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Further information on UA 118/94 (AFR 32/05/94, 24 March 1994) and follow-up:
(AFR 32/06/94, 7 April 1994) - Prisoners of Conscience/Legal Concern

KENYA: Four journalists of *The Standard* newspaper:

Ngumo wa KURIA, Bureau Chief, Nakuru
Peter Rianga MAKORI, journalist
Kamau KANYANGA, Managing editor
John NYAOSI, deputy Chief Sub-editor

On 23 June 1994 the charges of subversion against the four journalists named above were dropped and replaced with charges of sedition, under section 57 (1) of the Kenyan Penal Code. They were released on bail with no date set for a trial.

The offence of sedition carries a maximum sentence of ten years, whereas the charge of subversion carries a maximum three year prison sentence.

Amnesty International is concerned at the use of the legal process by the Government to apparently intimidate and harass the independent press in Kenya and believes the increase in penalties against these four journalists is a further example of this. Over recent months many journalists have been arrested for attempting to investigate and report alleged incidents of political violence. They have been charged with sedition or other political charges, although all have been released on bail after a few days. Many of these charges have later been dropped. However, two journalists, Bedan Mbugua and David Makali, are currently in prison, serving sentences of three and five months respectively, following their refusal to pay a fine and apologize to the court. They had been found guilty of contempt of court after an article in *The People* magazine criticized a judgement in the Court of Appeal. Both journalists have been taken up by Amnesty International as prisoners of conscience.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- expressing concern that Ngumo wa Kuria, Peter Rianga Makori, Kamau Kanyanga and John Nyaosi still face trial solely on account of their reporting and publishing an alleged incident of political violence;
- expressing concern at the increase in the penalty they now face if found guilty and appealing for the immediate withdrawal of all charges facing the four which appear to have been brought in relation to the legitimate pursuit of their profession;
- urging the authorities to put a stop to the emerging pattern of arrests of those attempting to investigate and report alleged incidents of political violence in the Rift Valley and Western Provinces;
- stating that if convicted on these charges Amnesty International believes the four journalists will be prisoners of conscience.

APPEALS TO:

1) His Excellency President Daniel arap Moi
Office of the President
P O Box 30510
Nairobi, Kenya

Telegrams: President Moi, Rais, Kenya
Telexes: 22003 FOREIGNRB or 22796 FOREIGNRB
Faxes: +254 2 337340
Salutation: Your Excellency

2) Mr Amos Wako
Attorney General
P O Box 40112
Nairobi, Kenya
Telegrams: Attorney General Wako, Sheria, Kenya
Faxes: +254 2 211082
Salutation: Dear Attorney General

3) Mr Shadrack M'Laaria Kiruki
Commissioner of Police
Kenya Police Headquarters
P O Box 30083
Nairobi, Kenya
Telegrams: Commissioner Kiruki, Police, Kenya
Salutation: Dear Police Commissioner

4) Mr Johnstone Makau
Minister of Information and Broadcasting
Ministry of Information and Broadcasting
Jogoo House
PO Box 30025
Nairobi, Kenya
Salutation: Dear Minister

COPIES TO

Mr Justice Fred Apaloo
Chief Justice
Law Courts
P O Box 30041
Nairobi, Kenya

Mr George Odiko
Secretary General,
Kenya Union of Journalists
PO Box 47035
Nairobi, Kenya

Law Society of Kenya
P O Box 72219
Nairobi, Kenya

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 17 August 1994.