

EXTERNAL

AI Index: AFR 32/61/97

UA 364/97 Fear of arrest of prisoner of conscience

21 November 1997

KENYA Amos Kiprotich Kandie, businessman, aged 46

An arrest warrant has been issued against Amos Kiprotich Kandie in an apparent attempt to prevent him standing as a parliamentary candidate on 29 December 1997. He is planning to stand against President Daniel arap Moi for the Kenya African National Union (KANU) nomination for President Moi's constituency of Baringo Central. President Moi has been the Member of Parliament for Baringo Central for KANU since the 1950s. The police are actively searching for Amos Kiprotich Kandie who is believed to be in hiding.

The arrest warrant concerns a charge, under the Road Traffic Act, of *causing death by reckless driving* in an incident in 1994 when a local bus (*matatu*) hit a stationary lorry owned by Amos Kiprotich Kandie, killing two people. Although not present when the accident happened, Amos Kiprotich Kandie was charged with his driver.

The case remained in abeyance until November 1997 for lack of evidence. However, shortly after Amos Kiprotich Kandie announced his intention to stand for election and presented his nomination papers at KANU headquarters in Nairobi, the bus accident case was revived. Chief Magistrate Tuyiot, who presides over all the political cases in Nakuru, insisted on hearing the case immediately, and on a daily basis -- unusual in traffic cases -- even though the driver's case has not been brought before the court.

The case began on 17 November, but on 18 November Amos Kiprotich Kandie did not attend court for medical reasons. His lawyer, Murugi Kariuki, presented a medical report in court indicating that Amos Kiprotich Kandie required bed rest for five days, as he was suffering from high blood pressure. The magistrate refused to accept the medical report and issued a warrant for his arrest.

KANU parliamentary candidates are chosen by a system of queue voting, whereby supporters are required to stand in a line behind the candidate they wish to support. If Amos Kiprotich Kandie is absent from this process due to being in prison, he cannot be voted for.

BACKGROUND INFORMATION

Amos Kiprotich Kandie previously attempted to stand against President Moi in the 1992 parliamentary elections as a candidate for the opposition Democratic Party. However, he was prevented from presenting his nomination papers to the Electoral Commission's returning officer by an armed crowd.

Amnesty International has received a number of other reports that some aspirant parliamentary candidates planning to stand for KANU have been harassed or had their lives threatened to prevent them from challenging a particular candidate.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- urging that the arrest warrant against Amos Kiprotich Kandie be immediately withdrawn as its purpose is to prevent him standing for nomination as a KANU parliamentary candidate;
- expressing concern that if arrested through this abusive use of criminal charges for political reasons, Amos Kiprotich Kandie would be a prisoner of conscience;

- urging that Amos Kiprotich Kandie and others wishing to participate in the KANU nominations be given the opportunity to do so freely and without fear of persecution.

APPEALS TO:

Mr Amos Wako
Attorney General
PO Box 40112
Nairobi, Kenya

Telegrams: Attorney General Wako, Sheria, Kenya

Faxes: +254 2 211082

Salutation: Dear Attorney General

Commissioner Duncan Kabethi Wachira
Commissioner of Police
PO Box 30083, Nairobi, Kenya

Telegrams: Police Commissioner Wachira, Nairobi, Kenya

Faxes: +254 2 330495 (if voice, ask for fax tone)

Salutation: Dear Commissioner

COPIES TO:

Chief Magistrate William Tuyiot
Nakuru Magistrates Court
PO Box 61
Nakuru, Kenya

Justice Z.R. Chesoni
Chairman, Electoral Commission
P.O. Box 45371
Nairobi, Kenya

Mr Joseph Kamotho
Secretary General of KANU
PO Box 30746
Nairobi, Kenya

and to diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 December 1997.