

EXTRA 53/99 Fear for safety / Excessive use of force by police 20 April 1999

KENYA James Orengo, MP, and others

Amnesty International is concerned at the increasing use of force and violence by police in breaking up meetings organized or attended by opposition party members. As result, it fears for the safety of those attending two political rallies on 24 April 1999 in Ugunja, Nyanza Province and for the organizer of one of the meetings, James Orengo.

It is anticipated that police will try to break up a rally organized by local opposition member of parliament (MP) and prominent government critic James Orengo and that the ensuing violence may spill over to a government supported rally taking place simultaneously at the same venue.

The second rally, which apparently aims to raise funds (*harambee*) for local children in need, has been organized by the leader of the National Development Party (NDP) and member of parliament (MP) Raila Odinga and reportedly has the backing of President Moi. It will be attended by senior officials from the ruling party Kenya African National Union (KANU), which has close links with the NDP.

James Orengo says that the organizers of the *harambee* had not consulted him and that the meeting is politically motivated.

The local divisional police officer, Mr Joel Cheruiyot, has reportedly warned that 'police would deal ruthlessly with organisers of a parallel rally (i.e. that organize by James Orengo).'

BACKGROUND INFORMATION

Police have used tear gas and batons to break up recent meetings organized or attended by opposition MPs resulting, in some cases, to hospitalisation of those present.

On 27 February opposition MPs, Tabitha Seii, George Kaptan, and Elias Shill were attacked by police at a meeting held to discuss problems experienced by farmers in the Rift Valley.

In January, the violence used by police to break up a peaceful demonstration against the handover of public land to developers at Karura Forest in northern Nairobi resulted in three days of rioting.

In November 1998, James Orengo tabled a motion of no-confidence against the government. Although the motion was defeated he is reported to be planning to repeat this motion in the current session of Parliament.

On 13 April, James Orengo was attacked by police and arrested after addressing his constituents about local corruption. He is currently on bail on charges of assaulting a police officer, damage to property and incitement to violence. His arrest drew immediate protests from Kenya's 22 Catholic Bishops, 36 opposition and the ruling party MPs and the Law Society of Kenya. It is believed that his arrest was motivated, in part, to prevent him organising his rally on 24 April.

These incidents do not auger well for the on-going constitutional review process, in which a nationwide program of civic education and political discussion should take place. Some members of the ruling party fear that by allowing nationwide discussion of constitutional reform, too much power will go to the churches and civil society in the process. They argue that constitutional reform should be conducted by MPs, where they have a parliamentary majority. No one is clear how much tolerance will be shown for freedom of expression during the constitutional debate. Over the past few years, huma

rights activists and others have been targeted for challenging the government over the issue of constitutional reform.

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

- expressing concern that police may use excessive force to break up a political rally organized by James Orengo on 24 April 1999;
- seeking assurances that the police will act to ensure both meetings go ahead peacefully;
- urging the authorities to issue a public statement to the police, military and other security forces responsible for policing political meetings that excessive use of force by them will not be tolerated;
- seeking assurances that future policing of peaceful demonstrations and activities organized by MPs, other organizations and human rights activists will not result in police brutality, arrests, threats and harassment of those attending.

APPEALS TO:

Major Marsden Madoka
Minister of State (responsible for internal security)
Office of the President
PO Box 30510
Nairobi, Kenya
Telegrams: Major Madoka, 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
Salutation: Dear Commissioner

COPIES TO:

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

The Daily Nation,
PO Box 49010, Nairobi
Faxes: + 254 2 213946

and to diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.