
THE REPUBLIC OF KENYA

‘The Cry of Blood’

**Report on Extra-Judicial Killings
and Disappearances**



Kenya National Commission on Human Rights

September 2008

TABLE OF CONTENTS

Chapter One

1. Background3
2. Methodology.....4
3. Summary of key findings.....4
4. Key Recommendations.....6

Chapter Two

5. Details of findings of alleged executions, torture and other violations
 - Eyewitness Accounts.....9
 - Other Mysterious Deaths and Disappearances.....38

Chapter Three

6. Suspects released after intervention by the KNCHR and relatives52

Chapter Four

- Extracts from mortuaries' records.....62
- The Killing Fields.....67

Chapter Five

- Adversely mentioned officers.....75
7. Annex 1 – Background of Mungiki Movement
 8. Annex 2 – Sample Pictures of Victims
 9. Annex 3 – List of Disappearances and Executions
 10. Annex 4 – Post Mortem Reports
 11. Annex 5 – Mortuary Records



CHAPTER ONE

BACKGROUND TO THE INVESTIGATIONS

1. The Kenya National Commission on Human Rights (KNCHR) has, since July 2007, been investigating complaints in respect of alleged executions and disappearance of persons attributed to the Kenya Police.
2. Pursuant thereto, on 5/11/07, the KNCHR released a preliminary report indicating that the Kenya Police could have been complicit in extra-judicial executions of close to 500 people between June and October 2007 and the bodies deposited in various mortuaries in the country, some left in the wild and others dumped in various locations such as forests, desolate farms, rivers and dams.
3. This report was transmitted to the President of the Republic of Kenya H.E. Mwai Kibaki and made available to all the relevant Government departments asking that the concerned authorities act on its findings. The KNCHR was therefore surprised that instead of acknowledging the gravity of the issues raised in the report, the Police Commissioner, Maj. General Hussein Ali reacted by calling the KNCHR a meaningless busybody which had engaged in baseless accusations against the police and further accused the KNCHR of lacking expertise in carrying out investigations. The Police Commissioner also challenged the KNCHR to “provide any evidence to these rather infantile accusations”. Subsequently, the Kenya Police issued its official rejoinder to the KNCHR report. The Police rejoinder does not deny the fact of the deaths but merely states that inquest files have been opened.
4. Be that as it may, the KNCHR proceeded with further investigations to complete its report and the ensuing findings confirm the substance of the preliminary report and reveal egregious violations of the law and fundamental human rights by the Kenya police in dealing with suspected Mungiki members and other alleged criminals.
5. While the KNCHR in no way condones the atrocities attributed to Mungiki and other illegal gangs (see Annex 1 for a background on the Mungiki Movement), it condemns the use of extra-judicial killing of suspected members as a strategy to deal with the illegal group. Methods attributed to the Police and chronicled in this report amount to a serious violation of human



rights especially the right to life and the right to a fair trial before a court of law.

6. The KNCHR continues to receive an alarming number of complaints of ongoing disappearances and extra-judicial killings attributed to the police and urges the government to urgently intervene to stop these human rights violations.

METHODOLOGY

7. KNCHR placed an advert on 22/10/07 in both print and electronic media calling on relatives of missing victims and other Kenyans with relevant information to come forward and record statements. As a result, KNCHR received over three hundred petitions from various sources including relatives of persons who have either disappeared or been found dead after they were arrested by people alleged to be police officers attached to the 'Kwekwe squad' and other specialized police units. **Refer to Annex 3**
8. The KNCHR also conducted visits to numerous mortuaries that included Nairobi City Mortuary, Naivasha District Hospital Mortuary, Nanyuki District Hospital Mortuary, Machakos District Hospital Mortuary, Nakuru Provincial Hospital Mortuary, Nakuru Municipal Mortuary, Nyeri Provincial Hospital Mortuary, Karatina District Hospital Mortuary, Murang'a District Hospital Mortuary, Kerugoya District Hospital Mortuary and Naivasha District Hospital Mortuary.
9. Fact-finding visits were conducted to various locations across the country after receiving information that dead bodies had been discovered. The locations included Ngong, Magadi, Kiserian, Kangudo, Karura, Kieni forest, Nanyuki, Suswa and Athi River.
10. Given the apparent complicity and hence reluctance by the police to investigate this matter, the KNCHR will be seeking intervention from the Office of the High Commissioner for Human Rights, the UN Special Rapporteur on Extra-Judicial Executions and other specialized agencies within the United Nations to fully investigate these allegations.

SUMMARY OF KEY FINDINGS

11. Some of the key findings drawn from the KNCHR's investigations are:
 - a) That the evidence gathered by the KNCHR establishes patterns of conduct by the Kenya Police that may constitute crimes against humanity.



- b) That extra-judicial executions and other brutal acts of extreme cruelty have been perpetrated by the Police against so-called Mungiki adherents and that these acts may have been committed pursuant to official policy sanctioned by the political leadership, the Police Commissioner and top police commanders.
- c) That whereas initially the police mainly used firearms to execute the suspects, they subsequently changed their *modus operandi* and have since been using such methods as strangulation, drowning, mutilation and bludgeoning. The change of strategy was to make members of the public believe that rival Mungiki gangs are responsible for the killings. As such, the cause of death for majority of the latest victims has been blunt trauma, strangulation, drowning or mutilation using sharp objects as illustrated by post-mortem reports attached hereinafter (**Refer to Annex 4**). Several witnesses told the KNCHR that the killer squads carry machetes, iron bars, ropes and other crude weapons in their vehicles.
- d) That the police spokesperson Mr. Eric Kiraithe has on several occasions attributed the wave of killings to rival Mungiki gangs. He claims that there is a schism within the Mungiki movement pitting Maina Njenga and Ndura Waruinge. This may be a ploy to divert public attention and conceal the grotesque illegal conduct of the police.
- e) That the disappearances and extra-judicial killings heightened following public statements made by top government officials suggesting an official policy to ruthlessly deal with suspected Mungiki members and other criminals. During Madaraka day celebrations on June 1, 2007, President Mwai Kibaki warned that Mungiki sect members should expect no mercy. Two days later, on June 3, 2007, about three hundred suspected Mungiki members were arrested and at least twenty killed when they were reportedly caught administering oaths to recruits. After this incident, Michuki publicly remarked that ***'Tutawanyorosha na tutawamaliza. Hata wenye wameshikwa kwa kuhusiana na mauaji ya hivi majuzi, siwezi nikakwambia wako wapi leo. Nyinyi tu mtakuwa mkisikia mazishi ya fulani ni ya kesho. (We will pulverize and finish them off. Even those arrested over the recent killings, I cannot tell you where they are today. What you will certainly hear is that so and so's burial is tomorrow)***.
- f) That on 20/9/07, the then Minister for Foreign Affairs Hon Raphael Tuju, during the 'Loius Otieno Live' program on Citizen TV, said that ***'For the past few months, up to 400 people were killed because they were***



Mungiki'. The KNCHR is in possession of the TV clip of Minister Tuju making the admission, which was transmitted live.

- g) That these acts were ordered, directed or coordinated by the top leadership of the Kenya Police acting jointly with a common purpose.
- h) That by the time of compiling this report, the KNCHR had compiled at least ***three hundred*** names of persons who have either been killed or disappeared. Additionally, there are at least ***two hundred*** other persons whose identity the KNCHR was unable to establish since they were merely booked in mortuaries as unknown. Many of these bodies were subsequently disposed by the respective mortuary authorities after they remained unclaimed by their relatives for long.
- i) That the KNCHR continues to receive complaints from families of persons who have disappeared including allegations of people arrested by police and who have not been heard of since the date of arrest or where persons arrested by police have later turned up dead in mortuaries.
- j) That the Kenya Police appears responsible for the abduction and killing of Kimani Ruo who was arrested outside Nairobi Law Courts in June 2007 moments after he was acquitted by the court for charges of being a member of Mungiki.
- k) That the police may be involved in an extortion racket where they arrest individuals and demand for money from their relatives to secure their release. The KNCHR has successfully intervened on a number of occasions and secured the release of individuals held by the police.

KEY RECOMMENDATIONS

- a) A formal inquiry be instituted into the role of police officers implicated with regard to the regime of apparent torture and extra judicial executions. The KNCHR wishes to remind the Government that the prohibition against torture and other cruel, inhumane and degrading treatment is non-derogable, and that the Government must act to stop the torture and killing of suspects allegedly involved in Mungiki and /or violent criminal activities, and hold perpetrators to account.
- b) The KNCHR recommends under Section 25 of the KNCHR Act that the Attorney General institute impartial investigations into these allegations to secure credible investigations.



- c) Given that the substance of this report points to the Police as the organ responsible for the violations enumerated, institution of impartial and credible investigations into these allegations is paramount since obviously, the Police cannot be the juror, prosecutor, judge and executioner in their own case. The KNCHR also expects that the resultant findings from this inquiry will be made public.
- d) The KNCHR calls on the Government to take responsibility for preventing further violence in the country and demonstrate a commitment to the rule of law which ensures the respect for human rights in combating crime.
- e) Parliament should urgently review all legislation touching on the Kenya Police and other security sector agencies to ensure that they are guided by law and their actions do not trample underfoot civil liberties in the name of maintaining law and order. KNCHR calls for total reform of the Kenya Police Force. Further, the KNCHR welcomes the newly established Police Oversight Board whose mandate is to receive and evaluate complaints against the police.
- f) Parliament should urgently enact legislation de-linking the investigation function of the Police from that of prosecution, which is and should be the preserve of the Attorney General. As this report reveals, the police should not be investigators and prosecutors particularly given the numerous opportunities for collecting rents that this entails.
- g) These allegations are especially serious since they would constitute Crimes against Humanity given their widespread and systematic nature. Crimes against humanity' have been defined under the International Criminal Court (ICC) statute as *“any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*
 - (a) *Murder,*
 - (b) *extermination...,*
 - (f) *Torture...,*
 - (h) *persecution against any identifiable group...*
 - (i) *Enforced disappearance of persons...*
 - (k) *Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health”*



- h) As such and based on the dictates of natural justice, the principles of the rule of law and Kenya's obligations under the regime of international and domestic law, the following obligations arise for the Government of the Kenya:
- The Government must put measures in place to stop further executions and disappearances and assure the citizens of Kenya of their security.
 - That the complaints of alleged executions, disappearances, torture and ill-treatment-which constitute Crimes against Humanity-be dealt with in a manner which ensures that those who have allegedly suffered have a genuine opportunity to register their complaints for official action and redress without fear or victimization.
 - Prompt, impartial and effective investigation of the complaints be undertaken by the newly established Police Oversight Board.
 - Should investigations establish that State sponsored executions and disappearances have occurred, then those personally responsible be identified and brought to justice and adequate reparations be granted to the victims and/or families of the deceased.
- i) The KNCHR continues to call on Kenyans whose acquaintances and /or relatives have gone missing to come forward for purposes of establishing the number of persons who still cannot be accounted for.



CHAPTER TWO

DETAILS OF FINDINGS OF ALLEGED EXECUTIONS, TORTURE AND OTHER VIOLATIONS

EYEWITNESS ACCOUNTS

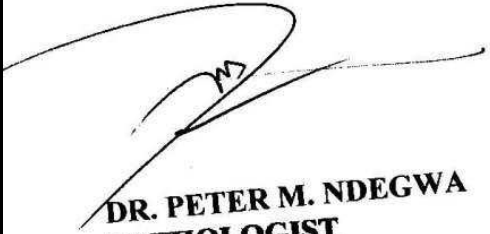
12. The KNCHR has since July 2007, received witness testimonies where relatives, friends of the victims as well as independent witnesses gave accounts of arrests by police officers known to them or others seen driving police vehicles. Witness accounts indicate that soon after the arrests, some the victims disappear without a trace while others are found dead in mortuaries. The KNCHR has documented these accounts from the witnesses as enumerated below:
13. **Benson Mwangi Waraga** (55 years) a tailor along River Road, Nairobi was found dead at City mortuary on 19/5/07, two days after he was arrested by police after a shoot-out near his workplace. The shoot-out between the police and gangsters occurred on 17/5/07 at around 1.00 pm during which three alleged gangsters and a police officer were killed. The incident was prominently covered in both electronic and print media and Mwangi was captured being bundled into the police vehicle (see below). Two eyewitnesses to the incident recorded their statements with KNCHR. They gave an account of how, while working in the deceased tailoring shop in River Road, Githaku House, policemen raided their building at around 2.30pm on 1/5/07. The said police were allegedly looking for thieves in the building .One of the police officers ordered the two eyewitnesses and the deceased to lie down and after about 15 minutes, the three were bundled in a police Land Rover where 15 other suspects had already been bundled. The group was taken to Kamukunji Police Station and was counted to be 18 in number. The eyewitnesses further report that while awaiting to be booked at the Occurrence Book,(which they eventually were not), Waraga was ordered by one of the policemen to report to the Crime Office upstairs. The rest were released the following day, 18/5/07. The KNCHR further received reports from Waraga's family that upon receiving the report of his arrest, Waraga's brother



went to Kamukunji Police Station on 19/5/07 to see him but he was denied access since it was after 6.00 pm. The next day at 9.00 am, he went back to Kamukunji police station but could not trace Waraga. Together with other family members, they fruitlessly searched for him in all police stations within Nairobi. The following day (19/5/07), they went to City Mortuary where they found Mwangi's body. Attendants at the mortuary told the relatives that the deceased was brought by officers from Parklands police station having been shot as he was running away at City Park. A postmortem conducted by Dr. Peter Ndegwa revealed that Mwangi died of '*multiple organ injuries due to multiple gunshot wounds*'. According to the pathologist, '*the fatal bullets were shot from behind. The victim must have been about 20 cm from his attacker. He also seems to have been on the move (e.g. the bullet traveling parallel to the femur). The other gunshot on the leg seems to have been shot at a closer range and from the front. Could he have been shot once and asked to run?*' (see below).

CAUSE OF DEATH
From this examination, the cause of death to the late Benson Mwangi Waraga was **multiple organ injuries due to multiple gunshots.**

COMMENT:
The fatal bullets were shot from behind. The victim must have been about more than 20 cm from his attacker. He also seems to have been on the move (e.g. the bullet travelling parallel to the femur). The other gunshot on the leg seems to have been shot at a closer range and from the front. Could he have been shot once and then asked to run? This and other questions need be answered by investigating the circumstances of this bizarre shooting. The bullets are available for ballistics.


