

EXTERNAL (for general distribution)

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UA 19/92 Legal Concern

14 January 1992

KENYA: Professor Wangari Mathaai (f), Chairman, Green Belt Movement

Professor Wangari Mathaai, founder of the Green Belt Movement in Kenya and a distinguished international environmentalist, was arrested at her home in Nairobi at 2 pm on 13 January 1992. Her house had been surrounded by police officers since the weekend. Her arrest followed the arrest on 11 January 1992 of Josephat Karanja, a former Kenyan Vice-President, and Matu Wamae, a former member of parliament.

All three arrested were part of a group of eight members of the Forum for the Restoration for Democracy (FORD) who held a press conference in Nairobi on Friday 10 January 1992. At the press conference they announced that they had evidence proving that the current administration in Kenya intended to hand over power to the army. The statement which they read out to journalist is believed to have been signed by over 100 FORD members, but the leadership of FORD did not approve of the news conference being held. The accusation was immediately denied by the Kenyan Government. Security police attempted, unsuccessfully, to arrest all eight FORD members during the press conference.

Josephat Karanja and Matu Wamae were charged on 13 January 1991 with publishing a false report intended to cause alarm and were released on bail later that day. It seems likely that Professor Wangari Mathaai may be charged with a similar offence. The other five Ford members who attended the press conference, **George Njanja, Kimani Wa Nyoike, Wangugu Nganga, James Orenge and Virginia Wamboi Otieno** are believed to be currently in hiding to avoid arrest.

BACKGROUND INFORMATION

The concern of FORD members over the involvement of the army in Kenya politics follows the attendance at a recent council meeting of the ruling Kenya African National Union (KANU) of the army chief of staff and three senior military commanders. Until recently KANU was the only recognized political party in Kenya. Since the government's decision on 10 December 1991, to reintroduce a multiparty political system, KANU has been considerably weakened by the resignation from KANU of a number of Members of Parliament, including Mwai Kibaki, a senior minister and former vice-president. Rose Lukalo, the Kenya Television Network's (KTN) news editor responsible for the prompt announcement of Mwai Kibaki's resignation on Kenyan television on 25 December 1991, was subsequently dismissed from her job at KTN.

It is not known where Professor Wangari Mathaai is currently been held or in what conditions.

She is probably being held incommunicado in a police station or by the security police, the Department of State Security and Intelligence (DSSI, formerly known as the Special Branch), at its Nairobi headquarters in Nyayo House, where torture of political prisoners has been frequently reported. Arrested persons are required to be brought to court and charged within 24 hours, or 14 days for a capital offence, but these legal requirements

are not always respected by the police.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at the arrest on 13 January 1992 of Professor Wangari Mathaai;
- requesting assurances that she is not being subjected to torture or ill-treatment and that she be given immediate access to her legal representative, family and medical doctor;

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- appealing for her immediate and unconditional release as a prisoner of conscience imprisoned for the non-violent expression of her opinions;
- expressing concern that if charged and sentenced to imprisonment for views expressed at a press conference on 10 January 1991 she and others would be prisoners of conscience, imprisoned in violation of Kenya's obligation to uphold the right to freedom of expression.

APPEALS TO

1) President Daniel arap Moi **Your Excellency**
President of the Republic of Kenya
Office of the President
P O Box 30510
Nairobi, Kenya
Telegrams: President arap Moi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)
Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

2) Mr Amos Wako **Dear Attorney General**
Attorney General
Office of the Attorney General
PO Box 40112
Nairobi, Kenya
Telegrams: Attorney General Wako, Nairobi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)
Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

3) Mr James Kanyotu **Dear Sir**
Director of Dept of State Security Intelligence
Kenya Police HQ
PO Box 30083, Nairobi
Kenya
Telegrams: Director Special Branch, Police HQ, Nairobi, Kenya

4) Mr Philip Kilonzo **Dear Commissioner**
Commissioner of Police
Kenya Police HQ
PO Box 30083
Nairobi, Kenya
Telegrams: Police Commissioner Kilonzo, HQ Kenya Police, Nairobi, Kenya

COPIES TO: any of the following:

Mr Fred Ojiambo
Chairman, Law Society of Kenya
P O Box 72219
Nairobi, Kenya

The Kenya Times
PO Box 30958
Nairobi, Kenya

The Weekly Review
PO Box 42271
Nairobi, Kenya

The Standard
PO Box 30080
Nairobi, Kenya

The Daily Nation
PO Box 4910
Nairobi, Kenya

and to diplomatic representatives of Kenya in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 February 1992.