

EXTERNAL (for general distribution)

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Further information on UA 350/90 (AFR 32/18/90, 6 September) - Legal Concern/Fear of Torture

**KENYA : Israel Otieno AGINA
Philip Gachoga GITHAIGA**

Israel Otieno Agina, who was arrested on 16 August 1990, is still held in custody without having been brought to court or allowed access to his family or legal representative. The authorities have not said where he is being held. The Constitution only permits arrested people to be held for up to 14 days for the most serious offences before being brought before a court. Israel Agina's detention for over a month is illegal but in political cases, such prolonged unlawful detentions are common and are evidently condoned by the police, judiciary and Attorney General's Office. Several of those so detained have been subjected to torture or ill-treatment in order to press them to plead guilty to a political offence.

Philip Gachoga Githaiga was released on bail on about 6 September 1990. No date has been set for his trial on the charge of possession of a seditious publication.

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

Please continue to send appeals on behalf of Israel Otieno Agina;

- urging that his unlawful detention be immediately brought to an end and that to maintain the rule of law, there should be a judicial inquiry into who was responsible for it so that they can be brought to justice;
- expressing fears for his safety from torture or ill-treatment and urging that he be given immediate access to his family, legal representative and an independent medical doctor;
- appealing for his immediate and unconditional release if he was arrested simply for his non-violent opinions.

APPEALS TO:

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

Mr James Kanyotu
Director of Special Branch
Kenya Police Headquarters
PO Box 33308
Nairobi, Kenya

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

Telegrams: Police Special Branch
Director, Police HQ, Nairobi, Kenya
Telexes: 22720 COMPOL KE
(Attn: Director Special Branch)

Mr James Mareka

Commissioner of Prisons
Kenya Prison Service Headquarters
PO Box 30175
Mareka,
Nairobi, Kenya

Telegrams: Prison Commissioner
Prison Service HQ, Nairobi, Kenya

COPIES TO:

Mr Wilson Ndolo Ayah
Minister of Foreign Affairs
Ministry of Foreign Affairs
P O Box 30551
Nairobi, Kenya

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

Mr Justice Alan Hancox
Chief Justice Law Courts
PO Box 30041
Nairobi, Kenya

The Chairman Law Society of Kenya
P O Box 72219
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 31 October 1990.