DR. PETER M. NDEGWA
PATHOLOGIST

May 28, 2007



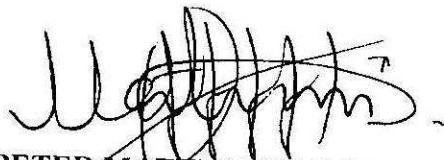
Benson Mwangi Waraga being bundled into a police vehicle on 17/5/07

14. **Festus Gikonyo** who operated a mobile phone-repair shop along River Road was found dead in City Mortuary on 22/5/07, five days after he was arrested by police after a shoot-out with gangsters near his business premises. According to family members and eyewitnesses, Gikonyo was working at his shop on 17/5/07, when a shoot-out between police and suspected gangsters occurred in an adjacent building. In the ensuing melee, three people including a police officer were shot-dead. Scores of heavily armed police

officers arrived and began arresting people indiscriminately. Gikonyo was bundled in a police land rover and taken to Kamukunji Police Station. Gikonyo called his employee (using mobile telephone number 0721 345 003) and told him to take his (Gikonyo's) mobile phone to Kamukunji Police station. When the employee took the phone, he could not trace Gikonyo's name in the Occurrence Book. He called the number that Gikonyo had earlier used to contact him but received a rude reply. Attempts by family members and friends to trace him in other police stations were fruitless. On 22/5/07, Gikonyo's body was found in City Mortuary with bullet wounds. The KNCHR later learnt that Gikonyo was arrested together with Benson Mwangi Waraga (see profile above). A postmortem conducted by Dr. Peter Maturi revealed that Gikonyo died of '*head injury due to gunshot wounds*'.

Cause of death

The postmortem features indicate that this is a case of **Head Injury due to Gunshot wounds**



DR PETER MATURI MWAMBA

PATHOLOGIST

15. **Joseph Kimani Ruo** had been arrested together with Maina Njenga , on suspicion of being members of the outlawed Mungiki sect. On 21/6/07, the two were arraigned at the High Court in Nairobi for delivery of judgment of their case. A friend to Kimani Ruo recorded a statement with the KNCHR and gave an account of what transpired on the day when Ruo disappeared. The witness had attended court on the said date and confirms that Ruo was acquitted of all the charges against him at about noon. As he stepped outside, he met a group of police officers in plainclothes who waylaid him. Kimani then whispered to the eyewitness that one of the officers was from the CID department and was known to him as **Njoroge**. Ruo then informed the eyewitness that he had to go for an urgent meeting with the said police officers and as such, he would have to switch off his mobile phone. Since then,

the family has not seen him. They reported the matter to various police stations with no much success. Kimani Ruo had not been found as at the time of compiling this report on 11/7/08. The KNCHR was able to obtain video clips and photos taken by media houses on the arrest of Kimani Ruo, and the eyewitness was able to positively identify the said CID officer Cpl. Njoroge, who was last seen with Ruo outside the law courts.



Kimani Ruo (right) and Maina Njenga during the case ruling.



Kimani Ruo moments after his acquittal



Corporal John Njoroge (left) with Kimani Ruo moments before Ruo disappeared



Kimani surrounded by a contingent of plain cloth police officers moments before his disappearance. Cpl Njoroge is on the far left.

16. **Macharia Kirubi** disappeared on 18/10/07 after he was reportedly arrested by officers of the *Kwekwe* anti-Mungiki police squad (said to be a Special Crime Unit mandated to curb the Mungiki movement). His mother stated that she received a telephone call from a relative on that day informing her that her son had been arrested by police at Savanna estate. The following day she traveled to Nairobi to see the informer to give her more information about the incident. He told her that one of the boys from Kayole informed him that Kirubi had been arrested by officers from the *Kwekwe* squad and advised her to look for her son at Buruburu police station. She did not find her son at Buruburu police station and therefore embarked on searching in other police stations like Embakasi, Kayole, Makongeni, and CID headquarters. One of the officers at Makongeni police station informed her that the *Kwekwe* squad does not book people and advised her to go and inquire from their office behind Integrity Centre. Her brother-in-law visited the office but her son's name was not appearing in the list. The matter was reported at Kayole Police station *vide* OB/51/20/10/07. On 1/11/07, she reported the matter to Kenya Human Rights

Commission who then sent her together with her sister in-law to the police spokesperson. They gave the spokesperson her son's full names, his photograph and number plate of a vehicle GK A850G which the spokesperson confirmed that it belonged to Central police station. Her sister in-law went back to the police spokesperson and gave him more number plates of the vehicles that were seen at the scene of arrest; KAY 285L and KAN 403T. Her sister in-law informed the police spokesperson that she had received information that police had been looking for Macharia Kirubi and sort advise on the same but the spokesperson did not assist her. The petitioner reported the matter to the KNCHR on the 6/11/07. Kirubi was still missing at the time of compiling this report on 11/7/08.

17. **David Muiruri Muchoki** disappeared on 27/11/07 after he was arrested by three police officers at Lunga Lunga. He hails from Murang'a District, Kamahoha location. According to his business partner, they had gone to Gikomba market to buy shoes for hawking at Lunga Lunga area. On their way back from Gikomba and as they were alighting from the Matatu, David was arrested by some three un-uniformed police officers. The business partner called David's sister on her mobile phone .The sister called David's wife and the two started following the said officers who were on foot. According to the sister, the policemen had handcuffed David and on realizing that they were being followed by the relatives, the policemen boarded a Matatu that was heading to town .The two relatives boarded another Matatu to follow them. The sister says that they decided to alight at the Makongeni police station in the belief that the policemen could have taken David to the nearest station. They checked for David's name at the Occurrence Book but it was not there. The sister says she positively identified the police officers who arrested his brother, as they are notorious officers in the Eastlands area, known to harass members of the public. She states one of the officers' nicknamed '**OTT**', lives in Makongeni police lines. The other one is commonly known as '**Foiyo**'. He is bald at the front of the head and has a missing upper front tooth. The third one is known as '**Masha**' and he walks with a limp. David was still missing at the time of compiling this report on 11/7/08.

18. **Joseph Kagata Kamau**, a Matatu tout disappeared on 5/10/07 after he was arrested by police officers at Muthurwa. According to his sister, Kagata was initially arrested for failing to dress in appropriate uniform for Matatu conductors. At the time of arrest, she was with Kagata at Muthurwa Market.



She tried following the vehicle to know which police station the brother was taken but she could not. She later on called her brother's cellphone, which was answered by one of the police officers, who sternly warned her that her brother is a member of the outlawed Mungiki and that she should not call the number again. She has visited several police stations and mortuaries but she has not been able to locate her brother. He was still missing at the time of compiling this report on 11/7/08

19. **Mark Mwenesi** was shot dead by police on 15/7/07 for undisclosed reasons. His mother was informed by her late son's colleagues that on the fateful day some administration police from Kayole came to where they were seated at Masimba stage and called the deceased to the stage. Two police motor vehicles came to the scene and they started dragging the deceased aside. The deceased is said to have began shouting that he is neither a thief nor a Mungiki adherent. The police shot in the air and then shot him twice in the head and hands. There is an inquest file No PP 2232/07 opened by the police. Mwenesi's mother reported the matter at Kayole police station vide OB No. 57/18/7/07. The deceased was a director and founder of a local CBO, Youth Empowerment Centre based in Kayole and was a facilitator with World Vision. The vehicle registration number that ferried the police officers to the scene of killing is GKA401H and marked Kayole police station.

20. **Geoffrey Kung'u** who sold shoes for a living disappeared on 8/10/07 at



around 11.00 am after he had met his wife at the Country Bus Station, Nairobi. According to the wife, Kung'u was going to buy shoes then leave for upcountry (Murang'a) on the same day. A few minutes later, the wife tried calling him severally but the phone went unanswered. At around 5:00 pm, she called again but the phone was switched off. The next day, the wife went to several police stations including Kamukunji, Shauri Moyo,

Makongeni and Central to no avail. On Wednesday, she went to the Industrial Area prison with no success. On Thursday and Friday she went to search for him in Langata and Ruai police stations still with no success. On Friday the 12th of October 2007, while watching news on KTN at 7:00 pm, she identified all the items and clothing belonging to her husband, more specifically his green jacket with patches of white and orange (see below) which had been

discovered earlier in the day by officers of the KNCHR who were accompanied by the media to Kiserian after some bodies had been spotted by area residents. She told the KNCHR that Kung'u had previously been arrested twice by the Kwekwe police squad on accusation of being a member of the illegal "Mungiki" sect. Upon the first arrest, Kung'u paid Kshs 2,000 to secure his release after the arresting officers threatened to kill him. He was reportedly arrested for the second time on 7/9/07 and taken to Makongeni Police station. When she went to visit him, a Kamba officer identified only as a **Mr. Muli** and another one called **Peter** asked for Kshs. 10,000 in exchange for his release or else they would kill him. She pleaded with the police to give her time to mobilize the money, which she brought on 9/9/07 securing his release. A postmortem on the remains of Kung'u was conducted on 24/10/07 at the City Mortuary. The body had significantly been gnawed by predators. The whole left leg was missing from the hip-joint. All the muscle and tissue of the right lower limb and all abdominal organs were missing leaving bare bones and some ligaments. According to the pathologist, the cause of death was 'severe head injury due to double gunshots to the head. These gunshots were fired at very close range suggesting execution'.

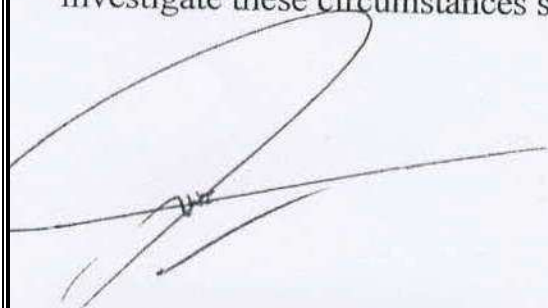




From this examination, the cause of death to the late **Geoffrey Kung'u** was **severe head injury due to double gunshots to the head.**

COMMENTS:

These gunshots were fired at very close-range. This amounts to an execution. The circumstances of this death are unclear. It is imperative to investigate these circumstances so as to establish the manner of this death.



DR. PETER M. NDEGWA
PATHOLOGIST

October 29, 2007

21. **Joseph Waweru Mbugua** disappeared on 4/10/07 and his blood-stained clothes later found in a forest in Kiserian, Ngong Division. He worked in



Kayole as a housing agent. According to his wife, Waweru left his house in Nderi, Kikuyu for his rural home in Muranga where he was to pay for some ongoing construction. He had Kshs.15,000. At around 11.00a.m, she tried reaching Waweru on phone but it been switched off. She called the rural home but Waweru had not arrived. The following morning, she went to the Muranga bus top in Nairobi where she was told by the Matatu operators that someone wearing the clothes that she described was arrested by police near the

bus station. They became worried and began searching for him police stations, hospitals and mortuaries but could not trace him. The family read on the local dailies that the Kenya National Commission on Human Rights had

discovered clothes of people believed to be dead in Kiserian area and came to the Commission to confirm if some of the clothes belonged to him. The family positively identified the clothing as belonging to Joseph .He had last worn a white jacket with a 'LOTTO' label, a brown belt, a pair of dark trousers, which were all discovered, covered with bloodstains (see below). The body had been however been devoured by wild animals. Joseph had previously expressed fears about his life and he said members of the Kwekwe squad had been threatening him for no reason.



22. **Daniel Mutahi** and **Patrick Mwangi** disappeared on 17/10/07. On the fateful day, Mutahi had left her sister's home in Dandora at 3.00 p.m. He was last seen by a Githurai route Matatu driver who witnessed his arrest by policemen riding on motor vehicle Registration Number, KAM 294R, white in colour. He was apprehended together with a conductor called Patrick Mwangi (see profile below). This was the last time Daniel and Mwangi were seen. Previously in early July, Daniel and Patrick were arrested by police officers on allegation of being in possession of a stolen motor vehicle. They were reportedly detained at Parklands, Shauri Moyo, Nakuru and Thika police stations but they were later released after paying Kshs.150,000 to the police. On the 18/9/07, Daniel was yet again allegedly arrested by the same policemen on a charge of robbery with violence. He was taken to Karen and Shauri Moyo police stations but was released after he gave Kshs. 30,000/-. The two were still missing at the time of compiling this report on 11/7/08.
23. **Patrick Mwangi**, a conductor of a Matatu along Route 45 Githurai, disappeared on 17/10/07. On the day he went missing, he was standing at Githurai 44 stage waiting for his driver to come pick him as he was from lunch. Suddenly persons who identified themselves as policemen arrested him together with another man known as Daniel Mutahi (see profile above) and took them away in a small white personal vehicle registration number KAM 294R. The driver together with his father fruitlessly searched for him in several police stations and mortuaries. The matter was reported to Kasarani police station. He was still missing at the time of compiling this report on 11/7/08.
24. **Titus Nyamu** and **David Kiarie Ngugi** were found dead at City mortuary after they were arrested by police on 25/9/07. The KNCHR received a petition via a phone call on 25/9/07 from a relative to Nyamu stating that Titus Nyamu, together with three others, had been arrested by Kwekwe squad while taking lunch at Burma market and taken to Shauri Moyo police station. The KNCHR advised the petitioner to confirm that the four had actually been taken to Shauri Moyo police station. The petitioner called shortly after to confirm that the four had been put in the trunks of two motor vehicles, registration numbers **KAT 210H** and **KAX 335X**. They were tied with ropes with their hands on the back. The four had not been booked at the Occurrence Book. The four were reportedly driven out of the police station aboard the said vehicles. The four persons went missing and on 28/10/07, their bullet-riddled



bodies were found at the City Mortuary. According to the police, the deceased were gunned down by police within Dandora area. One other body was identified to be that of David Kiarie Ngugi. A postmortem conducted on the late Nyamu on 31/10/07 revealed that he died of *'severe head injury due to close contact gunshots. The evidence of torture using blunt objects was a very significant finding.'*

25. **John Mungai Kamande** was found dead at city mortuary on 5/11/07, three days after he was arrested by police officers along Moi Avenue, Nairobi.



