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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

KENYA

Kenya is a republic dominated by a strong presidency. President Daniel Arap Moi, who has led the Kenya Africa National Union (KANU) and served as President since 1978, was reelected most recently in 1997, in the country's second general election since the restoration of multiparty politics in 1991. Since independence in 1963, no president ever has left office in consequence of an election, and KANU has controlled both the presidency and the national legislature continuously, although other parties were illegal only from 1982 to 1991. KANU again won a majority in the 1997 legislative elections and at year's end, after KANU victories in all by-elections held during the year, KANU members held 118 of 222 seats in the unicameral National Assembly. While there were numerous flaws in the 1997 elections, observers concluded that the vote broadly reflected the popular will. In addition to his role as President, Moi is the commander in chief of the armed forces and he controls the security, university, civil service, judiciary, and provincial, district, and local governance systems. The judiciary is subject to executive branch influence.

In addition to the armed forces, there is a large internal security apparatus that includes the police Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS, formerly the Directorate of Security and Intelligence, DSI), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which details members on a rotating basis to staff the 700-man Presidential Escort. The CID investigates criminal activity and the NSIS collects intelligence and monitors persons whom the State considers subversive. Members of the security forces continued to commit serious human rights abuses.

The large agricultural sector provides food for local consumption, substantial exports of tea, coffee, cut flowers, and vegetables, and approximately 70 percent of total employment. Although many sectors continued to be dominated by state-owned monopolies, the nonfarm economy includes large privately owned light manufacturing, commercial, and financial sectors. Tourism was second only to tea exports as the largest

single source of foreign exchange. Since 1997 major international financial institutions have suspended nonproject assistance due to widespread government corruption associated with a lack of transparency and accountability. During the year, annual per capita gross domestic product remained virtually unchanged in real terms, at an amount equivalent to about \$278. The spread of HIV/AIDS, which was estimated to have infected about 14 percent of the adult population, as well as drought and famine in some rural areas during the year, exacerbated economic problems. The Government's overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others. Security forces committed an increased number of extrajudicial killings, and continued to torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police arbitrarily arrested and detained persons. The Government arrested and prosecuted a number of police officers for abuses; however, most police who perpetrated abuses were neither investigated nor punished. Lengthy pretrial detention is a problem, and the judiciary is subject to executive branch influence. The authorities infringed on citizens' privacy rights. The Government limited freedom of speech and of the press, and carried on a campaign of harassment, intimidation, and economic pressure against newspapers that often were critical of the Government. Police repeatedly harassed and arrested journalists. However, the Government partially relaxed its domination of domestic broadcast media. The Government repeatedly restricted freedom of assembly, and police used force to disperse demonstrators and protestors. The Government restricted freedom of association. Police disrupted public meetings, and security forces harassed and arbitrarily detained political dissidents, including opposition party legislators. The Government at times interfered with the activities of religious groups. Police shot and killed five unarmed worshippers at a mosque, and the Government published a report accusing several religious denominations and other groups of satanism. Citizens' ability to change their government peacefully has not yet been demonstrated fully. The Government continued to limit the independence of its Standing Committee on Human Rights, and the President continue to criticize nongovernmental human rights organizations. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution increased as economic conditions deteriorated, and the spread of AIDS created many orphans. There was some discrimination against the disabled, and discrimination and violence against religious and ethnic minorities remained problems. The Government continued to exacerbate ethnic tensions by discriminating against many ethnic groups; interethnic tensions continued to result in numerous violent conflicts and some deaths. There were reports of an increasing number of ritual murders associated with traditional indigenous religious practices, which contributed to growing public concern about satanism. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Violence by mobs and by nongovernmental armed groups from neighboring countries also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Security forces continued to use lethal force and committed a number of extrajudicial

killings. According to government figures, police killed 63 suspected criminals and another 151 suspects/detainees died in police custody from January to October. However, the nongovernmental Kenyan Human Rights Commission (KHRC) reported that police killed 187 persons from January to September (compared to 164 persons during the same period in 1998), including at least 24 by torture. The Independent Medico-Legal Unit, which observes and performs postmortems on suspected victims of torture, recorded 39 cases of death from " internal hemorrhage due to external trauma " (i.e., torture) of individuals in police custody during the first 8 months of the year. Police lacked restraint in employing lethal force, and the Government generally failed to take appropriate action against members of the security forces accused of extrajudicial killings. Although Assistant Commissioner of Police Stephen Kimenchi apologized to citizens at a human rights meeting in December 1998 for police torture and abuse, which he said occurred at the behest of politicians, the Police Commissioner's office withdrew the apology 2 days later.

