

KENYA: Investigate Killings of Lawyer, Two Men *Bodies Dumped in River after Enforced Disappearance*

(Nairobi, July 4, 2016) - Kenyan authorities must urgently investigate the killing last week of three men, including a human rights lawyer, and ensure that those found responsible are held to account in fair trials, 29 Kenyan and international human rights organizations said today. Human rights activists will today hold demonstrations in Nairobi and other parts of Kenya today to protest the heinous killings.

The shocking abduction, enforced disappearance and extrajudicial killings of lawyer Willie Kimani, as well as his client and their taxi driver that day, whose bodies were recovered from a river 73 kilometres northeast of Nairobi, should be cause for alarm over the state of human rights and rule of law in Kenya, especially in the face of reports suggesting that police officers were involved.

“These extrajudicial killings are a chilling reminder that the hard-won right to seek justice for human rights violations is under renewed attack,” said Muthoni Wanyeki, Amnesty International’s Regional Director for East Africa, the Horn and the Great Lakes. “The Independent Policing Oversight Authority must initiate and lead prompt, independent, impartial and effective investigations into the abduction, enforced disappearance and extrajudicial execution of these three people with a view to bringing criminal charges against all those reasonably suspected of responsibility.”

The bodies of Willie Kimani, who was employed by International Justice Mission, a Christian legal aid charity, his client Josphat Mwendwa, a motorcycle taxi rider, and Joseph Muiruri, a taxi driver, were recovered on June 30, 2016 from Ol Donyo Sabuk River in Machakos County, eastern Kenya, a week after the three went missing in circumstances suggesting they were victims of enforced disappearance. Initial reports immediately suggested that Administration Police (AP) officers, one of whom Mwendwa was defending himself against in court that day, may have abducted them.

The three were last seen as they left Mavoko Law Courts, in Machakos County, on June 23, 2016 where they had attended a hearing of a traffic case against Mwendwa. Police officers from Syokimau AP Camp preferred traffic charges against Mwendwa in December 2015, months after he had lodged a complaint with IPOA against a senior officer at the camp who had illegally shot him in April 2015 as he dismounted a motorcycle after the officers had waved him down to stop. Human rights organisations in Kenya have evidence indicating the three men were briefly held at Syokimau AP Camp soon after they were abducted. The men’s whereabouts after that remained unknown until their bodies were recovered seven days later.

“That these killings are coming before numerous similar allegations in other parts of the country have been adequately investigated is a matter of serious concern of the willingness of the Kenyan authorities to stem cases police killings,” said Henry Maina, regional director at Article 19, Eastern Africa. “President Kenyatta must take decisive steps to assure Kenyans and the international community that the government is serious about addressing police killings.”

The Kenyan agencies responsible for investigations, including IPOA and police should ensure that all those reasonably linked to the killings are investigated and all available evidence properly preserved to ensure the credibility of the investigations, the organizations said.

“A transparent process of investigating and prosecuting those responsible is what is now needed to reassure shocked Kenyans of their safety and restore their faith in the national police,” said Kamau Ngugi, National Coordinator at Kenya’s National Coalition of Human Rights Defenders. “That a lawyer working for an international organisation and his client could be abducted and disappeared in broad-day light only to be found dead is a matter that cannot be taken lightly.”

It is, however, encouraging to note that in the early hours of July 1, before news of the bodies being found was publicly known, Inspector-General of Police Joseph Boinett ordered the arrest of three AP officers attached to the Syokimau AP Camp and further directed that all their colleagues at the camp be questioned about the disappearances.

On July 2, the Inspector General said three officers – Frederick Leliman, Stephen Chebulet and Sylvia Wanjiku – were being held over offences relating to the killings.

“The Inspector General should now clarify whether the AP officer accused of shooting Mwendwa in April 2015 is one of those under arrest,” said Otsieno Namwaya, Africa Researcher at Human Rights Watch. “It cannot be business as usual when cases of police killings are emerging from many parts of the country each year. The government should urgently conduct a thorough investigation to ensure that perpetrators are held accountable and that these killings stop.”

These outrageous crimes should not only be the concern of the police and IPOA, but should be addressed by all levels of Kenya’s leadership, including the national assembly and the head of state.

“The killing of these three young Kenyans in cold blood should concern President Uhuru Kenyatta,” said George Kegoro, Executive Director of the Kenya Human Rights Commission. “The head of state must immediately institute a full judicial commission of inquiry into the appropriation and misuse of the institution of the police and its resources for personal and criminal ends including, as in this case, extrajudicial killings.”

Kenya’s international partners - in particular Sweden, the UK and USA - that are currently providing financial support to the Kenya police units implicated in extrajudicial killings, should urge Kenyan authorities to ensure effective investigations into these killings and prosecution of those responsible. Supporting Kenyan security agencies without insisting on accountability for human rights violations makes donor countries complicit in those violations.

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Signed hereunder:

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