

EXTERNAL (for general distribution)

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UA 79/91 Fear of Torture/Legal Concern

4 March 1991

KENYA

Gitobu Imanyara, journalist, lawyer, human rights
activist

Gitobu Imanyara, editor of The Nairobi Law Monthly journal was arrested by armed police at his Nairobi office on 1 March 1991. After searches of his office and house, he was taken away to an unknown destination to which his lawyer was prevented from following him. He is held incommunicado and has not yet been brought to court to be charged with any offence. Under Kenyan law, he should be charged within 24 hours - or 14 days in the case of a capital charge - or otherwise released.

It is feared that Gitobu Imanyara was taken to Nyayo House, the Nairobi province headquarters of the Department for State Security Intelligence, DSSI, which was formerly known as the Special Branch of the police. Many political prisoners have been tortured there in recent years.

Gitobu Imanyara was probably arrested in connection with the publication of the latest issue of The Nairobi Law Monthly, which was seized by police two days earlier. It contained his editorial criticising the government for tribalism, and published the manifesto of a new opposition political party whose formation was announced by Oginga Odinga, a prominent government critic, on 13 February 1991. The Kenyan news media had apparently been ordered not to publish anything about the press conference at which the launch of the National Democratic Party (NDP) was announced. The Nairobi Law Monthly had published several articles by government critics in previous months, as well as academic articles and law reports.

Gitobu Imanyara has been in the forefront of those who have been calling for multi-party democracy in Kenya, where the only permitted party is the Kenya African National Union (KANU). Three prominent advocates of multi-party democracy have been held in administrative detention since mid-1990; Amnesty International has adopted them as prisoners of conscience.

Gitobu Imanyara has been imprisoned and interrogated in connection with his political opinions several times before. In July 1990 he was held in administrative detention for three weeks. He complained of atrocious conditions of detention. Immediately after release he was re-arrested and charged with publishing a "seditious" publication (the Nairobi Law Monthly), for which he faces up to seven years' imprisonment. He was released on bail, then charged with other offences. The Attorney General banned The Nairobi Law Monthly but the High Court ordered a provisional suspension of the ban, which the Attorney General has not so far challenged. Though free since late July 1990, Gitobu Imanyara has been under threat of trial on a number of political or other charges. In February 1991 he initiated legal proceedings against the government claiming that the ban on opposition parties was unconstitutional.

Gitobu Imanyara, 37, graduated in law from the University of Nairobi.

He is a director of the London-based anti-censorship organization, Article 19, and in early 1991 received the Golden Pen of Freedom award from the International Federation of Newspaper Publishers. He is married with two small children.

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

- expressing concern at Gitobu Imanyara's arrest and fears for his safety in custody;
- requesting assurances that he is not being subjected to torture or ill-treatment, and urging that he be given immediate access to his legal representative, family and medical doctor if required;
- stating that, as he appears to have been arrested for his non-violent opinions, he is a prisoner of conscience and should be released immediately and unconditionally.

APPEALS TO

President Daniel arap Moi
 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)

Mr Matthew Muli
 Attorney General
 Office of the Attorney General
 PO Box 40112
 Nairobi, Kenya

Telegrams: Attorney General Muli, Nairobi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)

Mr James Kanyotu
 Director of Dept of State Security Intelligence
 c/o Kenya Police HQ
 PO Box 30083
 Nairobi, Kenya

Telegrams: Director State Security Intelligence, Kenya
Police HQ, Nairobi, Kenya

COPIES TO:

Mr Philip Kilonzo
 Commissioner of Police
 Kenya Police HQ
 PO Box 30083
 Nairobi, Kenya

Mr Jackson Angaine

Minister in Office of President i/c internal security
Office of the President
PO Box 30510
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 15 April 1991.