

SYOKIMAU, KENYA · 2015 – 2023

THE MAVOKO THREE



*The True Story of a Lawyer, His Client
and the Police Who Silenced Them*

THREE MEN. ONE NOTE. SIX YEARS TO A VERDICT.

GRAHAM KASINDO

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and the Police Who Silenced Them*

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*“Willie and Mwenda have been arrested and held at
Syokimau. We are in danger.”*

— From the note Willie Kimani wrote in custody, 23 June 2016
(as read in court, in translation)

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Prologue

SYOKIMAU. 23 JUNE 2016.

The cell was a shipping container.

It stood at the Syokimau Administration Police camp, a steel box that had been turned into a holding cell. Inside it that day were three men: a lawyer, his client, and the taxi driver who had been hired to take them home from court.

Their names were not written in the occurrence book. Officially, they had never arrived.

The lawyer was Willie Kimani. He was thirty-two. His job was holding the police to account for abusing ordinary people.

He wrote a note.

He wrote it on tissue paper. Three leaves, folded small and tucked inside a black socket holder. In court, years later, it was read out in translation:

“Please call number — and let Rose know that Willie and Mwenda have been arrested and held at Syokimau. We are in danger.”

A police officer at the camp, Joseph Mucheru, would testify that Kimani whistled at a passing boda boda rider and tried to throw the socket holder to him.

The note never left the camp.

By the time anyone read it, all three men were dead.

To understand how a lawyer could vanish from outside a courthouse in broad daylight, you have to go back fourteen months. To a motorbike, a road near Syokimau, and a single gunshot.

CHAPTER ONE

The Shot

NEAR SYOKIMAU CHIEF'S CAMP. 10 APRIL 2015.

Josephat Mwenda was a boda boda rider. That day he was riding pillion.

Plainclothes Administration Police officers stopped the motorcycle. There was an altercation. Senior Sergeant **Fredrick ole Leliman** drew his gun and shot Mwenda in the arm.

Leliman would later tell a court his version. He said he had been called about gamblers suspected of theft, that Mwenda had pulled a knife, and that he had pleaded with him to drop it. Mwenda, the officer said, refused, “leaving him with no option but to shoot at him.”

Leliman took the wounded man to hospital. Then he put him in custody.

Three days later, on **13 April 2015**, Mwenda stood in the dock at Mavoko Law Courts. He was charged with possession of narcotic drugs, gambling in a public place, and resisting arrest.

He had been shot. And now he was the accused.

CHAPTER TWO

The Complaint

Mwenda did something most people in his position never do.

He complained.

He went to the **Independent Policing Oversight Authority**, IPOA, the civilian body created to investigate the police. He told them an officer had shot him without cause, and then charged him to cover it up.

It was the kind of complaint that could end a career.

14 December 2015. At night, officers came to Mwenda's home and took him away. Leliman was among them.

15 December 2015. Mwenda was back in court. This time the charge sheet held six new counts, all traffic offences. Riding without a helmet among them.

His arm was still so badly injured he could not ride a motorcycle.

CHAPTER THREE

The Lawyer

Willie Kimani was born on 21 April 1984.

He was a lawyer with the **International Justice Mission**, IJM, an organisation that took on cases of police abuse on behalf of people who could never have afforded a lawyer. He was married to Hannah. They had two children.

He had already begun looking into the Mwenda shooting when, on **14 February 2016**, IJM formally took on the case. Kimani was assigned as Mwenda's lawyer.

Soon after, following a court hearing that same month, the police detained Mwenda, his co-accused, and Kimani himself. The reason given was an investigation into a robbery in Meru. All of them were later released.

The lawyer had now been arrested alongside his client.

He put everything on paper.

CHAPTER FOUR

No Protection

24 February 2016. IJM wrote to the Inspector General of Police, to IPOA, and to the Witness Protection Agency. The letters complained of police misconduct and asked for protection for Josephat Mwenda.

1 March 2016. The Witness Protection Agency said no. Mwenda, it said, was an accused person, not a victim.

The man who had been shot, charged and taken from his home at night did not qualify.

16 March 2016. IPOA summoned Fredrick Leliman to submit a statement about his conduct.

The complaint was now moving. The officer at the centre of it had been told so in writing.

Years later, a High Court judge would put the next part in a single sentence: Leliman “had a reason to silence the deceased because his job was on the line due to the case Mwenda lodged at IPOA.”

