



Our Ref: CASD-0002/FEB/014

Date: 27th Feb'2014

RE: The Assault Case of Mzee John Abwao Onyanyi in Police Custody

John Abwao Onyanyi, a 55 year old resident of Kibigori village in Muhoroni Sub-County was arrested on the 18th February'2014 on suspicion of participating in the mob lynching of a suspected cattle thief in the evening of 15th/16th February'2014. During his arrest, the Administration Police Officers attached to Masogo AP Camp seriously assaulted him. Mr. Abwao who was arrested and detained at the Songhor Police Station (**OB 11/19/2/2014**) in Tinderet seriously complained of abdominal and chest pain and was more than thrice taken for treatment at the Chemelil, Meteitei and Maraba Health Centres prompting the clinician who last handled him at the Maraba Health Centre to refer him to Oginga Odinga Teaching and Referral Hospital (**OOTRH**), Kisumu for further medical examination and treatment (recommending that an X-ray be done to authenticate the extent of internal injuries he might have suffered, a development which the OCS Songhor Police Station refused to honour arguing that the Mr. Abwao was under his custody and that **OOTRH** was without his jurisdiction.

Recently, there has been an increased ethnic tension between the two dominant communities residing along the border area of Muhoroni and Aldai Sub-Counties in Kisumu and Nandi respectively coming as a result of the rampant stock theft. In the evening of 15th February'2014, an alarm was raised of a group of Kalenjin rustlers who had raided the border village of Majimbo in Kibigori, Muhoroni Sub-County and made away with twelve head of cattle, an incident that saw swift response from the residents of Kibigori who mobilized themselves and immediately trailed the rustlers unfortunately lynching one suspect. It is on this incident of murder that Mr. Onyanyi is being charged.

With no legal representation and incomplete investigations, the suspect together with others was arraigned in a Kapsabet court on 21st February'2014 on compounding murder charge (**Case No. 18/14**). Being present during the hearing, C.A.S.D was able to seek the court's permission {under Article 50(7) Laws of Kenya} to communicate the concerns of the suspect prompting the court to order an investigation into the assault claims with the OCS Songhor Police Station expected to furnish the honourable court with the findings on Wednesday 26th February'2014 when the accused persons were next expected to appear before the Court.



The Court also directed the In-Charge; Songhor Police Station to ensure that Mr. Abwao gets medication attention.

Despite the Court directive and numerous efforts by the family, the OCS; Songhor Police Station continued to deny the suspect the right and opportunity to immediately seek medical attention occasioning the deterioration of his health. Whenever Mr. Abwao complained of increased pain on his chest and abdomen, the OCS often directed his officers to take the suspect for treatment at the nearby Maraba or Meteitei Health Centres; ill equipped to properly give him the right diagnosis.

It was quite unfortunate that on 21st February when Mr. Abwao was finally referred to seek specialized treatment at the Oginga Odinga Teaching and Referral Hospital in Kisumu, the OCS; Songhor flatly denied the suspect an opportunity to seek such attention despite numerous efforts by the family to even organize their own mode of transport when the Station had advanced the argument that the vehicles attached to the them were out on operation and went ahead to hold the suspect until mid-night of 22nd when the suspect fell unconscious in their holding cell.

The suspect was instead rushed to Nandi District hospital and admitted the same evening only to be referred to Kapsabet District Hospital in the morning of 23rd February'2013.

At the Kapsabet District Hospital, the suspect was able to access the X-Ray services which revealed swelling in the lower abdomen and the spleen; a development which prompted the doctor who was handling him to recommend that he be booked for operation.

Mr. Abwao; though unconscious from the time when he came out of the theatre on 24th Feb. and is currently fighting for his dear life at the health facility after the successful operation, was discovered to have a fractured and blood stained spleen as well intertwined intestines and swelling in his lower abdomen ostensibly as a result of the injuries he sustained when the two Administration Police Officers attached to Masogo AP Camp assaulted him.

We therefore appeal to IPOA to:-

1. Order for investigation and bring to book the two AP Officers attached to Masogo AP Camp who allegedly assaulted Mr. Abwao.
2. Investigate and take disciplinary action against the OCS Songhor Police Station for his incompetence and mishandling of the case.
3. Recommend compensation for and on behalf of Mr. Abwao.

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