

EXTRA 71/00

Ill-treatment / Fear for safety

22 August 2000

KENYAPro-democracy activists

At least one person was killed and many others injured when police and security forces, broke up a peaceful pro-democracy rally in Nairobi on 19 August 2000. Police prevented over 3,000 people from meeting at the Kamukunji grounds, eastern Nairobi. Police reportedly fired rubber bullets and teargas into a crowd waiting for members of parliament to arrive and address the meeting. People fled into a nearby housing estate and teargas fumes caused families to flee their homes. Amnesty International is concerned at the violence with which police and security forces broke up the demonstration and fears for the safety of those attending a demonstration planned in Mombasa for 26 August.

The Kamukunji rally, convened by Ford-Kenya MP James Orengo and supported by a number of members of parliament, was called to discuss public frustration at issues including the delay to a promised constitutional review, the energy crisis, famine, water shortage, unemployment and corruption.

Several members of the opposition were prevented from addressing the rally and were forcibly confined in the Parliament buildings. A number of youths armed with stones and batons blocked all exits from the parliament and threw stones at opposition members and their vehicles when they attempted to leave. Armed police surrounding the building took no action to prevent the attacks. When opposition members were finally allowed to leave the Parliament building, they were prevented from reaching Kamukunji by police firing teargas and rubber bullets at them and the surrounding crowd as they neared the venue.

Twenty-one people were arrested in connection with the demonstration and were charged with "creating a disturbance". Twenty people pleading not guilty were released on bail of 4,000 Kenyan shillings (US\$52) and are due in court on 4 September. None of the youths who blockaded the parliament building, allegedly government supporters, were arrested.

Amnesty International is concerned that a similar rally planned in Mombasa on 26 August 2000 will be prevented from taking place. The police have refused permission for the meeting on the grounds that President Moi will be in Mombasa addressing another meeting.

BACKGROUND INFORMATION

During the run up to the 1997 parliamentary and presidential elections, a number of pro-democracy rallies were violently disrupted by the Kenyan police. In response to national and international criticism, the government promised a review of the Constitution before the 2002 elections. Concern has mounted in Kenya about the lack of progress with carrying out this review. The public debate on reform is divided between those who think that the Parliament should carry out the review and those who think it should be a wider process led by people outside parliament.

A legal amendment to the Public Order Act introduced in the run up to the 1997 elections permits public meetings to go ahead without police permission, as long as organizers notify the police. However, the police

can prevent a meeting from taking place for various reasons, including if there is a clash between two meetings. Organizers of the Kamukunji rally notified the police, who agreed to provide the demonstration with full security. However, at the last minute the police called off the meeting, citing security grounds. Amnesty International considers that legislation such as the 1997 amendment to the Public Order Act contravenes international human rights law on the right to freedom of expression and assembly.

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

- expressing concern about police brutality and ill-treatment of peaceful demonstrators protesting at the Kamukunji grounds, Nairobi, on 19 August 2000;
- seeking assurances that future peaceful protests and activities organised by pro-democracy advocates will not be subjected to violence, threats, harassment or arrests by the Kenyan police;
- expressing concern at the lack of police action when opposition members were prevented from leaving Parliament by stone-throwing youths;
- urging the authorities to set up a prompt and impartial investigation into above events, ensuring that those responsible for using excessive force are brought to justice, and that when dealing with future protests the security forces follow international guidelines such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

APPEALS TO:

Philemon Abong'o
Commissioner of Police
Police HQ
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Kenya

Telegrams: Police Commissioner Abong'o, Nairobi, Kenya
Faxes: + 254 2 330 495
Salutation: Dear Commissioner

Mr Amos Wako
Attorney General
PO Box 40112
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Kenya

Telegrams: Attorney General Wako, Nairobi, Kenya
Faxes: + 254 2 315 105
Salutation: Dear Attorney General

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 12 September 2000.