

EXTERNAL (for general distribution)

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Please bring this follow-up 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.

Further information on EXTRA 80/91 (AFR 32/32/91, 15 November 1991) and follow-up (AFR 32/33/91, 18 November 1991) - Fear of Torture/Legal Concern

KENYA: Oginga Odinga, 76 (please note corrected age), former Vice-President
Gitobu Imanyara, lawyer and editor of the Nairobi Law Monthly Journal
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

Masinde Muliro, 69, former government minister
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
Gervase Akhabi, lawyer (please note first name)

All the above who were arrested between 14 and 16 November 1991 in connection with a pro-democracy rally banned by the authorities have now been brought to court in their home areas and released on bail. Some of them had bail refused on their first application. They were charged with offences under the Public Order Act, such as publicizing an illegal meeting. In Kisumu, Kiambu and other towns people demonstrating outside the courts where prisoners were taken were dispersed by the police with teargas.

No dates have been set for any of their trials, where defendants face up to six months' imprisonment if convicted.

It now appears that as many as 300 people may have been arrested in different parts of Kenya in connection with the Forum for the Restoration of Democracy (FORD) rally planned for 16 November 1991. Some were arrested to prevent them from attending the rally, others when they demonstrated in Nairobi or other towns in favour of multi-party democracy.

In Kisumu, Oginga Odinga's home town, others arrested included his doctor, Odhiambo Olel, who was released on bail, and several political associates. In Nairobi, Andrew Ngumba, a former member of parliament and ex-mayor of Nairobi, the Reverend Bernard Njoroge, chairman of the Justice and Peace Commission

of the Church of the Province of Kenya, and Bedan Mbugua, former editor of a church journal, were among dozens of people arrested the next day and later released on bail. Some trials were set for late December 1991. Some of the charges accused people of inciting people to attend the rally, giving a two-finger salute (i.e. supporting a second political party) or even asking why people had been arrested. Scores of other people were rapidly tried and fined for "creating a disturbance". The only other FORD leader not yet arrested, Ahmed Bamahriz, is said to be still in hiding.

The releases on bail were apparently due to the scale of international and national protest at the arrests, and the government's wish to avoid major criticism during important aid talks in France starting on 25 November 1991 with Kenya's main aid donors. The Law Society of Kenya has protested against police brutality against demonstrators and legal irregularities in the proceedings against those arrested. Other organizations, including the Kenya Union of Journalists, have also protested against the arrests.

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

- expressing concern at the large number of arrests of pro-democracy activists and the ill-treatment by the security forces of some of the demonstrators;
- expressing concern that although all now appear to have been released on bail, they could still be sentenced to terms of imprisonment in future trials solely for the non-violent exercise of their right to freedom of expression and association which is proclaimed in the Universal Declaration of Human Rights;
- urge that charges against them under the Public Order Act be immediately dropped as these violate internationally recognized rights.

APPEALS TO:

1) President Daniel arap Moi **Your Excellency**
President of the Republic of Kenya
Office of the President
PO Box 30510, Nairobi, Kenya
Telegrams: President arap Moi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB (via Ministry of Foreign Affairs)
Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

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 **Dear Sir**
Director, Department of Security and Intelligence
Kenya Police HQ

PO Box 30083, Nairobi, Kenya

Telegrams: Director DSI, Police HQ, Nairobi, Kenya

4) Mr Philip Kilonzo
Commissioner of Police
Kenya Police HQ
PO Box 30083, Nairobi, Kenya

Dear Commissioner

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

COPIES TO: any of the following:

Mr Paul Muite
Chairman, Law Society of Kenya
PO 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 6 January 1992.