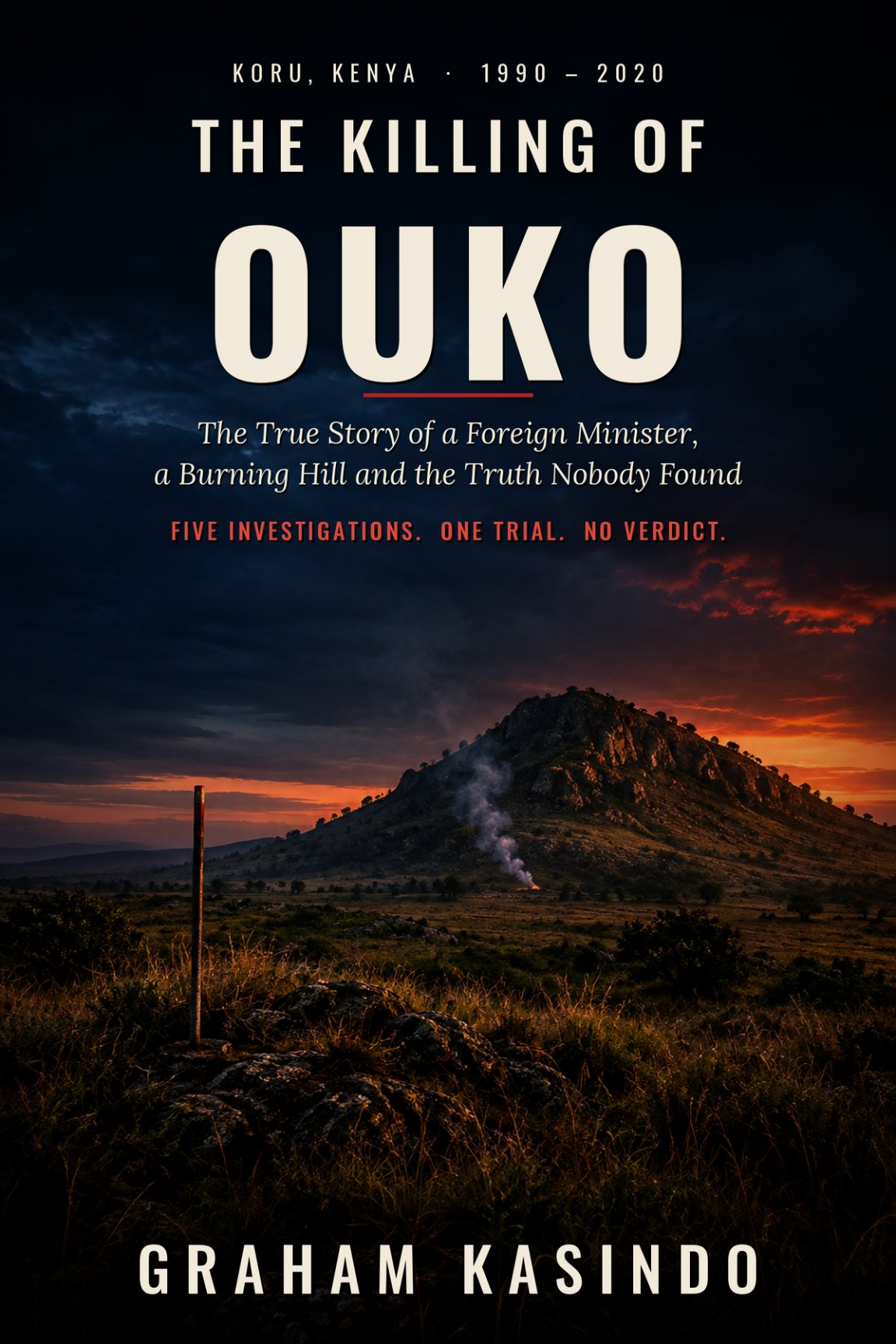


KORU, KENYA · 1990 – 2020

THE KILLING OF OUKO

*The True Story of a Foreign Minister,
a Burning Hill and the Truth Nobody Found*

FIVE INVESTIGATIONS. ONE TRIAL. NO VERDICT.



