

EXTERNAL (for general distribution)

AI Index: AFR 32/34/90

Distr: UA/SC

24 October 1990

Further information on UA 408/90 (AFR 32/30/90, 10 October 1990) - Fear of torture/legal concern

**KENYA:Mirugi Kariuki, lawyer
Rumba Kinuthia, lawyer**

and also Koigi wa Wamwere, exile opposition leader

Mirugi Kariuki and Rumba Kinuthia were arrested in Nakuru and Nairobi respectively on 8 October 1990 and were held incommunicado. It was feared that they would be tortured or ill-treated while in custody.

Mirugi Kariuki and Rumba Kinuthia were brought to court in Nairobi on 19 October and charged with treason - plotting to overthrow the government by unlawful means. They were legally represented, although their lawyers had no access to them since their arrest on 8 October 1990. They were remanded in custody in Kamiti maximum security prison near Nairobi and they are expected to be now allowed access to their lawyers. No information is yet available on how they were treated in custody. Details of the accusations against them have not yet been given and they have not yet been required to enter a plea to the charge.

They were brought to court together with Koigi wa Wamwere, (see also limited action TLX 42/90, 12 October and follow-up TLX 42/90-1 23 October) a prominent government opponent, and Geoffrey Kuria Kariuki, his cousin, who was also charged with treason in the same case. Koigi wa Wamwere has been a recognized refugee in Norway since he fled Kenya in 1986. A former member of parliament who was detained without trial between 1975 and 1978 and also from 1982 to 1984, he is leader of the Kenya Patriotic Front (KPF), a clandestine opposition group formed by him in Norway with the objective of overthrowing the Kenyan government.

Police said on 9 October that Koigi wa Wamwere had entered Kenya secretly and was arrested in Buru Buru estate in Nairobi on 8 October, in possession of weapons and with accomplices, who have not been named. A government statement accused Koigi wa Wamwere of leading a group planning a campaign of violence to destabilise the government. A press report some days later claimed that he had been arrested at the home of Rumba Kinuthia in a different part of Nairobi (Kariobangi south), although reports by journalists present at Rumba Kinuthia's arrest on 8 October made no mention of weapons being found or of Koigi wa Wamwere being arrested at the same time - indeed, Koigi wa Wamwere's arrest was not disclosed until the next day. There were similar discrepancies in the reports

of the arrest of Mirugi Kariuki, where the first report of his arrest, published on 9 October, made no mention of weapons, but President Moi said on 10 October that weapons had been found at his home when he was arrested.

No more details have been disclosed by the authorities to resolve these contradictions. Over a dozen other people, including relatives of the four, were also arrested and interrogated about suspected links with Koigi wa Wamwere but so far as is known, they were all released without being charged with any offence in this connection.

Following the treason charges, President Moi has claimed that those advocating multi-party democracy in Kenya - referring indirectly to Rumba Kinuthia and perhaps also some detainees who have been adopted by Amnesty International as prisoners of conscience - are secret supporters of armed opposition. Kenya has broken diplomatic relations with Norway because of Norwegian government interventions on behalf of Koigi wa Wamwere, and has accused the Norwegian government of illegal activities against the government of Kenya, accusations which the Norwegian government has vigorously denied.

Amnesty International is investigating the many puzzling aspects surrounding these arrests and also the claims by a number of credible sources that Koigi wa Wamwere was in fact arrested in Tanzania and not in Kenya, and that he was secretly handed over by Tanzanian security police to the Kenyan Special Branch (security police) at the Kenya/Tanzania border point at Namanga. It is also being claimed that at about the same time the Kenyan authorities handed over to Tanzania a Tanzanian government opponent who was in Kenya, Mussa Membar, who had recently completed an eight-year prison sentence in the United Kingdom for hijacking a Tanzanian aircraft to London in 1982, and is now said to be detained in Tanzania. A similar secret exchange of government opponents between Kenya and Tanzania took place in 1983, leading to the trial for involvement in a coup attempt and subsequent execution of three Kenyan airforce members who had previously been granted asylum in Tanzania. It is feared that another secret exchange may have taken place in this case too, despite the many criticisms that were made of the previous exchange, which violated the United Nations' and the Organization of African Unity's Conventions on Refugees.

No further actions are requested at the moment while Amnesty International investigates the situation further. Thank you to all those who sent appeals.