

KAPENGURIA, KENYA · 1953

KAPENGURIA

*The Rigged Trial That Jailed
Kenya's Future President*



ONE PAID WITNESS. SIX MEN. SEVEN YEARS.

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KAPENGURIA



K A P E N G U R I A · 1 9 5 3

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Kenya's Future President*

G R A H A M K A S I N D O

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*“I disbelieve the ten witnesses for the defence and
believe one witness for the prosecution.”*

— Magistrate Ransley Thacker, Kapenguria, 1953

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Prologue

KAPENGURIA. WEDNESDAY, 8 APRIL 1953.

The court sat in a small building at the end of a long, rough road, near the Uganda border. It had been chosen because it was hard to reach.

Six African men stood to hear the judgment. The most famous of them was **Jomo Kenyatta**.

The magistrate, **Ransley Thacker**, a retired colonial judge, read his findings.

The six, he said, had managed Mau Mau. They had “let loose upon this land a flood of misery and unhappiness affecting the daily lives of the races in it.”

Seven years’ hard labour each.

Kenyatta answered for all of them. They did not recognise the court’s findings, he said. The government had used them as scapegoats.

He was right, more right than he could prove that day.

The chief prosecution witness would later swear, on oath, that his evidence was false and that he had been paid by the government. And the magistrate who convicted them, it would later be reported, had been secretly paid £20,000 by the Governor.

This is the story of the trial that jailed Kenya's first president.

CHAPTER ONE

Jock Scott

NAIROBI. NIGHT OF 20–21 OCTOBER 1952.

On **9 October 1952**, Senior Chief **Waruhiu**, one of the colonial government's most important African allies, was shot dead near Nairobi.

The government decided to strike.

On the night of **20 to 21 October 1952**, police and soldiers fanned out across the colony in an operation code-named **Jock Scott**. Its targets were the leaders of African politics: the men the government believed were behind Mau Mau.

Top of the list was Jomo Kenyatta, president of the **Kenya African Union**.

By morning, he and dozens of others were in custody. A State of Emergency had been declared. Kenya was going to war.

CHAPTER TWO

The Six

Six men would stand trial together.

Jomo Kenyatta, the president of the KAU, the most famous African in Kenya.

Bildad Kaggia. Fred Kubai. Paul Ngei. Kung'u Karumba. Achieng Oneko. All of them leaders in the Kenya African Union, and among the men the colonial government feared most.

They would become known as the **Kapenguria Six**.

The charge against them was that they had managed Mau Mau, a banned society.

CHAPTER THREE

The End of the Road

KAPENGURIA. NOVEMBER–DECEMBER 1952.

The government didn't want the trial in Nairobi. It wanted it far away from crowds, from journalists, from anyone who might make trouble.

It chose **Kapenguria**, a remote station in the north-west, close to the Uganda border.

Bildad Kaggia later described the journey. After his arrest, he spent three weeks held at **Marsabit**. Then the prisoners were taken to Kapenguria. There, according to his account, they were formally re-arrested, to make sure the court there had jurisdiction.

On **3 December 1952**, the trial opened.

CHAPTER FOUR

The Magistrate

The man chosen to try them was **Ransley Samuel Thacker**.

He was born in **1891**. He had been Chief Justice of **Saint Vincent** in the Caribbean and Attorney General of **Fiji**. By 1952 he was retired.

In **November 1952**, he was recalled to preside over the trial as a First Class Magistrate.

According to Kaggia's account, he had a reputation for handing down tough convictions.

What nobody in the courtroom knew was what the government had promised him.

CHAPTER FIVE

The Defence

The six men were not alone.

Their defence was led by **D. N. Pritt**, a British King's Counsel famous for defending left-wing causes. With him came lawyers from across the world: **H. O. Davies** from Nigeria, **Chaman Lall** from India, and from Kenya's own Asian community, **Fitz de Souza**, **A. R. Kapila** and **Jaswant Singh**.

The prosecution was led by the Deputy Public Prosecutor, **Anthony Somerhough**.

For months, in a small courtroom at the end of the road, they fought over one question: could the government prove that Jomo Kenyatta ran Mau Mau?

CHAPTER SIX

The Witness

The prosecution's case rested on one man.

His name was **Rawson Macharia**. He came from **Muthurumbi**, near Thika, not far from Kenyatta's own home.

Macharia told the court that on **16 March 1950**, at the home of a man named **Joram Waweru**, Jomo Kenyatta had given him the Mau Mau oath. He described being made to strip naked, and to drink human blood.

It was the only direct evidence presented in court that linked Kenyatta personally to Mau Mau.

