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February 1991

SUMMARY

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Raila Odinga, a businessman, scientist and former academic, aged about 48, is the son of Oginga Odinga, the former Vice-President of Kenya (1964 - 1966) and subsequently founder and leader of the opposition Kenya People's Union (KPU), which was banned in 1969.

Raila Odinga was previously detained without charge or trial under the Public Security Regulations from 1983 to early 1988, when he was adopted by Amnesty International as a prisoner of conscience.

He was subsequently detained again without charge or trial from late 1988 to 1989.

He was arrested again on 4 July 1990 and again detained under the Public Security Regulations which provide for administrative detention for an indefinite period without charge or trial of anyone held to be endangering the security of the state.

This document presents details about the circumstances surrounding his arrest and about his conditions of imprisonment.

Amnesty International has adopted him as a prisoner of conscience detained for his non-violent opinions as a leading supporter of multi-party democracy in Kenya.

This summarises a six-page document, Raila Odinga, A Prisoner of Conscience (AI Index: AFR 32/07/91), issued by Amnesty International in February 1991. Anyone wanting further details or to take action on this issue should consult the full document. **INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**

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KENYA: RAILA ODINGA, A PRISONER OF CONSCIENCE

Raila Odinga, a businessman, scientist and former academic, aged about 48, is the son of Oginga Odinga, the former Vice-President of Kenya (1964 - 1966) and subsequently founder (1966) and leader of the opposition Kenya People's Union (KPU), which was banned in 1969. Raila Odinga was previously detained without charge or trial under the Public Security Regulations from 1983 to early 1988, when he was adopted by Amnesty International as a prisoner of conscience.

He was subsequently detained again without charge or trial from late 1988 to 1989. He was arrested again on 4 July 1990 at his office in Agip House in central Nairobi. He was detained the next day under the Public Security Regulations which provide for administrative detention for an indefinite period without charge or trial of anyone held to be endangering the security of the state.

Amnesty International has adopted him as a prisoner of conscience detained for his non-violent opinions as a leading supporter of multi-party democracy in Kenya.

Background to his arrest - the "multi-party" debate

Kenneth Matiba and Charles Rubia, both former government ministers, were the most prominent of a number of businessmen, politicians, lawyers and church leaders who were calling in early 1990 for the introduction of multi-party democracy in Kenya, although they had not formed themselves into an opposition party. A constitutional amendment of 1982 made Kenya a one-party state with the ruling Kenya African National Union (KANU) as the only permitted party.

Since the beginning of 1990, the "multi-party" issue had been hotly debated in public and in the media. The arrest of Kenneth Matiba and other pro-democracy activists in July 1990 followed several weeks of increasing political tension on the issue of multi-party democracy. Those who spoke publicly in favour of the formation of other parties than KANU were branded as "subversive" by the government and the tension increased as they began to attract police surveillance and harassment, and eventually interrogation by the security police (the Directorate of State Security Intelligence, formerly known as the Special Branch).

On 6 June 1991 Kenneth Matiba and Charles Rubia announced in a statement to the press that they were going to apply for a licence to hold a public rally in Nairobi in a month's time on the issue of multi-party democracy. In response Government ministers called for their detention. President Daniel arap Moi expressed his determination that KANU should remain the only party in Kenya and the opposition rally was banned.

In June the security police attempted to arrest Kenneth Matiba but this was stopped by his lawyers because the arresting officers could not show them warrants for his arrest. His lawyers began to attract police surveillance themselves, to the point where they were being prevented from speaking to him and other clients on professional matters. Their press conferences were broken up by police and journalists had films, notebooks, tapes and press cards confiscated.

Arrest and Detention

Kenneth Matiba and Charles Rubia were arrested on 4 July 1991, three days before the date of the banned rally. They had said that they would not defy the ban on the rally.

Raila Odinga was also arrested on 4 July, shortly after the arrests of Kenneth Matiba and Charles Rubia, whose lawyer, John Khaminwa, a well-known human rights lawyer, was also arrested when he went to the police headquarters to inquire about them. Hours later, two more human rights lawyers, Gitobu Imanyara and Mohamed Ibrahim, were arrested. There were press reports that Kenneth Matiba had met with Raila Odinga to discuss a political alliance

with him and his father, Oginga Odinga, who had led the opposition KPU from 1966 until it was banned in 1969. No such political alliance had in fact been formed before they were arrested, and Oginga Odinga had made no statement by then on whether or not he would work with them.