According to an eyewitness who was with the deceased on 2/11/07 at 12.00 noon at the Ambassador Hotel bus stop within the City Centre, persons believed to be plain clothes policemen arrested Mungai and three other people. The witness informed the family members immediately and they began searching for Mungai in all police stations. On 4/11/07, the family members decided to try searching for Mungai in Mortuaries because they could not trace him in the police stations. They

started with City Mortuary where they were told to return the following day. Upon return, they found Mungai's bullet-riddled body. The Mortuary attendants informed them that Mungai's and two other bodies were brought on the night of 2/11/07 by police officers from Central Police station. A postmortem conducted on 15/11/07 revealed that Mungai died of *'exsanguination due to multiple organ injuries by multiple contact gunshot wounds'*

- Various soft tissues gunshot injuries,
- Gunshots to the head.

CAUSE OF DEATH

From this examination, the cause of death to the late John Mungai Kamande was **exsanguinations due to multiple organ injuries by multiple contact gunshot wounds.**

COMMENT

The gunshot wounds were all inflicted at a contact range. They all seem to have been shot from the back. The attacker seems to have been at a higher level than the accused. The gunshots were too many. This makes it an execution. The circumstances of the shooting need to be investigated.

**DR. PETER M. NDEGWA
PATHOLOGIST**

26. **Anthony Kimotho and Obadiah Muchai Rugiri** who are brothers were found dead in Naivasha mortuary after they were arrested by police on 14/10/07. On 15/11/07, the KNCHR received a petition from the father to the deceased persons in respect of the matter. According to the father, his two sons were residing in Naivasha. He stated that on the morning of 14/10/07, at around 4.00 am, police from Naivasha police station invaded their home. They took away some electronics and money before taking them (Kimotho, his wife and Muchai) to Naivasha Police Station where they were booked. The following day 15/11/07, Kimotho's wife, Ann, was arraigned in Court where she was charged with trading in illicit brew. She was fined Ksh.10, 000 and released upon payment. On enquiring on the whereabouts of her husband and his brother, the Officer in Charge (OCS) reportedly informed her that the two had been released on 15/11/07 and she was reportedly shown the Occurrence Book (OB) indicating that they had been released at 11.20 am. It is the evidence of the father that since then, the two brothers could not be traced and upon searching for them, they were found at the Naivasha District Mortuary with gunshot wounds. Their bodies were booked in the mortuary on 19/10/07 together with another body which had not been identified as at 16/11/07. The father complained of frustrations by police who allegedly



demanded Ksh.30,000 in order for them to clear the two bodies for postmortem and burial. On intervention and support of the KNCHR a postmortem on both bodies was conducted on 16/11/07. Both died of 'exsanguination due to multiple organ injuries by multiple contact gunshot wounds'.

CAUSE OF DEATH

From this examination, the cause of death to the late **Obadiah Muchai Rugiri** was **exsanguination due to multiple organ injuries by multiple close range gunshot wounds.**

COMMENT

The gunshot wounds were all inflicted at a close range. They all seem to have been shot from the back. The gunshots were too many. The circumstances of the shooting need to be investigated.


DR. PETER M. NDEGWA
PATHOLOGIST


DR. PETER M. NDEGWA
PATHOLOGIST
November 20, 2007

CAUSE OF DEATH

From this examination, the cause of death to the late **Anthony Kimotho Rugiri** was **exsanguination due to multiple organ injuries by multiple contact gunshot wounds.**

COMMENT

The gunshot wounds were all inflicted at a close range. They all seem to have been shot from front. The gunshots were too many. This makes it an execution. The circumstances of the shooting need to be investigated.


DR. PETER M. NDEGWA
PATHOLOGIST


DR. PETER M. NDEGWA
PATHOLOGIST
November 20, 2007



27. **Jamleck Maina**, a Matatu driver on route 17 was reportedly arrested by officers attached to the Kwekwe squad on Monday, 26/11/07. According to his wife, Maina was at home (in Kayole estate) on the material day at around 8.00 am where they were making funeral arrangements for her late mother. Shortly Maina's friend telephoned him to go and pick a donation towards the funeral. Maina left immediately promising to return soon but he did not. At around 2.30 pm, the wife severally attempted to call Maina but the cellphone would be disconnected immediately. Maina's cellphone then went off. On Tuesday at around 6.30 pm, someone called the wife with a concealed number but the caller did not speak when she picked the phone. A friend to Maina later informed the wife that he saw Maina on Monday 26/11/07 at about 3.30 pm in a white Toyota G-Touring vehicle. Upon inquiry at the Kariobangi Bus Stage, the friend was told that Maina had been arrested by the Kwekwe police squad. The wife went to Pangani, Buruburu, Shauri Moyo and Makongeni police stations but did not trace him. The wife further reported that Maina had previously (in July) been arrested by a Kwekwe police squad officer only identified as '**Foiyo**'. He was taken to Umoja Chief's camp from where Foiyo called the wife and demanded Kshs. 25,000 or else he would kill Maina. The family took the money and secured Maina's release. Foiyo was with another officer only referred to as **Bob**. In August, Maina went missing for three days. The same Foiyo called his wife and demanded Kshs.60,000 for his release which she was to take to Umoja Chief's camp where Maina was being held. The wife took Kshs 20,000 which Foiyo declined and threatened to kill Maina. The wife refused to leave and began weeping and screaming forcing Foiyo to accept the Kshs 20,000 in exchange for Maina's release. The wife also stated that on 22/11/07, Maina had to run away after Foiyo trailed him while on his way home. His whereabouts were unknown at the time of compiling this report on 11/7/08.

28. **Kagunda wa Mbui** (45 years), a mason died on 2/5/08 after he was brutally beaten by GSU officers on suspicion of being a member of the outlawed Mungiki sect. Kagunda who lives in Kayole was arrested at around 10.00 am, a



few meters from his residence while on his way to work. The arresting officers were conducting patrols as part of the ongoing crackdown on the outlawed sect. According to eyewitnesses, the officers arrested him after spotting his dreadlocks associated with Mungiki. They demanded that he shave the dreadlocks but he denied being a Mungiki member. He told them that he is a member of the Thaaai Spiritual Movement, which spots dreadlocks as part of their faith and hence he could not shave. They severely beat him in turns for about three hours with wooden bars, gun butts, and kicks. They then dragged him to their truck since he could not walk. They further beat him for several minutes and then bundled him into the truck where he lay prone amidst further beatings. They took him to Kayole police station where the duty officers refused to book him due to his sickly condition. The GSU reportedly put him back to the truck and took him to a barbershop in Soweto esate where they had him forcefully shaven. The police then bought paraffin from a nearby kiosk and burnt the hair. They then frog-marched him and dumped him a few meters way and drove off. The eyewitnesses went and informed his wife Beth Wanja who came and carried Kagunda home with the assistance of some good Samaritans. While at home, he asked for a glass of milk which he was unable to drink due to the pain. The wife called the neighbours to assist her take him to hospital but he died at the gate. This was at around 7.30 pm. The wife, the son, and the deceased brother went to report the matter to Soweto police post. The scene-of-crime officers arrived at around 1.00 a.m, took photographs of the scene and left. A police land cruiser later came to pick the body and around 4.00 a.m. The body was taken to the City Mortuary. The deceased had eight children and was the sole breadwinner. According to the eyewitnesses, many other people were arrested and beaten by the GSU in a similar manner on suspicion of being members of Mungiki. The GSU would flag down matatus and buses and order the passengers out. They would then screen them and isolate some people mainly young men who were then brutally beaten. According to the witnesses, several people died thereafter as a result of the beatings. Their identity is not known.

29. **Peter Maina Wachira, Peter Mwangi Gitau and Julius Irungu Mwangi** were arrested on 30/6/08 during a police crackdown on hawkers at Muthurwa market in Nairobi. It is unclear why the three were arrested in hawking riots yet they are Matatu operators on route



Peter Maina being handcuffed.

19/60, which operate the Nairobi- Kayole vehicles. The pictures of the three were captured in local dailies on 1/7/08 as they were led away in handcuffs by the police. The mutilated bodies of Wachira and Gitau were found at the City mortuary by relatives where they had been booked by the police at 5:40 am on 1/7/08. The deceased were allegedly found dead in Ngong forest. Julius Irungu Mwangi was still missing at the time of compiling this report on 11/7/08. A postmortem conducted on the body of Wachira by Dr. peter Ndegwa revealed that; *'the cause of death was manual strangulation with evidence of torture'*.

CAUSE OF DEATH

From this examination, the cause of death to the late **Peter Maina Wachira** was **manual strangulation with evidence of torture**.

COMMENT

The deceased was strangled and tortured. The manner of death is **Homicide**. The circumstances are unclear and proper investigations are necessary to establish the real motive of this murder.



PATHOLOGIST

9th July, 2008

30. **Kagiri Wachira**, a suspected Mungiki member, was arrested by police on 20/6/08 and taken to Muranga police station on accusation of extortion. The wife went to visit him at the police station together with friends and relatives. The police changed the accusation to murder and refused to book him in the Occurrence Book. Later in the night, Wachira was driven to his house in the outskirts of Muranga town, where they conducted a fruitless search. After the search, Wachira was frog-marched outside his house where he was shot dead by the police who then planted police uniform on the body. His body was taken to Muranga District Hospital Mortuary.

31. **Samuel Gitau Mwangi**, a Matatu driver along route No. 6 (Eastleigh) disappeared on 1/11/07. At the time of his disappearance, he was operating a motor vehicle no. KAK 586C belonging to his father Joram Mwangi who resides in Ithanga in Kakuzi. According to his wife, she waited for her husband up to 11.00 pm and retired to bed with much apprehension because her husband was not in the habit of coming home late without notice. Early the next day, her husband had not reported home and she immediately began the search. She checked at the Eastleigh bus stage from where he used to operate but he was not there. She was directed to a garage in Lunga Lunga stage at a point known as Kijiji. It is at the garage that she received information from the garage owner on the fate of her husband. According to the garage owner, Mungai was in his garage when his phone rang. When he picked the call, he was approached by a group of about four police officers who were apparently the callers. The officers informed him that they were looking for him and ordered him to follow them. Curious to know what was going on, the garage owner followed the officers from a distance and saw them board a Number 33 Matatu heading to town together with the suspect. Attempts to call Mungai's number 0728 746 688 were not successful as the phone had been switched off. The relatives have visited all police stations within Nairobi area with no success. At the *Kwekwe* headquarters (based at the Nairobi Provincial Police Headquarters), an officer told the wife that if the husband was a Mungiki suspect, she should not bother looking for him. He advised her to try City mortuary or the forests. A Search at the City mortuary bore no fruits. Then on Saturday 8/11/07 her neighbour received a call from Mungai's mobile number 0728 746 688. The same was however immediately switched off. After sometime, she noted two other missed calls from the following numbers; 0722 405 271 and 0723 256 179. She suspects these numbers belong to the persons who had called her with Mungai's mobile number. Mungai was still missing at the time of compiling this report on 11/7/08.

32. The case of **Joseph Kang'ethe Kimani**: On the 6/12/07 at about 11.00 am the KNCHR received a telephone complaint from neighbours of one Joseph Kang'ethe Kimani to report that Joseph had been tortured by the police to an extent that he could not walk for allegedly being a member of the Mungiki sect. The KNCHR investigation team left for Buruburu where they picked a contact person who led them to the victim's house in Kayole. They met the victim who they noted could not walk without assistance. The victim had



visible injuries in his shoulders and hands. He talked with a lot of difficulty and looked traumatized. The KNCHR team inquired the cause of his injuries at which point he narrated his ordeal. He stated that a few days prior to the KNCHR's visit, he was picked from his house in Kayole by police officers from the Kwekwe squad for allegedly belonging to the Mungiki sect. He was driven in a police land cruiser vehicle registration number **GK A 715 A** to Buruburu police station where he was not booked in the Occurrence Book (OB). He was instead led to a point next to the police living quarters where his hands were tied behind his back and his tongue strapped with shoelaces. He was then tortured for several hours by the arresting officers. They told him to cause Kshs. 50,000 to be delivered to them or else they would kill him. He called his family who managed to deliver Kshs. 28,000 at which point he was released. The said officers told him to leave the country or else they would kill him. The KNCHR team asked him to accompany them to Buruburu police station. He was at first scared for his life and only agreed to accompany the team to the station after team assured him of his security. At the station, the team sought audience with the OCS who denied knowledge of the case. He told the team that his officers were not involved in such evidently unlawful operations. He did not however deny the possibility that some rogue officers could be engaged in such unlawful activities. The KNCHR team also met the OCPD who instructed the OCS to take witness statements on the case. Several witnesses wrote statements on the case with others raising new allegations of extortion against the police. The KNCHR recorded the matter in OB No. 56 of 6/12/07.

33. **Paul Njuguna, Julius Thiong'o, Martin Kamau, John Ndung'u** are all from Ngurueini village, Gaichanjiru location, Kandara division in Muranga South District. They were arrested by police officers attached to Makuyu police station on 22/1/08. The arrests that took place between midnight and 1.00 am were witnessed by their relatives were conducted by ten police officers using a white Landrover registration KAQ 678M. The wives of the disappeared men were harassed at the time of the arrest with the police claiming that the four were robbers and were wanted to help the police in some investigations. The family members visited Makuyu police station and were informed that the four were not being held there. They further enquired from the District Criminal Investigations Officer (DCIO), a Mr. Mwenda, who admitted that the vehicle in question belonged to the Makuyu C.I.D department but denied that it was used in the said operation. The relatives have unsuccessfully searched for the



four in various prisons, mortuaries and police stations. They were still missing at the time of compiling this report on 11/7/08.

