

## AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
EUGENE C. THOMAS  
AMERICAN BAR CENTER  
750 N LAKE SHORE DRIVE  
CHICAGO, ILLINOIS 60611  
TELEPHONE 312/988-5100  
ABA/NET ABAOIO

August 10, 1987

His Excellency the Hon. Daniel arap Moi  
President of the Republic of Kenya  
Office of the President  
P.O. Box 30510  
Nairobi, Kenya

Dear Mr. President:

On behalf of the American Bar Association, and its more than 320,000 member lawyers, I am writing to express deep concern over the arrest and continued detention of Gibson Kamau Kuria, a Kenyan lawyer and a lecturer on the Faculty of Law at the University of Nairobi. In 1975 our Association adopted a resolution reaffirming our support for the rule of law in the international community, and of the need to assure the independence of lawyers and judges in order to maintain internationally recognized standards of fairness and justice. In light of our commitment to these goals, we are very concerned over the situation of Mr. Kuria.

Mr. Kuria was arrested at his law firm in Nairobi on February 26, 1987. According to information that we have received, Kenyan authorities have refused to release information on Mr. Kuria's whereabouts, despite repeated requests for such information by his colleagues and family.

Because Mr. Kuria was detained for more than 24 hours without being brought to court, a habeas corpus application was filed on his behalf. On March 12, two weeks after Mr. Kuria's arrest, and in response to the habeas corpus application, Assistant Deputy Public Prosecutor, Bernard Chunga disclosed that Mr. Kuria was being held under the Preservation of Public Security Act, under an order issued March 6, 1987. According to information we have received, Mr. Kuria was never brought to court and is being detained indefinitely without trial. He is alleged to have "uttered words and conducted himself in total disrespect of the head of state," and to have maintained contact with Kenyan dissidents abroad. He is also alleged to be a member of Mwakenya. Because he was charged under the terms of an administrative detention order, we are interested in learning whether your government intends to bring Mr. Kuria to court. It is our understanding that the use of an administrative detention order also prevents him from presenting a defense against the allegations made against him.

As a professional association of lawyers, we are particularly concerned with the alleged circumstances surrounding Mr. Kuria's arrest and detention. Mr. Kuria has in the past defended political detainees, and has challenged the government's right to hold them. Most recently, Mr. Kuria instituted a legal action against the government for damages on behalf of three political detainees who alleged that they had been physically tortured while in police custody. Less than 24 hours after he gave notice to the Attorney General of intent to file this action, Mr. Kuria was arrested.

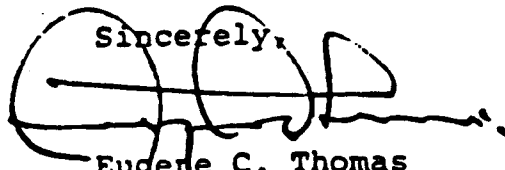
We are also concerned about the conditions of Mr. Kuria's detention. We have been told he was held in incommunicado detention until July, and has limited access to his lawyer or family. Furthermore, it is our understanding that he has not been permitted access to a medical doctor to check on his physical condition, as requested by his family.

The American Bar Association is deeply concerned for Mr. Kuria, who has now been detained for more than five months. It appears that he is being held because of his professional and legal activities, including the representation of clients who are political prisoners. The sole concern of the American Bar Association is for the maintenance of the rule of international law and the elements necessary to sustain it. The ability of lawyers to represent their clients is fundamental to maintaining international norms of equal justice for all.

The Law Society of Kenya, at its annual general meeting, condemned the detention of Mr. Kuria, and requested assurances from the government as to his location and treatment in custody. In writing to you we join our Kenyan colleagues in expressing our concern. Amnesty International also has adopted Mr. Kuria as a prisoner of conscience, and is appealing for his immediate and unconditional release.

We respectfully request your attention to this urgent matter and any information you can provide to us regarding his arrest and continued detention. We urge that he either be formally charged and tried or granted immediate, unconditional release.

Sincerely,



Eugene C. Thomas  
President  
American Bar Association

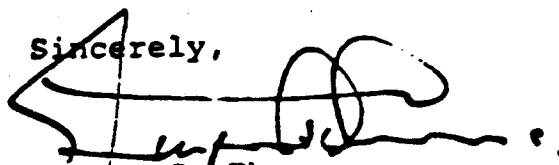
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Eugene C. Thomas  
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bcc: Ms. Harriet Ellis  
Mr. Craig Baab  
Mr. Steve Raikin  
Mr. Mike Posner  
Mr. Stephen Klitzman