



8th April 2016

To the Editor,

To all media houses

BRINGING BACK THE CANE: THE CONDUCT OF POLICE IN THE RECENT PROTESTS BY UNIVERSITY OF NAIROBI STUDENTS

We, the undersigned members of the Police Reforms Working Group strongly condemn the unlawful and excessive use of force and brutality exhibited against students by the GSU wing of the National Police Service of Kenya on Monday the 4th of April 2016 at the precincts of University of Nairobi.

A contingent of Police Officers heavily armed with anti-riot gear, batons and guns arrived at the University of Nairobi to quell a riot by some students who were protesting against the outcome of the Students Organization of Nairobi University Election results. Instead of quelling the riot, the police officers entered the University of Nairobi premises and proceeded to unlawfully eject students from the Library, Lecture Halls and halls of residence. It is alleged that the officers destroyed property; stole mobile phones, laptops and other valuables and subjected female students to sexual harassment and violence. The officers also rounded up the students, forced them to lie on the roadside and caned them with batons causing them to suffer severe injuries. Some of the students were forcefully arrested and bundled onto waiting police trucks and driven to different police stations.

The National Police Service as established by Article 243 of the Constitution of Kenya are mandated to exhibit the highest standards of professionalism and discipline amongst members, comply with the constitutional standards of human rights and fundamental freedoms amongst other obligations. Part Four of the National Police Service Act prescribes the general duties of a Police officer in exercising his or her mandate in the course of law enforcement. More importantly, the sixth schedule of the National Police Service Act provides for clear guidelines on the use of force by Police Officers.

The conduct of the Police Officers on 4th April 2016, was therefore not only in breach of the Constitution, national legislation, international policing standards, and regional and international human rights instruments but it also undermined the rule of law, the integrity of the National Police Service. These actions further beg the question whether ongoing police reform processes have had any impact on the officers and the ethos of the service. Furthermore the incident raises questions on the level of preparedness and sobriety of the National Police Service in dealing with political campaigns and other assemblies associated with the upcoming elections.

We are greatly dismayed by the arrogance and impunity displayed by the Police Officers and call upon the following state institutions to move with haste as follows:

1. The Director of Public Prosecution should prosecute Police Officers based on the recommendations made by the Independent Policing Oversight Authority.
2. The National Police Service Commission should institute disciplinary actions against Police Officers involved and in particular, the officer with command responsibility over the operation.
3. The Internal Affairs Unit should conduct an audit of the police operations at the University of Nairobi and issue a public statement on its findings and recommendations to avert future incidents especially in sensitive environments such as institutions of higher learning.

Failure to hold the Police Officers accountable will only entrench a culture of impunity within the National Police Service and undermine the hard fought gains of reforming the police from a force to a service.

We also call upon the students and other members to come forward and provide information to the various bodies and institutions investigating the matter.

We urge the students of the University of Nairobi to seek other lawful means to raise their grievances rather than engaging in wanton destruction of property, looting and interrupting the lives of Kenyans going about their business.

Signed



ICTJ | Justice
Truth
Dignity

 **TRANSPARENCY
INTERNATIONAL
KENYA**



Centre for
Minority Rights
Development



Cc:

Inspector General of Police

IPOA

NPSC

All Media houses