

30 September 1998

Further information on EXTRA 52/98 (AFR 32/23/98, 30 July 1998) - Legal concern / Potential Prisoners of Conscience / Fear of Torture or ill-treatment

**KENYA Juma Kiplenge, lawyer and human rights defender
 and 13 others**

Amnesty International has learned that the criminal case against Juma Kiplenge in Nakuru was withdrawn by the Attorney General, Amos Wako, on 23 September 1998. This case was widely-believed to be politically motivated.

However, the case against Juma Kiplenge and 13 others in Kabarnet still stands. The next hearing is due to take place on 16 October 1998. Amnesty International continues to fear that Juma Kiplenge and the others may be convicted after an unfair trial, at which point they would be considered prisoners of conscience.

As noted in the original UA (AFR 32/23/98, 30 July 1998), the Magistrate hearing the case reportedly stated in an earlier hearing 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. This Magistrate 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. 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.

The charges of incitement to violence and unlawful assembly carry a five-year prison sentence. Prison conditions in Kenya are harsh and in many places amount to cruel, inhuman or degrading treatment. Torture and ill-treatment are routine. 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.

Juma Kiplenge sends his thanks for the continued support of his situation, which he believes is responsible for the withdrawal of the charges against him in Nakuru.

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

- welcoming the withdrawal of the case against Juma Kiplenge in Nakuru;
- 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, including the other case against Juma Kiplenge in Nakuru;
- 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 11 November 1998.

***"Everyone has the right to freedom of opinion and expression."
Article 19, Universal Declaration of Human Rights***

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>