

EXTERNAL (for general distribution)

AI Index: AFR 32/16/93

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Further information on UA 333/93 (AFR 32/12/93, 21 September 1993) - and follow-up(s): (AFR 32/13/93 29 September, AFR 32/14/93 11 October and AFR 32/15/93 25 October) - Legal Concern/Fear of ill-treatment

KENYA:Koigi wa Wamwere, human rights activist, former political prisoner, former member of parliament - rearrested  
Mirugi Kariuki, lawyer and human rights activist, former political prisoner - released  
Susan Wangui (female), nurse, wife of Mirugi Kariuki - released  
Francis Mureithi Kanothe, farmer - released  
Joseph Thiga Kariuki, brother of Mirugi Kariuki, cooperative society official - released  
Geoffrey Kuria Kariuki, cousin of Koigi wa Wamwere, former political prisoner - rearrested  
John Njoroge Wamwere, brother of Koigi wa Wamwere - rearrested  
John Kinyanjui, member of a faction of the Release Political Prisoners (RPP) campaigning group  
Kariuki Kiboi, former trade unionist - released  
Joseph Njoroge - released  
Mathu wa Ing'oku - released

& new namesStefan Kariuki Muigai

Francis Ngigi Kabege

Wilfred Kinuthia Ngengi

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On 5 November 1993 **Koigi wa Wamwere**, was arrested in the office of his lawyer in Nakuru, Kenya. **Stefan Kariuki Muigai**, **John Njoroge Wamwere**, **Geoffrey Kuria Kariuki**, **Francis Ngigi Kabege** and **Wilfred Kinuthia Ngengi**, were also arrested over the weekend of 6/7 November.

**Koigi wa Wamwere** was charged on 10 November, along with the five others, with attempted robbery with violence and being in possession of firearms without a certificate, following an alleged violent attempt to seize arms from Bahati Police Post, Nakuru on 2 November. This was allegedly one of three similar raids on Police and Chief Posts in late October and early November. Two men were killed during the raid on Bahati and a third, **Jackson Mutonye Ndegwa** died two days later while in police custody following a gun shot wound to the leg.

Following the raid over 250 people were arrested in Nakuru, many of whom have now been convicted on minor charges and either fined or sentenced to up to three months imprisonment.

The arrest of **Koigi wa Wamwere** and the others 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 other parts of Western Kenya.

Independent observers estimate that around 1,000 people have been killed and

300,000 displaced since the violence began in late 1991. In September 1993 the government responded to renewed violence by restricting access to those areas of the Rift Valley affected by declaring them "Security Zones" and forbidding entry to all those attempting to investigate the fighting. Amnesty International is concerned that this has resulted in the restriction of information and the arrests of people who appear to be prisoners of conscience.

If well-founded, the charges facing Koigi wa Wamwere and others are very serious, but there are reasons to suspect that they may have been fabricated. In the past the police have frequently charged peaceful government critics with "sedition" and other political offences. In a major trial in 1991, fabricated prosecution evidence contributed to prisoners of conscience being convicted in an unfair trial. Those charged with robbery with violence cannot be released on bail. If convicted on these charges Koigi wa Wamwere and the others would be sentenced to death.

**Mathu wa Ing'oku** was released on bail at the beginning of November and is believed to be in hiding fearing rearrest.

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

- 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;
- urging that the substance of the charges facing Koigi wa Wamwere and the other five be reviewed by a court promptly to ensure that the police are not making abusive use of non-bailable offenses to justify imprisonment, in the absence of adequate evidence to support the charges;
- expressing concern that Koigi wa Wamwere and the other prisoners may be prisoners of conscience and stating that AI will be watching the judicial proceedings very closely in view of the pattern of unfair political trials of peaceful government opponents and doubts about their alleged involvement in the raid on Bahati Police Post;
- expressing concern that if found guilty they would face the death penalty;
- urge that a full, prompt, impartial investigation be held into the circumstances that led to the death of Jackson Mutonye Ndegwa.

**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 31st December 1993.