Macharia had asked the government for protection on **6 November 1952**, before he testified. The government, it later emerged, had given him far more than protection.

CHAPTER SEVEN

One Against Ten

The defence called witnesses to the same day and the same place.

Ten of them told the court that the ceremony Macharia described had never happened.

Thacker had to choose.

“I disbelieve the ten witnesses for the defence,” he said, according to Kaggia’s account of the judgment, “and believe one witness for the prosecution.”

CHAPTER EIGHT

Seven Years

KAPENGURIA. 8 APRIL 1953.

On **8 April 1953**, the verdict came.

All six were convicted of managing Mau Mau. Each was sentenced to **seven years' hard labour**, to be followed by restriction. According to Kaggia's account, there was an additional three years for membership, and a recommendation that they be restricted for life.

Kenyatta told the court they did not accept the findings.

They were taken north, to the prison at **Lokitaung**, in the Turkana desert near the Ethiopian border, one of the most remote places in Kenya.

Kenyatta broke rocks. Later, because of his age, he was made the cook.

CHAPTER NINE

The Affidavit

22 NOVEMBER 1958.

Five years later, Rawson Macharia swore a new statement.

In a sworn affidavit dated **22 November 1958**, he said that his evidence at Kapenguria had been **false**.

He said that he and six other prosecution witnesses had been coached by the authorities. He said that some had been given plots of land at the coast. He described what he had been given: a trip to Britain, a two-year course in public administration at **Exeter University**, protection for his family, and the promise of a government job when he came home.

The government insisted it had paid him for his time and his lost livelihood, not to lie. And it prosecuted Macharia, for perjury.

In **March 1959**, he was put on trial at **Kitale**. He was convicted and jailed. The accounts differ on the sentence: eighteen months in one, two years in another.

On **30 June 1959**, the Colonial Secretary confirmed the payments in the British House of Commons. “The Kenya Government paid to Macharia and his dependants a total sum of £426,” he said, “and £1,644 in the United Kingdom.”

The six men he had testified against stayed in prison.

CHAPTER TEN

Uhuru na Kenyatta

The six served their sentences.

In **April 1959**, according to Kaggia's account, they were moved from Lokitaung to **Lodwar**.

By then, Kenya was changing. The Mau Mau war had been lost on the battlefield, but the argument for independence was being won. In **1961**, the **Kenya African National Union**, KANU, won the elections on a single demand: *Uhuru na Kenyatta*. Freedom, and Kenyatta.

On **14 August 1961**, Jomo Kenyatta was released.

Bildad Kaggia was the last of the six to go free, on **17 November 1961**. He had been held for nine years.

Epilogue

Kapenguria. Today.

Two years after his release, Jomo Kenyatta became Prime Minister of Kenya. The year after that, he became its first President. The man convicted of managing Mau Mau led the country until his death in 1978.

Ransley Thacker died on **3 January 1966**, in Rhodesia.

According to later accounts, he had been paid **£20,000** by the Governor, **Sir Evelyn Baring**, from an Emergency fund. Another account says he had recently been awarded an unusually large pension and kept secret contact with the Governor during the trial. The historian **Wunyabari Maloba** called Kapenguria “a rigged political trial with a predetermined outcome.”

Rawson Macharia went home to Muthurumbi, five kilometres from Kenyatta’s farm. In **1991**, he published a book, *The Truth about the Trial of Jomo Kenyatta*. On **5 December 2008**, aged **96**, he was knocked down by a motorcycle while crossing Thika Road, and died.

The trial was held at Kapenguria to be far from anyone who might be watching.

Kenya was watching anyway.

THE RECORD

THE ACCUSED	Kenyatta, Kaggia, Kubai, Ngei, Karumba, Oneko
ARRESTED	20–21 October 1952, Operation Jock Scott
TRIAL OPENED	3 December 1952, Kapenguria
MAGISTRATE	Ransley Thacker, recalled from retirement
DEFENCE	D. N. Pritt QC, with lawyers from Nigeria, India and Kenya
KEY WITNESS	Rawson Macharia, the only direct link to Kenyatta
VERDICT	8 April 1953; seven years' hard labour each
THE WITNESS RECANTS	Affidavit, 22 November 1958; paid £2,070 in all
THE MAGISTRATE	Reported paid £20,000 by the Governor
RELEASED	Kenyatta, 14 August 1961; Kaggia, 17 November 1961

One paid witness. Six men. Seven years.

A Note from the Author

If this story stayed with you, you can buy me a coffee. It keeps the research going and helps bring the next one to you.

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PAYBILL	522533
ACCOUNT	8129965
CLICK MTAA TECHNOLOGIES	

Asante sana.

— *Graham Kasindo*