In January police opened fire on a crowd of rice farmers in Mwea who were protesting the rice purchasing and selling practices of the National Irrigation Board, a state-owned entity that monopolizes rice distribution; police killed two of the farmers.

In March police shot and killed Ibrahim Kullow Hussein and nearly killed his brother, apparently while arresting them for robbery. The surviving brother, who denied the robbery charges, accused police of taking him and his brother to a remote location to execute them summarily.

In June police in Mombasa shot and killed two suspected criminals, Victor Polo and Vincent Odhiambo, during an arrest.

On August 13, police killed five Muslim worshipers in the Anas Bin Malik Mosque in Chai village, near Mombasa. A dozen policeman went to the mosque during a religious ceremony to arrest a man accused of assault. One policeman, Peter Ndirangu, entered the mosque to make the arrest. An altercation ensued, and other police officers shot indiscriminately through the windows and killed Imam Mohamed Ali Mwatakucha, Said Ali Mwajefwa, Ali Mohamed Mwadida, Neru Bakari Marika, and Alfan Matano Mwagoga. As the worshippers fled, someone slashed Ndirangu with a farm tool, killing him. Muslim leaders accused police officials of taking two of the victims, who they believe survived the mosque shooting, to a remote location, and of killing them. Post mortem studies indicate that at least two of the worshipers died from gunshot wounds to the head, fired from a distance of less than 6 feet. The Government charged two police officers, Julius Mugambi M'nabere and Stephan Musau Kilonzo, with murder. The case is pending before the court.

In September police ambushed, shot and killed two armed men as they arrived at a bank in downtown Nairobi; the police had been informed in advance that they intended to rob the bank.

Most police killings occurred during the pursuit of criminal suspects; however, a number involved innocent bystanders. Ahluwalia Subir Ahluwalia died in April when police, responding to his family's report of a burglary at their home, opened fire on him, his mother, and sister as they rushed Ahluwalia's father to the hospital for gunshot wounds suffered at the hands of the robbers. The family claims that, although it was late at night

and the police could not see the victims, the police began shooting without warning. On September 15, Mwanzia Mutuku, a Nairobi bank worker, was shot and killed when police raided and opened fired on a night club below Mutuku's apartment.

Some of the persons who died in police custody apparently were victims of torture. According to the KHRC, David Muragi, a grammar school student, died at home on February 3 after spending a night in the Rumuriti town prison. Before dying, he told his family that a police officer had beaten him. Police claimed that a mob had beaten Muragi for theft prior to his arrest. Elijah Kimani Mwaura's family alleged that police beat him to death in February while he was in custody in the Webuye police station. Francis Muchai claims to have witnessed two Kiambu police officers torture and beat to death Peter Kariuki on July 17 while he was in police custody. The 25-year-old Kariuki was arrested for theft a few hours earlier. According to press reports, four warders at the Kamiti Maximum Security Prison beat Kennedy Ouko Nyanoti in July, then dropped him off at a hospital, where he lay in a coma for 6 days before dying. On July 9, Jacob Anaseti (also known as Jacob Wanyoni Masese) and Ramadhani Barula (also known as Ramadhan Bakari) died of internal bleeding while in police custody in Bungoma; they were among 78 passenger van touts arrested during a countrywide strike by passenger van drivers (see Section 6.a.). Ephantus Njagi Nguthi died in late December 1998 from a fractured skull and other injuries that he reportedly received while in custody in Matanya, Laikipia district. Police reportedly had beaten his testicles. Two officers were arrested in the case.

