

EXTERNAL (for general distribution)

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Please bring this EXTRA to the attention of the person responsible for home government lobbying in your section and try to raise appeals from politicians, parliamentarians, lawyers associations and trade unions.

18 November 1991

Further information on EXTRA 80/91 (AFR 32/32/91, 15 November 1991) - Fear of Torture/Legal Concern

KENYA: Oginga Odinga, 74, former Vice-President (released on bail)
Gitobu Imanyara, lawyer and editor of the Nairobi Law Monthly Journal
(released on bail)
Dennis Akumu, former secretary general of the Organization of African
Trade Union Unity
George Nthenge, former member of parliament
Luke Obok, former member of parliament
Philip Gachoka, businessman
Salim Ndamwe, secretary general of Oginga Odinga's unofficial opposition
National Democratic Party
and at least five others including Oginga Odinga's bodyguards

New names:

Masinde Muliro, 69, former government minister (released on bail)
Martin Shikuku, former assistant minister
Paul Muite, chairman of the Law Society of Kenya
James Orengo, lawyer, former member of parliament
Japheth Shamalla, lawyer
John Kamangara, politician
Akhaba (first name not known), lawyer (released on bail)

Following the arrest of Oginga Odinga and others on 14 November, at least five other pro-democracy activists were arrested on Saturday 16 November 1991 as they tried to go to a rally called by the Forum for the Restoration of Democracy (FORD) at Kamakunji in Nairobi. They included two FORD members - former members of parliament Masinde Muliro and Martin Shikuku and three prominent lawyers - Paul Muite, chairman of the official association of lawyers, Japheth Shamalla (lawyer for Koigi wa Wamwere, an opposition leader charged with treason), and James Orengo (Oginga Odinga's lawyer).

The Kamakunji rally ground was sealed off by the para-military General Service Unit (GSU). Hundreds of people demonstrating peacefully nearby were dispersed by the GSU with tear gas and riot batons. One person was reportedly trampled to death by the crowd and several others injured.

Several of those arrested have already been brought to court in Nairobi or their home areas, and the others are expected to be also taken to court soon. They were charged with offences under the Public Order Act, such as publicising or advertising an illegal meeting (i.e. the FORD rally), for which they could be imprisoned for up to six months. Some have been released on bail (as noted above), while others have been remanded in custody. No dates have yet been set for their trials.

BACKGROUND INFORMATION:

FORD was set up in August 1991 to work non-violently for democracy and human rights in Kenya and against corruption. It is the latest group formed in Kenya to campaign for multi-party democracy and the end of the one-party system where the Kenya African National Union (KANU) is the only permitted party. Its members have frequently been harassed or interrogated by the police.

Amnesty International regards these prisoners as prisoners of conscience arrested for their opinions and non-violent political activities. It is concerned that they could face unfair trials for political offences.

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

- expressing concern at these further arrests of pro-democracy activists;
- calling for assurances that those still in custody are not being subjected to torture or ill-treatment and that they be given immediate access to their legal representatives, families and their own doctors;
- appealing for their immediate and unconditional release as prisoners of conscience detained solely for the non-violent exercise of their right to freedom of association and expression;
- urging the immediate withdrawal of any charges against them under the Public Order Act which violate these internationally recognized rights.

APPEALS TO:

1) President Daniel arap Moi **Your Excellency**
 President of the Republic of Kenya
 Office of the President
 P O Box 30510
 Nairobi, Kenya
Telegrams: President arap Moi, Kenya

2) Mr Amos Wako **Dear Attorney General**

 Attorney General
 Office of the Attorney General
 PO Box 40112, Nairobi, Kenya
Telegrams: Attorney General Wako, Nairobi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB (via Ministry of Foreign Affairs)
Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

3) Mr James Kanyotu Director of **Dear Sir**
 Dept of Security and Intelligence
 Kenya Police HQ
 PO Box 30083
 Nairobi, Kenya
Telegrams: Director DSI, Police HQ, Nairobi, Kenya

4) Mr Philip Kilonzo **Dear Commissioner**

 Commissioner of Police

Kenya Police HQ
PO Box 30083
Nairobi, Kenya

**Telegrams: Police Commissioner Kilonzo, Police HQ, Nairobi,
Kenya**

COPIES TO: any of the following

Mr Paul Muite
Chairman, Law Society of Kenya
P O Box 72219
Nairobi, Kenya

The Weekly Review
PO Box 42271
Nairobi, Kenya

The Daily Nation
PO Box 49010
Nairobi, Kenya

The Kenya Times
PO Box 30958
Nairobi, Kenya

The Standard
PO Box 30080
Nairobi, Kenya

Society Magazine
PO Box 12868
Nairobi, Kenya

and to diplomatic representatives of Kenya in your country.

**PLEASE SEND APPEALS IMMEDIATELY. Check with the
International Secretariat, or your section office, if sending
appeals after 30 December 1991.**