34. On 22/8/07, **Meshack Wainana Kamau**, a farm help in Kanunga and his three other friends who had come to see him at his home were walking along Kanunga – Kiambu road. He was seeing them off. This was at around 6.30 pm. A Public Service Vehicle (PSV) Nissan Matatu (reg. No. KAX 575 K) stopped and two Administration Police (AP) who were allegedly on patrol alighted. They were attached to the Kanunga AP camp. One of the AP ordered Meshack and his friends to lie on the ground. They immediately complied. One of the officers then shot straight at Meshack while he was lying prostrate killing him instantly. Eyewitnesses reported that regular police officers planted a gun on Meshack’s right hand. After citizens protested, the police took the body away in haste. They later alleged that Meshack was in the company of three other gangsters who fled. A postmortem conducted by Dr. Peter Maturi revealed that Meshack died of ‘*severe hemorrhage into the chest cavity due to a single gunshot wound*’.
35. **Jackson Mburu**, a businessman operating a bar at Bondeni village in Mathare, was shot dead by police on 3/6/07 for unknown reasons. On the fateful day, Mburu and a friend Simon went to relax over a beer at a nearby bar known as Mairi. While they were on their third beer, a policeman commonly known as **OTI** came and asked Mburu to accompany him out, to which he obliged. They left chatting with the police officer. About 30 minutes later, Simon was informed that Mburu had been shot dead near the Moi Air Base gate about 200 meters away by the said officer. Simon notified Mburu’s wife and they went to the scene of the shooting. They found that he had been shot thrice in the chest, once on the forehead and once on the neck and the police were barring people from viewing the body. The body was taken to the City mortuary and no known action has been taken against the officer.
36. **John Wachira** (22 years), a sugar cane vendor in Mathare, Kosovo slums was shot dead on 7/6/07 during a crackdown on suspected Mungiki members by the police. Witness accounts indicate that Wachira had already been apprehended by the police and was shot at close-range. A postmortem conducted by Dr. Peter Ndegwa revealed that Wachira died of “*multiple organ injuries following gunshots*”. According to the pathologist “*the fatal*



bullets were shot from the front and at very close range. The number of shots point to a conclusion that this was a summary execution”.

CAUSE OF DEATH

From this examination, the cause of death to the late **John Wachira Mulwa** was **multiple organ injuries following gunshots.**

COMMENT:

The fatal bullets were shot from the front and at very close ranges. The number of shots point to the conclusion that this was a summary execution. The deceased had no option of a life after this high number of bullets was pumped into him. The circumstances of this death beg for investigations to come up with the correct manner of death.



DR. PETER M. NDEGWA
PATHOLOGIST

June 19, 2007

37. Joseph Kyalo Migwi (26 years) a mechanic who resides in Mathare, Kosovo




slums, was shot dead on 7/6/07 during a crackdown on suspected Mungiki members by the police. On the fateful day, Migwi was unwell and decided to seek medication at a nearby clinic. He came back from the clinic and passed by his mother's house and after a short conversation with his sister went to sleep in his house about 20 meters away. His neighbour, only identified as Munyaka, accompanied him.

Immediately after they left, gunshots rent the air. The sister ran to see what had happened and saw Migwi, Munyaka and many other people lying prone on police orders. She was not spared either; she and fellow neighbours were also beaten and ordered to lie down. The young men were separated and taken some meters away. Migwi was shot dead but Munyaka and others were spared. All this time the police were demanding for guns or Mungiki adherents. They were also breaking houses and looting money, phones,

drinks and food from kiosks. This lasted six hours. The bodies were later loaded into police vehicles and taken to City Mortuary. A postmortem conducted by Dr. Joseph Ndung'u revealed that Migwi died of "*multiple organ injury due to multiple gunshot wounds*". He was buried on 19/6/07 at his rural village in Kiambwe Kirinyaga district.

AS A RESULT OF MY OBSERVATIONS I CONCLUDED THAT THE CAUSE OF DEATH WAS MULTIPLE ORGAN INJURY DUE MULTIPLE GUN SHOT WOUNDS.

I hereby declare that the facts described above are true to the best of my knowledge and belief.


DR. NDUNGU J. R.
PATHOLOGIST.

DR. J. R. NDUNGU
MBCh.B, MMED. PATH (NRS)
PATHOLOGIST

38. **John Mwangi Kiruthi** was arrested on 17/7/07 by six police officers, of who three were administration officers attached to the District Officer, Karuri. The petitioner, a relative, was able to identify one of the APs, known as **Macharia**. The said arrest took place near their home in Muchatha area of Karuri location, Kiambu district at about 8.00 am. The petitioner, a relative, confirms that the brother was bundled into a vehicle, registration number GK A440E. She states that she followed the police officers who took the said John Mwangi to Karuri police station. He was however not booked in the Occurrence Book (OB). She was informed by the police officers that John would be arraigned in Kiambu Law Courts the following day, but when she went to court, he was not present. His fellow inmate informed the petitioner that John had not been brought to court. The petitioner went back to Karuri police station and the OCS informed her that John was not in his custody, and may have been taken to another police station. She has since been looking for the brother in various police stations, hospitals and mortuaries but with no success. The KNCHR upon the request of the petitioner, conducted preliminary investigation and upon not making much progress, filed a Habeus Corpus Application, Number 750 of 2007 at the Nairobi High Court under a Certificate of Urgency. The matter was filed on 24/10/07 and the hearing has been fixed for the 25/9/08.

39. **Allan Kamau** was arrested on 22/7/07 at 12.30 pm, in Muchatha area of Karuri location, Kiambu district while he was waiting for his shoe to be repaired by a

cobbler. The petitioner, a relative, was informed of the arrest and she went and found an Administration Police officer known to her as Macharia having arrested and handcuffed Allan. Allan was then bundled onto police vehicle registration number GK A440E and driven off with Macharia and four police officers, as the petitioner was watching. That the petitioner went the same day to Karuri police station to take a meal to her son but was informed that the son had not been booked at the station. She was then alarmed and started to look for her son in different areas but to date he is still missing. The KNCHR took cognizance of the fact that this case is similar in facts with the one of John Mwangi Kiruthi and conducted preliminary investigations into the allegations, which however, did not bear much fruit. The KNCHR similarly filed a Habeus Corpus application in the High Court at Nairobi Number 749 of 2007 and the same has also been fixed for hearing on the 25/9/08.

40. **Charles Kimathi Wambugu** was arrested on 21/5/08. According to eyewitnesses (who have recorded statements with the KNCHR), Charles was from a meeting of the Baba Dogo Youths Sports Association ,at Glucollar area of Baba Dogo Estate in Nairobi. He was then arrested by a group of about five police officers. The eyewitnesses were able to positively identify one of the arresting officers as **Meronga**, who is said to have been formerly based at Ruaraka and Muthaiga and is currently a member of the anti-Mungiki police squad. The eyewitnesses further confirmed that the said police officers walked with Charles towards Kasarani area and believed that he may have been detained at the Kasarani police station. However, when the family went to the station, they found that he had not been booked there. The family started to search for him in other police stations, hospitals and mortuaries to no avail. He was still missing at the time of compiling this report on 11/7/08.
41. **William Nyamu** was reportedly arrested on 24/6/08 at Ruaka in Banana location, Kiambu district. According to eyewitnesses, William was arrested (with them) by police officers based at Karuri police station who bundled them onto their Land Rover. The eyewitnesses confirm having seen William in the Land Rover but when the detainees were ordered to alight at Karuri police station, William did not alight. The eyewitnesses did not understand what could have happened to William and upon their release, relayed this information to the family who had began searching for him. The following day, 25/6/08, William's body was found at the City Mortuary with injuries inflicted on his body. The OCS, Karuri police station informed the family that they had



found William lying on the roadside, ailing and on their way to hospital, he passed away.

42. **Testimony of an eyewitness:** The eyewitness who sought anonymity for his personal security, is a mechanic by profession operating in Nairobi. Sometimes in November 2007, he was traveling together with a friend along Kiambu – Nairobi road when he heard a gun shot at a place called Thindigua. He then saw around 7 to 8 people running away from a parked Matatu towards their direction. He then saw a young man of approximately 25 years running and behind him were four people all armed who were following the young man. The men shot at the young man on his legs and he fell down and soon thereafter the four men caught up with him. They then shot at him four times as he lay on the tarmac. He moved his head and they shot at him one more time then he went still. This happened ten meters from where the eyewitness was parked. The four men then signaled at the eyewitness to proceed with his journey. The incident was reported on television that evening and on Nation Newspaper the next day that police had gunned down a Mungiki leader at Thindigua along Kiambu- Nairobi road.
43. **John Maina Kaibere and Samwel Maina alias ‘Mukurino’** disappeared on 16/8/07 at Umoja estate after they were arrested by members of the anti-Mungiki police squad. Their bodies and those of five other people were shortly after found dumped in Athi-River in Machakos district. Among the dead was a police officer called **Ngeny**. Earlier on 15/7/07, Kaibere had been arrested by the same squad with another man, Peter Theuri, but they secured their release after parting with Kshs 285,000. According to Theuri, they were arrested at Umoja estate by the following officers most of whom they could only identify by nicknames: Century (the commander of the squad), Bob, Sindano, Macharia, Foiyo, and Ngeny. They were driven around for several hours as they mobilized for the ransom. When they paid up, they were driven to a place in Jerusalem estate where they met an officer in a police land cruiser who was said to be the head of the anti-Mungiki squad. The head of the squad told them that he had released them but ordered them to immediately leave Nairobi and that they should not go anywhere in Central province. He told them he would kill them if they were spotted anywhere. Theuri states that he escaped to Tanzania but Kaibere stayed maintaining that he was innocent. He was later to be arrested and executed.



44. **Josphat Kamau** (17 years) and **Joshua Mwaniki** (19 years) both car cleaners at Nairobi West Shopping center, were found dead in City Mortuary on 19/7/08 moments after they were arrested by two police officers at Mitumba slums in South C estate at around 5.00 pm. According to those who witnessed the arrests, two known police officers went looking for Kamau at a club where he was known to play pool game. As they arrested him, they also bumped into Mwaniki who they also arrested. But looking behind, the two officers noticed the duo's friends following them from a distance and ordered them to disappear if they did not want trouble. They then hired a taxi, bundled the suspects and drove off. Three days later, one of the officers reportedly bragged that that the two were no more. When the suspects failed to return home, the worried relatives mounted a search in police stations starting with Lang'ata. They did not find them and extended the search to the City mortuary where they found their bodies on 24/7/08. They both had bullet wounds; Kamau on the chest and Mwaniki through the ear. Incidentally, there are no records to indicate that the deceased were booked in at the Lang'ata police station where the two officers are attached. According to his relatives, Mwaniki was a Matatu tout before he quit due to frequent harassment by the same killer police. It is then that he started washing cars at Nairobi West.

45. **Yusuf Kibe Maina** a conductor of a matatu was arrested by three policemen, two of them famously known as '**Foiyo**' and **Kamango**, on 27/08/08 at Odeon Matatu stage in Nairobi at around 8.00 am. An eyewitness to the incident recorded his statement at the KNCHR on 1/9/08 stating that upon his arrest, he inquired from the policemen why they were arresting Kibe. One of the police officers stated that they were doing their job. Kibe's mobile phone was immediately switched off. The KNCHR was informed by the eyewitness and some of Kibe's colleagues that it was notorious for people to be arbitrarily arrested by the police if found without cash in exchange for their release

46. **Seven people from Nairobi's Mathare North Area 3** lodged a complaint with the KNCHR on 26/8/08 .The complainants alleged that a group of police officers from Muthaiga Police Station had been routinely harassing Mathare North Area 3 youths, especially those from the Kikuyu community, on the pretext that those youths were Mungiki adherents. The concerned police officers allegedly demanded hefty bribes from the families of the arrested youths before those youths could be released. And that the youths who failed



to pay up were allegedly either killed extrajudicially by the police or charged in court on frame up charges, especially robbery with violence. In a letter dated May 6, 2008 addressed to the Nairobi Provincial Police Officer by the chairman of group known as Nairobi Community Policing, which the complainants gave to the KNCHR, the concerned Muthaiga Police Station Officer allegedly collected over KSh 400,000 per week through the aforesaid extortion ring. The said letter named the following police officers as allegedly being behind the subject harassment and extortion ring: **Mwangi (alias Mwas); Muthee (alias Vaite Jr); Koffi (alias Mluga); Ali (alias Worja); Mathenge (alias Njoroge); Ngei; Oti; Omos;** and the **OCS/Deputy OCS, Muthaiga Police Station**. Upon receiving this complaint, the KNCHR wrote to the Commissioner of Police on 27/8/08, asking him to investigate the subject allegations ahead of taking any appropriate remedial actions.

47. **Bernard Wainaina Njogu** and **Kamitu Muremi**, who were touts on Route No.23, were arrested by police from the Central Police Station at the city centre, Nairobi on 28/8/08. The KNCHR recorded a statement from a relative of Wainaina on 27/9/08 who confirmed that on the said day at about noon, he was outside Lilian Towers Hotel when he saw his nephew shouting at him from a Land Rover saying that he was being taken to the Central Police Station. He immediately followed the vehicle to the station but could not find Wainaina as he had not been booked at the Occurrence Book. The families of the two deceased have since established that the two were arrested by a police officer known as '**Boiyo**'. On 29/8/08, the petitioners informed the KNCHR that the two had been found in the City mortuary with bullet wounds on their bodies and booked in as unknown.



OTHER MYSTERIOUS DEATHS AND DISAPPEARANCES

48. **Ndung'u Wagacha** (Acting Mungiki Chairman) and **Naftali Irungu** (Mungiki



National Treasurer) were killed by police officers on 28/4/08 along the Naivasha-Nairobi highway. The KNCHR received reports from the family of the Wagacha brothers- Ndung'u Wagacha, George Njoroge and

David Waithaka, as well as the family of Irungu, who were leaders of the Mungiki sect. The said families told KNCHR that officers from the special unit severally visited their home in Maai Mahiu to track the three brothers. Though they did not find them, the police told the family that they would kill their sons if they did not disown Mungiki.

49. **Samuel Ndirangu**, a Matatu operator disappeared on 18/7/07 after he failed



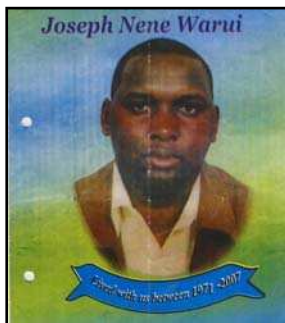
to return home from work. The wife states that her husband left as usual in the morning to go to work and did not come back home at the usual time and she became worried. She tried calling him on his mobile phone but it was switched off. In the morning, she went to Mbotela where she knew he normally went for

lunch. She was told that he and three others had been arrested and taken away. No one knew where they had been taken. The family went to Makongeni, Jogoo Road, Shauri Moyo, Buru Buru and Kasarani police stations but did not find him. He was still missing at the time of compiling this report on 11/7/08.

