

EXTERNAL (for general distribution)

AI Index: AFR 32/20/93
Distr: UA/SC

10 December 1993

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 AFR 15/93, 25 October, AFR 32/16/93, 19 November and AFR 32/18/93, 26 November) - Torture\Legal concern

KENYA: Koigi wa Wamwere - human rights activist, former political prisoner, former member of parliament
Geoffrey Kuria Kariuki - cousin of Koigi wa Wamwere, former political prisoner
John Njoroge Wamwere - brother of Koigi wa Wamwere
Stefan Kariuki Muigai
Francis Ngigi Kabete - bus conductor (corrected name)
Wilfred Kinuthia Ngengi - businessman, brother of Geoffrey Njunguna

Ngengi

and Jackson Mutonye Ndegwa

New names: Charles Kuria Wamwere - former political prisoner
(see UA 413/93 AFR 32/17/93)
James Maigwa - brother-in-law of Koigi wa Wamwere and farmer
(see UA 413/93 AFR 32/17/93)
Ephran Muchiri Muhoro
Jimmy James Waigwa - businessman
Samuel Mwangi Kariuki
Geoffrey Njunguna Ngengi - councillor for Molo and farmer,
brother of Wilfred Kinuthia Ngengi
Douglas Wokabi (nicknamed "Toto")
Daniel Kigochi
George Karuki Wanjau - aged in his 70s, farmer

Amnesty International has now learned that the case of **Koigi wa Wamwere** and the five others charged with him has been combined with the case of the nine new names given above. All fifteen are due to be tried on 14 December 1993. They have all been charged with two counts of armed robbery (section 297.2 of the Penal Code), possession of firearms without a certificate and possession of ammunition without a certificate.

Ephran Muchiri Muhoro has suffered a ruptured bladder and a fractured leg, reportedly resulting from torture by the police. He has received hospital treatment but was unable to stand in court on 8 December. **Stefan Kariuki Muigai** has also received medical treatment for injuries reportedly sustained from police torture.

Amnesty International has received reliable reports that **Jackson Mutonye Ndegwa** was in fact arrested on 1 November 1993 at 6pm, shortly after he arrived in Nakuru from Nairobi and his body taken to the mortuary on 3 November with two bullet wounds to the head. This contradicts police reports that he was shot in the leg during the raid on Bahati police station on 2 November, and he died two days later while in police custody. Amnesty International is calling for

an independent and impartial inquiry into his death. The organization has expressed concern in the past at deaths in police custody.

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

- calling for an independent investigation into the torture of Ephran Muchiri Muhoro and Stefan Kariuki Muigai and seeking 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;
- 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;
- calling for an independent and impartial inquiry into 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, Sheria, Kenya
Faxes: +254 2 211082
Salutation: Dear Attorney General

3) Mr Shadrack M'Laaria Kiruki
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 accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20th January 1994.