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# THE SUNDAY TIMES

NEWS

## ‘Killer’ of Agnes Wanjiru still at large while army drags feet

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The prime suspect in the murder of a young Kenyan woman was still at large in England last week as fears grow that police and the army are dragging their feet over the investigation.

The ex-soldier is said by former colleagues in the Duke of Lancaster Regiment to have murdered Agnes Wanjiru, a 21-year-old mother from Nanyuki, Kenya.

She was

[found in a septic tank](#)

in the grounds of the Lions Court Hotel in Nanyuki in 2012, close to a British Army base. She had been stabbed in the stomach but was still alive when stuffed into a sewage-filled hole in the ground.

A Sunday Times investigation revealed that the identity of her alleged murderer was an “open secret” within the Duke of Lancaster Regiment.

At the time, General Mark Carleton-Smith, then head of the army, tweeted his determination to “support the appropriate authorities to establish the facts of the issue as quickly as possible”.

Yet eight months on, the identified soldier remains free and key witnesses who were present on the night of the murder have still not been interviewed. Last week the man was pictured walking close to his home in the south of England. He told a reporter: “Go away, go away, mate, go away.”

Agnes’s sister, Rose Wanyua, who is raising Agnes’s only child, said: “It is ten years and still our hearts are filled with tears. The UK and Kenyan governments have done nothing while this man still walks free. How can this be so?”

In October, a former soldier of the Duke of Lancaster Regiment, headquartered in the northwest of England, contacted Lancashire police to say he was shown Agnes’s body by her alleged killer.

Ministry of Defence sources said last year that the key witness, known as Soldier Y, would be interviewed by the Royal Military Police on behalf of the Kenyan authorities. Last week, the MoD refused to confirm or deny if this took place. Other central witnesses have still not been interviewed — including soldiers present on the night of the murder.

“I feel as if someone high up is trying to prevent this from getting out,” said one former soldier who was in Kenya at the time. “Maybe because it’s the reputation of British armed forces.”

A second soldier, present at the hotel on the night of the murder, said: “If I was conducting any investigation into a crime of this magnitude, these eight people [known to be there on the night] would be my priority. So for them not to even contact me is wrong. I know I can’t help the case much, but it’s extremely odd that they

haven't even so much as phoned me.”

The British government claims it is powerless to investigate. MoD officials say primary jurisdiction rests with Kenyan police, due to principles of international law and a memorandum of understanding between Kenya and the UK that allows British soldiers to train in the country.

Kenyan police have spoken to a security guard who told how he witnessed three soldiers leaving the hotel in a hurry at about 3am on the night of Agnes's killing. Moses Moyare, 45, from Nandugoro, Laikipia County, first joined Lions Court Hotel staff in 2005. “The hotel was always busy from Friday through the weekend,” he said this week.

“A soldier would come with one woman, but later he will be joined with other men and would forcefully have sex with that one. It was a common occurrence those days. Just two weeks before the incident [Agnes's murder] there was another case of a woman saying that she had been raped by the soldiers at the hotel. These soldiers believe that once one of them has paid to secure sex with a woman, all his colleagues have the right to have sex with her.”

He remembers a British Army vehicle arriving to pick up four soldiers at 3am on the night of the murder.

“I thought they had received signal from their army base to return because they were in an extreme hurry to leave,” he said. “I went to the room they had occupied and found it in a mess. The door had four glass panes; all were smashed and scattered on the floor. The messiness was a sign that people were fighting inside.”

Moyare spoke to police when Agnes's body was found in the septic tank. In December, he received a call from the Directorate of Criminal Investigations in Nairobi — Kenya's equivalent of the FBI. He recorded another statement and was asked to revisit the hotel with officers, who questioned management, but hasn't heard from police since.

The MoD insist the Agnes inquiry falls under Kenya's jurisdiction due to treaty obligations, yet former soldiers from the Duke of Lancaster regiment claim the identity of the man responsible for the murder was passed up the chain of command, and allege a cover-up. In fact, a key witness claims he was told by senior officers to “shut the f\*\*\* up” about the murder.

Despite evidence of a cover-up within the infantry regiment, the MoD has not announced a separate inquiry, which could not be investigated effectively by the Kenyan authorities. Nor has a separate inquiry been announced into soldiers caught joking on Facebook about the murder with the prime suspect.

MoD officials privately blame the Kenyans for being “slow” in their processes and overly bureaucratic. A senior Kenyan officer said last year a team of detectives would be sent to the UK to interview the soldiers, something that has not happened.

But despite Ben Wallace, the defence secretary, raising his concerns about the case with army generals at the time, it has done little to speed up the process of justice for Agnes's family, who have been in limbo for the past decade.

John Healey, the shadow defence secretary, said: “The details of this young Kenyan woman's death are dreadful, yet a decade on, the government has still not even agreed what MoD support [it] will provide to Kenyan authorities to help seek justice for Agnes. We need immediate action to understand any grave failings of the British military, as well as any cover-up from commanding officers, military police or the MoD.

“When our forces serve overseas, they stand up for British values, and these allegations, if proven, would profoundly betray those values.”

An MoD spokesman said: “We fully appreciate the seriousness and importance of this case, over which the Kenyan police have jurisdiction. We are working on the appropriate legal arrangements to underpin our co-operation with their investigation. We have had several meetings to discuss our support to them and, where appropriate, Royal Military Police have undertaken actions on behalf of Kenyan police.”

The Wanjiru family's solicitor, Tessa Gregory, of the firm Leigh Day, which has issued the government with a pre-action protocol letter, said: “As soon as credible allegations arose that British soldiers were implicated in Agnes's murder, the Ministry of Defence had to consider whether those individuals posed a risk to others and whether they should continue to serve in the armed forces.

“A failure to investigate the soldiers' involvement was and remains irrational.”

Related Images



Agnes Wanjiru died in 2012. Right, the prime suspect

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