

**EXTERNAL (for general distribution)**

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**Ill-treatment/Legal concern**

**2 March 1993**

**KENYA:**

**John Makanga, pharmacist**

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Amnesty International is concerned at the ill-treatment, both on arrest and in custody, of John Makanga who appears to be a prisoner of conscience. He was arrested by plainclothes police officers without a warrant on 25 February 1993 at the Kilimanjaro Pharmacy, which he owns and which is located in the Hilton Hotel in Nairobi. The police officers refused to identify themselves or say why they were arresting him. They beat him severely - even though his lawyer and friends were present - and drove him off to an undisclosed destination. His lawyer protested but was unable to prevent this.

John Makanga appeared in a magistrate's court in Nairobi on 1 March 1993 with new injuries to his hands, legs and back, apparently the result of further beatings in police custody. He said he had been denied food for the three days following his arrest. He was charged with distributing seditious publications accusing the government of responsibility for new ethnic clashes in western Kenya. The magistrate made no inquiry into his injuries or treatment in custody, refused his lawyer's application for bail and remanded him in custody.

In early February 1993 several people were killed and thousands driven from their homes in Burnt Forest, a town in Uasin Gishu district, Rift Valley Province, in clashes between members of the locally dominant Kalenjin ethnic group and members of the Kikuyu ethnic group, who might have been regarded as opposition supporters in the recent elections. John Makanga had apparently visited the scene of the clashes with Professor Wangari Maathai, chairperson of the environmentalist Greenbelt Movement and a prominent government opponent. President Moi (who is a member of the Kalenjin ethnic group) publicly accused Professor Maathai on 20 September 1992 of "distributing inflammatory leaflets" in Uasin Gishu and "fanning the clashes". She is reported to be in hiding and there is concern for her safety.

#### **BACKGROUND INFORMATION**

Similar "ethnic clashes" in 1992 left tens of thousands of people displaced and over 700 people dead, many of them allegedly killed by a secret force of "Kalenjin warriors" supported, armed and funded by senior government and ruling party figures. However, the authorities have taken no action against any of those named in 1992 in investigations by a church-sponsored inquiry and a parliamentary committee.

The authorities in Kenya often use charges of sedition against non-violent critics of the government, and several have been imprisoned in the past after unfair trials.

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

- expressing concern at the arrest and beating by police of John Makanga on 25 February 1993 at the Hilton Hotel in Nairobi;
- requesting an urgent impartial investigation into reports that he was again beaten in police custody and denied food;

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- appealing for his immediate and unconditional release as it seems that he has been arrested for investigating reports of human rights abuses and for his non-violent criticism of the government;
- requesting that in the meantime he be allowed to receive medical treatment from his own doctor and regular access to his family and lawyer.

**APPEALS TO**

1) His Excellency President Daniel arap Moi  
President of the Republic of Kenya  
Office of the President  
P O Box 30510  
Nairobi, Kenya

**Telegrams: President Moi, Nairobi, Kenya**  
**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB**  
**(via Ministry of Foreign Affairs)**  
**Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)**

**Salutation: Your Excellency**

2) Mr Amos Wako  
Attorney General  
Office of the Attorney General  
P O Box 40112  
Nairobi  
Kenya

**Telegrams: Attorney General Wako, Sheria, Nairobi, Kenya**  
**Faxes: + 245 2 211082**

**Salutation: Dear Attorney General**

**COPIES OF YOUR APPEALS TO:**

1) Mr James Mareka  
Commissioner of Prisons  
Kenya Prisons Service Headquarters  
P O Box 30175  
Nairobi, Kenya

Nairobi, Kenya

2) Mr Philip Kilonzo  
Commissioner of Police  
Kenya Police Headquarters  
P O Box 30083

3) Mr Justice Alan Hancox  
Chief Justice  
Law Courts  
P O Box 30041  
Nairobi, Kenya

4) Mr F Kagwa  
Acting Chairman  
Law Society of Kenya  
P O Box 72219  
Nairobi, Kenya

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 13 April 1993.