

Kenyan Hate Speech Case Tests Limits of Free Speech

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The acting head of Kenya's human rights commission says his agency is committed to protecting freedom of speech, as long as it does not come at the expense of other Kenyans.

The comments of Samuel Tororei come as three Kenyan musicians await trial after being charged with hate speech for songs that authorities say intended to cause hostility between the country's Kikuyu and Luo ethnic groups.

Tororei said in an interview with VOA that his organization is monitoring the case. But he says rights such as free speech must come with certain responsibilities, especially in a country with a history of ethnic violence.

“For the Kenya National Commission for Human Rights, our brief (charge) is to ensure that whatever actions we take are within the purview that allows the maximum enjoyment of human rights. But remember, that enjoying human rights entails on a citizen, whether private or corporate, the duty – the responsibility – to respect other people's rights, too.”

Kenyan authorities charged the musicians – Kamande wa Kioi, Muigai Wa Njoroge and John DeMathew – of hate speech under laws adopted following the country's post-election violence in 2008.

Widespread violence after a disputed presidential election four years ago killed an estimated 1,300 Kenyans and displaced about 300,000 others.

Tororei says Kenyan authorities should not underestimate the potential of free speech to ignite further conflict. He says it is a positive step that Kenyans are now taking each other to court, rather than resorting to violence, when they disagree.

“For us, we don't see any contradiction. We would, of course, speak out if the charges were seen to be frivolous, if the charges were seen to be unnecessarily intrusive into the character of those accused, because even the accused have rights. But I want to restate again that every right comes with a responsibility.”

If convicted, the musicians could be imprisoned for up to three years and face fines of about \$12,000. The three men, all Kikuyus, deny the charges.