

EXTERNAL (for general distribution)

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Fear of torture/legal concern

10 October 1990

KENYA: Mirugi KARIUKI, lawyer in Nakuru, former parliamentary candidate and a prisoner of conscience from 1986 to 1989

Rumba KINUTHIA, lawyer in Nairobi, former parliamentary candidate

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Mirugi Kariuki and Rumba Kinuthia were arrested in Nakuru and Nairobi respectively on 8 October 1990 by police who broke into their homes. The authorities have not said why they were arrested or charged them with any offence or clarified under what law they are held. They are held incommunicado and the police have not said where they are detained.

Under Kenyan law, people who are arrested must be charged within 24 hours, or within 14 days if accused of a capital offence such as treason or murder, or must otherwise be released. However, the police Special Branch (security police, also known as the Department for Security and Intelligence, DSI) frequently hold people incommunicado for longer than these prescribed legal limits without any action being taken against them by the Attorney General, judges or Chief Justice. Kenya's Public Security Regulations provide for administrative detention for an indefinite period without charge or trial on the grounds of public security, although these two prisoners have not so far been detained under this law.

Mirugi Kariuki was previously detained without charge or trial under the Public Security Regulations from December 1986 to June 1989. His detention was apparently prolonged because he refused to withdraw a legal suit against the government for torture and illegal detention, which has still not come to court. After his release in 1989 he returned to his law practice in Nakuru, 150 kilometres northwest of Nairobi, and has defended political prisoners.

Rumba Kinuthia has also defended political prisoners recently, as well as members of a religious group, Tent of the Living God, which the authorities banned in February 1990. He was among several members of the Law Society of Kenya who accused the government of rigging the society's elections in favour of pro-government candidates, and earlier this year he publicly resigned from the ruling party, the Kenya National African Union (KANU), and called for multi-party democracy in Kenya. The two most prominent advocates of a multi-party system, Kenneth Matiba and Charles Rubia, were arrested in July 1990 and are currently imprisoned indefinitely under administrative detention orders (see UA 284/90, 6 July, and follow-ups). President Daniel arap Moi threatened in late September to detain others who oppose one-party rule.

Amnesty International fears that Mirugi Kariuki and Rumba Kinuthia could be tortured or ill-treated and that they appear to be prisoners of conscience who might be detained indefinitely without charge or trial under an

administrative detention order, or imprisoned after an unfair trial on a political charge such as sedition.

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

- expressing concern at the arrests of these two lawyers, Mirugi Kariuki and Rumba Kinuthia, and asking why they were arrested, what their legal status is, and where they are held;
- appealing for them to be given immediate access to their legal representatives and families, and medical doctors if needed;
- urging that if they were arrested for their opinions or professional legal activities, they should be immediately and unconditionally released;
- expressing fears about their treatment in custody and calling for assurances that they are not being tortured or ill-treated.

APPEALS TO:

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

Telegrams: President Moi, Kenya

**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
 (via Ministry of Foreign Affairs)**

Mr Matthew Muli
 Attorney General
 Office of the Attorney General
 PO Box 40112
 Nairobi, Kenya

Telegrams: Attorney General Muli, Nairobi, Kenya

**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
 (via Ministry of Foreign Affairs)**

Mr James Kanyotu
 Director of the Special Branch
 Kenya Police HQ
 PO Box 30083,
 Nairobi, Kenya

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

COPIES TO:

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

A/C Geoffrey Kinoti
 Kenya Police HQ
 PO Box 30083
 Nairobi, Kenya

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

Mr Justice Alan Hancox
Chief Justice
Law Courts
PO Box 30041
Nairobi, Kenya

LAWYERS' GROUPS ARE PARTICULARLY ASKED TO JOIN IN THESE APPEALS.

PLEASE SEND APPEALS IMMEDIATELY. Contact the International Secretariat or your section office if sending appeals after 21 November 1990.