

EXTERNAL (for general distribution)

AI Index: AFR 32/24/91

Distr: UA/SC

UA 233/91      Legal Concern

11 July 1991

(See also UA 301/90 (AFR 32/10/90, 17 July 1990) and follow-ups AFR 32/12/90, 27 July 1990, AFR 32/16/90, 17 August 1990, AFR 32/25/90, 26 September, AFR 32/27/90, 9 October 1990 and AFR 32/04/91, 12 February 1991)

**KENYA:**      **George Anyona, former member of parliament**  
                 **Edward Oyugi, professor of educational psychology**  
                 **Ngotho Kariuki, accountant, former academic**  
                 **Augustine Kathangu, businessman, KANU official**

---

The four prisoners of conscience named above, on trial in Kenya, have been found guilty of holding a seditious meeting. They have each been sentenced to seven years' imprisonment, following a six-month trial - Kenya's longest sedition trial. They have the right to appeal to the High Court within 14 days.

#### **BACKGROUND INFORMATION**

The four were arrested exactly one year ago, on 11 July 1990, following public debate on the issue of multi-party democracy in Kenya which led to widespread unrest on 7 July 1990. They were convicted of holding a seditious meeting in a Nairobi bar and two of them - George Anyona and Augustine Kathangu - were also convicted of possessing seditious publications and sentenced to 18 months' imprisonment for these offences, to be served concurrently with the seven-year sentence. All four complained during their trial that they had been tortured in police custody. All four were already adopted by Amnesty International as prisoners of conscience - three of them, Anyona, Oyugi and Kariuki, had been prisoners of conscience before.

Amnesty International has already expressed serious concerns about the fairness of their trial (see Advice to Editors, AI Index: AFR 32/WU 01/91, 18 February 1991 and Weekly Update, AI Index: AFR 32/WU 02/91, 27 June 1991).

In particular, no steps were taken during the trial to investigate the prisoners' allegations that they were tortured. Also, although the four defendants were convicted of holding a seditious meeting (which they denied), no evidence was produced by the prosecution to show that they had discussed the overthrow of the government. Similarly, although two were convicted of possessing "seditious" documents (among them an article from the newsletter Africa Confidential), which they denied, the prosecution also failed to demonstrate how the documents were seditious.

Amnesty International considers these four men to be prisoners of conscience, imprisoned for the expression of their non-violent opposition to the government, and will continue to campaign for their immediate and unconditional release.

Following the announcement of the verdict, George Anyona announced that he would be forming an opposition party, the Kenya National Congress - which is illegal in Kenya, a one-party state since 1982 - saying: "We have fought for democracy, justice and equality. These are the things that the Kenya National Congress stands for. Even if we are jailed, light shall shine again."

#### **RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- expressing concern that prisoners of conscience George Anyona, Edward Oyugi, Ngotho Kariuki and Augustine Kathangu have been found guilty of sedition and

sentenced to seven years' imprisonment in a trial which Amnesty International considers to be unfair;

- urging the government to establish an impartial investigation into allegations that the four men were tortured during pre-trial detention, and forced to sign incriminating statements which were used as evidence against them during their trial;

- calling for their immediate and unconditional release as prisoners of conscience.

**APPEALS TO:**

President Daniel arap Moi  
 President of the Republic of Kenya  
 Office of the President  
 P O Box 30510  
 Nairobi, Kenya

**Telegrams:** President arap Moi, Kenya  
**Telexes:** 22003 FOREIGNRB or 22696 FOREIGNRB  
 (via Ministry of Foreign Affairs)  
**Faxes:** + 254 2 33 7340 (Ministry of Foreign Affairs)

Mr Amos Wako  
 Attorney General  
 Office of the Attorney General  
 PO Box 40112  
 Nairobi, Kenya

**Telegrams:** Attorney General Wako, Nairobi, Kenya  
**Telexes:** 22003 FOREIGNRB or 22696 FOREIGNRB  
 (via Ministry of Foreign Affairs)  
**Faxes:** + 254 2 33 7340 (Ministry of Foreign Affairs)

Mr Davidson Ngibuini Kuguru  
 Minister of Home Affairs  
 Ministry of Home Affairs  
 P O Box 30520  
 Nairobi, Kenya

**Telegrams:** Minister Home Affairs, Nairobi, Kenya  
**Telexes:** 22003 FOREIGNRB or 22696 FOREIGNRB  
 (via Ministry of Foreign Affairs)  
**Faxes:** + 254 2 33 7340 (Ministry of Foreign Affairs)

Mr. Wilson Ndolo Ayah  
 Minister of Foreign Affairs  
 Ministry of Foreign Affairs  
 Harambee Avenue  
 P O Box 30551  
 Nairobi, Kenya

**Telexes:** 22003 FOREIGNRB or 22696 FOREIGNRB  
**Faxes:** + 254 2 33 7340

Hezekiah Oyugi  
 Permanent Secretary (responsible for internal security)  
 Office of the President  
 PO Box 30510  
 Nairobi  
 Kenya

**COPIES TO:**

- Mr Paul Muite, Chairman, Law Society of Kenya, PO Box 72219, Nairobi, Kenya
- Mr Justice Alan Hancox, Chief Justice, Law Courts, PO Box 30041, Nairobi Kenya
- Mr James Kanyotu, Directorate of State Security Intelligence, Kenya Police HQ, PO Box 30083, Nairobi, Kenya

and to diplomatic representatives of Kenya in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 22 August 1991.