



Independent Medico-Legal Unit
A Just World Free From Torture

REPORT ON DEATHS FROM POLICE BULLETS FROM JANUARY TO DECEMBER 2015

PREAMBLE

According to Article 26 of the Constitution, every person has the right to life. A person shall not be deprived of life intentionally, except to the extent authorized by this Constitution or other written law.

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

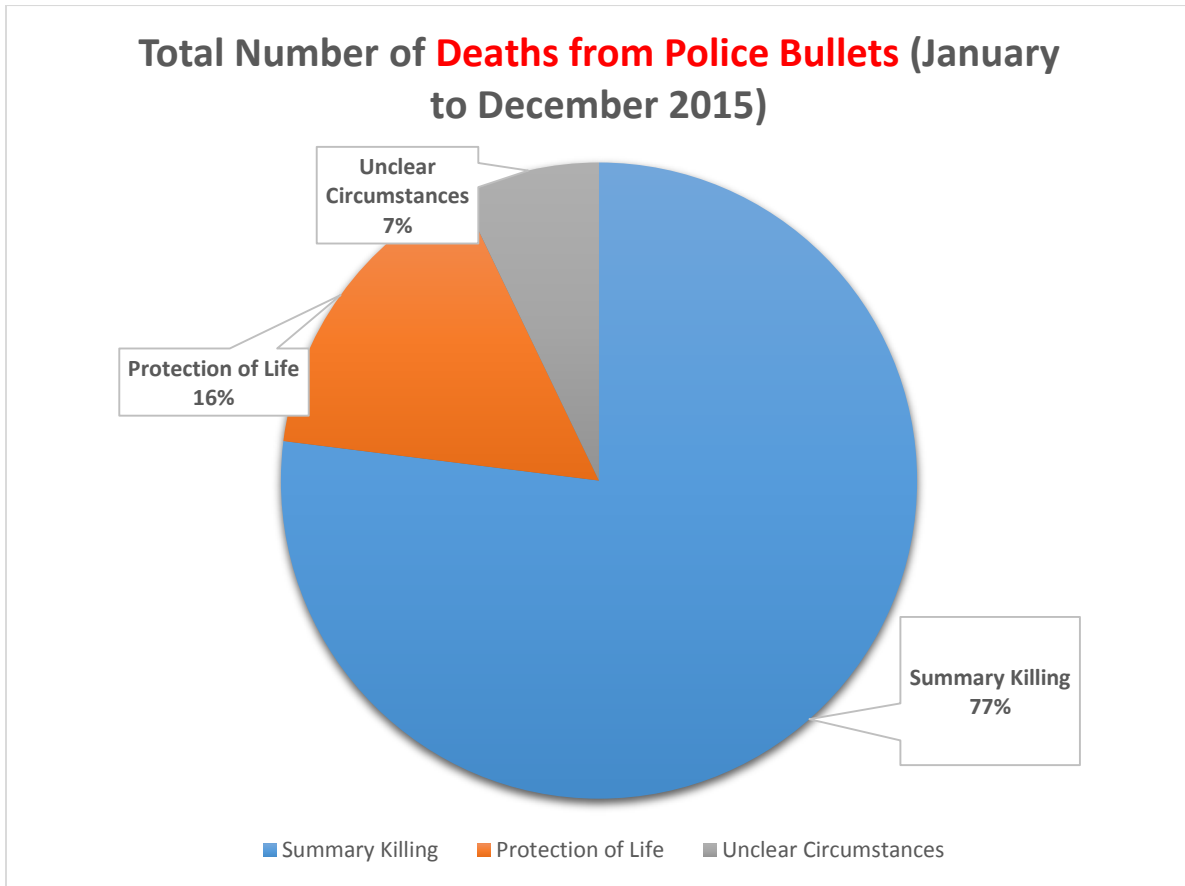
The Independent Medico- Legal Unit monitors police conduct through reports submitted by victims, through our network of monitors and monitoring the print and electronic media. IMLU has for the past two years noted that the incidences of use of lethal police leading to extra judicial executions has been rising amidst a clamor for fundamental reforms in the police service.

