

EXTERNAL (for general distribution)

AI Index: AFR 32/03/94  
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Further information on UA 333/93 (AFR 32/12/93, 21 September 1993) - and follow-ups: (AFR 32/13/93, 29 September; AFR 32/14/93, 11 October; AFR 32/15/93, 25 October; AFR 32/16/93, 19 November; AFR 32/18/93, 26 November; AFR 32/20/93, 10 December; 1993, 15 December; AFR 32/22/93, 30 December; AFR 32/33/93) - Torture concern/Legal concern and new concern: Fear of ill-treatment

KENYA:Koigi wa Wamwere - human rights activist, former political prisoner, former member of parliament

Charles Kuria Wamwere - former political prisoner (see UA 413/93 AFR 32/17/93 AFR 32/20/93)

James Maigwa - brother-in-law of Koigi wa Wamwere and farmer (see UA 413/93 AFR 32/17/93 AFR 32/20/93)

Godfrey Ngengi Njuguna - councillor for Molo and farmer, brother of Wilfred

Kinuthia Ngengi (corrected name)

Geoffrey Kuria Kariuki - cousin of Koigi wa Wamwere, former political prisoner - released

John Njoroge Wamwere - brother of Koigi wa Wamwere - released

Stefan Kariuki Muigai - released

Francis Ngigi Kabete - bus conductor - released

Wilfred Kinuthia Ngengi - businessman, brother of Geoffrey Ngengi Njuguna - released

Ephran Muchiri Muhoro - released

Jimmy James Waigwa - businessman - released

Samuel Mwangi Kariuki - released

Douglas Wokabi (nicknamed "Toto") - released

Daniel Kigochi - released

George Karuki Wanjau - man in his 70s, farmer - released

Jackson Mutonye Ndegwa - (died in custody)

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Eleven of the prisoners were released by the Nakuru magistrate on 28 January 1994, as indicated above, when the Attorney General instructed that the charge against them, robbery with violence, be dropped.

Koigi wa Wamwere and the first three named above remain in custody, with no statement yet from the Attorney General as to whether or not the case will proceed any further. It is due to be mentioned again in court on 11 March 1994.

These four continue to be held in Nakuru Prison where it is reported conditions have improved but are still poor. They are suffering from overcrowding and denial of basic medication. Food is poor and families are not able to bring food in to them.

The magistrate ruled that Charles Kuria Wamwere, who has typhoid and Godfrey Ngengi Njuguna, who has a kidney infection, be admitted to hospital. In

previous cases the police have refused to comply with the magistrate's order about hospital treatment.

There has still been no independent and impartial inquiry into the death in custody of Jackson Mutonye Ndegwa.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:**

- welcoming the unconditional release of the eleven named above;
- expressing concern that Koigi wa Wamwere and the three other remaining prisoners are still held in custody without any decision from the authorities as to whether or not they will be prosecuted, stating that Amnesty International believes they may be prisoners of conscience;
- calling for them to be immediately released if the prosecution is not going to proceed with the charges against them;
- calling for them to receive the necessary medical treatment with hospital admission as ordered by the magistrate.

**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**

**COPIES TO**

1) Mr Justice Fred Apaloo,  
Chief Justice, Law Courts,  
P O Box 30041, Nairobi, Kenya

2) Law Society of Kenya  
P O Box 72219, Nairobi, Kenya

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,

or your section office, if sending appeals after 15 February 1993.