In December 1998, Godwin Mukhwana, a member of the Presidential Escort, reportedly shot and killed Jamal Abedi and Henry Musyoka, the driver and tout of a passenger van driver, after their vehicle blocked a Presidential Escort vehicle; Mukhwana was arrested and charged with two counts of murder on December 16, 1998. The case was pending at year's end.

At year's end, several other cases of 1998 extrajudicial killings remained unresolved. Police opened an investigation into the June 1998 shooting death of Pastor Simeon Kiti Mwangoma (or Mwangalee) by Kilifi police, but took no further action; police maintain Mwangoma was the leader of a notorious gang. Police opened no investigation into the 1998 police shooting death of Simon Githinji Kigera, also a policeman, in Nairobi; police maintain they shot in self defense. The State opened no investigation and took no other action in the death of Vincent Nyumba Kiema due to a police beating; in the death after torture by army personnel of Sheik Mohammad Yahyah; and in the death in police custody in Kitui of Muthoka Mukele after he apparently was beaten. Army officer Aden Almi and police officers Faneis Malaba Mbiya and Kennedy Bitange faced charges of murder in connection with the death in police custody in Garissa of Ali Hussein Ali; the case was pending at year's end. The trial of the suspects in the 1998 murder of Seth Sendashonga was ongoing at year's end. In separate cases, Kitui authorities charged assistant chief Simeon Mwandingga with inciting the 1998 mob killing of Kamwila Kamungu, and another assistant chief, Josephine Matalu, with instigating the 1998 beating death of Kiema Mwisuve (see Section 5). There were no known developments in the case of the 1998 death of Alfred Kang'ethe after beatings by the Uthiru police.

A public inquest into the January 1997 death of Catholic lay brother Larry Timmons in Njoro had not concluded at year's end. The inquest into the death of University of Nairobi student Solomon Muruli resulted in a court ruling that he most likely committed suicide. Inquests also continued into the 1997 deaths in police custody of Moses Macharia

Gicheru and Lomurodo Amodoi. There were no investigations into the 1997 deaths in police custody of Joseph Muangi Muiruri, Irungu Kimani, Noah Njunguna Ndung'u, Joseph Ndung'u Njoroge, James Gitau Kuanju, or Julius Mwangi Njoroge.

There were no effective police investigations into many other cases of extrajudicial killings by members of the security forces. The authorities usually attribute the absence of an investigation into an extrajudicial killing to the failure of citizens to file official complaints. However, the form required for filing complaints is available only at police stations, which often lack the forms or are not forthcoming in providing them. There also is considerable public skepticism of a process that assigns the investigation of police abuse to the police themselves.

Hundreds of prisoners died in custody due to life-threatening prison conditions, including inadequate food and medical treatment (see Section 1.c.). The Government recorded 196 deaths in prisons from January to October.

Interethnic violence in rural areas continued to cause many deaths (see Section 5).

Mob violence increased. According to the KHRC, 157 persons were killed in mob violence between January and September, compared with 139 such deaths in all of 1998. The Government recorded 183 deaths due to mob violence between January and September. Human rights observers attribute mob violence to a lack of public confidence in the police and the judicial process. The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. However, the social acceptability of mob violence also provided cover for personal vengeance under the guise of "mob justice." On November 9, a group of about 100 students at the Sang'alo Institute of Science and Technology beat and killed the Institute's principal, whom the students accused of mismanagement.

Occasionally, mobs killed members of their communities on suspicion that they practiced witchcraft (see Sections 2.c. and 5). There were no known statistics about the number of deaths during the year due to mob violence against persons suspected of practicing witchcraft, which resulted in 16 deaths in 1998. In January in the town of Moyale, near the Ethiopian border, a group of armed men in uniform shot and killed an Islamic cleric, assistant kadi Haji Hassan Muhammad, who reportedly sympathized publicly with the Oromo ethnic insurgency in Ethiopia. Residents of the area have long alleged that members of the armed forces of the Government of Ethiopia often cross into the country to kill or kidnap alleged sympathizers of the Oromo Liberation Front (OLF).

