

Date: 31 January 1994

MEDICAL CONCERN

Koigi wa Wamwere
Charles Kuria Wamwere (brother of Koigi wa Wamwere)
James Maigwa (brother-in-law of Koigi wa Wamwere)
Geoffrey Ngengi Njuguna

KENYA

Amnesty International is concerned for the four prisoners named above who were arrested in late 1993 and who have faced considerable difficulty in obtaining adequate medical care. Geoffrey Ngengi Njuguna, who is hypertensive and diabetic, is now reported to have developed kidney problems and Charles Kuria Wamwere is reported to have typhoid.

Koigi wa Wamwere is a former member of parliament and a prominent opponent of President Daniel arap Moi's government who has been arrested on a number of previous occasions. The four men have been charged with sedition, attempted robbery with violence and illegal possession of firearms. Amnesty International believes that they may be prisoners of conscience and has followed their cases closely since the arrests were made. The charge brought against them of attempted robbery with violence, is very serious, carrying a mandatory sentence of death upon conviction. Amnesty International believes, however, that there are reasons to suspect the charges could have been fabricated; the police have frequently charged peaceful government critics with "sedition" and other political offenses in the past. Eleven others similarly charged were released and charges withdrawn at a court hearing on 28 January 1994; an earlier court hearing had been deferred after the Attorney General ruled that there was insufficient evidence to proceed gave the prosecution 14 days in which to gather further evidence. The next trial hearing of this case is due on 11 March.

The imprisonment of this group of men appears to be part of a pattern of harassment and arrests of critics of the government who are investigating the political violence in the Rift Valley and parts of Western Kenya in which government involvement is alleged (see background below). Four of the original group of 15 are close relatives of Koigi wa Wamwere and of those remaining in prison, one is his brother and another his brother-in-law.

Koigi wa Wamwere, who was formerly a refugee in Norway, has been a political prisoner on three previous occasions. Most recently he was imprisoned on charges of treason in October 1990 together with his cousin Geoffrey Kuria Kariuki. They were released over two years later in January 1993 after the charges were finally withdrawn. Upon release, Koigi wa Wamwere founded the National Democratic and Human Rights Organization (NDEHURIO).

The prisoners are held in Nakuru Prison in overcrowded conditions and have frequently been without access to medication or adequate medical care. Of the original group of 15, at least three suffered considerable injury during police interrogation. One is reported to have suffered a ruptured bladder and a fractured leg; another suffered a perforated eardrum and subsequent loss

of hearing, and a third is reported to have sustained a hip injury requiring physiotherapy; these three have now been released.

In addition to injuries caused by torture or ill-treatment, some of the detainees have required medical care either for illnesses they were suffering prior to imprisonment or for subsequent illness. There is reported to be an outbreak of typhoid in Nakuru Prison and Charles Kuria Wamwere is the second of the prisoners to have developed it.

The courts have now ordered that he and Geoffrey Ngengi Njuguna be transferred to hospital for medical care. However, there remain concerns for their long-term care as lawyers for the prisoners have on a number of occasions had to seek court orders to enable them to receive treatment and then to press for the court orders to be complied with. One of the prisoners now released was hospitalized for treatment of acute typhoid only after two court orders were obtained. The first court order was ignored by the authorities and a second order had to be made nine days later. Geoffrey Ngengi Njuguna is reported to have been admitted to hospital for a short period in January 1994 and appears to have been returned to prison before treatment was complete. He is said to be suffering from kidney problems and swelling in the lower limbs and, as he is known to be hypertensive and diabetic, there has been concern for him throughout his imprisonment. He is furthermore reported to have suffered a mild stroke in March 1993 while in the same prison.

Some attempts have been made by independent doctors to visit the prisoners to assess their needs and provide attention. One doctor, a human rights activist, attempted to visit the prisoners in 1993, but was denied access and threatened by the police. Another doctor visited them in November 1993 but was arrested and charged with sedition and possession of explosives. He was held for three days before being released on bail. He was charged with sedition and possession of explosives. Amnesty International believes that the real reason for his arrest was his attempts to give independent medical treatment for the prisoners.

Although it appears that the prisoners do currently have access to medical attention, Amnesty International is concerned by the difficulties there have been in ensuring routine medical care. The prisoners all have a very poor diet and their families have been refused permission to provide food. Amnesty International is concerned for the immediate impact of prison conditions on their state of health and holds very serious concerns about their forthcoming trial. If convicted they would all face the death penalty.

Background

Since late 1991, there has been political violence in the Rift Valley and parts of Western Kenya, with ethnic clashes claiming the lives of an estimated 1,000 people or more. A further 300,000 are estimated to have been displaced since the violence began. Government involvement in the violence has been alleged, particularly in support of the Kalenjin ethnic group (to which President Daniel arap Moi belongs) which has been launching attacks against Kikuyus, Luos and other ethnic groups. In September 1993 the government responded to renewed violence by restricting access to affected areas by declaring them "Security Zones" and forbidding entry to journalists, human rights activists, opposition MPs, church leaders and others attempting to investigate the situation. Some of those who have attempted to investigate have been subject to harassment and arrest.

To: Medical professionals
From: Medical Officer / Research Department - Africa
Date: 31 January 1994

MEDICAL LETTER WRITING ACTION

Concern over medical care of prisoners KENYA

Koigi wa Wamwere
Charles Kuria Wamwere (brother of Koigi wa Wamwere)
James Maigwa (brother-in-law of Koigi wa Wamwere)
Geoffrey Ngengi Njuguna

Keywords

Theme: Possible POCs/ ill-health/ medical care

Summary

Amnesty International is concerned for the four opposition activists named above who are held in very poor conditions and have been denied access to proper medical attention or medication. A court has now ordered that Charles Kuria Wamwere and Geoffrey Ngengi Njuguna be admitted to hospital for treatment, although in the past in these and other cases the police have refused to comply with such orders. All four face charges which carry the death penalty and which AI believes may have been fabricated. Please see the details attached.

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing concern at reports that the group of prisoners held with Koigi wa Wamwere have been facing considerable difficulty in obtaining adequate medical attention, noting that in a number of instances court orders have had to be taken out before medical care was provided and that even then court orders have not always been complied with
- noting that the courts have ordered that two prisoners - Charles Kuria Wamwere and Geoffrey Ngengi Njuguna - be admitted to hospital for medical care; seeking information on their present condition and the treatment they are receiving
- seeking guarantees that the prisoners will henceforth be provided with all the medical attention and care they require, that necessary medication will be made available and that no further delays in provision of medical attention will occur
- expressing concern that the four men may be held as a result of their peaceful opposition and activities and that they face charges which carry the death penalty
- stating that you will be taking a continued interest in the course of judicial proceedings
- expressing concern at the reported harassment of independent doctors seeking to visit and provide medical treatment for the prisoners

Addresses

President

Daniel arap Moi
Office of the President
PO Box 30510
Nairobi

Mr Joshua Angatia

Ministry of Health
PO Box 30016
Nairobi

Mr Amos Wako

Office of the Attorney General
PO Box 40112
Nairobi