GRAHAM KASINDO

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“The manner the heinous act [of killing Dr. Ouko] was planned and eventually executed... was so neat and professional that it could not have been undertaken by an ordinary person.”

— Justice Aganyanya, acquitting Jonah Anguka, 29 July 1994

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Prologue

GOT ALILA, KORU. 13 FEBRUARY 1990.

The hill is a rocky rise at Koru, a few kilometres from the farm of Kenya's Minister for Foreign Affairs.

That morning, a herdsboy named Shikuku was out with the cattle when he came across a body at the foot of the hill. It was burning.

He told people in the village. Nobody told the police.

For three days, a missing cabinet minister lay on the hillside while the country searched for him.

On **16 February**, a police search party “found” what the herdsboy had already seen. The body had been shot once in the head and set on fire. Around it lay a revolver licensed to the dead man, a jerrycan, a torch, a walking stick, a box of matches, and about 450 shillings in cash.

The man was **Dr. Robert Ouko**.

Over the next thirty years, Scotland Yard, a judicial commission, the Kenya Police, a parliamentary committee and a truth commission would each try to explain what happened on that hill. One man would stand trial and walk free. Several witnesses would die.

Nobody would ever be convicted.

To understand why, you have to go back two weeks. To Washington.

CHAPTER ONE

The Minister

John Robert Ouko was born on **31 March 1931** at Nyahera, in what was then Central Kavirondo.

He had started out as a primary school teacher and worked his way up through the colonial and independence civil service. He studied at Haile Selassie University in Addis Ababa and at Makerere, and by 1990 he was working on a doctorate at the University of Nairobi.

He became a nominated MP in 1977, then the elected MP for Kisumu Rural and later Kisumu Town. Twice he served as Minister for Foreign Affairs: from 1979 to 1983, and again from 1988.

To the world, he was the polished, articulate face of Daniel arap Moi's Kenya.

At home, in Koru, he was a farmer with a house on the land, a wife, **Christabel**, and a large family.

CHAPTER TWO

Washington

WASHINGTON, D.C. 27 JANUARY – 4 FEBRUARY 1990.

In late January, President Moi led a large Kenyan delegation to Washington for the National Prayer Breakfast. Ouko went. So did the Minister for Energy, **Nicholas Biwott**.

What happened on that trip became the first great theory of the case.

The story that spread in Nairobi went like this. Ouko had impressed the Americans. He had met President George H. W. Bush privately. The Americans had pressed the Kenyans about corruption, and there had been a bitter row between Ouko and Biwott. In November 1991, *Time* magazine reported that the inquiry had linked the death to that visit, and to allegations that Biwott was demanding a commission from an Italian contractor.

But the central piece of that story didn't hold up. The US State Department said a private Bush-Ouko meeting "did not take place." Bush's official diary had no record of one. In 2013, Kenya's Truth, Justice and Reconciliation Commission concluded that the Washington theory "revolves around a private meeting with President Bush and Ouko that never actually occurred."

Whatever did happen in Washington, the delegation flew home together on **4 February**. The next day, **5 February**, Ouko attended a meeting with President Moi and senior officials.

That evening, he left for his farm at Koru.

CHAPTER THREE

The Last Sunday

AIC CHURCH, KORU. 11 FEBRUARY 1990.

On Sunday, Ouko went to church in the village.

Decades later, a villager named Esau Omollo remembered that the minister had read from the Book of Job that day, chapter seven. Omollo recalled the words: *“Human life is like forced army service... My body is full of worms.”*

KORU FARM. NIGHT OF 12–13 FEBRUARY 1990.

In the early hours of Tuesday, Ouko’s housemaid, **Selina Were Ndalo**, was woken by a noise. She later told investigators it sounded like a slammed door, loud enough to startle her awake. It was about three o’clock in the morning. She saw a white car turning in the driveway before it drove away.

In the morning, the minister was gone.

He had come to Koru with his driver and his bodyguard. Now he had vanished.

CHAPTER FOUR

Four Days

The search began.

Among the officials who came to the scene was the District Commissioner of Nakuru, **Jonah Anguka**. He was part of the government's internal security machinery. His wife worked as Ouko's personal assistant at the Foreign Ministry, and he farmed land next to Ouko's at Koru.