Since the beginning of this year IMLU has recorded 126 cases of summary executions by police officers and Kenya Wildlife Service. These statistics put into question the commitment of the National Police Service to the respect of the right to life prescribed under Article 26 of the constitution and the assumption of innocence until proven guilty by an impartial judicial process. Of concern, is that the continued misuse of firearms by police officers is against the sixth schedule of the National Police Service Act that provides guidelines for use of force and firearms.

The relevant authorities namely the Inspector General of Police, Independent Policing Oversight Authority (IPOA), the Internal Affairs Unit and the National Police Service Commission (NPSC) to enhance mechanisms of bringing to end indiscriminate executions of people without due process of the law.

Report on Deaths From Police Bullets from January to December 2015

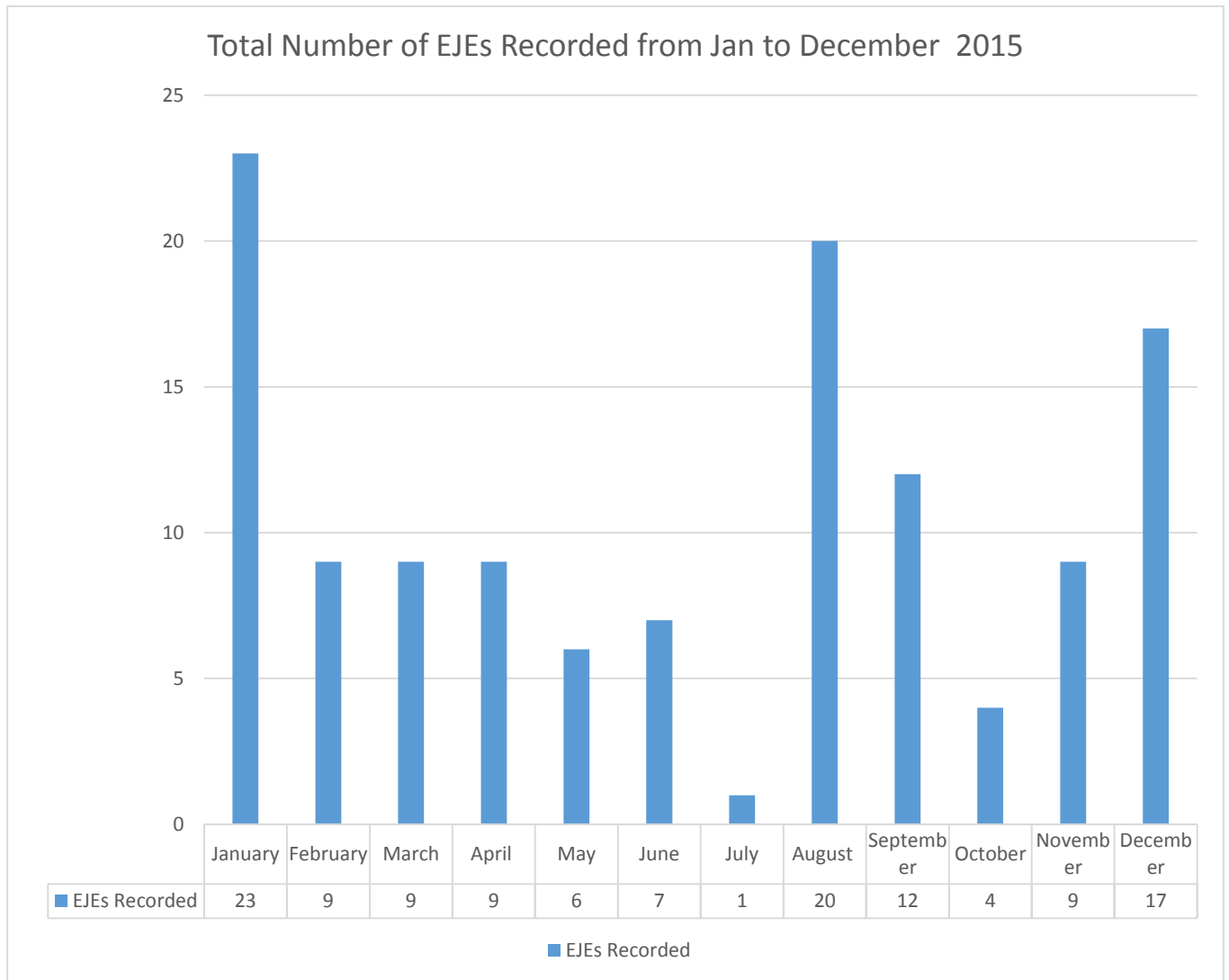
The total number of people killed by police in January to December 2015 is one hundred and twenty six (126); ninety seven (97) of who were summarily executed, twenty (20) shot to protect life and nine (9) in unclear circumstances. This is shown in the illustration below;



