

EXTERNAL

AI Index: AFR 32/03/91
Distrib: PG/SC

Date: 7 February 1991

MEDICAL CONCERN

©Kenneth MATIBA
KENYA

Kenneth Matiba, a prominent businessman and former government minister, was arrested in Nairobi on 4 July 1990 and has since been detained under the Public Security Regulations which permit indefinite detention without charge or trial. He is held in solitary confinement and is suffering from hypertension. 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.

In early 1990 there was public debate in Kenya on the country's political system, with calls for amendments to the Constitution which would permit the return of a multi-party system. The only political party permitted in Kenya under the present constitution is the ruling Kenya African National Union (KANU). Kenneth Matiba was arrested together with Charles Rubia, another former government minister. They were the most prominent among a group of businessmen, politicians, lawyers and church-leaders calling for the reintroduction of a multi-party system. The proposals were fiercely opposed by the government and in June 1990, after the issue had been publicly debated in the newspapers for several months, President Daniel arap Moi ordered the debate to end. Kenneth Matiba was subject to considerable police harassment and even death threats. His home was attacked by armed men and his wife hospitalized for four days after being hit over the head with a sharp object and suffering a fracture to her skull. His bodyguards were arrested, and it was alleged that security police had tried to bribe someone to plant a bomb in his car.

On 6 June 1990 Kenneth Matiba and Charles Rubia announced to the press that they were intending to call a public meeting in Nairobi on 7 July on the multi-party question. This was banned by the government and on 4 July both were arrested. Their lawyer, John Khaminwa, who is a prominent human rights lawyer, was also placed under administrative detention after trying to see them. Hours later two more human rights lawyers were arrested, along with Raila Odinga, the son of a prominent government critic and former Vice-President. The three lawyers were released after two weeks following considerable criticism of the detentions, but one - Gitobu Imangara - was immediately re-arrested and charged with sedition in relation to an article on multi-party government which had appeared in the *Nairobi Law Monthly* which he edits and publishes.

Kenneth Matiba is detained in Kamiti prison near Nairobi where he is in permanent solitary confinement. Since October 1990 he has been placed in a cell adjacent to a block used to house mentally-disturbed prisoners and prisoners awaiting execution. His isolation and the disturbance from the adjacent block, which includes shouting and screaming almost 24 hours a day, is very stressful. The prison food is very poor, toilets are "filthy", detainees are made to sleep on cold cement floors without a bed or mattress, and have to wear prison uniform. It appears that until recently he was not receiving medication to control his hypertension. He has since been allowed to see his own doctor, who was not permitted to provide his usual medication and it is not clear that his hypertension is being

adequately controlled or adequate medical attention provided. Contact with his family is limited to infrequent brief and supervised visits, and he has virtually no access to his legal representative.

Under the Public Security Regulations, no upper limit is specified on the length of time that an individual may be held without charge or trial. Kenneth Matiba has appeared before the Review Tribunal which reviews detentions every six months and reports to the Minister in the Office of the President responsible for internal security. The hearings of the tribunal are secret, its members are appointed by the President and its recommendations are advisory only.

The government's crackdown on debate around the system of government and its handling of dissent suggests that Kenneth Matiba could be held for a long period. All who had spoken publicly in favour of the formation of parties other than KANU were branded as "subversive" by the government. Some 1,500 people were briefly detained in July 1990 after rioting broke out following demonstrations against the arrests. Charles Rubia and Raila Odinga are both also still held as administrative detainees without charge or trial and some 30 others are either in prison or on bail awaiting trial on charges such as possession of "seditious" or prohibited publications.

Amnesty International is calling for Kenneth Matiba's immediate and unconditional release.

KENNETH
MATIBA

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To: Medical professionals
 From: Medical Office / Research Department - Africa
 Date: 7 February 1991

MEDICAL LETTER WRITING ACTION

**Kenneth MATIBA
 KENYA**

Keywords

Theme: ill-health/denial of medical attention/prisoner of conscience/detention without charge or trial

Summary

Kenneth Matiba, a prominent businessman and former government minister, is detained in Kenya under an administrative detention order which permits detention without charge or trial for an indefinite period. He has been held since his arrest in July 1990 which was prompted by his calls for the introduction of a multi-party system in Kenya and for debate around the issue. He is currently said to be suffering from hypertension for which he is not being provided with adequate medical attention and is held in solitary confinement in very stressful conditions. Kenneth Matiba has been adopted as a prisoner of conscience by Amnesty International.

Recommended Actions

Letters are requested from medical professionals to the addresses given below

- urging Kenneth Matiba's immediate and unconditional release as a prisoner of conscience detained without charge or trial solely for the peaceful exercise of his right to freedom of opinion
- expressing concern that he is being held in solitary confinement in stressful conditions and that he is said to be denied medication prescribed to control hypertension
- urging that while in detention he is humanely treated, provided with proper medical attention and permitted regular access to his family and lawyer

Addresses

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

Mr H Ezekiah Oyugi
 Permanent Secretary in charge of internal security
 Office of the President
 PO Box 30510
 Nairobi, Kenya

Mr Geoffrey Kinoti
 Assistant Police Commissioner
 in charge of detainees
 Kenya Police Headquarters
 PO Box 30083
 Nairobi, Kenya

Copies to:

Mr J W Maraka
 Commissioner of Prisons
 Kenya Prison Services Headquarters
 PO Box 30175
 Nairobi, Kenya

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

Dr Mwangira
 Prison Medical Services
 Nairobi
 Kenya

Senior Superintendent Charles Gituma
 Officer-in-charge
 Kamiti Prison
 PO Box 47472
 Nairobi, Kenya

Kenya Prisons Services Headquarters
 PO Box 30175
 Nairobi
 Kenya

and to diplomatic representatives of Kenya in your country