CHAPTER FIVE

The Hearing

Mwenda's traffic case was listed for hearing at Mavoko Law Courts on **23 June 2016**.

The date mattered.

A police informer named **Peter Ngugi Kamau** would later describe what he had been told about it: "He said that his case was set for hearing on 23/6/2016 and therefore we must act on that day, when he comes to court."

MAVOKO LAW COURTS. 23 JUNE 2016.

Willie Kimani came to court with his client. After the hearing, the two men got into a taxi driven by **Joseph Muiruri**, a driver they had hired for the day.

They did not get far.

Plainclothes officers stopped the car and said the men were under arrest. The three were moved into another vehicle.

Joseph Muiruri had nothing to do with any of it. He had been hired to drive.

CHAPTER SIX

The Container

Which brings us back to Syokimau.

The three men were taken to the Administration Police camp and locked in the container that served as its cell. No entry was made in the occurrence book. Without that entry, no one could prove they had ever been there.

Kimani wrote his note. He tried to throw it to the rider on the road outside. It stayed in the camp.

Outside, the people who loved them started to worry. They didn't come home that evening, and nobody answered their phones.

What happened next is known from the prosecution's evidence, and above all from the man who confessed to taking part: the informer, Peter Ngugi.

According to his account, the three were stuffed into the boot of a car for more than three hours while their captors argued about whether to kill them.

They decided that they would.

CHAPTER SEVEN

The River

MLOLONGO. NIGHT OF 23 JUNE 2016.

The three men were driven to a field near Mlolongo.

They were strangled with rope, one after another. Ngugi put Mwenda's death at around ten o'clock that night and Muiruri's at around eleven. As the case was later told, each man could hear what was being done to the others.

The bodies were put into gunny sacks. Muiruri was a tall man; it took two sacks to hold him.

Then they were driven to the Athi River at **Ol Donyo Sabuk** and dumped in the water.

OL DONYO SABUK. END OF JUNE 2016.

A diver named **John Mwaniki** was bathing in the river when he saw legs sticking out of a gunny bag. He told the police.

By **1 July 2016**, all three bodies had been pulled from the river and identified. Their arms had been tied. Their heads were wrapped in plastic bags.

The post-mortems told the rest. Josephat Mwenda had died of injuries to his head, neck and chest. Joseph Muiruri had been

strangled. Willie Kimani had fourteen injuries. His skull had been crushed, and he died of blunt force trauma to the head.

CHAPTER EIGHT

Seven Days

The week between the disappearance and the river was the week Kenya found out.

IJM and the police went from station to station and from morgue to morgue. A missing persons report was filed. On **29 June**, IJM and the Police Reforms Working Group went public.

On **30 June**, the Law Society of Kenya went to court with a habeas corpus application, demanding that the state produce the three men.

It was too late for that.

When the bodies were identified, the country's lawyers did something they almost never do. They walked out. Between **4 and 8 July 2016**, lawyers across Kenya went on strike and marched through the streets against police killings.

8 July. A memorial service.

9 July. Willie Kimani was buried.

11 July. Josephat Mwenda was buried.

Four police officers had been detained in the first days of July. On **18 July 2016**, they were charged with three counts of murder: **Fredrick Leliman, Stephen Cheburet, Sylvia Wanjiku and Leonard Mwangi.**

On **11 August**, the habeas corpus case ended. The court found that the police had failed to act on the IPOA complaint.

On **23 August**, a fifth suspect was charged: the civilian informer, Peter Ngugi.

CHAPTER NINE

The Trial

MILIMANI LAW COURTS, NAIROBI. FROM 10 NOVEMBER 2016.

The trial of the five opened before **Justice Jessie Lessit**.

It did not move fast. It went on for years.

The prosecution called **forty-six witnesses**. The defence called **thirty-four**. The court received **117 exhibits**: phone records, cell-site analysis showing where each phone had been, DNA samples, footage from the police's own Communication Command Centre cameras, and vehicle-recognition data that tracked a car along Mombasa Road on the day the men disappeared.

The tissue note was among them.

Leliman took the stand and admitted he had shot Mwenda back in 2015, but said it had been self-defence. He denied the rest. "It's a lie that I wanted him to withdraw a complaint he filed at IPOA," he told the court.

Ngugi's story was the one that mattered most, and it did not travel in a straight line. In **August 2019**, he tried to take back his confession. He fought to stop a video recording of it from being played in court, citing his right not to incriminate himself.