b. Disappearance

George Matata, a student protest leader at state-owned Moi University in Nairobi, reportedly disappeared on October 20; students rioted to protest his reported disappearance and authorities briefly closed the university. Matata reappeared a few days later and claimed that police in Eldoret had abducted, tortured, and released him; however, no evidence in support of that allegation was reported. There were no other reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that " no one shall be subject to torture or degrading punishment or other treatment; " however, security forces continued to use torture and physical violence as methods of interrogation and to punish both pretrial detainees and convicted prisoners. Although police authorities periodically issue directives against the use of torture by police, the problem persists. Human rights organizations and the press highlighted scores of cases of torture, and several cases of indiscriminate beating of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. The KHRC counted 24 torture related deaths in the first 9 months of the year (see Section 1.a.).

There were numerous allegations of police use of excessive force and torture. The KHRC recorded 323 cases of police brutality in the first 9 months of the year. Detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents. Among the more credible allegations of police torture reported by the KHRC and the press were the cases of: Jeremiah Kasuku, who was assaulted and illegally detained in January in Keiyani by GSU officers and District Officer S. Kepketch (see Section 1.d.); Peter Macendu, who was whipped and beaten unconscious by six policemen in February in Kerugoya; Julius Muhoro Mugo, who was tortured for 2 days by CID officers sometime before March; Duncan Ndwega, a CID officer, who was tortured by the Flying Squad (a quick response, antitheft unit of the police force) in April; Geoffrey Mbuthia Nduati, who claims that police unleashed dogs on him while he was in custody in September in Nyeri's Karatina Police Station; and Johnnes Musyoka Kimonyi, who attributes his loss of eyesight to beatings by police in Buru Buru.

In February David Makali, the editor of Expression Today, a Nairobi-based newspaper, reportedly was kidnaped by a group of unidentified men who drove him to Karura Forest outside Nairobi and tortured him there. Makali later identified one of his assailants as a man shown in press photographs engaged in beating the Reverend Timothy Njoya during a protest march on June 10, and asserted credibly that he is a member of the Jeshi la Mzee group of KANU Youth organized and employed by Fred Gumo of the Office of the President (see Section 2.a.). Makali's assailants allegedly demanded information about the whereabouts of the author (then in hiding) of an article published in Expression Today that asserted the complicity in drug trafficking of senior government officials including Gumo.

According to organizations that work with street children, police also beat and abuse street children (see Section 5). The WEMA Street Girls Center sought to press charges against two Mombasa police officers for raping a 13-year-old street girl in May. The girl identified the officers, Mwingi Chula and Peter Ndwiga, who were arrested in May and await trial.

Residents of Balessa and El Hadi in the north credibly accused security forces, both army and police, of beating or torturing residents of those villages on May 22-23, during an operation to flush out OLF insurgents who crossed the border from Ethiopia. A group of five persons, including a Catholic priest and two nurses who visited Balessa and El Hadi on May 23, documented the beatings and torture of six of the most seriously injured persons both through photographs and in detailed written accounts of the victims' oral statements; some of this evidence was published in a Nairobi newspaper, together with letters of protest from village leaders, on May 29. Although a military team dispatched to

investigate the incident found no evidence to substantiate the claims, the army's rules of engagement for joint security operations reportedly permitted the use of nonlethal force, including beatings, to obtain from noncombatants information needed to achieve operational objectives. Police repeatedly used excessive force in breaking up demonstrations and beat citizens (see Sections 2.b. and 6.a.).

During the vote counting following a January 16 National Assembly by-election in Eastern province, police used wooden clubs and tear gas to disperse a crowd outside the vote counting hall that was protesting the announcement of a narrow victory by the KANU candidate based on the counting of contested ballot boxes (see Section 3); police then entered the vote counting hall and beat opposition members of the National Assembly and the leading opposition candidate in the election.