Total number of deaths from police bullets IMLU for January and December 2015

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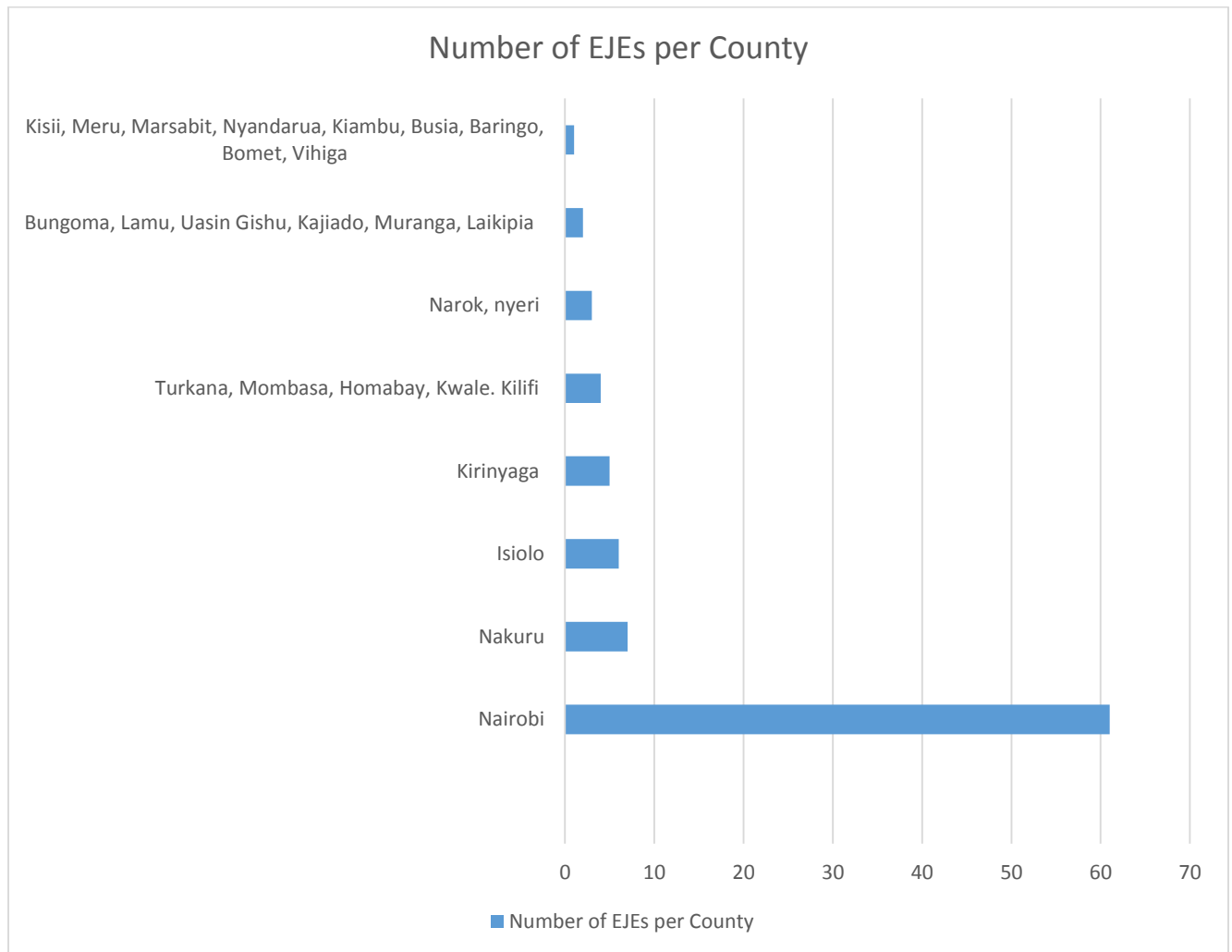
By monthly analysis, January recorded twenty three (23) executions, February, March and April each recorded (9) May recorded (6), June (7), July (1), August (20), September (12), October (4), November (9) and December (17) executions as shown below;



