

**EXTERNAL (for general distribution)**

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**Legal Concern/Possible Death Penalty**

**12 August 1992**

**KENYA**

**Sheikh Khalid Salim Balala, Islamic preacher**

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Sheikh Khalid Salim Balala, an Islamic cleric and supporter of the unregistered Islamic Party of Kenya (IPK), was arrested Monday 20 July 1992 after delivering a sermon which criticized the government for refusing to register an Islamic political party. He was subsequently charged with several offences, including treason, which carries a mandatory death penalty in Kenya, for publicly announcing he had imagined the death of the head of State. He was also charged with possessing weapons and holding an illegal meeting. Sheikh Khalid Salim Balala was not required to plead to the treason charge at this stage but denied all the other charges against him. He is currently being held in Wundanyi Prison, near Voi, where his lawyers are said to have been denied access to him.

Amnesty International fears that Sheikh Khalid Salim Balala may have been arrested for the peaceful expression of his opinions and non-violent activities.

The organization is also concerned that if convicted of treason he would face the death penalty.

#### **BACKGROUND INFORMATION**

Sheikh Khalid Salim Balala was previously arrested on 19 May 1992 but was released without charge a week later. Following a demonstration originally planned to welcome his release on 25 May 1992 and in support of the Islamic Party of Kenya, three men were arbitrarily shot at point blank range by members of the General Services Unit in Mombasa. The IPK has been refused permission to register as a political party. Since multi-party democracy was announced in December 1991 a number of political parties have been formed, however parties considered to be ethnically or religiously based are not permitted to register.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

#### **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:**

- appealing for him to be given immediate access to his legal representatives and family, and medical doctors if necessary;

- requesting details of the charges against him, including the evidence available, and information about any pending legal procedures;

- expressing concern that Sheikh Khalid Salim Balala may have been arrested for the peaceful expression of his opinions and non-violent activities and if so he should be released immediately and unconditionally;

- expressing concern that if convicted of treason he would face the death penalty.

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**APPEALS TO:**

1) President Daniel arap Moi  
Office of The President  
PO Box 30510  
Nairobi  
Kenya

**Telegrams: President Moi, Nairobi, Kenya**  
**Telexes: 22003 FOREIGNRB or ) via Ministry**  
**22696 FOREIGNRB ) of Foreign**  
**Faxes: + 254 2 33 7340 ) Affairs**

**Salutation: Your Excellency**

2) Mr Amos Wako  
Attorney General  
Office of the Attorney General  
PO Box 40112  
Nairobi  
Kenya

**Telegrams: Attorney General Wako, Nairobi, Kenya**

**Salutation: Dear Attorney General**

**COPIES OF YOUR APPEALS TO:**

1) Mr Wilson Ndolo Ayah  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
and International Cooperation  
Harambee Avenue  
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 23 September 1992.