On January 30-31, police in Nairobi used tear gas, beatings with wooden clubs, stones, and rubber bullets to disperse a demonstration by university students that became violent after being blocked by police; the students were protesting senior government officials' transfer of public land in Karura Forest near Nairobi for free or at prices far below market prices to persons who had allegedly supported KANU financially in the 1997 elections (see Sections 2.b. and 3). Severe police beatings injured dozens of students, including several who were hospitalized.

On February 26, police used tear gas and police dogs to block National Assembly Members of Parliament (M.P.'s) and farmers from holding a rally in Eldoret (see Section 2.b.).

On April 13, in Nyanza province, police beat and then arrested opposition M.P. James Orengo, who was speaking publicly in a town market place against unaccountable transfers of public land by provincial and county government officials (see Sections 1.d., 2.a. and 2.b.); police also used tear gas to disperse Orengo's audience.

Squads of "KANU Youth," including the Jeshi la Mzee squad allegedly organized and paid by Fred Gumo of the Office of the President, and Nairobi police used beatings and tear gas to disrupt a peaceful rally staged by various religious and civil society groups on June 10 to protest the Government's handling of the constitutional review process (see Section 3). Presbyterian Reverend Timothy Njoya was one of several persons who were beaten and seriously injured. After the KANU Youth initiated violence, police joined them in beating protesters, whereupon students and unemployed youths joined the protest, which degenerated into street battles and looting.

On June 20, in Machakos, police resorted to tear gas and force to break up a public meeting held by KANU and opposition M.P.'s to discuss issues of concern to the Kamba ethnic group (see Sections 2.b. and 5). In a separate event the same day, the Meru police chief, in an attempt to stop M.P.'s from holding a public meeting, reportedly punched and kicked opposition M.P. James Orengo (see Section 2.b.).

On October 21, police used force to disperse a demonstration by students of the Kabete Technical Institute protesting an allegedly illegal allocation of public land to a local church; the demonstration became violent and students threw rocks at police after the police prevented the students from leaving the campus and then entered the grounds of the Institute (see Section 2.b.).

During the year the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers. According to the Government, 12 police officers were charged and sentenced during the first 9 months of the year, and the Government recorded only five reported cases of torture during that same period. In October the High Court awarded Elias Mbabu approximately \$70,000 (4.8 million shillings) for police brutality he suffered in 1994. The court also ordered the arrest of the offending officers.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Prison conditions are often life threatening, due both to a lack of resources and to the Government's unwillingness to address deficiencies in the penal system. Prisoners are subjected to severe overcrowding, inadequate water, poor diet, substandard bedding, and deficient health care. Police and prison warders subject prisoners to torture and inhuman treatment (see Section 1.a.). Rape of both male and female inmates, primarily by fellow inmates, is a serious problem, as is the increasing incidence of AIDS. Disease is widespread in prisons and the death rate is high. Prisons do not have resident doctors, and only one prison had a doctor permanently assigned. Prisoners sometimes are kept in solitary confinement far longer than the maximum 90 days allowed by law.

According to the Government, 196 prisoners died in jails during the first 9 months of the year, compared with 536 in 1998 and 631 in 1997, due chiefly to anemia, heart attack, malaria, typhoid fever, dysentery, tuberculosis, and AIDS. The country's 83 prisons are severely overcrowded, averaging 30 percent above holding capacity, with a daily average of 33,610 inmates in 1998 (latest available figures).

Officially, men, women, and children are kept in separate cells. However, there are reports of men and women being placed in cells together. Women sometimes lack access to sanitary napkins and often have only one change of clothes, leaving them naked during washing of their laundry. Young teenagers frequently are kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers are understaffed, and inmates have minimal social and exercise time. Some young inmates remain for years in the centers, as their cases await resolution. Prisoners and detainees report that they frequently are denied the right to contact relatives or lawyers (see Section 1.e.).

In July press reports highlighted the substandard conditions in the prisons. Although in August Shariff Nassir, who was then Minister for Home Affairs and in charge of the prison system, stated that prisons were heavily congested and that the Government intended to present a bill to Parliament to improve prison conditions, no action was taken by year's end.