Years later, Anguka would describe what he saw at Got Alila: "Dr Ouko was lying on his back.... the body was burnt beyond recognition."

The first official account was astonishing. Early statements from the government appeared to treat the death as a **suicide**: a man who had shot himself and then set himself on fire.

Kenya did not believe it. News of the minister's death set off riots.

Under that pressure, President Moi did something unusual. He asked Britain's **Scotland Yard** to come and investigate.

CHAPTER FIVE

Scotland Yard

NAIROBI. 21 FEBRUARY 1990.

Detective Superintendent **John Troon** of New Scotland Yard arrived with two detectives and a Home Office forensic pathologist, **Dr. Iain West**.

West's post-mortem demolished the suicide story. The cause of death, he found, was "a firearm wound to the head which occurred in life." The bullet had entered eight centimetres above the right ear, "not in the usual position for a suicidal gunshot." The burning had come after death. Ouko "would have lost consciousness immediately." He had been killed where his body was found.

Troon's team began where murder detectives usually begin: with the family. His witnesses described deep tensions among the Oukos. Troon wrote: "There appears to be a shroud of fear surrounding the whole family which prevents them fully disclosing what I believe some of them must know."

Then the investigation turned.

KISUMU. MARCH 1990.

A new theory arrived, brought by two foreigners: an Italian businessman, **Domenico Airaghi**, and his Swiss partner, **Marianne**

Briner-Mattern, whose company, BAK, had wanted to revive the stalled **Kisumu Molasses Project**. Their account was that senior officials had demanded bribes, that the project had been blocked when the bribes weren't paid, and that Ouko had been preparing to expose it.

It was a motive. It pointed at powerful men.

It also came from shaky witnesses. Airaghi had been convicted by a court in Milan in 1987. Troon himself accepted that the BAK directors had "very little, or no credibility in Kenya." Dalmás Otieno, the minister who had handled the molasses project, told the inquiry he had found Airaghi "not competent to handle the project."

In **August 1990**, Troon delivered his report. It named no killer. But it recommended further investigation of several people, including the Internal Security chief, **Hezekiah Oyugi**, and **Nicholas Biwott**.

CHAPTER SIX

The Commission

KISUMU. 2 OCTOBER 1990.

President Moi appointed a judicial commission of inquiry under **Justice Evans Gicheru**.

It sat for **246 days** and heard **172 witnesses**, and it filled Kenya's newspapers. For the first time, the country watched its powerful men questioned in public about the death of one of their own.

18 November 1991. John Troon took the stand.

He said what his report had said, now in public: "By virtue of the motives I have outlined, I suspect that Mr. Biwott and Mr. Oyugi have some knowledge or involvement in the death of Dr. Ouko." Of Jonah Anguka, he said "he could have been at the periphery."

Eight days later, on **26 November 1991**, the commission was dissolved.

It never produced a report.

CHAPTER SEVEN

The Arrests

With the commission gone, the police moved.

Around the end of November 1991, ten officials were detained. Among them were **Nicholas Biwott** and **Hezekiah Oyugi**.

Two weeks later, Biwott and Oyugi were released. The Police Commissioner, **Philip Kilonzo**, explained: “What has emerged falls, for the moment, short of what is required in law to support and justify a criminal charge.”

Neither man was ever charged. Biwott always denied any involvement in Ouko’s death. When a British book later linked him to it, he sued for libel, and in December 2000 a Kenyan court awarded him 30 million shillings, the largest libel award in the country’s history at the time.

One man was charged. In **December 1991**, **Jonah Anguka** stood before Chief Magistrate Babu Achieng in Nairobi, accused of the murder of Robert Ouko.

A Western diplomat told UPI: “The government’s failure to charge Biwott and Oyugi even on a corruption charge is astonishing.”

CHAPTER EIGHT

The Accused

Anguka's first trial ended before it could reach a verdict: the judge died.

The second began on **1 March 1994**.

The prosecution's case leaned on police claims about his movements that night: his official car, the time he got home, what he had told his guards. Its main witness was a man named **Philip Rodi**.

HIGH COURT. 29 JULY 1994.

