



Inter-Parliamentary Union
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Kenya

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 170th session (Geneva, 21 January to 2 February 2023)



KEN55 – Melitus Mugabe Were

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Mugabe Were, a member of parliament for the Orange Democratic Movement (ODM) representing Embakasi district, was shot dead on 29 January 2008 as he drove up to the gate of his house in Nairobi just after midnight.

Although the alleged culprits were apprehended soon after the crime, the criminal proceedings against them were mishandled to the point that the judge in the case declared a mistrial and ordered the case to start anew. A retrial started in 2011.

According to the information provided by the Clerk of the National Assembly of Kenya in a letter dated 28 March 2015 and during the hearing held with the Kenyan delegation during the 132nd IPU Assembly (Hanoi, March 2015), the High Court of Kenya concluded the first instance proceedings against the suspected murderers of Mr. Were on 10 February 2015, convicting three of the suspects and acquitting a fourth person.

Case KEN55

Kenya: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaint: April 2010

Recent IPU decision: April 2015

IPU mission(s): - - -

Recent Committee hearing: Hearing with the delegation of Kenya to the 132nd IPU Assembly (March 2015)

Recent follow-up:

- Communication from the authorities:
Letter from the Speaker of the National Assembly of Kenya (January 2020)
- Communication to the authorities:
December 2022
- Communication to the complainant: - - -

An appeal was lodged against the conviction and its completion remains pending before the Court of Appeal.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Reiterates its satisfaction* that important steps have been taken over the years to promote justice and accountability in this case; *remains deeply concerned* nevertheless that, 15 years after the assassination of the member of parliament, the proceedings which should guarantee legal accountability of all perpetrators and masterminds of the crime have not yet concluded; *reaffirms* that justice delayed is justice denied; and *hopes* that further progress will promptly be made towards ensuring full accountability for this serious crime, in conformity with national and international standards of fair trial; *requests* the parliamentary authorities to keep it informed of progress in this regard;
2. *Reaffirms* its conviction that the Kenyan Parliament's continued interest in the case – while being respectful of the boundaries of the separation of powers – is critical to helping ensure that justice is done and to sending a strong signal that the assassination of a parliamentarian will not be left unpunished; and *wishes* to be kept informed of any steps taken by parliament in this regard;
3. *Requests* the Secretary General to convey this decision to the parliamentary authorities and any third party likely to be in a position to supply relevant information;
4. *Decides* to continue examining this case.