All six were detained under the Public Security Regulations, which provide for the administrative detention for an indefinite period without charge or trial of anyone suspected of being a danger to the security of the state. Their detentions were announced by the authorities, with the exception of Mohamed Ibrahim's detention, which was never publicly disclosed. Their families' applications for habeas corpus were refused by magistrates.

Also arrested were five employees of Kenneth Matiba but they were released a few days later. Gibson Kamau Kuria and Paul Muite, two other well-known human rights lawyers, went into hiding two weeks later. Gibson Kamau Kuria took refuge in the US Embassy in Nairobi and later left Kenya for the USA. Kiraitu Mirungi, a lawyer who was also involved in human rights cases and the multi-party debate, was in Addis Ababa at the time of the arrests and did not return to Kenya.

Events after their arrests

Thousands of people still gathered at Nairobi's Kamakunji grounds on 7 July to demonstrate, instead, against the arrests. The demonstrators were tear-gassed and beaten by riot police, who fired shots over their heads. Anti-government rioting broke out and later spread to other areas in Nairobi and to other towns in Kenya. Over 30 deaths were reported, together with widespread arrests of pro-democracy protesters and looters. Over 1,500 people were taken to court and some were charged with political or criminal offences. Many were arrested for using the two-finger V-salute, meaning that they supported "two parties", or for shouting "Release Matiba", amongst other anti-government slogans. Within a week other prominent advocates of a multi-party system had also been arrested, including George Anyona, a former Member of Parliament, who has been a prisoner of conscience adopted by Amnesty International before. Since then many other suspected government opponents have been arrested and brought to court, mainly charged with possession of prohibited publication or so-called seditious publications, most of which merely contained criticisms of the government and did not advocate violence. Some of those arrested had been closely associated with Kenneth Matiba and the developing multi-party movement. Most have been released on bail and not yet tried.

The three detained lawyers, John Khaminwa, Gitobu Imanyara and Mohamed Ibrahim, were released after nearly three weeks in detention but Gitobu Imanyara was immediately re-arrested and charged with sedition in relation to the publication of the Nairobi Law Monthly, of which he is the editor and publisher. He was released on bail and no date has been set for his trial. Shortly before his arrest, an issue of the Nairobi Law Monthly had been devoted to the issue of multi-party democracy in Kenya and contained articles

by Kenneth Matiba and other people who are now imprisoned.

Following the widespread demands for changes to the political and electoral system, the government established a Reform Committee of KANU, headed by Vice-President Geoffrey Saitoti, which held public hearings of people's views throughout Kenya. Although press reporting of the hearings seemed to indicate extensive public support for a multi-party system, the Reform Committee and KANU rejected this. Instead the government made changes to the electoral system to restore the secret ballot, and restored the independence of tenure of the Attorney General and judges. Demands for a multi-party system, however, continued to be made, despite the risk of arrest.

On 13 February 1991 Oginga Odinga publicly announced the formation of an opposition party, the National Democratic Party (NDP), of which he is interim chairperson. He said the objectives of the NDP were to repeal the 1982 constitutional amendment making Kenya a one-party state, and to restore democracy and justice.

In prison

Raila Odinga, Kenneth Matiba and Charles Rubia remain in detention without charge or trial and have been adopted by Amnesty International as prisoners of conscience who have been detained for their non-violent opinions.

Raila Odinga has never made any public political statements or been openly involved in political activities. It is widely believed that the reasons for his current and previous two detentions were to silence or punish his father for opposing the government.

The Kenyan authorities have at times implied a connection between Kenneth Matiba and the "multi-party" activists on the one hand, and, on the other hand, certain other government opponents alleged to be using or planning violence against the government. In October 1990, Koigi wa Wamwere, leader of the Kenya Patriotic Front (KPF, a clandestine opposition group which he formed in 1986 while in exile in Norway), was reported to have been arrested in Kenya, allegedly in possession of weapons. He and seven others, including two prominent lawyers, are awaiting trial for high treason, which is a capital offence. Amnesty International is, however, convinced that the multi-party activists did not advocate violence and had no involvement with groups which, overtly or covertly, advocated or may have advocated the violent overthrow of the government.

Under the terms of the Public Security Regulations, detentions are reviewed by a Detention Review Tribunal appointed by the President, one month after detention and thereafter at six-monthly intervals. The recommendations of the tribunal are made to the Minister in the Office of the President responsible for internal security and are advisory only, so detainees may be kept in prison even if the tribunal recommends release. Detainees are allowed legal representation at the tribunal hearings, which are held in secret, but at other times detainees are usually denied access to

legal representatives.