Justice Aganyanya acquitted Jonah Anguka.

He rejected the prosecution's star witness: "Rodi's evidence fell on its own. He either concealed the truth of the matter or decided to mention the names of the accused." He accepted Anguka's alibi. And he said something about the crime itself that nobody could ever quite forget. The killing, he said, "was so neat and professional that it could not have been undertaken by an ordinary person" in Anguka's position.

Anguka had spent what he called "1000 days in hell." He left Kenya for the United States, where he was granted asylum, and in 1998 he published his own account, *Absolute Power: The Ouko Murder Mystery*.

“He was a man I knew, a man I respected,” he said of Ouko.

The only person ever tried for the murder had been found not guilty.

CHAPTER NINE

The Dead

Then the witnesses started dying.

Hezekiah Oyugi, the Internal Security chief Troon had named, fell ill. He died in London in **September 1992**. Doctors diagnosed motor neurone disease. His family would later say the illness moved so fast that doctors believed he had been exposed to a foreign substance. “He was willing to speak his version of the story on the Ouko murder,” one of his children said, “but someone never wanted him to testify.”

Ouko’s driver and bodyguard, **Joseph Yogo**, died in late 1992 after a short illness in a Nairobi hospital.

The Police Commissioner who had released the suspects, **Philip Kilonzo**, collapsed and died. Some suspected poisoning; other reports gave a heart attack.

Ouko’s sister, **Dorothy Randiak**, who had given Troon three statements, died too.

None of these deaths was ever proved to be anything other than natural. In Koru, that didn’t make much difference. Twenty-nine years later, villagers still didn’t like to talk about it.

CHAPTER TEN

The Committee

In 2002, Moi's long rule ended. Under the new government of Mwai Kibaki, Parliament reopened the file.

PARLIAMENT. APRIL 2003 – MARCH 2005.

A parliamentary select committee, chaired by Kisumu Town East MP **Gor Sunguh**, took up the Ouko case. It was meant to finish what the Gicheru commission had not.

It collapsed into controversy. Six members resigned during the hearings, including Paul Muite and Otieno Kajwang. Others left for other posts. The committee's work ended in 2005 amid claims of interference, just as Biwott began to testify.

Its report went further than any before it. It claimed Ouko had been abducted from his farm, taken to State House, Nakuru, and killed there. It named dozens of people for further investigation.

But the Scotland Yard forensic evidence said Ouko had died where he was found, on Got Alila. Four of the committee's remaining members refused to sign the report.

On **22 December 2010**, Parliament voted on it. It was rejected, 55 votes to 4. MPs accused the committee of shoddy work and of settling political scores.

The committee's own chairman ended up in court. In 2011, a High Court judge ordered Gor Sunguh to pay three million shillings and apologise to the lawyer **George Oraro**, whom he had publicly linked to the murder outside Parliament.

Epilogue

In 2013, the Truth, Justice and Reconciliation Commission looked at the case again. It too named no killer.

The men at the centre of it died one by one. Hezekiah Oyugi in 1992. Nicholas Biwott in 2017, still denying any part in it. Daniel arap Moi in 2020.

Jonah Anguka, the only man ever tried, was still in California, still insisting on his innocence.

Five investigations. One trial. No verdict.

On Got Alila, a metal rod marks the exact spot where the body lay. It is the one fact in the whole case that nobody has ever disputed.

THE RECORD

VICTIM	Dr. John Robert Ouko, Minister for Foreign Affairs, 58
DISAPPEARED	Night of 12–13 February 1990, Koru farm
FOUND	By a herdsboy, 13 February; officially, 16 February 1990
CAUSE OF DEATH	Gunshot to the head; body burned after death (Dr. Iain West)
INVESTIGATIONS	Scotland Yard (1990); Gicheru Commission (1990–91, dissolved); Kenya Police (1991–92); Parliamentary Select Committee (2003–05, report rejected 2010); TJRC (2013)
CHARGED	Jonah Anguka, December 1991
VERDICT	Anguka acquitted, 29 July 1994
CONVICTIONS	None

A metal rod on a hillside. Everything else is still in dispute.

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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Asante sana.

— *Graham Kasindo*