

EXTERNAL (for general distribution)

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UA 333/93 Legal concern/Fear of ill-treatment

21 September 1993

**KENYA** Koigi wa Wamwere, human rights activist, former political prisoner, former member of parliament  
Mirugi Kariuki, lawyer and human rights activist, former political prisoner  
Susan Wangui (f), nurse, wife of Mirugi Kariuki  
Francis Mureithi Kanothe, farmer  
Joseph Thiga Kariuki, brother of Mirugi Kariuki, cooperative society official  
Geoffrey Kuria Kariuki, cousin of Koigi wa Wamwere, former political prisoner  
John Njoroje, brother of Koigi wa Wamwere  
John Kinyanjui, member of a faction of the Release Political Prisoners (RPP) campaigning group

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Amnesty International is concerned that these eight people are being held illegally without charge and that they may be ill-treated in custody. They may also be prisoners of conscience arrested for their human rights activities and their peaceful criticisms of the government.

The first five named above were arrested on 18 September 1993 at Burnt Forest town, 100 kilometres northwest of Nakuru in central Kenya. Police alleged that they found them in possession of "seditious publications" - including publications of the National Democratic and Human Rights Organization (NDEHURIO), founded recently by Koigi wa Wamwere - and of illegal weapons - a rifle, grenade and 15 rounds of ammunition. They were also accused of entering a restricted security zone in the Burnt Forest area, where people had recently been killed in renewed ethnic clashes.

The other three were arrested later on 18 September at the homes of Koigi wa Wamwere and Mirugi Kariuki in Nakuru, where NDEHURIO publications were also seized.

All eight prisoners are being held incommunicado by the police in Nakuru. They have not so far been brought to court or charged with any offence, although the law requires that people who have been arrested should be charged within 24 hours (or 14 days for a suspected capital offence such as murder or treason, which has not been suggested by police in this case) or released. Lawyers have been denied access to them. They are reported to have denied possession of weapons and it has been claimed that Koigi wa Wamwere was threatened with "elimination" by a police officer.

#### BACKGROUND INFORMATION

Koigi wa Wamwere, a prominent opponent of President Daniel arap Moi's government

and former refugee in Norway, has been a political prisoner three times before. Most recently, with Mirugi Kariuki, Geoffrey Kuria Kariuki and another lawyer, he was imprisoned from October 1990 to January 1993 on treason charges which were finally withdrawn. Prison conditions were harsh and they were subjected to torture and ill-treatment, including denial of adequate medical treatment.

After his release, when Kenya had changed to a multi-party political system, Koigi wa Wamwere was again politically active in Kenya. He founded a new human rights organization, NDEHURIO, which, together with an allied faction of the Release Political Prisoners group, took up the issue of

**page 2 of UA 333/93**

ethnic clashes in the Burnt Forest and nearby areas. Over 1,000 people have been killed and thousands displaced from their homes in ethnic clashes in various parts of Kenya in the past two years. Government involvement has been alleged, in particular in support of members of the Kalenjin ethnic group (to which President Moi belongs) against Kikuyus.

The police have frequently charged peaceful government critics with "sedition" and other political offences. In a major political trial (in 1991), fabricated prosecution evidence contributed to prisoners of conscience being imprisoned in an unfair trial.

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

- expressing concern at the arrests of Koigi wa Wamwere, Mirugi Kariuki and others, and that they are being held incommunicado beyond the legally prescribed limit;
- seeking assurances that they are being treated humanely and urging that to guarantee this, they are given immediate, regular and private access to their families, legal representatives and doctors;
- calling for them to be released without delay if they are not charged with a recognizably criminal offence and if they have been arrested solely for their peaceful political and human rights activities.

**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, Sharia, Kenya**  
**Faxes: +254 2 211082**  
**Salutation: Dear Attorney General**

3) Mr Philip Kilonzo

Commissioner of Police  
Kenya Police Headquarters  
P O Box 30083  
Nairobi, Kenya

**Telegrams: Commissioner Kilonzo, Police, Kenya**

**Salutation: Dear Police Commissioner**

**COPIES TO**

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

Law Society of Kenya  
P O Box 72219  
Nairobi, Kenya

and to diplomatic representatives of Kenya accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 2 November 1993.