

Arbitrary arrests of Muslims in Kenya

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The Kenyan government has ordered the arrest of more than 50 Muslims over the past week. A small number of those detained were released on November 15, but the majority continue to be detained without charge and are reported to be under interrogation. They are accused of having business connections with Osama bin Laden's Al Qaeda organisation.

Most of those arrested receive money from relations and spouses working in Saudi Arabia and the United Arab Emirates. Ali Shee, chairman of the Council of Imams and Preachers of Kenya (CIPK), told the BBC, "We understand that they have been arrested for having received money from Arab countries, which, in our view, does not warrant arrest". He continued, "For two days now, Muslims have been hunted like wild animals in Mombassa, Lamu, Malindi, Nairobi and Kisumu for undisclosed reasons" and accused the Kenyan government of intimidating the Muslim community to pander to US interests.

As the arrests were taking place, Kenyan President Daniel Arap Moi flew to New York to address the United Nations. He was also set to meet President Bush to discuss the political situation in Somalia and Sudan and Kenya's role in the "war against terrorism", before flying to London to meet Prime Minister Blair.

Last week's arrests were made by the Special Crimes Prevention Unit (SCPU) and have mainly centred around Mombassa, where the majority of Kenya's Muslim population live. Muslims comprise about 25 to 30 percent of the Kenyan population. Those arrested are part of a list of up to 200 individuals compiled by the American FBI that it accuses of having links to the terrorist attacks on September 11. The list was given to the Kenyan government to "act upon". There are also reports that a number of those arrested have been moved to the capital, Nairobi, to be interrogated directly by the FBI.

One of those arrested is Rishad Amana, chairman of the Democratic Party's National Youth Congress and also the Muslim Youth of Kenya organisation. Najib Balala, chairman of the Kenyan National Chamber of Commerce

and Industry (KNCCI) in Mombassa, told reporters, "We strongly believe that there are no terrorist associates in Kenya and see the arrest as aimed at intimidating Muslims".

The head of the Mombassa-based Muslims for Human Rights (MUHURI), Khelef Khalifa, told IRIN news that tensions were growing among Muslim youth in the city. "The government has a wrong attitude towards Muslims", he said. "Most of the people being arrested have absolutely nothing to do with terrorism". A growing number of Muslim leaders have condemned the arrests and, fearing that the resulting political tensions will spiral out of their control, have warned the government that further attacks will lead to "internal conflict".

There have also been criticisms from opposition party members who are worried that Moi's actions are too accommodating to the US and the FBI, and are destabilising political relations within Kenya. Mwai Kibaki, leader of Kenya's Democratic Party, called for the release of those arrested and demanded that the government "fully explain to Kenyans what plans we as a country have put in place for the fight against terrorism".

Tensions have also arisen over attempts by the FBI to extradite a number of Kenyan Muslims to the US. The lawyer representing Ali Shariff Sagaff, a Kenyan businessman arrested a week ago, initially thought he had succeeded in stopping his client's extradition when the High Court issued a temporary halt to the extradition proceedings. It later emerged cabinet minister Marsden Madoka had refused to receive the court orders barring him from following FBI initiatives to extradite Kenyans suspected of terrorism. Although Sagaff was released, the minister's action means that an appeal to stop his extradition will have to be reissued. It also sends a clear message that the Kenyan government is determined to comply with Washington's demands.

Lawyer Taib Ali Taib accused the FBI of attempting to undermine the sovereignty of Kenya and of contravening its constitution by detaining people over a number of days without charge. "Our constitution does not allow any

agency to come into the country and intimidate Kenyans by arresting them, moving them from one town to the next before deporting them as we watch helplessly”, he told reporters.

In 1998, a similar FBI attempt to extradite a Kenyan allegedly involved in bombing the US Embassy in Nairobi was overturned by the High Court. Then it had ruled that the absence of an US-Kenyan treaty on terrorism meant that the FBI’s actions were illegal and contravened Kenya’s constitution.

The Kenyan government is treating with contempt any opposition to its recent crackdown and appeals for restraint. Mombassa’s District Commissioner Reuben Rotich dismissed concerns for human rights abuses, stating, “It is improper for some leaders to complain about routine security issues”. He continued with an ominous warning: “Why are you questioning the integrity of the government? Nobody is above the law. Anybody can be picked up for interrogation”.

An article on the *East African* website highlighted the situation facing those from Kenya, Tanzania and Uganda who study and work in America, and who now find themselves caught up in what the article called the “global crackdown on illegal aliens”. The report gives details of how immigration controls have been tightened as part of the US government’s “anti terror” legislation. Immigration “Tracking Teams” have been set-up whose job is to deport those deemed to have overstayed their visa requirements. The immigration squads can subject any student or worker from another country to arbitrary detention and deportation.

The atmosphere of repression and fear that this is creating was summed up by one East African living in Boston quoted in the report: “Anybody in this country on a student visa or visitors visa had better be very careful about what they say and do. You can feel the atmosphere is different, stricter now.”



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