

PUBLIC

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EXTRA 52/98

Legal concern / Potential Prisoners of Conscience / Fear  
of Torture or ill-treatment

30 July 1998

KENYA

Juma Kiplenge, lawyer and human rights defender  
and 13 others

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Juma Kiplenge and 13 others, currently on bail while being tried for incitement to violence and unlawful assembly, which carries a prison sentence of five years, may be convicted after an unfair trial. Prison conditions in Kenya are harsh and in many places amount to cruel, inhuman or degrading treatment. Torture and ill-treatment are routine.

Were Juma Kiplenge and 13 others to receive prison sentences Amnesty International would consider them to be prisoners of conscience.

The next hearing in their case is due to take place on 31 August 1998 when at least two District Commissioners, and possibly others, are expected to testify. However, the Magistrate hearing the case reportedly stated at another hearing in the case in November 1997 that he will convict the defendants regardless of the evidence produced in court "because they are trouble makers" -- Juma Kiplenge has suffered repeated harassment at the hands of the Kenyan authorities, including death threats.

The case is being held at the Magistrate's Court in Kabarnet in western Kenya. The Magistrate hearing the case is a lay Magistrate with no legal training.

Juma Kiplenge and the 13 others were arrested and charged after organising and attending a day-long cultural event in October 1997 which was later violently broken up by police. The charges of unlawful assembly and incitement to violence have been brought despite the fact that no licence is required for such a gathering and the only violence that occurred was on the part of the police. Amnesty International believes the charges to be politically-instigated.

This case continues despite the Kenyan Government's undertaking to withdraw politically-motivated charges as a measure to improve the human rights situation in the country and reported assurances by the Attorney General, Amos Wako, to the defence lawyer, Mr Mirugi Kariuki, that he had given instructions for the case to be withdrawn.

**BACKGROUND INFORMATION:**

Over 630 people died in Kenyan prisons during 1997, the majority from infectious diseases resulting from severe overcrowding and shortages of food, clean water and adequate medical care.

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

- expressing serious concern that Juma Kiplenge and 13 others on trial in Kabarnet could become prisoners of conscience as a result of exercising their right to freedom of assembly and for their non-violent opinions;
- expressing concern about the independence and impartiality of the Magistrate hearing the case due to remarks he reportedly made in contravention of international fair trial standards;

- asking why this case has not been withdrawn on the grounds that the charges are politically-motivated, as with similar cases;
- seeking assurances that Juma Kiplenge and the 13 others will not be imprisoned or suffer other reprisals for their non-violent opinions or their work defending human rights in Kenya.

**APPEALS TO:**

President Daniel arap Moi

Office of the President

PO Box 30501

Nairobi, Kenya

**Telegrams: President Moi, Nairobi, Kenya**

**Telexes: 22003 FOREIGN ROB / 22796 FOREIGN RB**

**Faxes: + 254 2 337340 (if no tone, please try later)**

**Salutation: Your Excellency**

Mr Amos Wako

Attorney General

PO Box 40112

Nairobi, Kenya

**Telegrams: Attorney General Wako, Nairobi, Kenya**

**Faxes: + 254 2 211082**

**Salutation: Dear Attorney General**

**COPIES TO:**

Kenya Human Rights Commission

PO Box 55235

Nairobi, Kenya

**Faxes: + 254 2 574997**

Editor, *Daily Nation*

PO Box 49010

Nairobi, Kenya

**Faxes: + 254 2 213946**

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 30 August 1998.