

EXTERNAL (for general distribution)

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Further information on UA 270/94 (AFR 32/10/94, 15 July) - Torture \ Fear of torture

KENYA Geoffrey Kuria Kariuki, former political prisoner and cousin of Koigi wa Wamwere

John Kinyanjui, member of the Release Political Prisoners (RPP) campaigning group

Jimmy James Waigwa, businessman - released

Michael Kung'u - (previously unnamed, believed to be John Kinyanjui's cousin, but in fact a relative of Koigi wa Wamwere)

Anthony Njuguna Njui, local official of opposition Ford-Asili party and former councillor in Molo - not arrested

New names: George Murangu, truck driver

Joseph Ngimithi Githire, night watchman

On 19 July Geoffrey Kuria Kariuki, John Kinyanjui, Michael Kung'u, George Murangu, and Joseph Ngimithi Githire were jointly charged with robbery with violence, possession of firearms and six rounds of ammunition. John Kinyanjui and Geoffrey Kuria Kariuki were also reportedly charged with possession of a hand grenade. All six defendants were originally brought to court on 18 July at 6.15pm, outside court hours. Their lawyer was informed of this and was able to get the court proceedings adjourned until court hours the following day.

All six have reportedly been tortured and have injuries, particularly to their heads. Concern was expressed by their lawyers that Geoffrey Kuria Kariuki and Mbugua Kinuthia appeared to be unable to follow the court proceedings. Following an application by defence lawyers, the senior resident magistrate, William Tuiyot, ruled that all six be taken to hospital on 20 July and be examined by a government doctor or their own private doctor if no other doctor is available. (Doctors are currently on strike in Kenya and medical treatment is difficult to obtain.) The policemen allegedly responsible for their injuries were named in court by the defendants. Defence lawyers complained to the court that they had been denied access to their clients until 19 July.

Anthony Njuguna Njui has not been arrested as previously reported. He was in Nairobi on 10 July when the police visited his house. John Kinyanjui and Michael Kung'u, who were staying at his house, were questioned about his whereabouts and arrested. Anthony Njuguna Njui has not returned to his house and the police are reported to be still looking for him.

George Murangu was also arrested over the weekend of 9 and 10 July, allegedly after he reported the theft of his truck to the police. Joseph Ngimithi Githire, a night watchman at the compound where the alleged robbery took place, was arrested on 11 or 12 July. They are not known to have any connection with Koigi wa Wamwere.

Jimmy James Waigwa was released without charge on 13 July.

Amnesty International believes that the charges against Geoffrey Kuria Kariuki and some, if not, all of his co-accused may have been fabricated and 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.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters

- expressing concern at the reported torture of all six defendants and seeking assurances that they are being humanely treated and urging that they be given adequate medical treatment and regular access to their families and lawyers;
- calling for an independent investigation into their torture;
- expressing concern that they appear to be being harassed by the police because of their connection to Koigi wa Wamwere;
- calling for all six 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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Telegrams: President Moi, Kenya
Telexes: 22003 FOREIGNRB or 22796 FOREIGNRB
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Mr Shadrack M'Laaria Kiruki
Commissioner of Police
Kenya Police Headquarters
P O Box 30083
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Salutation: Dear Police Commissioner

COPIES TO

Mr Justice Fred Apaloo
Chief Justice
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P O Box 30041
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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 31 August 1994.