

Delayed Justice: The King'ong'o Massacre Kin's Trek to Justice

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On the tragic nights of September 3rd and 4th, 2000, Bernard Kimathi M'Mwirichia, the sole survivor of the King'ong'o Prison Massacre, witnessed the brutal killing of six inmates at Nyeri Prison in Kenya. The victims—Peter Loyara Lumukunya, James Irungu Ndugo, John Njoro Njuguna, Julius Mungania M'Moraa, Peter Ngarushane Emashe, and Peter Koring—were subjected to a heinous attack by prison warders.

This massacre initiated a prolonged legal battle for justice. The Nairobi PM Inquest No. 122/2000, concluded on February 8th, 2002, determined that the deaths were not accidental. The court found the warders culpable of killing the six inmates. In the subsequent criminal case, *R v. Jacob Muthee & 8 Others* [2008] eKLR, nine warders were found guilty of murder on December 18th, 2008, and sentenced to death. Both the inquest and the criminal case were supported by forensic evidence commissioned by IMLU pathologists, contradicting initial autopsy findings and suggesting blunt force trauma rather than a fall from height.

Following the warders' appeal, the Court of Appeal in 2012 acquitted five of the accused but upheld the conviction of Jacob Muthee, Joseph Rukwaro, Caesar Mwangi, and Samuel Ngugi, responsible for inmate security that night.

The Independent Medico-Legal Unit (IMLU) engaged Counsel Mbugua Mureithi to file a Constitutional and Human Rights Petition addressing whether the prison warders maliciously and fatally attacked the deceased and whether the estates of the deceased suffered loss and special damages. On February 10th, 2023, the IMLU team appeared before Hon. J. Mulwa, and on November 9th, 2023, the court declared 100% liability, awarding KES 3,000,000 to each plaintiff, along with interest and costs.

8466 days after the fateful night, the families of the slain inmates concluded their legal journey—or so they thought. As of June 2024, seven months after the judgment, the State has yet to compensate the victims. Is this the beginning of another legal battle for compensation through Judicial Review? Only time will tell.