Total number of extra judicial executions recorded by month

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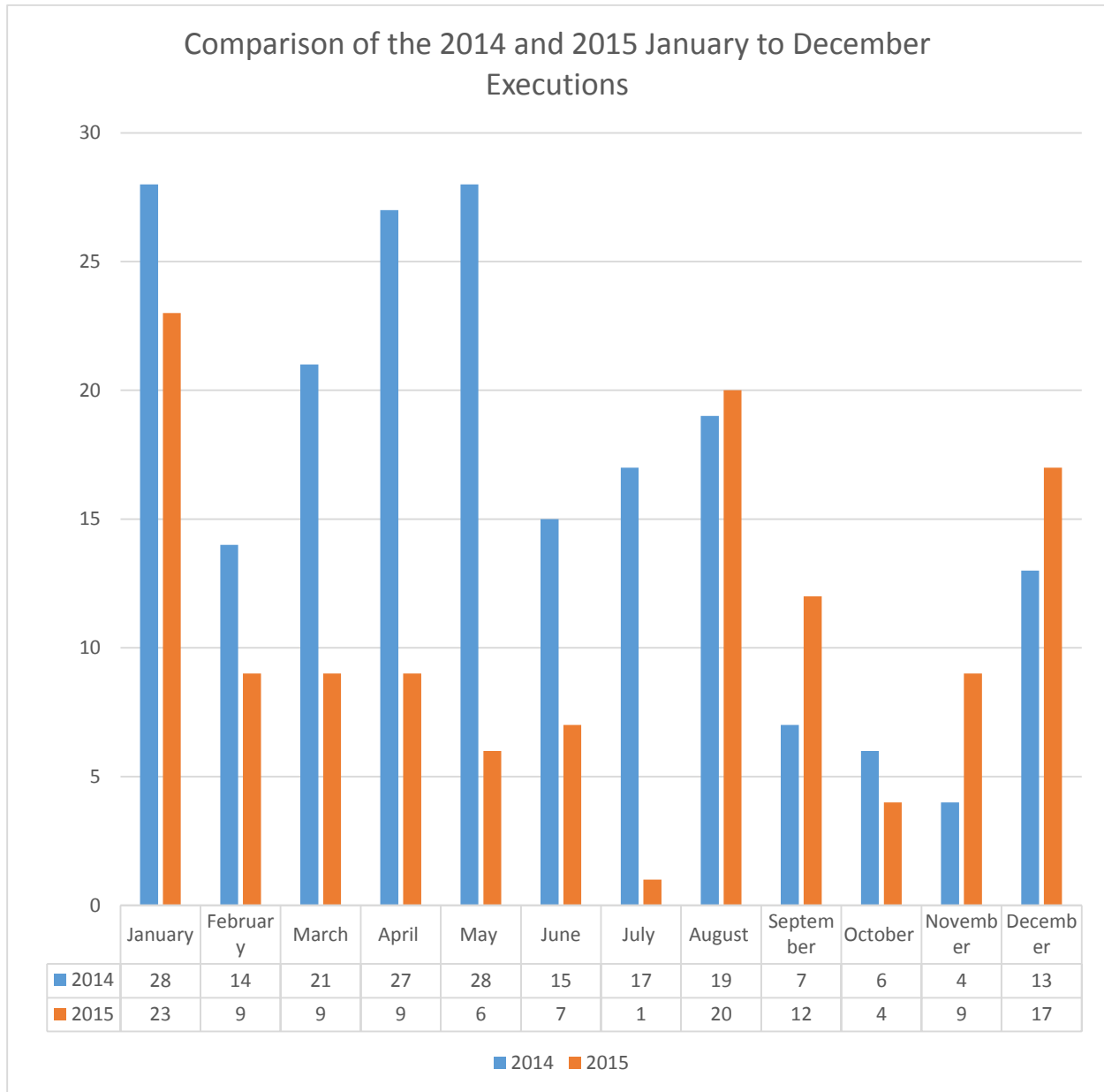
In the twelve months, Nairobi County tops in the highest number of executions recorded with a total number of sixty one (61), Nakuru with seven (7) followed by Isiolo with six (6), Kirinyaga with five (5), Turkana, Mombasa, Kwale, Kilifi and Homabay had four(4), Narok and Nyeri Counties with three(3) Bungoma, Muranga, Kajiado, Lamu, Laikipia and Uasin Gishu Counties had two(2) each. Kisii, Meru, Marsabit, Nyandarua, Kiambu, Busia, Baringo, Bomet, Vihiga



Total number of extra judicial executions recorded between January and December 2015.

