

7TH NOVEMBER 2018

**TO ALL NEWS EDITORS PRESS RELEASE**

**CALL FOR INDIVIDUAL RESPONSIBILITY OF OFFICERS FOUND  
CULPABLE OF VIOLATING THE SIXTH SCHEDULE OF THE NPS ACT 2011**

1. We the Police Reforms Working Group-Kenya (PRWG-K), the Social Justice Centre Working Group (SJCWG) and human rights defenders pass our deepest condolences to police officers and civilians who have been victims of acts of crime in the recent past, and wish the surviving ones quick recovery.
2. We are well aware that Kenyans are increasingly experiencing violent crime. We therefore cannot under any circumstances underestimate the trauma that our society is living through, due to the increase in cases of violent crime, and the apparent inability of the National Police Service to reduce these incidences and, or successfully prosecute these cases.
3. We stand with Kenyans, especially victims of violent crime who are extremely frustrated by the increased number of suspects who continue to roam freely intimidating and threatening victims and witnesses, eliminating witnesses, and in some cases committing new crimes, mainly due to botched investigations and police corruption.
4. However the Police Reforms Working Group- Kenya (PRWG-K) wishes to express grave concern over increasing incidences of deaths from police use of lethal force in the country. Over the past one month, incidences of torture and extrajudicial executions implicating police officers are on an all- time high. This is especially regrettable at a time when the country is embracing the new police reforms initiatives to transform our police force to a civilian-centered police service.

5. In particular, the PRWG-K strongly condemns the alleged summary executions of 24 young men in Mathare, Majengo, Kayole and Dandora in the last 3 weeks, by officers believed to be attached to the Huruma and Dandora Police Stations.
6. A case in point is the shooting of a twenty year old man who was walking home in Mathare North Area, after arriving from his place of work on Friday, October 26th, 2018. Incidentally, there had been a robbery at a supermarket in the area (Family Choice). In the process of police pursuing the “suspected thugs”, he was shot in the thigh. A Good Samaritan rushed him to Mathare North Health Centre. He then called his wife but her phone was off forcing him to call a neighbor. The neighbor then informed the deceased's wife and they rushed him to the health Centre where they found him. They were advised to take him to Mama Lucy Hospital prompting the neighbor to make a call to arrange for transport. Immediately after the call, a group of over 10 officers allegedly arrived brandishing guns and asking where the 'thug' was and that he had their “property”. They picked him from where he was lying and bundled him into the boot of a white probox car. They then drove off with the deceased not informing the wife and neighbor where they were heading. The next day, the deceased's employer led a search party from one police station to the other, health facilities and morgues. It was then at City Mortuary that they found his corpse with seven gunshot wounds.
7. The actions of the police officer on the night of 28th and 29th October 2018 point to a clear contravention of Article 26, every person has the right to life. A person shall not be deprived of life intentionally, except to the extent authorized by the Constitution or other written law. Further, the National Police Service Act 2011 Schedule 6 (B) provides that ‘Firearms may only be used when less extreme measures are inadequate, and for the following purposes: a) saving or protecting the life of the officer or other persons; and b) self-defense or in defense of other person against imminent threat of life or serious injury.

We are greatly dismayed by the impunity displayed by the police officer in this incident and many more, and call for the following action:

1. The Independent Policing Oversight Authority and the Internal Affairs Unit (IAU) expedite investigations into the apparent summary execution of the 20 young men

and forward the report to the director of public prosecution's office for prosecution of the officers found culpable.

2. We appeal to all eye witnesses and anybody else with evidence on this killing to come forward and present their information to the IPOA;
3. The National Police Service Commission should institute disciplinary actions against the police officer;
4. The need to speedily implement in full the National Coroners Service Act 2017 to provide for independent forensic investigations of questionable deaths;
5. We call for the formation of a judicial inquiry into cases of extrajudicial killings in the country;
6. We urge the government to allow the request by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country to assess the situation of extra judicial killings and make appropriate recommendations;
7. We commend all police officers who have embraced the ongoing reforms and urge those officers with information on these killings to liaise with IPOA to ensure that that we rid the force of those not willing to change;
8. Lastly, we continue to firmly believe that failure to hold the officers individually responsible and accountable will only continue to undermine the ongoing reforms under the central command of the Inspector General, and entrench a culture of impunity within the National Police Service.

Finally we urge the IG, IPOA, the IAU and the NPSC to enhance mechanisms of bringing to end indiscriminate executions of people without due process of the law. It is our considered view that the police cannot be investigators, prosecutors, judges and executioners at the same time.

Signed:

Kenya Human Rights Commission (KHRC)

International Centre for Transitional Justice (ICTJ-K)

International Commission of Jurists –Kenya (ICJ-K)  
Legal Resources Foundation (LRF)  
International Justice Mission (IJM)  
Independent Medico-Legal Unit (IMLU)  
Kenya National Commission on Human Rights (KNCHR)  
Rights Promotion and Protection Centre (RPP)  
Federation of Women Lawyers in Kenya (FIDA-K)  
Coalition on Violence against Women (COVAW)  
National Coalition of Human Rights Defenders-Kenya (NCHRD-K)  
Kenyans for Peace, Truth and Justice (KPTJ)  
Usalama Reforms  
Amnesty International – Kenya  
Transparency International Kenya  
Katiba Institute (KI)  
Social Justice Centre Working Group (SJCWG)