

EXTERNAL (for general distribution)

AI Index: AFR 32/02/92

Distr: UA/SC

20 January 1992

Further information on UA 19/92 (AFR 32/01/92, 14 January 1992) - Legal Concern

KENYA: Professor Wangari Maathai (f), (please note corrected name)
chairman of Green Belt Movement and member of the Forum
for the Restoration for Democracy (FORD):

and new names, all members of FORD:

Josephat Karanja, former member of parliament

James Orengo, former member of parliament

George Njanja, architect

Wanguhu Ng'ang'a, businessman,

Matu Wamae, former member of parliament

Virginia Wamboi Otieno (f)

Kimani Wa Nyoike, former member of parliament

Abdulkadir. K. Hassan, former member of parliament

All the above members of the Forum for the Restoration for Democracy (FORD) have now been charged, under Chapter 63 section 66 (1) and (2) of the Penal Code, of "publishing a false rumour which is likely to cause fear and alarm to the public". They have all been released on bail of Ksh 100,000 (£2,000). These nine (not eight as was previously stated in the original urgent action) held a press conference in Nairobi on Friday 10 January 1992 at which they announced that they had evidence proving that the current administration in Kenya intended to hand over power to the army.

Professor Wangari Maathai, founder of the Green Belt Movement in Kenya, who was arrested on 13 January 1992 at her home in Nairobi was charged on 14 January 1992 and released on bail the same day. Professor Wangari Maathai is currently in Nairobi hospital where she is being treated for chronic rheumatism. Her rheumatism had been exacerbated by her prison conditions, as she had been forced to sleep on a concrete floor at Lang'ata Police Station without a mat or blankets.

Josephat Karanja and Matu Wamae were arrested in Nairobi on 11 January 1992 and charged on 13 January 1992 with the above offence and released on bail later the same day.

James Orengo, a lawyer and former Member of Parliament was also arrested in Nairobi on 13 January 1992. He was charged the following day with the same offence and released on bail.

Virginia Wamboi Otieno gave herself up to the police in Nairobi on 14 January 1992. She was arrested and held over night before being charged the following day and released on bail.

On 15 January 1992 George Njanja, Kimani Wa Nyoike, Wanguhu Ng'ang'a (incorrectly referred to as Wangugu Nganga in the original urgent action) and Abdulkadir. K. Hassan all handed themselves into Nairobi magistrates' court. They were charged by the magistrate, Babu Achieng, with the same offence and released on bail the same day.

The statement read out to journalists at the press conference in Nairobi on Friday 10 January 1992 is believed to have been signed by over 100 FORD members, but the leadership of FORD did not approve of the news conference being held. The accusation was immediately denied by the Kenyan Government who warned opposition leaders against spreading alarm.

Page 2 of FU 19/92

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

- expressing concern at the conditions under which Professor Wangari Maathai was held at Lang'ata Police station, particularly given her medical condition;
- expressing concern that if Professor Wangari Maathai and the eight other FORD members are imprisoned for views expressed at a press conference on 10 January 1992 they would be prisoners of conscience, imprisoned in violation of Kenya's obligation to uphold the right to freedom of expression;
- urging that charges against Professor Wangari Maathai and the others be immediately dropped.

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

Dear Sir

Telegrams: Director Special Branch, Police HQ, Nairobi, Kenya

4) 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: any of the following:

Mr Fred Ojiambo
Chairman
Law Society of Kenya
P O Box 72219
Nairobi, Kenya

The Daily Nation
PO Box 4910
Nairobi, Kenya

The Standard
PO Box 30080
Nairobi, Kenya

The Weekly Review
PO Box 42271
Nairobi, Kenya

The Kenya Times
PO Box 30958
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 28 February 1992.