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Our Ref: C027/001/18 Your Ref: TBA Date: 3/5/2018

The Director of Criminal Investigations,
MazingiraHse, Kiambu Road,
Opp. Forestry Department Headquarters, Karura,
P.O Box 30036-00100
Nairobi

Dear Sir/Madam,

RE: COMPLAINT WITH REGARDS TO ARBITRAL ARREST AND DETENTION,
INTIMIDATION, HARASSMENT, TORTURE AND DISCRIMINATION

The hereinabove subject matter refers.

We wish to unequivocally and with a lot of apprehension lodge a formal complaint on behalf of our client Mr. Cyprian Nyakundi regarding the unconstitutional, illegal and discriminatory processes disguised as procedures that he has always been overly subjected to with impunity.

It is with profound respect to both the Constitutional and institutional offices as a law abiding Kenyan citizen that our client hereby presents this complaint. He has received very unfortunate threats, both intended and actualized in various aspects including but not limited to denial of personal liberty, dehumanization, damage to property and harassment and intimidation both to his family and himself.

Our Client has been treated with contempt and as a third rate citizen with total disregard to constitutional provisions including but not limited to violations of Articles 19, 20, 21, 22, 25, 27, 28, 29, 33, 34, 35, 36, 39, 40, 47, 48, 49, 50, 51 and 238.

Our client is deeply perturbed by the actions of your officers who are accustomed to harassing, detaining and intimidating our client. That these unconstitutional means incessantly used by your officers with great abandon had to make our client fear for his precious life from the individuals who should be taking care of security.

Ambrose Weda(Esq). LL.B, LL.M.(Nbi)
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In my legal capacity as the Complainant's legal counsel, such untoward actions complained of are retrogressive, driven by malicious intents and should be shunned forthwith in line with and in respect of a proper constitutional order besides a functioning judicial system. My client has faced a barrage of criminal charges which are in real sense disguised as such but out rightly further all discernible aspects of public ridicule, mental anguish and torture.

In particularity and with much exactitude, the complaint and on my account as his legal counsel having analyzed the actions meted out on him, I wish to bring the following to your attention:-

- a. That Mr. Nyakundi did honour summons to appear at your offices on Kiambu Road on the 25th April 2018 only to face a host of tramped up charges. Besides and painfully so, he was then detained until the following day for a court appearance for purposes of plea taking.
- b. We take great exception to the occurrences of the said 25th of April 2018. Our client was summoned to appear at 0900hrs to which he was at the said offices by 0830hrs or thereabout only to be informed that the summoning officer was in Court and that he should wait for him.
- c. The summoning officer arrived a few minutes past midday but rather than being taken through the purpose of the summons, the officers held several short-stint meetings which appeared to be delaying tactics and intimidation to wit.
- d. Our client was finally taken through the normal procedures that mimicked a plea taking process in a judicial court at around 1530hrs or thereabouts. This was then followed by other meetings by the officers as our client remained isolated and holed up in a different room while an officer kept watch.
- e. The officers then informed our client that he could not therefore be taken to court for plea taking at around 1645hrs as it was late in total disregard to the fact that our client honoured summons out of his own volition and clear conscience by appearing at your offices as early as 0830hrs.

That in view of the forgoing, it is our client's position that:-

- f. Your office has taken a witch hunt course against him and that he now feels targeted as your officers' actions in all intents and purposes point to the actualization of a well-choreographed intimidation strategy.
- g. That your office and other security organs have always shown a condescending attitude towards our client and with unmatched superciliousness. They often arraign him in court with charges that are civil in nature but disguised as criminal in nature.

- h.* That our client now extremely feels unsafe and therefore informs your high esteemed office that should something happen to him, you should be the first individuals to be held accountable.
- i.* That your office is now the face of impunity and that you are being misused to settle personal scores. You have always arrested him since the year 2015 whereas no single case has ever been finalized.
- j.* That the department of Cyber Crime under your auspices is ostensibly being misused to bully our client and to unconstitutionally ostracize, incarcerate, detain, harass and intimidate him.
- k.* That our client's rights have been relentlessly violated with impunity in a calculated move to subject him to public odium in furtherance of settling personal scores after receipt of bribes by the Cyber Crime department officers from the alleged complainants.
- l.* That our client lost his phones in the hands of your officers during such illegal arrest and despite numerous attempts to recover the same, his attempts have been futile and majorly frustrated by your same officers in total disregard to his Constitutional rights.
- m.* That our client's relatives have not been spared either as your officers have habitually harassed, assaulted and subjected them to inhuman treatment and torture without a legal justification whatsoever.

In furtherance to the hereinabove unconstitutional and illegal acts carried out by your officers covertly and overtly, our client prays for the following from your esteemed constitutional office as per the Principles of National Security outlined under Articles 238 and 239 of the Kenyan Constitution:-

1. That he be provided with security as he is a target of the state.
2. That only his Legal Counsel should attend to the summons issued since all past experiences have been driven by ill will and dehumanizing intentions.
3. That the officers who have handled his cases since the year 2015 should be investigated and subjected to disciplinary actions since they have acted with minimal professionalism or lack thereof at all.



4. That an audit be carried out on all his illegal arrests, illegal detentions, and charges to wit as they further individual interests for extortion purposes from the alleged complainants.
5. That the office of the Director of Public Prosecution to have an in-depth scrutiny on the pending charges and his legal counsel to witness the veracity and merit thereto.

Yours faithfully,

WEDA & COMPANY ADVOCATES



FILDAS SMITH OTIENO

CC. Client

Director of Public Prosecutions,

Inspector General of Police,

Kenya Human Rights Commission,

Law Society of Kenya

H.E. President Uhuru Kenya

State House of Kenya

Ethics and Anti-Corruption Commission

Independent Police Oversight Authority,

The Chief Justice of Kenya, Hon. Justice David K. Maraga,

The Rt. Hon. Raila Amolo Odinga

The Ministry of Interior and Coordination of National Government

United States of America Ambassador to Kenya,

United Kingdom Ambassador to Kenya.