50. **David Mogaka** disappeared on 11/9/07 in Nairobi. According to his wife, Mogaka left their home in Kitengela at 9.00 am to go to Nyamakima to pay a business debt. He was to get home early, so when he failed to appear by 5.00 pm the wife tried calling him but he did not pick up. At 1.00 am the phone was being directed to voicemail. The following day the wife called the creditor whom her husband had gone to see whose name is Marx. He told her that he had seen her husband being picked up by some men in a saloon car. He

advised her to go to Kamukunji police station to check on him which she did but did not find him. She then went to Central, Industrial Area and Shauri Moyo police stations but still did not trace him. She then went back to Kamukunji police station and reported the matter. The police instructed her to bring the husband's photograph in order for them to inform other police stations. They then gave her an abstract to advertise in the media to see whether he could be found. She proceeded to the Criminal Investigations Department (CID) Headquarters where she was given a letter for tracking of his phone. The CID found that it had not been used for seven (7) days, that is, since he went missing. The wife continued looking for Mogaka in other police stations outside Nairobi in Embu, Nakuru, Machakos and Naivasha. She then went to the City Mortuary and the Nakuru Provincial General Mortuary but did not trace him. He was still missing at the time of compiling this report on 11/7/08.

51. **Joseph Nene Warui** and **James Muchiri** were found dead in Machakos



Hospital Mortuary several days after they were arrested by unknown people in Umoja estate, Nairobi. According to Warui's wife, Warui left their house in Umoja Estate on 12/9/07 at around 7.30 am to pay electricity bill, and at noon, he came back with the receipt. He then received a call from one Munga, and he left the house. The wife tried calling Warui at 4.00 pm and at 7.00 pm but could not reach him. At about 7.30 pm,

her cell phone was flashed severally but she could not call back as the number was concealed. The following day, in the company of her sister-in-law, she went to Warui's friend, one James Muchiri to inquire whether he had been seen. They were informed by Muchiri's wife that Muchiri had also not spent the night at his home. They reported the matter to Buruburu police station on 14/9/07 where they recorded a statement. An eyewitness (a watchman) also recorded a statement with the police stating that he had seen Muchiri being forced into a white motor vehicle with tinted windows along Jogoo road which then sped off. Muchiri's vehicle was left parked at some place along Jogoo road. The two families embarked on searching for their relatives in police stations and hospitals in Nairobi, Nakuru, Naivasha and Machakos. On 20/9/07, Warui's wife was called by his brother-in-law, one

Mustafa, who told her that there were bodies that had been discovered in Yatta, Machakos. She went and positively identified the husband's body. She says that the body was swollen and had rope marks on the hands and legs. A post-mortem was performed and the deceased was buried on 22/9/07.

52. **Peter Mwangi Kigotho** a businessman from Kayole in Nairobi disappeared on 16/10/07. According to his girlfriend, Peter left the house in Kayole at



about 9.00 am to go to town and get some money from the tout to a Nissan Matatu which the petitioner owns. Peter is said to have alighted at Temple Road and took Ksh.300 from the said tout. The girlfriend tried reaching Peter thereafter but his mobile phone (0735099911) was switched off. She continued calling the cell phone and on Wednesday, 17/10/07, the phone was picked by a

man stating that he was in Kitale and that the owner of the phone was not around. The phone was again picked by a man claiming to be a policeman and that he was based at Buruburu police station. The phone was then switched off. The petitioner has visited different police stations, hospitals and mortuaries in Nairobi, Kitale, Eldoret and Naivasha in vain. Peter was said to be in the business of second-hand clothes and was trading from Gikomba market. He was last seen in black trousers, black shirt with cream stripes, and a green checked blazer. His shoes were black in colour with a 'CAT' Label. He had a photocopy of his Identification Card. He was still missing at the time of compiling this report on 11/7/08.

53. **Victor Muriithi Gitonga** (27 years), a manager with travellers Bus Company



disappeared on Saturday, 1/9/07 at around 5.00 pm at Mang Hotel in Nairobi. According to an anonymous eyewitness, two men dressed in blue jackets took positions at the hotel and immediately Gitonga's mobile phone rang, the men pounced on him saying 'ndio huyu' (this is the one) and whisked him out of the hotel. Another witness says that as Gitonga was taken away, one of the men switched of Gitonga's mobile

phone. The relatives reported the disappearance to Kamukunji police station. He was still missing at the time of compiling this report on 11/7/08.

54. **Simon Nderitu Mathenge**, an electrical engineer, disappeared on 6/7/07. His brother last saw him on the fateful day saying that he (Simon) was going to Juja. On Monday, 9/7/07, Simon's brother was called by Simon's boss who said that Simon had not reported at work. The relatives have unsuccessfully searched for Simon in many areas including all police stations in Nairobi. They also went to the City Mortuary on the 13/7/07 but did not find him. They reported the matter to Langata police station where, with the help of Safaricom, they tried tracing him using his mobile phone. The last person Simon communicated to was a lady called Esther at 9.00 pm on 6/7/07. He had boarded a vehicle going to Juja at a place called Gashororo to visit her. However, Esther reportedly denied ever communicating to Simon and was arrested by Langata police who placed her in their custody to help them with the investigations. She was later released after one week. Simon resided in South C estate and had not been traced at the time of this compiling this report on 11/7/08.
55. **Eliud Maina Kariuki** disappeared on 23/7/07 after he was arrested by members of the anti-Mungiki police squad. According to his wife, Maina received a phone call from someone who requested to meet him at the carwash in Githurai 44. Her husband was to accompany her sister to town but he never returned. She (the wife) tried calling him several times but he wasn't picking his phone. The wife together with the sister went to the carwash to find out the whereabouts of her husband. They were informed by the workers that he had been arrested by police officers together with two other people. On the 24/7/07, the petitioner went to look for her husband at Kasarani police station but his name was not appearing in the Occurrence Book (OB). The family then visited various police stations, prisons and mortuaries on various occasions but did not find him. The wife said that the matter was reported at Kasarani police station. He was still missing at the time of compiling this report on 11/7/08
56. **Robert Mwangi** was found dead in Machakos district hospital mortuary after he disappeared on 14/7/07. According to his wife, Mwangi who was a mechanic in a garage based in Eastleigh estate in Nairobi left the house on the morning of 14/7/07 going to work and never returned. At around 5.00 pm on 16/7/07, she received a call from the husband's cell phone. She was informed by the caller that her husband had been arrested and was at the Pangani police station. She went there but there were no records of her husband. She

embarked on a search in various police stations and mortuaries. She came to learn from other persons whose relatives had disappeared that there were unidentified bodies at the Machakos district hospital mortuary. She went to the said mortuary on 26/8/07 and was able to identify the body of her husband. The body together with others had been collected from Athi River after they were seen by villagers floating on the water. Together with others who had lost relatives, she proceeded to Yatta to view the place from which the bodies had been collected. The bodies were collected by police officers from the Kathimani police station on the 18/7/07. The bodies were brought to the City mortuary on 26/7/07 where postmortem results showed they died of drowning. She further stated that her husband was buried on 6/9/07 in Kirinyaga.

57. **Patrick Kinyua**, a Matatu owner on the Kayole-City Centre Route in Nairobi disappeared on 1/7/07. On the fateful day, while in his house in Kayole he received a phone call informing him that his Matatu had been involved in an accident along the Outering Road. He went to the scene and found the Matatu driver negotiating with the driver of the other vehicle. As he tried to intervene, two men in plain clothes believed to be police officers attached to the Kwekwe squad came and arrested Kinyua asking him whether he was the owner of the Matatu. After confirming that he was, the two men together with Kinyua walked towards the main road and boarded a vehicle. Kinyua has not been seen since then. His whereabouts were unknown at the time of compiling this report on 11/7/08.

58. **Stephen Muriithi Mwebia** (24 years), an artist from Dandora estate, Nairobi, disappeared on 17/8/07 after he left home for work at around 9:00 am. After he failed to return home at 3.00 pm as was his routine, his father called his cellphone which was switched off. After two days, the father reported the matter to the officer in charge of Kinyago Police Station who contacted neighbouring police stations in vain. On 28/8/07, he went and recorded a statement about his son's disappearance at Kinyago Police Station. The Occurrence Book (OB) entry is 34/23/8/07. The father reported that he unsuccessfully visited all police stations in Nairobi, Kiambu and Kitengela including prisons. Muriithi was yet to be found at the time of compiling this profile on 11/7/08.



59. **Pascal Musembi** who resided in Huruma disappeared on 25/9/07 after he failed to return home from his place of work in Ngara. On 28/9/07 a lady workmate of Musembi called his sister and told her that Musembi had sent the following SMS to her *“Hi? Plz am sorry. Contact my siz thru 0723966724 n let her settle everytin. Am unable to make call. Tell her to take care of ma property. Am not sure of living”*. The next day, another man called Musembi’s sister informing her that Musembi had called him the previous day saying that he had been arrested and did not know where he was. Musembi’s sister told the KNCHR that the family mounted a search in all police stations in Nairobi with no success. On 23/10/07 Musembi’s sister reportedly received a message from his brother saying: *“Hi siz? Please take everything from ma house n keep save one day I will be released. Am serving one year in jail for being Mungiki suspect. I could not afford Kshs 40,000 they demanded. Am together with 3 boys their parents don’t know their whereabouts. Tomorrow we might be transferred to King’ong’o prison, don’t mind we cant talk on phone u know rules. gd night”* (Sent from # +254728408058 at 9:01 pm). After three days, Musembi’s sister went to King’ong’o prison but did not find him. Musembi had not been found by the time of compiling this report on 11/7/08.
60. **Josphat Waruinge, Daniel Gitu maina, Joseph Mwangi Waruinge and Daniel Kangethe Mugo** were killed on 24/6/07 by the police on their way from Kenyatta Hospital. According to the petitioner, (a relative), the four were arrested by police on 24/6/07 on allegations of being Mungiki members. They were with other relatives from the Kenyatta National Hospital where they had gone to visit another sick relative. The police intercepted them while in Nissan Matatu KAP 301Y. Two days later, their bodies were found at the Nairobi City Mortuary. A story appearing on daily nation on 26/6/07 alleged that the victims were thugs. The vehicle was later found at Buru Buru police station from where the petitioner picked it on 21/9/07. The petitioner claimed that she was arrested on 3/7/07 together with others and taken to Pangani, Muthaiga and Kasarani police stations. They were released after they reportedly paid Kshs. 31,000 to the police.
61. **Maina Kang’ethe**, a suspected Mungiki leader, disappeared on 13/6/08 after he was picked from an unknown location by the anti-Mungiki police squad. Prior to his disappearance, he had expressed fears for his life after suspicious people trailed him severally. His mobile phone has since been switched off. He was still missing at the time of compiling this report on 11/7/08.



62. **Vincent Munene Chege** was arrested by officers of the Kwekwe squad on 20/1/08. Upon arrest, he immediately called his sister and told her that he had been kidnapped by people who were calling themselves Kwekwe police squad. According to the testimony of Vincent's mother and brother, the kidnappers called them on their mobile phones demanding Ksh. 500,000 for his release. The family reported the matter to the Central police station, Nairobi and in about two weeks, the police traced the calls to a house in Umoja estate, Nairobi, but did not make any arrests as the callers had already taken off. The kidnappers reportedly called the family the following day asking how they could afford to pay Safaricom Company to trace their calls and yet they were unable to pay the ransom. Audio tapes of the recorded tele-conversation are available. The kidnappers called a family friend, whom they confused for their mother asking how long the family wanted them to keep Vincent. Vincent has since then not been traced. His telephone number is 0721200214.
63. **Anthony Ngige** disappeared in Nairobi on 4/7/08 and his mutilated body found at the City Mortuary on 7/7/08.
64. **Maina Waweru** was arrested on 25/4/08 while on his way to town from his residence in Kibera slums. The Nissan Matatu that he was traveling in was stopped by a group of people who were in a dark-tinted Nissan Matatu (which has severally been associated with the anti-Mungiki Police squad). He was ordered to alight and board the 'police' vehicle. He was still missing at the time of compiling this report on 11/7/08.
65. **Alfred Njoroge** disappeared on 22/4/08 on his way home. Minutes before his disappearance, he telephoned a friend, Mr. Gitau and told him to bring him (Njoroge) fuel since his car had run out of fuel along Thika road near Roasters club. When Gitau delivered the fuel, he only found the car. Njoroge was not there. Curiously, the car had not run out of fuel. Njoroge was still missing at the time of compiling this report on 11/7/08.
66. The case of **Peter Kariuki Njuguna and Njoroge Wanjohi**: The two persons were arrested by persons suspected to be police officers on 14/5/08 near Caltex Petrol Station at Donholm estate. They were still missing at the time of compiling this report on 11/7/08.



67. **Geoffrey Mbugua** was arrested in Wangige trading center on 13/9/07 by suspected members of the anti-Mungiki police squad. He was still missing at the time of compiling this report on 11/7/08.
68. **Joseph Kariuki Njenga and Eliud Gatundu Maina** disappeared in Westlands area, Nairobi on 11/3/08 after they were reportedly arrested by suspected members of the anti-Mungiki police squad. On 31/4/08, the relatives were informed by police that the bodies had been found at Machakos District Hospital Mortuary. According to the police form 23A, Kariuki (24 years) was found lying dead in Salama area while Gatundu (27 years) was found lying dead in a trench within Athi River. According to postmortem reports by Dr. Francis Ndiang'ui, Kariuki died of '*chest injury due to blunt force trauma*' while the cause of death for Gatundu '*could not be ascertained due to decomposition changes on the body*'.
69. **Stephen Kamau Maina** disappeared on 23/5/08 at around 11.00 am ten days after the burial of his brother Eliud Gatundu Maina who had disappeared on 11/3/08 and his body found in Machakos Mortuary on 30/4/08. The family has fruitlessly searched for Kamau in numerous police stations, prisons and mortuaries. He was still missing at the time of compiling this report on 11/7/08.
70. **David Njuguna Kinyanjui** was arrested in Kayole on 15/9/07 by members of the anti-Mungiki police squad. He was reportedly first assaulted by the officers and then bundled in a tinted vehicle and driven away. He was still missing at the time of compiling this report on 11/7/08.
71. **Christopher Kimani** was a Carpenter at Mathare valley slums. On 8/6/07, he got a short contract to repair a neighbour's house. As he was repairing the roof, police came and ordered him to come down. Before he could climb down, he was shot at the rooftop killing him instantly. The police claimed he was shooting at them
72. **Joseph Gathanwa Ndung'u**, an altar boy and a resident of Mathare slums was on 1/5/07 sent to buy paraffin at the neighbouring Petrol Station by his mother. After about 20 minutes, a friend of Joseph, Rexx came home and informed the mother that Joseph had been shot dead by a notorious police officer known as **Wahome** in an open ground in Eastleigh. The mother rushed

there and identified the body of her son. At that time, Wahome was at the site in the company of another police officer known as **Tyson**. Threatening to kill her, the police chased her away. No apparent reason was given for the shooting but later on, the police claimed he had a toy gun, a fact disputed by the family and the church.

73. **Peter Wahome Mwangi**, a businessman in Bondeni, Mathare village was arrested and shot dead on 9/6/07 by police officers who had earlier arrested him near St. Teresa Catholic Church. Wahome and his friend were going to buy Miraa (khat) in Eastleigh at around 5.00 pm. They were arrested by five plain-clothes police officers, among them a **Mr. Tyson**, a notorious police officer based in Kasarani. He had two gunshot wounds, in the neck and forehead and his shoes and mobile phone were missing. Peter was married with two wives and two young children.

74. **Julius Mburu** alias Brown was in his mid twenties. He was shot during the police operation in Kosovo village in Mathare. He was a sugarcane vendor and was shot together with his colleague the late John Wachira.

75. **Samuel Wachira** (17 years) a standard eight primary school pupil, was shot dead on 7/6/07 during a crackdown on suspected Mungiki members by the police in Kosovo slums, Mathare. Wachira was sick on the material day and was resting at home from where he was shot by the police on accusation of being a Mungiki member. His body was taken to the Nairobi City Mortuary. He was buried in Kangema Division of Murang'a district on 16/6/07.

76. **Pius Ng'ang'a Muhia** was reported to have been arrested by police officers from Embakasi police station on 21/7/07. The family has made efforts to trace him in various police stations within Nairobi as well as in prisons and mortuaries but have not traced him. He was still missing at the time of compiling this report on 11/7/08

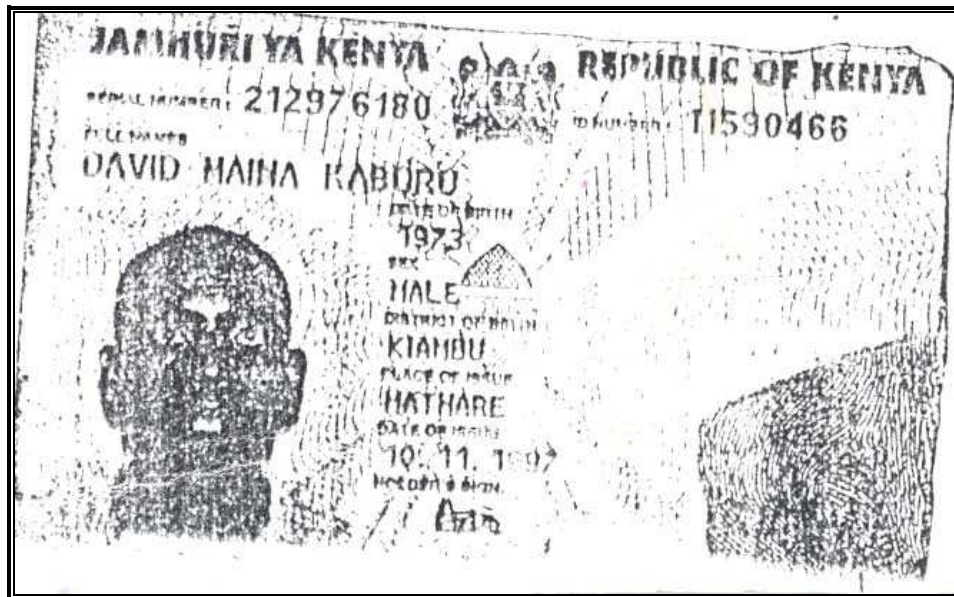


77. **Isaac Njeru Nyaga** (24), a tout on Kayole route, was arrested by police officers from the anti-Mungiki squad on 25/9/07 together with another tout. One of the arresting officers is known as **Foiyo** and the officers were driving a Nissan Sunny, with tinted windows and foreign number plates. The said Foiyo



is said to be based at Buru Buru police station and was formerly attached to the Rhino anti-Mungiki police squad. He was still missing at the time of compiling this report on 11/7/08.

78. **David Maina Kaboro**, a businessman, was arrested at Allsops bus stage on 20/10/2007 by a police officer known as **Nehemia**. He had gone to buy a motor vehicle part for his car and has never been seen since then.



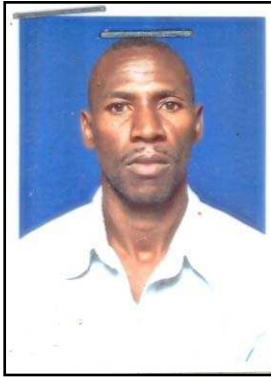
79. **Joseph Ndung'u** and **Priscilla Wanjiru** disappeared on a 22/12/07 at about 2.00 pm. The incident happened in Longonot whereby Joseph's vehicle got a tyre burst and he was required to bring a spare tyre for replacement. Joseph brought the tyre in the company of a woman by the name Priscilla Wanjiru who assisted Joseph in transporting the tyre using her vehicle. Upon arrival at the scene, there came a White Toyota Corolla, which parked in front of Joseph's vehicle. A man alighted from the vehicle and ordered Joseph and Priscilla into the vehicle. Close relatives went to Longonot police station to record the disappearance of both Joseph and Priscilla. Searches have been conducted by relatives in various police stations and mortuaries to no avail. The two were still missing at the time of compiling this report on 11/7/08.

80. **Edward Kang'ethe Karanja** (24 years), a Matatu tout is said to have been arrested by plain-clothes police officers at Maringo Shopping Centre on 31/10/07 at around 2.00 pm. Since his arrest his wife Irene Gathoni has

unsuccessfully conducted searches in various police stations, prisons and mortuaries. He was still missing at the time of compiling this report on 11/7/08.

81. **Daniel Bubii Nderitu** disappeared on 22/9/07 at Kayole where he did own a Matatu plying Kayole-Nairobi town route. He lived in Uthiru. It is alleged that Daniel was arrested by the anti-Mungiki Squad based at Buruburu police station. His brother followed up on his arrest at both Kayole and Buruburu police stations but was not successful in tracing him. He also searched in various mortuaries but was unsuccessful. Bubii was still missing at the time of compiling this report on 11/7/08.

82. **Anthony Kung'u**, a Matatu driver on route 35/60 disappeared on 25/7/07



after he left for work. It is said that, an hour after he had left for work, someone called Ndungu's wife using his cell phone informing her of the arrest. The family immediately mounted a search and went to Buruburu, Ruai and Kayole police stations but did not find him. They made a formal report at Buruburu police station where the police asked them for his photograph so that they could assist in tracing him. The police are yet to communicate to the family on any progress. They

in the meantime continued the search for Ndung'u in all Nairobi police stations and its environs with no success. The family extended the search to mortuaries both within and out of Nairobi. Ndungu had not been found as at the time of compiling this report on 11/7/08.

83. One Mr. **Gachuhi** was arrested on 14/1/07 in the company of his sister in her hotel at Kawangware. There were three police officers who were passing outside the hotel and one of them entered and arrested Gachuhi. They also arrested two other youths named Daniel and Ramathan who were in the hotel as well. They took them outside where three other boys were lying facing down. The police searched their pockets and removed their documents and shot at them. At around 7.00 pm, a police vehicle from Muthangari police station came and took them to City mortuary where his body was marked unknown.

84. **George Otieno Odhiambo** was a businessperson selling second hand clothes at Kayole market. On 7/6/07, three cars went to the market and men alighted from one of the cars and arrested Otieno. He was arrested at a time when there was a heavy crackdown on members of the Mungiki sect in various parts in Nairobi. His records were not at the CID Headquarters where his sister went to follow up on him neither was he at Buruburu police station. The family went to the City Mortuary but did not find him. He was still missing at the time of compiling this report on 11/7/08.
85. **David Karanja Gichehu** disappeared on 9/6/07 after parting ways with a friend of his who alighted before him while in a vehicle which plies route number 48. Efforts in tracing him have been futile. He was still missing at the time of compiling this report on 11/7/08.
86. **Jane Wamaitha Kabue** walked from her home in Ruai on a Monday morning sometime in March 2007. She has never gone back and no one knows what befell her.
87. **Edward Chiira Mbiu** was arrested by police on 10/11/07 at Mwiki, Kasarani. He was lastly seen at Kangudo Road and has never been since then.
88. **John Njuguna** was arrested in August 2007 at Banana Hill in Kiambu as his wife, Pauline watched. The family has been searching for him to no avail.
89. **John Ngugi Kinga** was a Matatu driver in Eastleigh. People believed to be police officers picked him up in late 2007. A friend telephoned his wife about the arrest. He has gone missing since.
90. **James Irungu Wanjiru** was arrested in Dandora outside a kiosk where he was taking a soda in September 2007. Though he tried to resist, the gun-wielding officers put him in a car and drove away with him. He is still missing.
91. **Peter Karanja Guthura**, a mechanic in Grogon area near Ngara in Nairobi, was arrested by officers in a white salon car (Toyota) who drove away with him. His phone went off immediately. He is still missing.
92. **Joseph Githutha** had been charged with being a member of Mungiki at Kibera Law court. He was released in June 2007 but was gunned down by police immediately after the acquittal.



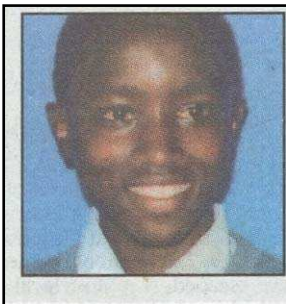
93. **Fredrick Gichane** was found dead in Narok Mortuary several days after he was arrested in Nairobi. His wife, called him on his cell phone and a man who identified himself as a policeman answered and affirmed that Fredrick had been arrested on suspicion that he had participated in criminal activities.

94. **Geoffrey Muchiri Mwangi** (32 years), was picked up by police on 20/9/07 around Gikomba market, where he used to sell second-hand shoes. Upon his arrest, he called his wife on her mobile phone saying that he had been arrested and that the police were just driving him around. He said he had been blindfolded and could not tell where they were headed. Shortly thereafter, Geoffrey again made one last desperate call to his wife saying that he had been ordered by the police to switch off his phone but promised to call her back. Since then, his phone has been off. He was last seen wearing a green jumper, a black pair of trousers, yellowish shirt, and a pair of brown Sahara shoes.

95. **Simon Irungu Ndechu** (30 years) was picked by police on 3/9/07 and has been missing to date. Simon was a father of two and a Matatu tout on route number 6, which serves the Eastleigh area. His fellow crew reported that he was last seen at about 3.00 pm when plain-clothes police officers arrested and handcuffed him as he alighted from a bus at Industrial area. The family has visited various police stations, hospitals and mortuaries but has not found him.



96. **Francis Irungu Njau** (19 years) was arrested by police on 19/10/07 at about 2.00 pm. Francis, a hawker in Baba Dogo, called his mother upon his arrest saying informing her that the police pulled him out of a vehicle and that he did not know where they were taking him. The mother reported that she heard somebody snatch the mobile phone from him and the phone was switched off. The family has searched for him since then with no success.



97. **George Waweru Kamwene and Charles Mungai Gathumbi**, both officials of the Matatu Welfare Association(MWA) were found dead in Suswa, Naivasha on

19/8/07 after they disappeared in Nairobi the day before. According to their relatives, the two were last seen alive at the Old Nation house roundabout, Nairobi and Mr. Kamwene had attempted to call his lawyer. Shortly after, his phone went off. A week prior to the disappearance, Mr. Gathumbi had been held for five days at the Makongeni police station while Mr. Kamwene had been arrested and released shortly after.

98. **Jackson Njoroge Wangare**, a matatu conductor and his driver were picked up by the police and put in their truck on 27/08/08 at Afya Centre in Nairobi, as reported by eyewitnesses. The two disappeared and their bodies were found at the Nairobi City Mortuary on 31/8/08. A relative to Jackson reported to the KNCHR that the mortuary records indicated that the two deceased were brought in by police from namanga Police station.



CHAPTER THREE

SUSPECTS RELEASED AFTER INTERVENTION BY THE KNCHR AND RELATIVES

99. On numerous occasions, the KNCHR has directly witnessed a number of cases after receiving distress calls from petitioners following arrest and disappearance of their kin. The intervention of the KNCHR led to the release of some of the following victims while several others cannot be accounted for.
100. **Stephen Kabui:** On Wednesday 21/11/07 at around 2:30 pm, the KNCHR received a petition through a caller from Umoja estate that someone identified as Stephen Kabui had been arrested by officers attached to the Kwekwe police squad who were demanding Kshs.50,000 in exchange for his release or else they would take him to the laboratory (read mortuary).The caller feared that the police might kill Kabui since they could not raise the money and asked the KNCHR to urgently intervene given that numerous people have been killed in the area after they failed to pay up upon being arrested under similar circumstances. The caller said that the arresting officers were waiting for the money at Umoja chief's camp. The KNCHR advised the caller to tell the arresting officers to give him more time to mobilize the money while the KNCHR made its way to the chief's camp. A team of five KNCHR officials quickly left for Umoja Chief's camp to follow up on the petition. The team visited the Administration Police detention camp where they duly introduced themselves and explained the purpose of the visit. The three duty officers two of whom were visibly inebriated turned extremely hostile to the KNCHR team and at first denied holding such a suspect. The police officers flatly refused to identify themselves. One of them however said that he was the Corporal in charge of the camp. After the KNCHR team persisted, one of the officers (in uniform) called out the suspect's name who quickly responded and came out of the cell. The team interviewed the suspect who said that he was arrested by two officers at around 12:00 pm as he was attending to his pigs at a place called Riverbank around Umoja estate. He was bundled in a Matatu and taken to the detention camp. Kabui (33 years) who is married with two children, said that he was stopped by two



people who were in civilian clothes and armed with pistols who accused him of being a Mungiki adherent. They arrested him and asked him to produce Kshs 50,000 to secure his release otherwise they would send him to the laboratory (mortuary) like they have done with many other Mungiki suspects. They reportedly told Kabui that time was of essence and he should move with speed to secure his life. Kabui told the KNCHR team that he quickly called his friends and relatives who in turn informed the KNCHR. He denied being a member of Mungiki and said that he is a businessman who rears pigs and sells assorted detergents in the estates. Kabui who had swollen joints and ankles recounted how he was severely beaten by the arresting officers with wooden planks. The interview was interrupted by the police officers who whisked Kabui back to the cell amidst heightened hostility. The KNCHR team observed that Kabui had not been booked in the Occurrence Book (OB) as is the procedure. The duty officers argued that this was not their prisoner hence there was no need of booking him in the OB. Attempts by the KNCHR team to have Kabui booked in the OB were met with further hostility. Shortly after the two arresting officers arrived and the KNCHR team duly introduced themselves and the purpose of the visit. Like their AP counterparts, the arresting officers refused to identify themselves. They said that Kabui was a Mungiki extortionist and showed the KNCHR team a sachet of tobacco which they alleged was recovered from the suspect. The KNCHR team asked them why they had not booked Kabui in the OB as is the procedure. They said that they were waiting for a vehicle to transfer him to Buruburu police station where they would book him. The KNCHR team offered their vehicle to the officers for use in transferring the suspect to Buruburu station but they declined. After about thirty minutes, a police vehicle, blue Toyota land cruiser (GK A 726 A) came with five uniformed officers armed with AK 47 rifles. Kabui was bundled in the car and whisked away by the police accompanied by the two arresting officers. The officers told the KNCHR team that they were taking him to Buruburu police station. The KNCHR team followed the police car but lost it along the way. On arrival at the Buruburu police station, the police vehicle was not there neither had Kabui been booked in the Occurrence Book. The Officer Commanding the Police Division (OCPD), Mr Joseph Migwi said that he does have such a vehicle (GK A 726A) under his jurisdiction. He referred the KNCHR team to the police headquarters for assistance. By the time the KNCHR team left the police station at around 6:30 pm, Kabui had not been brought. The KNCHR team also went to Makongeni police station but the



duty officer said that Kabui was not in their custody. Kabui was released on Friday 23/11/07. He told the KNCHR that he was taken to Makongeni police station but was not booked in the Occurrence Book. The officers castigated him for informing the KNCHR about his arrest. They asked him to leave Nairobi or else they will kill him. Kabui has since fled.

101. **Moses Ngugi (24) and Boniface Kamau** were arrested by the Kwekwe Squad on Wednesday 21/11/07 at the Country bus station at around 7.00 am on suspicion of being Mungiki members. The KNCHR received the report of the arrest from a relative who claimed that the police were asking for 100,000/= in exchange for their release. A KNCHR staff called Ngugi's Mobile Number 0721494768 which he picked but quickly handed it to someone who he said was an officer of the Kwekwe squad. The KNCHR official told the 'officer' that the KNCHR was monitoring the arrest at which point the officer quickly disconnected the phone. Ngugi was released on Thursday evening after his family paid Kshs. 40,000 while kamau was released on Friday after his family paid Kshs. 18,000. Ngugi told the KNCHR that they were arrested by three officers and first taken to Kamukunji police station but were not booked in the Occurrence Book. They were shortly transferred to Makongeni police station from where they were released after they paid up. The officers had threatened to kill them if they failed to produce the money.
102. **Moses Waichahe (22) and Chege** were picked up by three people suspected to be officers of the Kwekwe Squad on Saturday 24/11/07 at around 6:00 pm at Kiambiu slums, Nairobi. According to Waichahe's Mother Jane Wakarima, the arresting officers called her cellphone and asked her to produce Kshs 500,000 or else they send her son to the mortuary. She pleaded with them to spare her son as she looked for the money. She informed the KNCHR which called the officers' cellphone numbers (0734422749 & 0734422811) which went unanswered. However a KNCHR official sent an SMS to the numbers asking for the whereabouts of the suspects. The KNCHR accompanied the Mother to Shauri Moyo Police Station where she recorded a statement on the matter. The mother and other relatives further visited the Makongeni, Buruburu, Kamukunji and Central police stations where the police denied custody of the two victims. Waichahe was released on Monday 26/11/07 while Chege was released on Tuesday 27/11/07



103. **Anthony Mung'ang'i:** On the 5/12/07 at about 2.00 p.m. while the KNCHR was following up on the James Kinyanjui Njenga case at Pangani police station, they received telephone complaint from the friends of one Anthony Mung'ang'i. They reported that Anthony had been picked up from his residence by two officers who reported that they were from Buruburu police station. Anthony had earlier made a distress call to them to raise Kshs. 50,000 informing them that the arresting officers were demanding for the sum or else they would shoot him dead for allegedly belonging to the Mungiki sect. The KNCHR team proceeded to Umoja where they were to pick a contact who knew the location of the arresting officers and from whom the officers were waiting for the cash. The contact pointed at the location which was at one of the stalls in the Mutindwa market and was dropped at a distance due to security reasons. The team then proceeded to the location. As the KNCHR team were alighting from the vehicle, the alleged officers took off through the stalls and disappeared into the dark corridors. Attempts to pursue them were not successfully. The suspect also took off in fright.

104. **James Kinyanjui Njenga:** On 5/12/07, at around 12:00 pm, the KNCHR rushed to Kayole after being informed by a caller that Njenga had been arrested by five Flying Squad officers who were demanding Kshs. 200,000 for his release or they kill him. The KNCHR team caught up with the officer's vehicle; cream Peugeot Station wagon KAQ 170 M (see below). On realizing that they were being trailed, the police quickly sped off with the KNCHR team in hot pursuit. After several hours, Njenga was driven to Pangani police station where he was booked in as a Mungiki suspect. Njenga requested the KNCHR team to carry 13,400/= which he had so far mobilized before we caught up with the police. The KNCHR recorded a complaint regarding the extortion attempt vide OB number 44/5/12/07. the team also raised the matter with the head of the flying squad, Mr Musa Yego who promised to investigate. The KNCHR further learnt that the head of the arresting officers was called Corporal Katama. The suspect was released on 6/12/07 without charge. Upon release, Njenga said that the police had castigated him for contacting the KNCHR.





105. **Charles Mwangi Waweru:** On 5/12/07, Mr. Charles Mwangi Waweru reported to the KNCHR investigation team that on the 20/11/07, he was arrested by a group of police officers some of whom he can identify for allegedly belonging to the Mungiki sect. The officers took him to Umoja Chief's camp and detained him in the cells without registering him in the OB. The officers then told him that they would shoot him dead unless he caused Kshs. 30,000 to be delivered to them. He called his wife who came with Kshs. 6,000. He had earlier given them a sum of Kshs. 10,000. He was released at about 8.00 pm with the officers promising to arrest him again.



Umoja Administration Police Camp where many suspects were held before either being released after bribing the police or executed.

106. **John Mwangi, John Macharia and Patrick Ng'ang'a** were all arrested at Kayole market on Friday 7/12/07 by police officers who alleged that they were from the Kwekwe Squad. The suspects were informed that they were arrested for belonging to the Mungiki sect. They were taken to the Umoja Administration Police camp where they were detained without being booked in the OB. The KNCHR team proceeded to the said AP camp and sought to see the detainees. On recognizing the names, the duty officer rushed to



summon the Officer in-Charge (OIC) stating that he had no authority to let the team speak to the detainees. The team held a brief meeting with the OIC Sergeant Ruto. The OIC, evidently shaken at the KNCHR 's involvement in the case, was hard placed to explain the reasons for the failure to register the suspects in the OB. He stated that the suspects were arrested by officers from Buruburu police station and did not have an explanation as to why the same did not book the suspects. He declined to provide the names of the arresting officers claiming that he did not know their names. He walked out in haste to go and call the arresting officers. After waiting for about one hour, the said OIC came back to inform the team that the matter was under the OCS Buruburu police station, who was coming to address the issue. The KNCHR team called the Police Spokesman Mr. Kiraithe to seek his intervention. Mr. Kiraithe instructed the team to await for arrival of his officers. He apparently called the OCPD Buruburu who instructed the Officer in charge of Crime to collect the suspects. After about thirty minutes, the arresting officers known only to the team as **Bob** and **Maiyo** appeared in a saloon civilian motor vehicle registration number KAL 123V (see below) green in colour and whisked the detainees into the same. The KNCHR made futile attempts to talk to the suspects and have the arresting officers identify themselves. The KNCHR team followed the speeding vehicle up to Buruburu police station where the suspects were led into the cells. The team held a brief meeting with the Officer in charge of Crime, Inspector Maina who stated that the matter had been recorded in OB Number 53 of 7/12/07. He did not wish to discuss more on the matter and requested that the team waits for the OCPD or OCS. The team met the OCS and discussed the matter in detail. The OCS noted the extortion allegations and conceded that there appeared to have been an irregularity in the manner in which the arrest and detention was handled and undertook to get to the root of the matter. The team informed the OCS that they had reliable information that the arresting officers were planning to plant tobacco on the suspects so as to justify belonging to Mungiki as the reason for the arrest. On checking the OB, the KNCHR team confirmed that the arresting officers had indeed recorded tobacco as exhibit. Strangely, the exhibit was not left with the duty officer or any other lawful custody. The KNCHR team's request to talk to the suspects was rejected by the OCS citing police regulations on visiting hours. They informed him of John Mwangi's health condition and requested his personal intervention. The team later learned that the suspects were charged with touting, convicted on plea and fined Kshs.



2,000 each. They were most grateful to the KNCHR for intervening to save their lives.



107. **Mr. Geoffrey Guchu and Mr. Josiah Kung'u:** On 12/12/07 at around 11:30 am, the KNCHR received a call from relatives of two people—Mr. Geoffrey Guchu and Mr. Josiah Kung'u—that the two had been arrested on account of being members of the proscribed Mungiki sect and taken to the Umoja Chief's camp. The callers informed the KNCHR that the police were demanding a ransom fee of one million Kenyan shillings from each of the suspects. According to the callers, the police threatened to shoot and kill the suspects if they did not produce the ransom. The KNCHR quickly assembled a team and proceeded to the Umoja Chief's camp. On arriving at the Chief's camp, the KNCHR team inquired whether the suspects were being held there. The duty



officer at the Administration Police Camp informed the team that Mr. Geoffrey Guchu and Mr. Josiah Kung'u had been moved from the camp by the Police Mobile Unit Buruburu (MUB) registration number GK A 207 to Buruburu police station at around 2:00 pm. The KNCHR team proceeded to Buruburu police station. The team met with OCS, Chief Inspector William Ekasi and inquired whether Mr. Guchu and Mr. Kung'u were held at the station. The OCS informed the team that he had information that the GK A 207 had gone out on patrol but it had not reported back to the station. However, in the course of the conversation with the OCS, the GK A 207 patrol vehicle arrived at the station. On inquiring from the leader of the patrol, Inspector Laban Likolai, whether Mr. Muiruri and Mr. Kung'u were among those who had been arrested and brought to the station, Inspector Likolai responded in the affirmative. However, upon learning that officers from the KNCHR had visited the station to follow-up on the cases of Messrs Guchu and Kung'u, Mr. Likolai became very agitated. Although the officers from KNCHR had only requested to meet with the two suspects, Mr. Likolai hauled all the people who had been arrested by his patrol team to the Chief Inspector's office and started shouting at KNCHR officers. Mr. Likolai's language and demeanor was extremely intimidating. In full view of the OCS, Mr. Likolai verbally assaulted and threatened a KNCHR official Mr. Kamanda Mucheke. Upon realizing that Mr. Kamanda had written down his name, he menacingly stepped in front of Mr. Kamanda's face and demanded to know why he had done so. When Mr. Kamanda informed him that his identification badge was publicly displayed to all members of the public, Mr. Likolai flew into a fit of fury. He violently tore the page where Mr. Kamanda had written his name and stashed the paper into his pocket. He then proceeded to threaten Mr. Kamanda in these words: "*Mimi nitakufa na wewe!*" (I will die with you!). Mr. Likolai later returned the torn page to Mr. Kamanda after persuasion by the OCS. Despite these threats and intimidations, the KNCHR team spoke to Messrs Guchu and Kung'u albeit briefly as they were quickly taken away. The suspects informed the KNCHR team that the police officers had asked them to produce one million Kenyan Shillings each or they would kill them like they have done to other Mungiki criminals. The suspects also informed the KNCHR officers that they had been arrested while fuelling their vehicle at a petrol station in Umoja. The OCS declined a request by the KNCHR team to talk to the two suspects in private. The suspects were booked in OB Number 45/12/12/07 at 15.45 hours. Although they were initially booked on a charge of being Mungiki adherents,



Guchu and Kung'u were charged in Makadara law court the following day (13/12/07) with touting. They pleaded guilty and were released after paying a fine of Kshs 2,000.

108. **Theuri Kihoro and Kennedy Maina** were arrested in Kayole a few days before the Embakasi parliamentary by-elections which were held on 11/6/08. They were arrested by members of the anti-Mungiki police unit. Their friends called KNCHR who raised the issue with the police in Buruburu. Their relatives called the PNU parliamentary aspirant Ferdinand Waititu who intervened for their release through ministers Uhuru Kenyatta and Martha Karua.
109. **Kiragu Chege** a Matatu operator was arrested by the members of the anti-Mungiki police squad on 11/7/08 at around 11.00 am around Ruaraka estate who include **Foiyo**. The officers were in a saloon car with registration numbers (KBB ???). The officers demanded that Kiragu contacts his family to deliver Kshs 10,000 in exchange for his release or else they kill him. The panicky family delivered the said money at Muoroto police patrol base but Kiragu was not released. In the meantime, Kiragu contacted a friend who in turn informed the KNCHR. Following the intervention of KNCHR Kiragu was driven to a desolate area in Kayole and released. Upon release, he informed the KNCHR that three other suspects who had been arrested together with him were strangled to death and dumped in a bush near Forest road, Nairobi. He said that the police had a custom-made structure for strangling suspects. The telephone number used by **Foiyo** to ask for money is 0712 733 049.
110. **Timothy Njoroge Muiruri** was arrested in Nairobi city center on 5/7/08 by a police officer who he only identified as **Foiyo**. Fearing that he would be killed, he refused to be silently led away and screamed wildly attracting attention from members of the public. Foiyo asked for reinforcement and Njoroge was eventually taken to Central police station. Meanwhile, Njoroge had informed a friend who called the media and the KNCHR. On realizing that the matter was being monitored, Njoroge was booked at the station with various offences that included; resisting arrest, being a member of an unlawful group, being in possession of police boots and possessing some sensitive documents. The OB number is 49/5/7/08. He was however not taken to court but released the next day on bond to keep peace.



CHAPTER FOUR

EXTRACTS FROM MORTUARIES' RECORDS.

The KNCHR obtained extracts of mortuary records as evidenced in **Annex Five**. The following of information was established from the mortuary records.

Nairobi City Mortuary

The KNCHR visited Nairobi City Mortuary on 23/10/07 and found the following:

111. That since June 2007 a total of 454 people had been booked in the police mortuary register having died as a result of shootings. Virtually all these bodies were booked as Unknown. However, some bodies had been identified by relatives and buried while many others remained in the mortuary unidentified. The team was, at the time of the visit, unable to establish the exact number of the unclaimed bodies.
112. That virtually all the deceased were young kikuyu male adults. Records of the bodies that had already been identified by relatives revealed that the deceased were mainly from Kiambu, Muranga, Nyeri and Nairobi slums such as Mathare, Korogocho, Huruma, Dandora and Kariobangi.
113. That majority of the deceased died from gunshot injuries inflicted at close range and most of which were concentrated in the head.
114. That the killings were alarming in some periods particularly in the month of June which coincides with the time the government announced that it had heightened its crackdown on the proscribed Mungiki sect. This crackdown was climaxed by the 'infamous' police raid in Mathare's Kosovo area on 7/6/07.
115. That on the evening of the Kosovo raid, a total of ten (10) bodies were booked in the City Mortuary register all of whom were of Kikuyu origin.



116. That the number was highest on June 22 when a total of twenty six (26) bodies were booked in the police mortuary register. These bodies were brought from Buruburu, Dandora, Kayole, Kasarani, Industrial Area, Kiambu and Ruai. On identification by relatives, it emerged that all were young kikuyu male adults.
117. That from August 2007 onwards, the rate of bookings in the register reduced considerably which perhaps explains the dumping of bodies in forests in Kiserian and Suswa. Could the killers have changed strategy following the outcry generated by the rising spate of killings?
118. That whereas a total of 223 bodies were registered between June and July, 231 bodies were registered between August and October.
119. That other than those bodies collected by police after an alleged shoot-out, there is a disturbing category of bodies that were reportedly collected at varied locations in forests, rivers and desolate farms outside Nairobi. On 5/8/07, five bodies were brought from Yatta, Machakos. Five more were brought on 30/9/07 and an additional one brought on 17/9/07 from the same place. All these bodies are of Kikuyu origin.
120. That on diverse dates between June and October rotten bodies some partially mauled by wild animals were brought in mainly from Ngong, Kajiado area.

Naivasha District Hospital Mortuary

The KNCHR visited the Mortuary on 24/11/07 and found that:

121. A total of eleven (11) bodies were booked in the mortuary register between 25/7/07 and 25/8/07. These bodies were brought by police from Mai Mahiu and Suswa Police Posts and were reported to have been dumped in bushes within Suswa and Mai Mahiu region. All the bodies were initially booked as unknown.
122. Nine bodies had subsequently been identified; eight had been taken away for burial while the other three were still in mortuary. The identified bodies were all for young Kikuyu male adults who hailed from Kiambu.

123. All the bodies had bullet injuries mainly in the head but also in other body parts. A number of the bodies had been partially devoured by wild animals.
124. Due to the limited capacity of the mortuary, the KNCHR was informed that the hospital authorities wrote to the area police stopping further inflow of such bodies to the mortuary. Since then no more bodies had been brought to the mortuary.

Nanyuki District Hospital Mortuary

125. The KNCHR visited the mortuary on 23/11/07 and found three bodies related to disappearances as confirmed by the mortuary attendants. One body was that of Anthony Chege Mugo .
126. Anthony Chege's body was found several days after he was arrested by the anti-Mungiki police unit in Nairobi on 12/11/07. On 20/11/07, the KNCHR received a petition from Chege's brother who reported that Chege was arrested by police officers on 12/11/07 at the City Stadium Roundabout. Chege was a Matatu tout on the Hillocks – Industrial Area Route. The petitioner reported that he was at home in Mathioya on 12/11/07 at around 10.00 am when he received a call from Chege's friend informing him that Chege had been arrested and taken to Makongeni Police Station. The petitioner called a friend police officer attached to Makongeni who confirmed that Chege had been arrested by an officer called Peter. The petitioner spoke to Peter who told him to bring Kshs. 200,000 or else he would take him to the 'Laboratory' (read mortuary). Peter shortly after called the petitioner on cellphone number (0724 756 415) and told the petitioner that he had handed Chege to another officer, a Mr Langat. Peter asked the petitioner to send him airtime credit so that he could forward to him Langat's cellphone number. He sent airtime worth Kshs. 200 to Peter who then forwarded Langat's number. The petitioner immediately called Langat who asked him whether '*uko na mali, umejipanga*' (Do you have the money, have you organized yourself?). The petitioner said that he was looking for the money and would avail it as soon as possible. On 15/11/07, Langat called the petitioner (using cell phone number 0733142829) and threatened him that chege would be killed if he (the petitioner) did not bring the money. Langat further told him to call Peter and ask him Chege's whereabouts. The petitioner tried calling Peter in vain. In the



meantime, some relatives had visited Makongeni Police Station where the officer on duty informed them that Chege was not there since he had not been booked in the Occurrence Book. After visits to numerous police stations and mortuaries, the family received reports that some dead bodies had been found in Nanyuki. The family visited Nanyuki mortuary and positively identified Chege's body, which had gunshot wounds in the head. The petitioner told the KNCHR that Chege had previously been arrested in September by two officers of the anti-Mungiki police squad, Messrs Peter and Korir and taken to Makongeni Police Station. The family paid Kshs. 20,000 to secure his release after the officers threatened to kill him. Upon releasing him the officers reportedly told him not to wear Sahara shoes (safari boots manufactured by the Bata Company) which are associated with criminals.

127. The KNCHR visited the Nanyuki Mortuary on 23/11/07 and learnt that Chege's body together with another one (which had not been identified) had been booked on 13/11/07 after they were found shot and dumped along Nyeri-Nanyuki road near Chaka shopping center. The bodies were booked by Police Constables Mungai and Ambogo both attached to Kiganjo police station. The bodies did not have clothes and the KNCHR was informed that the clothes were burnt by scene-of-crime officers. Another unidentified body with similar gunshot wounds was booked in the mortuary on 22/11/07 by Police Constables Ntaiya and Kemboi from Timau police station. The body was reportedly found at Maili Tisa area of Onturiri Location in Timau.

128. The following pictures illustrate the scene where the bodies of Chege and the unidentified person were dumped:





THE KILLING FIELDS

Magadi/Kiserian and Ngong areas.

129. The KNCHR visited Ngong and Kiserian area and was informed by several witnesses that on 8th October 2007, they spotted a Land Cruiser vehicle with four occupants at around 3.00 pm parked along the Magadi – Kiserian road. One witness stated that the occupants got out of the vehicle and walked down into a small valley next to the road. While still at a distance he heard gunshots from the direction where the four had walked and thereafter three of the four people emerged from the bush went back to the vehicle and drove off towards Kiserian.
130. Another witness told the KNCHR that on 10th October 2007, he revisited the scene accompanied by some villagers and found a body of a brown, stout middle-aged man. This witness went to the scene yet again the next day but found that the body was missing and he later heard from people that the body had been picked by the police.
131. A resident of Sua Engereyan village, Lodariak sub-location of Kajiado Central told the KNCHR that on 5th October 2007 while grazing his cattle, he saw a body of someone lying on the ground at around 5.30 pm which had been covered with a white jacket on the face. He reported that he went back the following day accompanied by a neighbour and scrutinized the body further, upon which they found a visible hole on the head which they suspected to be a gun shot wound. They reported the matter to a Provincial Administration officer who in turn reported the same to the police at Kiserian police station.
132. The same witness stated that on 8th October 2007 while in search of his calves around Loniat area at around 8.00 pm, he heard gunshots from the bush which frightened him and he went straight home. His evidence was that the next day, he met a boy who told him that the previous day, he had seen two vehicles from which four people had alighted at the bridge and went down to the river and thereafter he heard gunshots. Only three of the four people

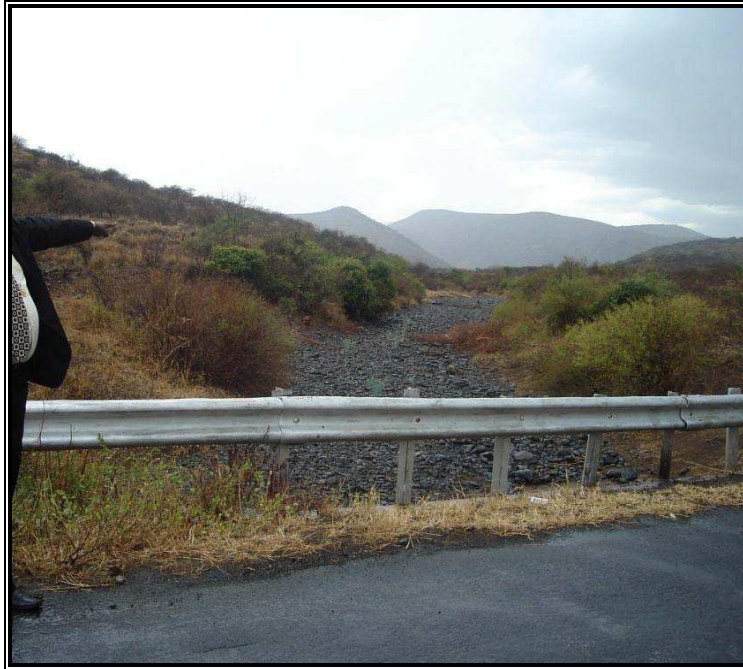


emerged from the bush. This witness once more went to the scene and saw a dead body lying at the site. On going to the scene the next day, he found that the body had been partially eaten by wild animals with only a leg and ribs left at the scene.

133. On 10th October 2007, the same witness told the KNCHR that he saw a Land Cruiser come to their village carrying police officers who said they were looking for a hand cuffed man who had allegedly escaped from their custody and after going to several homes, the officers left. The neighbours reported that later that day at around 3.00 pm, they heard gunshots and when the witness went to that direction, he came across a dead person at the site. It was on this note that he and another witness reported to the KNCHR for intervention.



Blood stained spot where the suspect was killed.



A KNCHR staff pointing at the scene of the Killing.



The bridge near the scene where the suspect was executed .

134. The two witnesses told the KNCHR that their community was frightened by the presence of the bodies in the area which had created a feeling of fear and insecurity. Their biggest worry was that once wild animals had tasted human flesh they could easily turn to their children, a fear which they claimed made the children not go to school.
135. This pattern of events was retold to the KNCHR by various witnesses. There is unanimity on the events of 10th October 2007. The narratives of the police looking for an escaped hand cuffed suspect are especially striking. All concur that the police were in a navy blue Land Cruiser and one witness has given the registration number as **GK W364**. After going to individual homesteads looking for the said suspect, the witnesses reported hearing gunshots and a dead body was found the following day at the bridge. This body they suspect could be that of the hand-cuffed 'escapee'.
136. One witness, a businessman in the area, recalls this incident well. He stated that at around 7.00 pm, on the material date, he met a hand cuffed man in jeans and a flowered shirt who stopped his vehicle but then ran away in spite of the businessman's attempts to call him back. He stated that he thereafter came upon two police motor vehicles on the highway. The following day, he heard from the public that a body of a man had been found at the bridge though he could not confirm whether or not it was that of the man he had met earlier.
137. Various other witnesses told the KNCHR how in the course of grazing their animals, they had stumbled on dead bodies all bearing gunshot wounds at the back of the head with the bullet exiting in front. While some bodies were collected after reports were made to the local authorities, some never were and they were completely devoured by wild animals. Regarding the vehicles that were spotted at the scenes, the statements were consistent in describing Police Land Cruisers some of which had the tops painted white.
138. Another witness narrated to KNCHR that sometime in August 2007 while grazing within the same area, he heard six gunshots and the following day he stumbled on three unknown dead bodies. The hands of the deceased persons appeared bruised by what he believed to be handcuffs and had been smeared with black ink (could it be the indelible ink used by Police to take finger prints?). After two days, the said bodies were collected by the police.



He also stated that during this period, it was a common phenomenon to hear gun shots and people screaming.

139. An Official with the Provincial Administration in Kiserian confirmed to the KNCHR of having received reports of bodies found within his area of jurisdiction. He stated that this trend began in June from when about twenty one (21) bodies had been collected by the police. It was his view that there could be many other bodies dumped in the area but not reported and which had ended up being devoured by the hyenas. He told the KNCHR that he had raised these issues with his immediate superiors. It was also his evidence that these killings had been the subject of security meetings where police authorities from Kiserian were in attendance and in political meetings chaired by the local Member of Parliament, Honorable George Saitoti. The Official voiced his frustrations to the KNCHR that despite having reported the killings and dumping of bodies, no action had been taken.

140. The official told the KNCHR that the people killed were not area residents. This finding was corroborated by members of the community who further stated that the bodies were normally found with personal effects including money and mobile phones, which were then collected by police when they came to collect the bodies.

The following are more pictures of more clothing, body organs and other items found at the scene by the KNCHR:







Yatta/Athi River/Machakos Areas

141. A number of persons petitioned the KNCHR reporting that bodies of their relatives had been found floating on river Athi in Yatta division. The KNCHR established that at least fifteen (15) bodies eight had been collected by police from the river and taken to Machakos District Hospital Mortuary. The details are contained in the profile highlighted hereinafter.

The following is a pictures of the bridge from which the bodies were dumped:



CHAPTER FIVE

ADVERSELY MENTIONED OFFICERS:

142. The following is a list of police officers adversely mentioned by the complainants who recorded their statements at the KNCHR. However, it has been extremely difficult to establish the actual/full identity of some of the officers of the crack unit since they neither wear identification badges nor do they identify themselves.

- CPL Zebedeo Maina
- CPL. John Njoroge Kamau
- CPL. Muthee
- CPL. Mohammed
- PC Noor
- 'Foiyo'/'Boiyo'
- Macharia alias Mashaa
- Maiyo
- Bob
- Oti
- Lang'at
- Tyson
- Ali alias 'Mash' / 'Woria'
- Mwangi alias Mwas
- Koffi alias Mluga
- Muthee alias Vaite Jr



- Omos
- Mathenge alias Njoroge
- OCS/Deputy OCS, Muthaiga Police Station
- Ngei

Some of these aforementioned officers are reportedly based in BuruBuru, Makongeni, Shauri Moyo, Kamukunji, Kasarani, Pangani and Kayole Police stations.

