

8 August 1997

Further information on UA 229/97 (AFR 32/41/97, 22 July 1997) and follow-up (AFR 32/33/97, 25 July) - Arbitrary arrest / Fear of ill-treatment / Fear of refoulement

KENYA Over 600 foreign nationals arrested; many feared to be at risk of refoulement

More than 600 foreign nationals living in Kenya, including many Rwandese and Burundian nationals, have been arrested since 18 July 1997. Many have since been released. However, reports that many have been told to leave Kenya within a week have heightened concern for their safety as Rwandese, Burundian, and possibly other foreign nationals would be at serious risk of human rights violations if returned to their home countries.

The motive for the arrests remain unclear. The authorities have stated publicly that it is to enable officials to check the status of the foreign nationals, and that those with valid papers will be released. Many of those arrested claim to have presented valid documents authorizing them to live in Kenya; some have protection letters from the United Nations High Commissioner for Refugees (UNHCR). However, Amnesty International is concerned at reports that scores of Burundian and Rwandese nationals who have been released have been told by immigration officials that they have seven days to leave the country.

Many are in possession of valid visas. Some who were released were reportedly rearrested soon afterwards. Of the Burundian nationals named in the previous UA update, Cyprien Manirakiza, Daphrose Manitakiza, Louise Ndizigiye, her sister and five children are reported to have been released.

Those without valid documentation have also reportedly been given a week to leave the country.

Approximately 150 refugees, including Stéphanie Mbanzendore (named in previous update), have been released from detention in Nairobi and transferred by the UNHCR to Kakuma camp, northern Kenya. Since the arrests, two sets of transfers to Kakuma camp have taken place; one on or around 30 July and one on 8 August. Some of those transferred have been separated from their families. Those transferred are believed to be primarily of Rwandese, Burundian and Somalian nationality, although Ethiopian and Congolese (DRC) refugees were also transferred. Others have refused to go, some because of the harsh conditions in Kakuma, and have been allowed by the Kenyan authorities to remain in Nairobi.

No new arrests have been reported to Amnesty International since 29 July when a number of arrests took place, including that of Dominique Nyandwi, a Burundian national, who was arrested on 29 July as he transited through Nairobi *en route* to Belgium for medical treatment. He was due to spend three days in Nairobi and was in possession of a visa for his onward travel. He was subsequently released on 5 August.

Those in detention have been allowed access to their families. UNHCR officials have also visited the detention centres. Amnesty International has not received confirmed reports of ill-treatment or torture during detention, although conditions are very harsh and overcrowded.

Amnesty International has received the names of more than 140 people arrested, including those named in the previous update, and has written to President Moi asking for information on these cases.

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

- welcoming the release from detention of hundreds of foreign nationals arrested since 18 July 1997 but expressing concern that scores of Burundian and Rwandese nationals, and other foreign nationals have been told to leave the country;
- seeking immediate assurances that they will not be forcibly returned to Rwanda or Burundi or other countries where they would be at risk of serious human rights violations;
- asking for information on the situation of those released and on the identity of Burundian, Rwandese and other foreign nationals who remain in detention, their current whereabouts and whether there are any charges against them;
- calling for the immediate release of foreign nationals in detention unless they are promptly charged with recognizably criminal offences and seeking assurances that they are not being ill-treated and have access to medical care, lawyers and visits from their families.

APPEALS TO:

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

Telegrams: Police Commissioner Wachira, Nairobi, Kenya

Faxes: +254 2 330495 (if no tone please try later)

Salutation: Dear Commissioner

Mr Stephen Kalonzo Musyoka
Minister of Foreign Affairs and International Cooperation
Harambee Avenue, PO Box 30551
Nairobi, Kenya

Telegrams: Minister Foreign Affairs, Nairobi, Kenya

Faxes: +254 2 335494 or 214733

Salutation: Dear Minister

Mr Amos Wako
Attorney General, PO Box 40112, Nairobi, Kenya

Telegrams: Attorney General Wako, Sheria, Kenya

Faxes: +254 2 211082

Salutation: Dear Attorney General

COPIES TO:

International Commission of Jurists (ICJ)
PO Box 59743, Nairobi, Kenya

Faxes: +254 2 562098

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 20 September 1997.