But on the stand he put Leliman at the heart of the killing, and he insisted he was not being pressured to say so: "I swear Leliman

was there and he bought us more beer. I can't lie about it and this is not about being forced."

The judge would later weigh both versions. "It was his confession that shaped the investigation," she found. "His defence under oath was further confessed to his role in the murder." His accounts varied, she noted, but: "He did not colour anything white that was black."

The years dragged on. In **June 2021**, five years after the murders, Willie Kimani's father, Paul Kinuthia, said what many families of the police's victims had come to believe: "I'll die before I get justice for my son's death."

On **20 September 2021**, Justice Lessit ruled that all five accused had a case to answer.

Final submissions were made in **February 2022**.

Then the court went quiet, and wrote.

CHAPTER TEN

Most Foul

MILIMANI LAW COURTS. 22 JULY 2022.

Six years and one month after the three men walked out of Mavoko Law Courts, Justice Lessit delivered her verdict.

Fredrick Leliman: guilty on three counts of murder.

Stephen Cheburet: guilty.

Sylvia Wanjiku: guilty. She had known the three men were being held in the container, and she had not recorded them in the occurrence book.

Peter Ngugi: guilty.

Leonard Mwangi: acquitted on all three counts.

On motive, the judge was plain: “I find that the first accused [Leliman] is the only one among the five accused who had a motive to kill [Mwenda].”

3 February 2023. Sentencing.

The judge called the murders “most foul and heinous.” “To say the least,” she said, “the murder was most foul with the meticulous planning and execution.” Leliman, she noted, had been paid by taxpayers to safeguard life “but chose to do the contrary.”

Then she read the sentences.

“The first accused is sentenced to death on each of the three counts.”

Stephen Cheburet Morogo: thirty years.

Sylvia Wanjiku Wanjohi: twenty-four years.

Peter Ngugi Kamau: twenty years.

Kenyan courts rarely convict police officers of murder. Rights groups called the case a precedent.

Epilogue

Paul Kinuthia was eighty-four when the sentences were read. He had said he would die before he saw justice. He was there to see it.

“I believed that we were going to get justice,” said Willie’s widow, Hannah, “and I had no doubt that they had committed the crime.”

Joseph Muiruri’s sister, Stella, spoke for the family of the man who had only been hired to drive: “We feel relaxed, everything has gone well, we thank God.”

Not everyone named in the case ever faced trial. Court records mention another officer, a **Sergeant Kamenju**. Reports after the verdict said he was still at large.

The killings didn’t stop with the Mavoko Three. In 2022, the Kenya National Commission on Human Rights documented at least **94** extrajudicial killings by police.

But something had shifted. A lawyer had been murdered for doing his job, and his profession had marched in the streets. A rapper, Juliani, wrote a song for him, *Machosi ya Jana*: yesterday’s tears. A coalition called **Missing Voices** began counting the people the police kill, so that no death would go unrecorded again.

And among the evidence were three leaves of tissue paper, once folded small.

*Willie and Mwenda have been arrested and held at Syokimau. We
are in danger.*

The note never reached anyone that night. It reached a courtroom six years later, and there, at last, somebody listened.

THE RECORD

VICTIMS	Willie Kimani (32), lawyer; Josephat Mwenda, boda boda rider; Joseph Muiruri, taxi driver
ABDUCTED	23 June 2016, after a hearing at Mavoko Law Courts
HELD	A container cell at Syokimau AP camp, never recorded in the occurrence book
FOUND	Oi Donyo Sabuk, Athi River, by 1 July 2016
MOTIVE (PER THE COURT)	Mwenda's IPOA complaint against Leliman
TRIAL	2016–2022; 46 prosecution and 34 defence witnesses, 117 exhibits
VERDICT	22 July 2022: four guilty, one acquitted
SENTENCES	3 February 2023: Leliman, death; Cheburet, 30 years; Wanjiku, 24 years; Ngugi, 20 years
JUDGE	Justice Jessie Lessit

The note never reached anyone that night. Six years later, it was heard.

A Note from the Author

If this story stayed with you, you can buy me a coffee. It keeps the research going and helps bring the next one to you.

LIPA NA M-PESA	
PAYBILL	522533
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CLICK MTAA TECHNOLOGIES	

Asante sana.

— *Graham Kasindo*