

PUBLIC

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Fear of ill treatment/possible prisoners of conscience

23 October 2001

**KENYA67 members and supporters of Release Political Prisoners**

**Kibe Mungai, lawyer**

**Njoroge Wanguthi, Chairman of RPP**

**Orina Nyamwamu, Secretary General of RPP**

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Seventy-one members and supporters of the Kenyan human rights lobbying group, Release Political Prisoners (RPP), were arrested on 20 October 2001. Seventy of them have been remanded to prison, where torture and ill-treatment are rife. Some are said to have been beaten. Amnesty International is concerned for their safety, and believes they may be prisoners of conscience, detained solely because of their non-violent political beliefs.

Members of the RPP, a human rights activist organisation which mainly lobbies for the release of political prisoners, face regular harassment and intimidation from the authorities because of their work in defence of human rights.

The 71 men and women were arrested during a peaceful celebration on the RPP's own premises in Nairobi to mark Mau Mau Day (officially called Kenyatta Day), which commemorates the 1952 uprising of the Mau Mau against British rule. No police permit is needed for such private ceremonies. Police appear to have used excessive force to break up the gathering, throwing tear gas canisters into the crowd in the RPP compound, among whom were several children. They reportedly beat some of the adults. Those arrested were accused of holding an illegal gathering, which is punishable by up to a year in prison.

Professor Kivutha Kibwana, guest speaker at the function, and Kibe Mungai, who is the RPP's lawyer, were separated from the rest of the group, but reunited with them after the others protested. All 71 were brought before the Chief Magistrate at the High Court on 22 October 2001 to answer charges of "unlawful assembly". Since they all refused to enter a plea, they were recorded as pleading "not guilty". The case was to have resumed at the High Court on 23 October but was re-scheduled for 4 to 7 December. The reason given by the court was that the case files had been mistakenly sent to another court.

Professor Kivutha Kibwana was released on bond on 23 October 2001. The rest of the men are on remand in Kamiti Maximum Prison. The women are believed to be in Langata Prison. Detainees in police custody or on remand in prison are frequently subjected to torture, beatings and cruel treatment.

Bond has been set at 50,000 Kenyan Shillings (approx US\$700), which is more than most Kenyans can afford. Many of those arrested are unemployed, students or youths, and cannot raise the money.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern for the safety of 70 members and supporters of Release Political Prisoners arrested on 20 October 2001;
- expressing concern at reports that some were beaten and tear-gassed at the time of their arrest;
- seeking assurances that they will not be tortured or ill-treated whilst on remand;

- pointing out that Amnesty International believes they may be prisoners of conscience, arrested solely for their non-violent political activities, who should be released immediately and unconditionally;
- expressing concern that police appear to have used excessive force on people holding a peaceful and private meeting, forcibly breaking up a private event, beating and tear-gassing those present although they had not resisted arrest;
- urging the authorities to set up a prompt and impartial investigation and ensure that any police officers who used excessive force are brought to justice.

**APPEALS TO:**

Major Marsden Madoka  
Minister of State (responsible for internal security)  
Office of the President  
P O Box 30510  
Nairobi, Kenya  
**Telegrams:Major Marsden, Nairobi, Kenya**  
**Faxes:+ 254 2 337340 (if no tone please try later)**  
**Salutation:Dear Major**

Commissioner Philemon Abong'o  
Commissioner of Police  
PO Box 30083, Nairobi, Kenya  
**Telegrams:Police Commissioner Abong'o, Nairobi, Kenya**  
**Faxes:+254 2 330495 (if no tone please try later)**  
**Salutation:Dear Commissioner**

**COPIES TO:**

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

Release Political Prisoners  
PO Box 50613, Nairobi, Kenya  
**Email:rpp@iconnect.co.ke**

The Daily Nation  
**Faxes:+254 2 213 946/ 214 047/ 217 112/ 214 565**

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 4 December 2001.