Report on Deaths From Police Bullets from January to December 2015

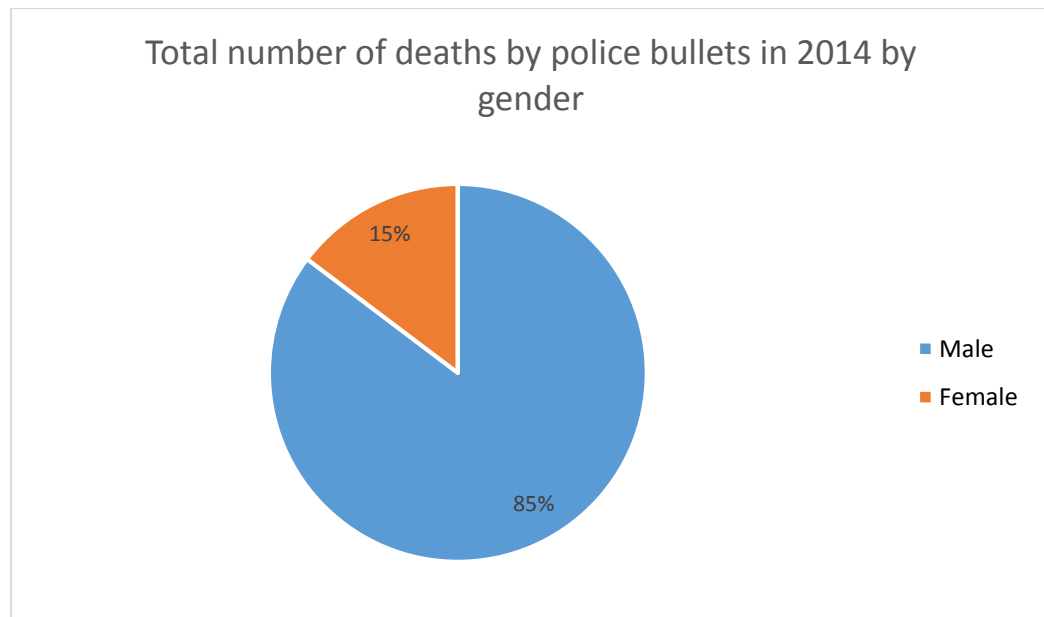
In comparison to last year's (2014) January to December EJE's report, there has been a reduction in the number of executions by police officers from January to July and also in October but has been high in August, September, November and December. The analysis is shown in the representation below;



EXTRA JUDICIAL EXECUTIONS CASES DOCUMENTED BY IMLU FROM JANUARY 2014 TO DECEMBER 2015

The total number of cases documented by IMLU in 2014 is thirty four (34). Out of this number, twenty nine (29) were male and five (5) female. IMLU has further documented extra judicial executions from January to December 2015 which totals twenty seven (27), twenty three (23) were male and four (4) female. Out of all the 27 cases, five were executed by Kenya Wildlife Service Officers. The summary is represented in the table below;

