

EXTERNAL (for general distribution)

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Legal concern/fear of torture

29 August 1991

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KENYA: Joseph Owour Nyong'o and at least 11 others

Joseph Owour Nyong'o, bodyguard of opposition leader, Oginga Odinga, and at least 11 others have been arrested in Kenya in a new wave of arrests of suspected democracy activists. Joseph Owour Nyong'o was arrested on Friday 23 August and taken the following day by armed security police to the office of his employer, former Vice-President Oginga Odinga, in central Nairobi, where the police searched the premises. The security police reportedly claimed that Joseph Owour Nyong'o was responsible for distributing pamphlets of an opposition movement, the Forum for the Restoration of Democracy (FORD) - launched by Oginga Odinga and others earlier this month - and took away documents from Oginga Odinga's office. No charges have yet been brought against Joseph Owour Nyong'o since his arrest, and it is not known where he is being held.

According to press reports, seven people were subsequently arrested in Nairobi on Saturday 24 August for carrying placards with slogans in support of the Forum for the Restoration of Democracy. It was thought that they would be charged with trying to hold a demonstration without permission, although, as far as Amnesty International is aware, no charges have yet been brought.

According to reports, another four people alleged to be members of the Forum for the Restoration of Democracy in Kenya were also arrested in the central district of Murang'a on the same day. Under Kenyan law, anyone who is arrested should be charged within 24 hours - or 14 days in the case of a capital charge - or otherwise released. But in recent years the police Special Branch (security police) have routinely held people unlawfully for weeks or months before taking them to court or serving them with an administrative detention order under the Public Security Regulations.

BACKGROUND INFORMATION

Reports in the Kenyan press indicate that President Daniel arap Moi, addressing a meeting in Mombasa on Saturday 24 August 1991, has ordered the arrest of anyone supporting illegal organizations or holding an illegal meeting, and he criticized former Vice-President Oginga Odinga for setting up the Forum for the Restoration of Democracy which the President has declared to be illegal.

Kenya has been a one party state since 1982, and previous calls for the restoration of multi-party democracy in Kenya were silenced by a wave of arrests in July 1990, which led to the detention of a number of prisoners of conscience of concern to Amnesty International, many of whom have since been released.

Oginga Odinga (whose son Raila Odinga was among those arrested in July 1990 and was held in administrative detention until June 1991 in an apparent attempt to silence his father) previously announced the formation of another opposition party, the National Democratic Party (NDP), in February 1991. The government refused to register this party and Oginga Odinga, now aged 80, was himself briefly under arrest on 7 May 1991. The Forum for the Restoration of Democracy was set up to press for a return to a multi-party democracy in Kenya.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters: -
expressing concern at the arrest of Joseph Owour Nyong'o on 23 August 1991

and also the arrest on 24 August of seven others in Nairobi and four in Murang'a district, all of whom appear to be prisoners of conscience;

- urging that if they are indeed prisoners of conscience, arrested for exercising their freedom of expression, a right guaranteed by Article 19 of the International Covenant on Civil and Political Rights, to which Kenya acceded in 1972, they should be released immediately and unconditionally;

- urging that, in any case, those arrested should either be brought to court and formally charged, or released forthwith, in accordance with Kenyan law;

- requesting assurances that those arrested are not being subjected to torture or ill-treatment, and urging that they be given immediate access to legal representatives, family and, if required, medical attention.

APPEALS TO

1.

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

Your Excellency

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
Attorney General
Office of the Attorney General
PO Box 40112
Nairobi, Kenya

Dear Attorney General

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

Dear Commissioner

**Telegrams: Police Commissioner Kilonzo, HQ Kenya Police,
Nairobi, Kenya**

COPIES TO:

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

Mr Jackson Angaine
Minister of State of Internal
Security
Office of the President
PO Box 30510
Nairobi, Kenya

Mr James Kanyotu
Director of Dept of State Security
Intelligence
Kenya Police HQ
PO Box 30083
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 10 October 1991.