

**EXTERNAL (for general distribution)**

**AI Index: AFR 32/01/91**

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**15 January 1991**

**Further information on UA 408/90 (AFR 32/30/90, 10 October 1990, and follow-ups of 24 October, AFR 32/34/90, and 9 November, AFR 32/38/90) - Fear of Torture/Legal Concern**

**KENYA:Koigi wa Wamwere, exile opposition leader**  
**Mirugi Kariuki, lawyer**  
**Rumba Kinuthia, lawyer**  
**Geoffrey Kuria Kariuki (note corrected name)**  
**Joseph Mwaura Kinuthia, legal assistant**  
**Mary Mwaura Kinuthia - released**  
**Margaret Wangui Kinuthia - released**  
**James Gitau Mwaura - legal assistant**

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On 14 December 1990 charges of concealment of treason (misprision) against Mary Mwaura Kinuthia and Margaret Wangui Kinuthia were withdrawn and they were freed. However Joseph Mwaura Kinuthia and James Gitau Mwaura now face new charges of treason which were brought against them and one other man, Harun Thungu Wakaba, on 11 December. An eighth man, Andrew Mureithi Ndirangu was also charged with treason on 11 January 1991.

On 11 December the specific charges of treason against Koigi wa Wamwere and his six co-defendants (as above) were stated in the Chief Magistrate's Court in Nairobi. The main charges were that Koigi wa Wamwere, the Kenya Patriotic Front (KPF) leader, and the other six intended to overthrow the Kenyan government; that Koigi wa Wamwere, Geoffrey Kuria Kariuki and Harun Thungu Wakaba had undergone guerrilla training for this purpose; and that they had procured firearms and ammunition for this purpose and transported them from Uganda to Mirugi Kariuki's house in Nakuru, Rumba Kinuthia's house in Nairobi, and Koigi wa Wamwere's mother's house in Nakuru district.

No date has been set for the treason committal proceedings, which would be expected to precede a full trial. The defendants all have legal representation and apparently have access to their families as well as legal counsel.

On 17 December Koigi wa Wamwere filed an affidavit in the High Court in Nairobi alleging that he had been kidnapped from Uganda by Kenyan security officers on 8 September, drugged and forcibly brought to Kenya, and was already detained secretly in Kenya when the Kenyan police announced that he had been arrested in Nairobi on 8 October.

The Uganda Government denied on 3 January 1991 that Koigi wa Wamwere had been kidnapped from Uganda or that he was in Uganda at that time. Amnesty International has had no response from the Kenyan Attorney General to its request for information about the circumstances of Koigi wa Wamwere's

arrest and is continuing its investigations. Previous claims by some sources that he had been arrested in Tanzania and secretly handed over to the Kenyan authorities now appear to have been inaccurate.

In his affidavit, Koigi wa Wamwere also claimed that he had been tortured in Nyayo House, the Nairobi security police headquarters. He alleged that he was held in a black-painted cell whose floor was covered with human faeces, that he was stripped naked and handcuffed behind his back, that cold and hot air were alternately blown into the cell, that he was denied food and sleep for days at a time, that he had to use his cell for toilet purposes, and that he was denied medical attention. He said that under interrogation, with his eyes blindfolded, he was forced by threats of shooting, simulated cries which his interrogators said were from his imprisoned mother, and promises of a light sentence, to sign false statements. He said he had falsely confessed to organizing guerrilla training in Libya and Uganda for KPF members, being funded by Scandinavian governments and human rights organizations such as Amnesty International and Africa Watch, transporting weapons into Kenya, and preparing a "shadow cabinet" to include lawyers and political activists advocating a multi-party political system, and church leaders. The affidavit, presented by his lawyer, Japheth Shamalla, further argued that his constitutional rights had been violated by the torture and that because of public condemnation he could not expect a fair trial.

**FURTHER RECOMMENDED ACTIONS: express and airmail letters**

- calling for a impartial judicial investigation into allegations by Koigi wa Wamwere that he was tortured in security police custody in Nairobi;
- urging that no statements made by Koigi wa Wamwere or others as a result of torture or coercion be presented or admitted as trial evidence, except as evidence against any persons accused of using torture;
- requesting assurances that Koigi wa Wamwere's legal and human rights are being respected while he is in custody pending trial proceedings.

**APPEALS TO:**

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Mr Justice Alan Hancox  
 Chief Justice  
 Law Courts  
 PO Box 30041  
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**COPIES TO:**

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 Kenya Prison Service HQ  
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**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat or your section office if sending appeals after 26 February 1991.