

EXTERNAL (for general distribution)

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UA 270/94 Torture \ Fear of torture

15 July 1994

KENYA **Geoffrey Kuria Kariuki, former political prisoner**
 Anthony Njuguna Njui, local official of opposition Ford-Asili party and
 former councillor in Molo
John Kinyanjui, member of the Release Political Prisoners (RPP) campaigning
 group
Cousin of John Kinyanjui, name unknown
Jimmy James Waigwa, businessman

Geoffrey Kuria Kariuki is reported to have been severely tortured and his lawyers are currently filing a *habeas corpus* application in the High Court because of fears for his life. There are also fears for the safety of the other four people listed above who, like Geoffrey Kuria Kariuki, are being held in incommunicado police custody in Nakuru police station, 100 kilometres northwest of Nairobi. None of the detainees have been brought to court or charged.

Senior police officers in Nakuru have denied that Geoffrey Kuria Kariuki has been ill-treated, but have refused his family and lawyer permission to visit him. He is reportedly being held on suspicion of robbery with violence, a capital offence. Under Kenyan law prisoners accused of capital offences can be held for 14 days without charge.

Geoffrey Kuria Kariuki and the other four people listed above were all arrested during the weekend of 9 and 10 July. Amnesty International is concerned that their arrests may be linked to the case of Koigi wa Wamwere (see UA 333/93, AFR 32/12/93, 21 September 1993, and UA 413/93, AFR 32/17/93, 23 November 1993). Koigi wa Wamwere, a prominent human rights activist, former member of parliament and a three-time former political prisoner, is on trial in Kenya for attempted robbery with violence along with three other defendants.

Geoffrey Kuria Kariuki, cousin of Koigi wa Wamwere, and Jimmy James Waigwa were originally charged with robbery with violence with Koigi wa Wamwere in November 1993, but released on 28 January 1994 when the charges against them were dropped. There is concern that the latest arrest of Jimmy James Waigwa may have been as a result of proceedings against a senior superintendent of police last week. He is suing the officer for \$1,000 which was allegedly stolen while he was in police custody last year.

Anthony Njuguna Njui is one of the principle defence witnesses in the case of Koigi wa Wamwere. He was previously arrested in November 1993 and was held without charge for 24 days.

At the time of their arrest Geoffrey Kuria Kariuki and John Kinyanjui were on bail for sedition and other charges. They had been charged in September 1993 with Koigi wa Wamwere and five others (see UA 333/93). John Kinyanjui was tortured by police in Nakuru following his arrest in September 1993.

Amnesty International has received unconfirmed reports that Jimmy James Waigwa may have been released on 14 July.

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

- expressing concern at the reported torture of Geoffrey Kuria Kariuki and calling for him to be given immediate, regular and private access to his doctor,

family and lawyer and that he receive hospital care if necessary;
 - calling for an independent investigation into the torture of Geoffrey Kuria Kariuki;
 - seeking assurances that Anthony Njuguna Njui, John Kinyanjui, his cousin and Jimmy James Waigwa are being treated humanely and urging that they are given access to their families, legal representatives and doctors;
 - expressing concern that they appear to have been targeted by the police because of their connection to Koigi wa Wamwere;
 - calling for all five men 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 activity.

APPEALS TO

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Mr Shadrack M'Laaria Kiruki
 Commissioner of Police
 Kenya Police Headquarters
 P O Box 30083
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COPIES TO

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

Law Society of Kenya
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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 30 August 1994.