‘This Has Pushed a Button’: Killings in Kenya Ignite National Outcry

By JEFFREY GETTLEMAN  JULY 8, 2016

NAIROBI, Kenya — The bodies were found in horrible shape.

The skull of Willie Kimani, the lawyer, had been fractured in many places. Blunt force trauma, the coroners said.

Josphat Mwenda, the client, had blood in his chest cavity, suggesting that he had been repeatedly hit by something very heavy and very hard.

Joseph Muiruri, the taxi driver, who had the bad luck of driving the two after they left court two weeks ago, had been badly beaten as well, finished off with a length of rope.

The lawyer and the client had been working on a police abuse case, and all three were last seen in police custody. Human rights groups say it is a sign of how cheap life has become on Nairobi’s streets that police officers apparently thought the best solution to accusations against them was to kidnap and kill three people, including a well-known lawyer and a taxi driver who had nothing to do with the case.

But if so, the police miscalculated. Four officers have been arrested and the case has exploded like few others in Kenya, provoking marches, protests, the involvement of the F.B.I. and outrage that has turned into violence.

Hordes of young men stormed a police station this week and burned the metal container where the victims had been secretly held. Lawyers vowed to boycott the
courts for a week, out of solidarity for their fallen colleague, and their absence has paralyzed Kenya’s justice system.

Kenya’s police service is widely known for corruption, abuse and extrajudicial killings, an unchecked power that gets away with murder and whose brutality goes back to colonial days, when the British authorities engaged in torture, concentration camps and forced disappearances. Islamic sheikhs have been recently assassinated in suspicious circumstances, along with members of Nairobi’s street gangs.

Human rights groups both here and abroad have pointed the finger at police officers.

But no episode in recent memory has provoked a backlash as intense and sustained as this one. Activists at a rowdy protest on Monday splattered a high-ranking police official in fake blood. Even as far away as Nigeria, fellow lawyers are calling for justice and urging Kenya’s legal sector not to be intimidated.

“It had been open season on young men in the slums for a long time,” said John Githongo, one of Kenya’s best-known anticorruption crusaders. “But lawyers were considered untouchable.”

“The Kenya police is the most rotten public institution we have,” he added. “And this has pushed a button that hadn’t been pushed.”

On Friday, mourners gathered at the Consolata Shrine in Nairobi to say their farewells. The crowd was about as mixed as it ever gets: young men in puffy jackets and baseball caps; young lawyers in natty suits; women with babies tied to their backs; Western ambassadors in armored cars with the flags of their countries fluttering on the hood; older women from upcountry with colored field scarves tightly tied on their heads.

“As Kenyans, we are not happy with what happened,” the Rev. Stephen Mbogu said. “The entire nation is asking: When will such extrajudicial killings end?”

This case started more than a year ago with something comparatively small, which many Kenyans have said exemplifies how out of control the police service is. Mr. Mwenda, 27, a motorcycle taxi driver, was riding on a friend’s motorcycle through a poor neighborhood on the outskirts of Nairobi in April 2015, when two
police officers stopped them. According to human rights groups, Mr. Mwenda got into an argument with the police officers and one started waving around a pistol and shot Mr. Mwenda in the arm, possibly by accident.

The offense probably would not have resulted in much more than a small administrative punishment. But human rights activists contend that while the officers were taking Mr. Mwenda to the hospital, they decided to concoct charges against him — possession of drugs, gambling and resisting arrest — to cover up for shooting him unlawfully. Four other officers, who were not even present, later recorded statements backing up the fabricated charges, human rights groups said, showing that police malfeasance runs deep.

Mr. Mwenda filed a complaint with the Independent Policing Oversight Authority, a newly created government agency entrusted with investigating serious abuses by the police. The agency is partly funded by the United States government and is regarded as one of the most promising signs of reform in Kenya.

According to human rights groups, the police repeatedly threatened Mr. Mwenda and demanded that he withdraw his complaint against the officer who shot him. When he refused, he was arrested a second time on new bogus charges, human rights activists said.

Enter Mr. Kimani, 32, a veteran human rights lawyer. In this case, he was serving as an investigator for the International Justice Mission, a global Christian organization headquartered in Virginia, which tries to protect poor people from violence and was helping Mr. Mwenda.

On June 23, shortly after Mr. Kimani and Mr. Mwenda appeared in court, they vanished. A passer-by saw them several hours later, locked in a metal container at a police station. Through the window, Mr. Kimani and Mr. Mwenda passed a note written on a piece of toilet paper saying they were in danger and to call Mr. Mwenda’s wife. Several police commanders denied that the two had ever been arrested.

A week later, they were found dead in a river, with the taxi driver, Mr. Muiruri, 27, whom they had hired that day.
The four police officers arrested include Senior Sgt. Fredrick Leliman, the one who shot Mr. Mwenda in the arm last year. Human rights activists said that he was the ringleader and that many people in the neighborhood where he worked were terrified of him because, like other senior officers, he acted with impunity.

“Their behavior is not representative of what the National Police Service stands for, and the few rogue elements will always be dealt with firmly,” the police said after the arrests.

The police are looking for more suspects, including one man photographed by roadside security cameras driving Mr. Muiruri’s taxi after the three disappeared. The F.B.I. is helping the inquiry.

It appears that the three were killed along a highway several miles from where the bodies were found, and that the killers were careful not to use a gun, which would have left ballistic evidence. Kenyan investigators said they had collected human waste and DNA material from the crime scene, though no blood.

On Friday, each man was remembered for something different. But there were not many tears at the memorial service, because the three seemed to have already made the transition from people to icons.

Mr. Kimani was praised for his deep commitment to human rights. Mr. Mwenda had a firm sense of right and wrong.

Mr. Muiruri was said to be very considerate of others. When someone was sick, he was the one who brought over a cup of tea. Of all three deaths, his seemed to be the most angering.

As several fellow taxi drivers said: They killed him for nothing.

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