

EXTERNAL

AI Index: AFR 32/16/95

11 September 1995

Further information on UA 333/93 (AFR 32/12/93, 21 September 1993) and follow-ups (AFR 32/13/93, 29 September; AFR 32/14/93, 11 October; AFR 32/15/93, 25 October; AFR 32/16/93, 19 November; AFR 32/18/93, 26 November; AFR 32/20/93, 10 December; AFR 32/21/93, 15 December; AFR 32/22/93, 30 December; AFR 32/03/94, 1 February 1994; AFR 32/07/94, 14 April; AFR 32/11/95, 14 July 1995;) - Torture concern / Legal concern / Fear of ill-treatment / Death penalty / Health concern

KENYAKoigi wa Wamwere - human rights activist, former political prisoner, former member of parliament

Charles Kuria Wamwere - former political prisoner

James Maigwa - brother-in-law of Koigi wa Wamwere and farmer

G.G

. Njuguna
Ngengi -
councillor
for Molo
and
farmer

The judgement in the trial of Koigi wa Wamwere and his three co-defendants is due on 25 September 1995. All four face mandatory death sentences if convicted. Amnesty International believes that the charges against them have been fabricated and that the real reason for their arrest is their criticism of the government. Amnesty International considers all four to be prisoners of conscience.

The trial, which began in April 1994, ended abruptly in mid-July 1995 when both the defence counsel and the defendants themselves were denied the right to present their final submissions orally. The Magistrate ruled in July that he would base his deliberations on the final submissions from the prosecution, who were allowed to present their case over 17 days, and his own notes of the proceedings.

Following this ruling Koigi wa Wamwere proclaimed: *"We know we were convicted long before we were arrested and charged because of our political beliefs. We are prepared to hang. These people can never give us justice"*

Due to an outstanding allegation of contempt of court none of the four defendants will be allowed to be present in court for the judgement.

BACKGROUND INFORMATION

Koigi wa Wamwere, his brother, Charles Kuria Wamwere, his cousin James Maigwa and G.G. Njuguna Ngengi, a local councillor, were charged with attempted robbery with violence following an alleged raid on Bahati police station near Nakuru in November 1993. Shortly before his arrest, Koigi wa Wamwere had formed a human rights organization, the National Democratic Human Rights Organization (NDEHURIO), which had been attempting to investigate and report on incidents of political violence in the Rift Valley and other parts of Kenya. Government involvement has been alleged in the ethnic-based violence which has killed over 1,500 people and displaced more than 300,000 since it began in December 1991.

Amnesty International believes that the police are increasingly abusing the law by using non-bailable criminal charges to detain non-violent critics of the government and their relatives. The organisation believes that their arrest is part of an increasingly violent pattern of harassment and intimidation of human rights activists, opposition figures and journalists. The tactics employed by the Kenyan authorities are seriously undermining the right to freedom of expression in Kenya.

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

- calling for the immediate and unconditional release of Koigi wa Wamwere, Charles Kuria Wamwere, James Maigwa and G.G. Njuguna Ngengi as prisoners of conscience;
- stating that Amnesty International and other national and international human rights and legal organizations who have observed the trial have concluded that the defendants have not received a fair trial;
- expressing concern that they face the death sentence if convicted, stating Amnesty International's opposition to the death penalty in all cases and reminding them of the South African Constitutional Court's decision on 6 June 1995 determining that the death penalty violated the rights to life and human dignity.

APPEALS TO:

1) President Daniel arap Moi
Office of the President
PO Box 30510
Nairobi
Kenya

Telegrams: President Moi, Nairobi, Kenya
Telexes: 22003 FOREIGN ROB or 22796 FOREIGN RB
Faxes: + 254 2 37340 (if dead tone, please try later)
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

COPIES TO:

1) Paul Wamae
Chairman
Law Society of Kenya
PO Box 72219
Nairobi, Kenya

2) Your local and national press

and to the diplomatic representative of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 September 1995