The Government does not permit independent monitoring of prison conditions, although some independent NGO's work with the Government in evaluating torture cases and performing autopsies on deceased prisoners. In October officials of Kamiti Maximum Security Prison denied U.N. Special Rapporteur for Torture Nigel Rodley access to that facility, despite a government agreement to grant him full access (see Section 4). The Government apologized and claimed that this happened because Rodley had arrived at the prison at a time different from his scheduled appointment. There were reports of torture at Kamiti Prison; however, Rodley had not released his report by year's end.

d. Arbitrary Arrest, Detention, or Exile

Despite constitutional protections, police continued to arrest and detain citizens arbitrarily. The Constitution provides that persons arrested or detained shall be brought before a court within 24 hours in noncapital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged suspect must begin. Suspects often are held for weeks, even months, before being brought to court. The Government has acknowledged cases in which persons have been held in pretrial detention for several years. The KHRC reported that murder suspect Timothy Karani has been in custody in Embu for 12 years without being charged, a claim that the Government has neither confirmed nor denied.

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often is not honored. Family members and attorneys may visit prisoners only at the discretion of the State. This privilege often is denied. For those who have been charged, it often is possible to be released on bail with a bond or other assurance of the suspect's return.

The Community Service Order Act passed by Parliament in 1998 subjects those convicted and sentenced to less than 3 years to community service rather than custodial sentence, thus potentially reducing the prison population; however, the Government has yet to implement the act.

Police arrested and briefly detained many students in connection with the late January ecological and political protests against nontransparent transfers of public land in Karura Forest by senior government officials (see Sections 1.c. and 3). Police released the students soon after the protest without charging them.

On February 2, police arrested three opposition M.P.'s who were prominent critics of the Karura Forest land transfers (see Sections 1.c. and 3): James Orenge, Njehu Gatabaki, and David Mwenje. The Government charged them with inciting riots in connection with violence that arose from late January protests against those land transfers.

On February 7, 81 members of the small traditional Mungiki religious order of the largely pro-opposition Kikuyu ethnic group were arrested and held without bail until March 16, on charges of coercing members to take illegal oaths to oppose the Government, holding illegal meetings, and possessing offensive weapons (see Section 2.c.).

On April 13, police in Nyaza province beat and arrested prominent opposition M.P. James Orenge, who introduced a motion of no confidence in President Moi in the National Assembly in 1998 (see Section 1.c.). Orenge and his supporters were arrested while he spoke publicly in a town market against nontransparent transfers of public land by provincial and county officials and were charged with disturbing the peace and with malicious damage to property. Orenge was released on bail the next day, following protests by other opposition M.P.'s. The case was pending at year's end.

In September CID officers arrested opposition M.P. George Kapten for defaming a public official. He had accused the President of being at the heart of a major financial scandal, in an interview published in August in Finance Magazine. Kapten was released on bail, but

in November he was charged for subversion in connection with the same interview; he died at his home on December 25 (see Sections 1.e. and 2.a.).

Police arrested a number of journalists on charges of publishing information " likely to cause alarm to the public " (see Section 2.a.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to executive branch influence. The President has extensive powers over appointments, including those of the Chief Justice, the Attorney General, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special presidentially appointed tribunal. Although judges have life tenure (except for the very few foreign judges who are hired by contract), the President has extensive authority over transfers.

The court system consists of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Chief Justice is a member of both the Court of Appeals and the High Court, which undercuts the principle of judicial review. Military personnel are tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis.

There were some indications of executive interference. Several cases involving opposition M.P.'s have been ongoing for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.'s to appear periodically in court or risk fines or imprisonment. In early August, the courts fined several publishers of small, pro-opposition weeklies for printing without proper licensing (see Section 2.a.); the courts had not invoked this colonial-era law in many years. Opposition M.P. George Kapten was charged in September with defamation of a public official, and in November with subversion, for stating that President Moi was the prime suspect in the Goldenberg financial scandal, involving businesspersons who reportedly defrauded the Government of hundreds of millions of dollars with the apparent complicity of senior government officials (see Section 1.d.).

Judges who ruled against the Government in the past sometimes were