

PUBLIC

AI Index: AFR 32/25/98

This is a limited action. Please restrict appeals to five per section.

EXTRA 62/98

Arbitrary Detention / Fear of ill-treatment in detention

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KENYA Hundreds of refugees

In the wake of the bombing of the United States embassy in Nairobi on 7 August 1998 Kenya is taking action, in a review of "all security procedures" to refole hundreds of refugees and asylum-seekers to countries where many would be at risk of serious human rights abuses.

On 20 August the Home Affairs Minister, Shariff Nassir, ordered all refugees and asylum seekers in possession of documentation from agencies, but without Kenyan government authority, to report to the Ministry of Immigration. Many who have done so have then found their protection letters from the United Nations High Commission for Refugees (UNHCR) confiscated and replaced by residence permits which expire within 14 days for Rwandese and Burundians and one month for Sudanese. Others have been ordered to report to designated refugee camps where conditions are appalling.

There are also reports of the mass arrests of refugees in Nairobi though some of these have since been released on condition that they report to refugee camps.

Those mainly affected are refugees and asylum-seekers from Rwanda, Burundi, Democratic Republic of Congo, Ethiopia, Somalia and Sudan.

The action may also have resulted from Kenyan fears of a new influx of refugees fleeing from the latest conflict in the Democratic Republic of Congo.

BACKGROUND INFORMATION

This latest action follows a pattern of arbitrary arrest, detention without charge, ill-treatment and other forms of harassment of refugees in Kenya, which is host to some 173,164 registered refugees. Hundreds of Burundian and Rwandese refugees were arrested in 1997, many only securing release after payment of bribes. Some have also been deported to their country of origin despite the risk they face of human rights violations.

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

- acknowledging Kenya's legitimate security concerns in the wake of the bombing of the United States Embassy but expressing concern that refugees and asylum-seekers have been targeted as a result;
- expressing concern in particular at the removal of documents from refugees and asylum seekers since 20 August 1998 and their threatened refolement and seeking assurances they will not be refoled to countries where they could be at risk of serious human rights violations, particularly those from Rwanda, Burundi and Democratic Republic of Congo;
- expressing concern at the arbitrary detention of refugees and asylum-seekers and calling for their immediate release unless they be promptly charged with recognizably criminal offences;
- seeking assurances that those in detention are not ill-treated and have access to medical care, lawyers and visits from their families.

APPEALS TO (please note that fax tones may be difficult to obtain at times):

Commissioner Duncan Wachira
Commissioner of Police, Police HQ
PO Box 30083, Nairobi, Kenya
Telegrams: Police Commissioner Wachira, Nairobi, Kenya
Faxes: + 254 2 330495 (if voice answers politely request fax tone)
Salutation: Dear Commissioner

Mr Sheriff Nassir
Minister of Home Affairs
Ministry of Home Affairs, National Heritage, Culture & Social Services,
PO Box 30520, Nairobi, Kenya
Telegrams: Minister Home Affairs, Nairobi, Kenya
Faxes: + 254 2 218811
Salutation: Dear Minister

Dr Bonaya Godana
Minister for Foreign Affairs
PO Box 30551, Nairobi, Kenya
Telegrams: Minister Foreign Affairs, Nairobi, Kenya
Faxes: + 254 2 335494 / 214733
Salutation: Dear Minister

COPIES TO:

Mr Amos Wako
Attorney General
PO Box 40112, Nairobi, Kenya
Faxes: + 254 2 211082

The Daily Nation
PO Box 49010, Nairobi
Faxes: + 254 2 213946

and to diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY