

29th June 2016

Press Release

Enforced Disappearance of Willie Kimani, a Human Rights Defender together With Josephat Mwenda and Joseph Muiruri

We the undersigned organizations call for the immediate release of Willie Kimani, a human rights defender/lawyer, and his two associates, Josephat Mwenda and Joseph Muiruri, who were abducted by the Administration Police (AP) on 23rd June 2016. The three were abducted as they left the Mavoko Law Courts in Machakos County shortly before 12:00 pm.

Willie, who works for the International Justice Mission (IJM), was in court together with IJM client Josephat Mwenda, a 24 year old father of one who before the 10th April 2015, plied his trade as a *Boda boda* (motor cycle) rider.

This is the culmination of numerous blatant attempts to intimidate Josephat to withdraw a complaint lodged with the Independent Police Oversight Authority (IPOA) against a senior Administration Police (AP) officer stationed at Syokimau AP Camp.

This all began on 10th April 2015 at about 2.00 PM when Josephat Mwenda, while a pillion passenger on a friend's motorcycle, was stopped by two ununiformed police officers one of whom they later realized was a well-known senior Administration Police Officer from the area. According to eye witnesses, the AP officer shot Josephat without provocation, after which the AP officer transported Josephat to hospital together with his colleague, and thereafter placed him in police custody.



In an attempt to cover up the shooting, Josephat was fraudulently charged with “being in possession of narcotic drugs”, “gambling in a public place”, and “resisting arrest.” Curiously, four other officers, who were not at the scene, recorded statements in support of these malicious and fabricated charges. Josephat sought legal assistance with IJM who immediately took on his case.

Ever since Josephat reported the shooting incident to the IPOA, he has faced persistent threats. On 13th December 2015, the same officer responsible for the shooting, in the company of other AP officers picked Josephat up from his home. He was taken to Mlolongo Police Station and charged the following day with six (6) counts of fabricated traffic charges. These were: (i) riding a motorcycle without a helmet; (ii) riding a motorcycle without a reflective jacket; (iii) carrying excess passengers; (iv) carrying un-insured passengers; (v) riding un-insured motorcycle; and (vi) riding a motorcycle without a driving license. This was despite the fact that Josephat was still undergoing physiotherapy on his arm, and was therefore unable to ride a motorcycle.



It is after the second arrest that IJM took up the case. Throughout this time, Josephat has been the victim of numerous threats and intimidation, including an incident on 16th February 2016 when he was picked by two men from court claiming to be officers from the Criminal Investigation Department (CID). The officers alleged that they were investigating a robbery with violence case and that Josephat and others were suspects. An IJM Advocate insisted on being present during the interrogation where Josephat's identity documents were taken from him then returned shortly afterwards.

As partners, we learnt with shock and disbelief that our colleague Willie, a dedicated human rights lawyer and a champion of justice, was abducted along with Josephat Mwenda, the client he was assisting, and with their taxi driver Joseph Muiruri. There is strong evidence indicating that Willie and his colleagues were unlawfully detained at the Syokimau AP Camp for a period of time on 23rd June 2016 and were moved soon thereafter.

Willie Kimani has dedicated his career to secure basic human rights and freedom for his fellow citizens. This he started while an intern (later Legal Officer) at Release Political Prisoners, now the Rights Promotion and Protection Centre (RPP), where he continues to serve on the Board. His passion for fighting for the protection of victims of torture and extra-judicial killings drew him to the Independent Medico Legal Unit (IMLU), and later the Independent Policing Oversight Authority (IPOA). In the last year Willie joined International Justice Mission (IJM) pouring his incredible passion into the fight for securing justice for the poor and transforming the criminal justice system.

We in the human rights community strongly condemn this enforced disappearance of a human rights lawyer and call for the immediate release of Willie and his associates, Mr. Josephat Mwenda and Mr. Joseph Muiruri. We call for the immediate interdiction, investigation and holding to account of the officers involved in this heinous act. We also call on IPOA to undertake an audit and investigate the impact of Syokimau AP Post to the people of that area.

Thank you

Signed

1. The Kenya National Commission of Human Rights (KNCHR)
2. Amnesty International (AI)
3. International Centre for Transitional Justice (ICTJ)
4. International Commission of Jurists-Kenya (ICJ K)
5. Kenya Human Rights Commission (KHRC)
6. Independent Medico Legal Unit (IMLU)
7. Freedom House (FH)
8. Rights Protection and Promotion Centre (RPP)
9. Kenyans for Peace with Truth and Justice (KPTJ)
10. National Coalition of Human Rights Defenders (NCHRD-K)