Family visits are rarely allowed, and only after persistent requests, and then only for a few minutes in the presence of security or prison officers who take notes of the conversation. Visitors are only allowed to speak in English or Swahili, languages which detainees' relatives do not always speak fluently, if at all.

Medical treatment of detainees is inadequate and some have reportedly been denied prescribed medical treatment.

Raila Odinga is believed to be held in Naivasha maximum security prison, 80 kilometres north west of Nairobi.

Personal Details

Raila Amolo Odinga was born in Sakwa location in Central Nyanza Province, western Kenya. His father, "Jaramogi" Oginga Odinga, a former Vice-President of Kenya (1964-1966) and founder and leader of the opposition Kenya People's Union (KPU), which was banned in 1969, was arrested in 1969 and detained without trial for two years, when he was adopted by Amnesty International as a prisoner of conscience. Oginga Odinga was also detained under house arrest for several months in 1982-1983 after a coup attempt. He continues to be a prominent critic of the government, though barred from standing for election to parliament. He is a respected leader of the Luo ethnic group from western Kenya. As mentioned above, he launched a new opposition party in February 1991.

In the 1960s, Raila Odinga studied mechanical engineering at the Technische Hochschule "Otto von Guericke" in Magdeburg, German Democratic Republic, obtaining the degree of Master of Sciences.

He returned to Kenya in 1968 as a lecturer in mechanical engineering at the University of Nairobi. He resigned in 1972 to join the Kenya Bureau of Standards, which is part of the civil service, and was deputy director of the bureau at the time of his first arrest in 1982. He had not been engaged in political activities, from which he was barred by the terms of his employment in the civil service.

He was first arrested in August 1982 after a coup attempt by sections of the Kenya Air Force. He was charged with treason, but the charges were withdrawn in March 1983 before the trial started and instead he was detained under the Public Security Regulations.

He was detained without trial for almost six years, until his release in February 1988, only to be re-arrested seven months later and again detained under the Public Security Regulations in September 1988. His name was mentioned in a number of trials of people charged with sedition in connection with alleged membership of a clandestine opposition organization called the Kenya Revolutionary Movement (KRM). Allegations were made that Raila Odinga was the leader of this organization, which was also alleged to have sent members for guerrilla training in Libya, although no violent incident was ever attributed to it. Raila Odinga was never charged with any offence and his supposed involvement with the KRM has never been clarified or proved by the government. He was released

in June 1989.

At the time of his latest arrest, Raila Odinga was working as director of the East Africa Spectre company, of which his father is managing director. This Nairobi-based business deals in the distribution of Afri-Gaz domestic gas cylinders and other local commodities. Two other employees of the company who are also relatives of Oginga Odinga were also arrested and held for some weeks in the mid-1990 crackdown on government critics and their associates.

Raila Odinga, although he has never taken on a political role in public, is widely said to be the favourite son and political heir of Oginga Odinga, now aged in his eighties.

He is married and has three children. His wife, Ida Odinga, a geography schoolteacher in Nairobi, has been frequently harassed and occasionally arrested for short periods by the security police. She was dismissed from her teaching job after her husband's detention in 1990 but was later re-employed by the Ministry of Education in Nairobi.

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RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. In addition please undertake as many of the following recommended actions as possible.

1. Sections: to distribute this document to Kenya contacts and specialists and publicize the case of Raila Odinga - see also similar external documents on fellow-detainees Kenneth Matiba (AI Index: AFR 32/05/91) and Charles Rubia (AI Index: AFR 32/06/91).

These provide more detailed information on these three prisoner of conscience whose detentions were reported in a longer external document in November 1990, Kenya: Silencing Opposition to One-Party Rule (AI Index: AFR 32/28/90).

Note for Translators: Much of the background text for these other two documents is similar to the Raila Odinga document.

2. Target Sector Coordinators: to distribute this document to relevant target sector contacts, particularly academics, scientists and business people.

3. Co-groups: to distribute this document to local contacts, in conjunction with your Section, and to liaise with Section press officers regarding publicity. Co-groups with groups working on the case of Raila Odinga: to assist the group with distribution and publicity.

4. Groups working on the case of Raila Odinga: to use this document in your work on behalf of Raila Odinga for further background information, publicity and approaches to local target sector groups, such as academics, scientists and business people. Each group will be sent 5 copies of this document for distribution purposes.

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