

EXTERNAL (for general distribution)

AI Index: AFR 32/05/94
Distr: UA/SC

UA 118/94

Prisoners of Conscience / Legal Concern

24 March 1994

KENYA Four journalists at *The Standard* newspaper:

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

In a case which may have serious repercussions for freedom of expression in Kenya, four journalists have been charged with subversion for publishing an article reporting renewed political violence in Molo, 200 kilometres northwest of Nairobi. Amnesty International is concerned that the Kenyan Penal Code is being used to restrict the internationally recognized right to impart information through any media, as stated in Article 19 of the Universal Declaration of Human Rights, and believes that the four are prisoners of conscience.

Ngumo wa Kuria and **Peter Rianga Makori** were arrested on 16 March in Nakuru.

They were charged with subversion under section 77 of the Kenyan Penal Code for "*an act prejudicial to the security of the state*" by writing a report "*intended or calculated to promote feelings of hatred or enmity between different races or communities in Kenya*", which carries a maximum three year prison sentence on conviction. They have been denied bail and were remanded in custody in Nakuru prison. Six other journalists from *The Standard* were also arrested and held for questioning in connection with the same article. Four have been released, but **Kamau Kanyanga** and **John Nyaosi**, both senior editors with *The Standard*, were subsequently charged with subversion on 23 March, denied bail and remanded in custody in Nakuru prison.

The incident which the journalists reported occurred in Molo on 12 and 13 March 1994. Nine people were allegedly killed in the violence and hundreds fled their homes. The journalists' report named an eyewitness who said that her three children were killed, and it stated that members of the Kisii ethnic group fleeing the violence were taken to Kisii town in the south west, in transport arranged by the Molo police. However, the police have denied that the incident occurred. Molo is in a restricted area in the Rift Valley province - designated a "Security Operation Zone" in September 1993. Only residents, officials and police can visit the area, preventing information about political violence in the area from being reported or verified.

BACKGROUND INFORMATION

Since May 1991 some 1,000 people have been killed and 300,000 displaced by ethnic-based political violence in the Rift Valley and Western Provinces in which government involvement has been alleged. In the past two years a number of human rights activists and government critics have been detained for attempting to investigate and report incidents of political violence. Several have been charged with sedition or other criminal charges and released on bail, but none have been tried and most charges were later dropped. This is the first time the charge of subversion has been used, which suggests that the authorities are further restricting freedom of expression in order to prevent criticism of the government.

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

letters either in English or in your own language:

- expressing concern at the arrests, possible trials and imprisonment of Ngumo wa Kuria, Peter Rianga Makori, Kamau Kanyanga and John Nyaosi solely on account of their reporting and publishing an alleged incident of political violence;
- calling for their immediate and unconditional release as prisoners of conscience;
- 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.

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

Telegrams: Minister Makau, Jogoo House, 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 5 May 1994.