

EXTERNAL (for general distribution)

AI Index: AFR 32/17/93

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UA 413/93 Unacknowledged detention / Legal Concern /  
Torture / Health concern

23 November 1993

**KENYA: S W Mwangi** - medical doctor in Nakuru

**Charles Kuria Wamwere** - former political prisoner

**James Maigwa**

**Peter Kariuki** - former commander of the Kenya Air Force

**David Kuria** - local official of opposition Ford-Asili party

**Zachariah Kamau** - local official of opposition Ford-Asili party

**Kiguru Ng'ang'a**

**James Maina Kabuthia** - local politician from Nakuru

**Thomas Njoroge**

**Stephen Maina**

**David Njenga Ngugi** - businessman in Limuru

**and five others**

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Amnesty International is concerned for the safety and well-being of the above named people, who are among large numbers of suspected government opponents who have been arrested in the last three weeks during major police operations in Nakuru, Kiambu and Nairobi.

The whereabouts of **Dr S W Mwangi**, **Charles Kuria Wamwere** and **James Maigwa** are not known. Dr Mwangi was arrested on 20 November 1993 in Nakuru, possibly on account of giving medical treatment to political prisoners there, including **Koigi wa Wamwere**, a former member of parliament and human rights activist (see UA 333/93, AFR 32/12/93, 21 September 1993 and follow-ups). **Charles Kuria Wamwere** and **James Maigwa**, relatives of **Koigi wa Wamwere**, were arrested on 16 November in Nairobi. Police have reportedly refused to disclose where they are held or to allow access to them.

Many of those arrested have been released or charged, while some have been held beyond the prescribed 14 day limit. Kenyan law requires that they should either be charged within 24 hours or within 14 days in the case of a suspected capital offence such as murder, robbery with violence or treason, or else released. Those held without charge beyond the legal limit include **Peter Kariuki**, **David Kuria**, **Kiguru Ng'ang'a**, **James Maina Kibuthia** and **Zachariah Kamau**, who were all arrested between 6 and 8 November. Peter Kariuki, who is held at Gigiri Police Station, Nairobi, is now allowed access to his lawyer, family and doctor but is not allowed a bed or blankets. No details of the situation of the other four are known.

Evidence is emerging that detainees arrested in the recent operations have been tortured. **Thomas Njoroge** and **Stephen Maina** were arrested at Namanga, near the border with Tanzania, in early November. They were held for a week in Criminal Investigation Department custody where they were reportedly tortured before being brought to court on 8 November and charged with robbery with violence. They are being held in Kamiti Prison, Nairobi, and have

reportedly been denied medical treatment for their injuries.

**David Njenga Ngugi** and five others, who were charged with robbery with violence in connection with a raid on a Chief's Post in Kiambu on 30 October were hardly able to stand up in court and it is feared that they were tortured. They have reportedly been denied medical treatment. Those charged with robbery with violence cannot be released on bail. If convicted on these charges they would be sentenced to death.

#### **BACKGROUND INFORMATION**

The police operations followed a statement by President Daniel arap Moi to the police force on 29 October 1993, urging them to arrest anyone spreading false rumours and threatening Kenya's security. Shortly afterwards, there were three raids on police and Chief's Posts in Kiambu and Nakuru districts, apparently in an attempt to seize weapons. Those arrested include known government opponents who may be prisoners of conscience, including Koigi wa Wamwere and others who were investigating the political violence in the Rift Valley and other parts of Western Kenya, where government involvement had been alleged. Around 1,000 people have been killed and 300,000 displaced since the violence began in May 1991.

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

- expressing concern for the safety of Dr S W Mwangi and Charles Kuria Wamwere and James Maigwa, and urging the authorities to state where they are being held and for them to be allowed immediate access to their families, lawyers and doctors;
- calling for an independent investigation into reports that some of those arrested in recent weeks have been tortured by police and seek public assurances of humane treatment of those still held;
- calling for medical treatment to be provided for those detainees who have reportedly sustained injuries while in police custody;
- calling for all those held to be released without delay if they are not charged with a recognisably criminal offence within the legally permitted limit of time;
- expressing concern that some may have been held on account of their political opinions or non-violent activities and urge that they are released unless there is sufficient evidence of involvement in criminal violence to justify their being tried.

#### **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, Sheria, Kenya**

**Faxes: +254 2 211082**

**Salutation: Dear Attorney General**

3) Mr Shadrack M'Laaria Kiruki (**note corrected name**)

Commissioner of Police

Kenya Police Headquarters

P O Box 30083

Nairobi, Kenya

**Telegrams: Commissioner Kiruki, Police, Kenya**

**Salutation: Dear Police Commissioner**

**COPIES TO**

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

2) Law Society of Kenya  
P O Box 72219, Nairobi, Kenya

and to diplomatic representatives of Kenya to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 4 January 1994.