals entering Kenya from Somalia recorded in October was 2,001. This represents a 3.8% decrease compared to the figure of 2,184 recorded in September. This could be attributed to rainfall in some parts of Somalia and Kenya making the roads impassable. The border points monitored included Liboi, Abdisugow, Damajale, Diif, Degelema, Dajabula, Amuma, Garissa, El-Wak, Wajir, Mandera, and Kulan. Graph 2 below shows the distribution of border entry observations since January, 2017.



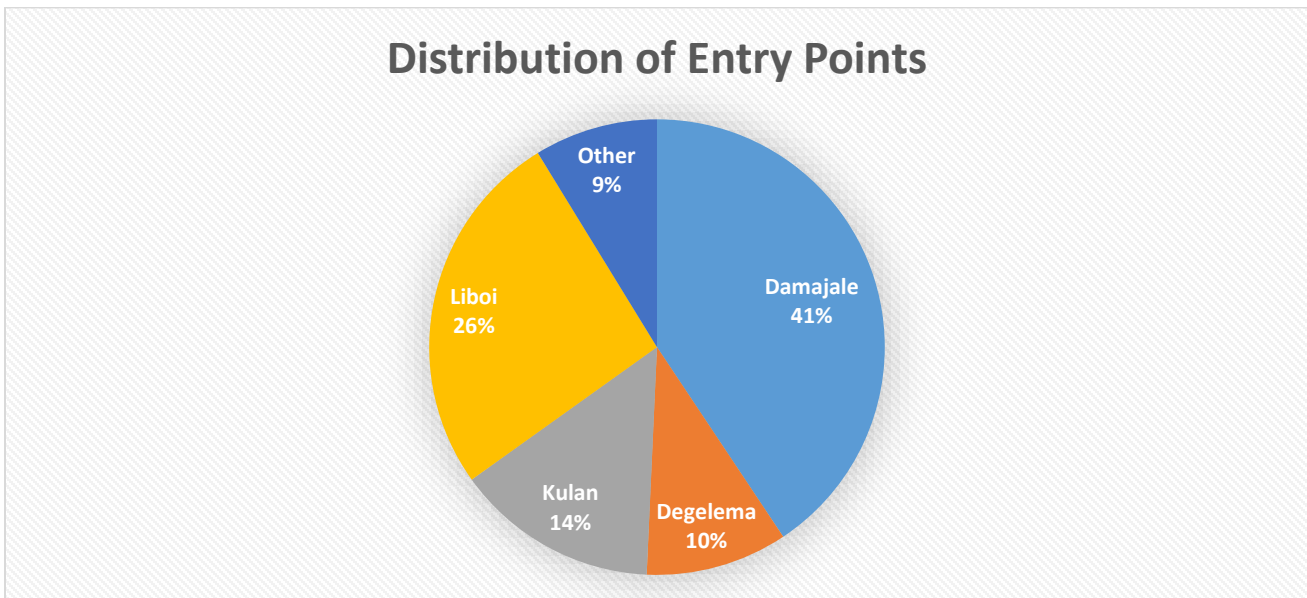
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Graph 2: Graph depicting the number of foreign nationals crossing into Kenya since January 2017 from different border entry points.



Graph 3: Distribution of observations per point of entry



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Kakuma

There were no major incidences affecting PoCs other than those indicated in the summary findings.

Kitale

There is no asylum seeker or refugee who was arrested or refouled. Furthermore RCK did not receive any information on internal displacement in the area as a result of fresh presidential elections. There were 48 asylum seekers from Burundi and DRC that were received by authorities and were later transported to Kakuma refugee camp.

Malaba

On 26th October, there was violence in Malaba when rioters engaged the police in running battles over the presidential elections. The rioters burnt tyres and threw stones at the police. According to RCK's monitor, there were no injuries, deaths or ethnic attacks reported. However there were reports that a community perceived to support one faction of the political divide crossed over to Uganda to spend the night there due to fear of attacks. The number of persons who crossed to Uganda could not be confirmed.

Kween district in Eastern [Uganda](#) has been struck by the Marburg Virus. The disease has Ebola like symptoms of fever, muscle pain, body weakness and bleeding from body openings. The Kenyan Ministry of Health has advised control measures including avoiding direct contact with the sick, hygiene, burial, supportive treatment and contact tracing. For the arrivals from Uganda, screening is being carried out at the border and so far no cases have been reported.

In spite of these incidences, RCK did not receive any reports of asylum seekers being turned away at the border. Furthermore the situation is slowly going back to normal.



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Nairobi

Nairobi was relatively calm in most places. There were reported [violent](#) incidences in Kawangware area, west of the Nairobi Central Business District. Communities that support opposed political groups clashed leading to the destruction of property of unknown value. It is not clear how many people were displaced as a result of this incident or whether they had received any assistance. Refugees living in the area were urged to avoid unnecessary movement and not to open their doors to unknown people under any circumstances.

Conclusion

The repeat presidential elections raised some tensions in the country. The areas affected include some parts of Busia, Malaba and Nairobi where violent confrontations were observed as reported by RCK's monitors and the media. Despite these incidences, there were no reports of internal displacement or refoulement. RCK officers and monitors continue to monitor the situation to ensure that the rights of forced displaced people are respected.

For more information kindly contact Ms. Eunice Ndonga Githinji, Refugee Consortium of Kenya Executive Director on refcon@rckkenya.org