

EXTERNAL (for general distribution)

AI Index: AFR 32/09/93

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**Further information on UA 54/93 (AFR 32/06/93, 2 March 1993) -
Ill-treatment/Legal concern**

KENYA:John Makanga, pharmacist

John Makanga, who was arrested at the Nairobi Hilton Hotel on 25 February 1993, was released on bail on about 10 March. Earlier, a magistrate had ordered that he should be given medical treatment. He is currently still in hospital under treatment for injuries caused by beatings when he was arrested by masked police officers and later ill-treatment in police custody.

He is charged with distributing a seditious document, for which he could be imprisoned for ten years, with an alternative charge of incitement to violence in relation to the same document. The Attorney General has not yet given consent to prosecute and no date has been set for the trial. The allegedly "seditious" document criticized the government for involvement in new ethnic clashes in western Kenya. An open letter to President Moi from Professor Wangari Maathai, an environmental campaigner and activist for women's rights and human rights, repeated these concerns. She and John Makanga had interviewed victims of the clashes in the Burnt Forest area and were intending to speak about the issue at a seminar in Nakuru, which the police then banned.

After John Makanga's violent arrest, Professor Maathai went into hiding, expressing fears for her safety (see UA 58/93, AFR 32/07/93, 4 March 1993). She presented herself to a magistrate on 10 March and was granted anticipatory bail, although no charge had been laid against her. She went back into hiding as police were reported to be still searching for her.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:

- noting that John Makanga has been released on bail;
- expressing concern that he could still be tried and imprisoned as a prisoner of conscience for up to 10 years for distributing a document which does not advocate violence;
- calling for an independent investigation into the assault on John Makanga by masked police officers arresting him, and further ill-treatment in police custody.

APPEALS TO

- 1) His Excellency President Daniel arap Moi

President of the Republic of Kenya,
Office of the President
P O Box 30510
Nairobi, Kenya

Telegrams: President Moi, Nairobi, Kenya

**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)**

Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

Salutation: Your Excellency

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2) Mr Amos Wako
Attorney General
Office of the Attorney General
P O Box 40112
Nairobi
Kenya

Telegrams: Attorney General Wako, Sheria, Nairobi, Kenya

Faxes: + 245 2 211082

Salutation: Dear Attorney General

COPIES OF YOUR APPEALS TO:

1) Mr Philip Kilonzo
Commissioner of Police
Kenya Police Headquarters
P O Box 30083
Nairobi, Kenya

2) Mr Justice Alan Hancox
Chief Justice
Law Courts
P O Box 30041
Nairobi, Kenya

3) Dr Willy Mutunga
Chair, Law Society of Kenya
P O Box 72219
Nairobi, Kenya

and to diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 26 April 1993.