

**PUBLIC**

**AI Index: AFR 32/024/2002**

**13 December 2002**

**UA 360/02**      **Fear for safety / medical concern/  
Fear of Torture and ill treatment / incommunicado detention**

**KENYA**            **Darius Auka (m), high school student, aged about 16  
Ibrahim Otaka Nyabere (m), high school student, aged about 16**

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On 4 December, high school students Darius Auka and Ibrahim Otaka Nyabere were arrested by police at a hospital in Trans Mara, northern Kenya, where they were receiving treatment for critical gunshot wounds sustained during a police operation. They are being held incommunicado at an unknown location. They may be at risk of torture and ill-treatment in detention, and their lives are in danger if they do not receive immediate medical care.

According to media reports, the two students sustained serious injuries from stray police bullets during a security operation targeting cattle rustlers near the border of Gucha and Trans Mara districts. They were taken by passers-by to Akemo Valley Nursing Home in Trans Mara. Police traced the two students, and posted two officers to guard them in hospital. At 10pm on 4 December, at least four Gucha District police officers entered Akemo Valley Nursing Home and removed the medical equipment from the two students before taking them to an unknown location. They remain in incommunicado detention.

#### **BACKGROUND INFORMATION**

The border area between Gucha and Trans Mara districts is well known for violence and instability, caused by cattle raids that occur mainly towards the end of the year.

Amnesty International has received numerous reports of human rights abuses by Kenyan security forces, including extra-judicial killings, torture, rape, arbitrary arrests and excessive use of force during security operations in various parts of the country. On 6 September 2002 police in Migori, Nyanza province, reportedly shot and killed one person at a bus station after traders protested against the demolition of their kiosks. In April 2000, police shot dead cattle-raiders in Samburu district of central Kenya.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern for the safety and wellbeing of Darius Auka and Ibrahim Otaka Nyabere, arrested by police at Akemo Valley Nursing Home in Trans Mara on 4 December;
- expressing concern that their lives are endangered by their removal from the medical care they were receiving for gunshot wounds;
- expressing alarm at their arrest from the hospital, and at the excessive force used in their arrest by police officers;
- urging the authorities to make public the whereabouts of the two students, and calling for them to be granted immediate access to medical treatment, and to relatives and lawyers;
- seeking assurances that all necessary measures will be taken to guarantee the safety of the two students;
- calling on the authorities to guarantee that they will not be tortured or ill-treated in detention;
- calling for a prompt, thorough and impartial investigation into the shooting of Darius Auka and Ibrahim Otaka Nyabere and that those found responsible for excessive use of force, in both their shooting and their arrest, be brought to justice.

**APPEALS TO:**

Commissioner Philemon Abong=o  
Kenya Police Headquarters  
PO Box 30083  
Nairobi  
Kenya

**Telegram:** Commissioner Philemon Abong=o, Nairobi, Kenya

**Fax:** + 254 2 333 641

**Salutation :** Dear Sir

**COPIES TO:**

The Officer in Charge  
Gucha Divisional Headquarters  
PO Box 246 Ogembo  
Southern Kisii Division

**Salutation:** Dear Sir

Mr King'ori Mwangi  
Police Spokesperson  
Kenya Police Headquarters  
PO.Box 30083  
Nairobi

**Fax:** + 254 2 330495

**Salutation:** Dear Sir

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 24 January 2003.