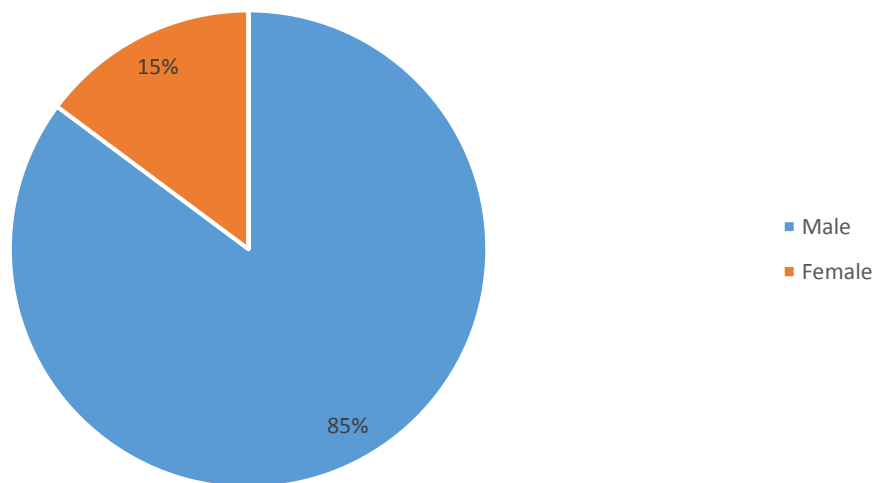
2014	Male	Female
January	2	0
February	4	0
March	1	0
April	7	1
May	1	0
June	2	0
July	2	1
August	3	0
September	3	2
October	2	0
November	2	1
December	0	0
Total	29	5
Total number of cases handled by IMLU from January to December 2014 = 34		



Report on Deaths From Police Bullets from January to December 2015

2015	Male	Female
January	6	0
February	1	0
March	1	1
April	2	1
May	2	1
June	0	0
July	1	0
August	8	0
September	0	1
October	0	0
November	0	0
December	2	0
Total	23	4
Total number of cases handled by IMLU from January to December 2015 = 27		
Note: KWS cases for 2015 were 5 all from Isiolo County.		

Total number of deaths by police bullets from January to December 2015 by gender



IMLU INTERVENTIONS ON THE 2014/2015 EJE CASES

2015 CASES

Narok EJEs- The county rangers have been charged with murder in court. IMLU documented the cases and petitioned for the accountability in the cases.

Mombasa EJE case (**Mohamed Suleiman**): IMLU has petitioned the Director of Public Prosecution (DPP) for the arrest of the culprits but we have not received any reply thereto.

John Kimani Muchoki: This is a case of a hawker shot dead by Kenya Police Service Officers attached to Central Police Station. The family and relatives indicated they were not interested in following up the case. We suspect it is the fear of reprisal from the perpetrators that has occasioned this.

Margaret Njeri (Lamu); IMLU conducted the post mortem and officer charged with the murder of the deceased. We are watching brief in the criminal case.

Emily Naliaka (Bungoma): IMLU documented the case and has written a letter to the Director of Public Prosecution for inquest proceedings no reply thereto.

Charles Afesto (Kibera): Case referred to IPOA for investigations as it was not clear who shot (police officer or thugs).

Kasichana Dzitso (Malindi): IMLU conducted the postmortem and the case documented. Inquest proceedings on the death opened at the Malindi Law Courts and family has an advocate watching brief. The advocate was retained by the family but is in touch with IMLU on the progress.

Peter Bwoma Onsomu (Industrial Area): IMLU has conducted post mortem and case documented. IMLU is yet to do a petition as we have not consolidated all the information. Matter also being investigated by IPOA.

Partaka Ole Ndaiya (Laikipia): Case currently under investigations by IMLU. Preliminary investigations confirm unlawful killing by Kenya Police Service officers.

Godana Guyo Dobe (Isiolo): KWS: IMLU supported the family in conducting post mortem. IMLU also presented a petition to the Senate committee investigating enforced disappearances and executions in Kina, Isiolo County.

Phelix Ngaima (Egerton University Student): IMLU conducted the postmortem and documented the case. We did not petition IPOA but the family had reported through the British High Commission. Matter was referred to IPOA for further investigations. By the time of writing this report, the DPP has approved IPOA's recommendation of murder charges against the police officer over the killing of the two Egerton University students.

William Wanyoike (watchman shot in Kamukunji): IMLU has supported in the PM examination and case currently under investigation by IMLU.

2014 CASES

Julius Njuguna Irungu (Kasarani shooting): IMLU conducted the postmortem. Police officer charged with murder at Milimani Law Courts case currently underway and IMLU is watching brief.

Danson Wachira Nyaga Embu: IMLU conducted the postmortem, police officer charged in Embu High court with the offence of murder and IMLU watching brief for the family.

Alfred Njuguna Wambui: IMLU conducted the postmortem, wrote complaint letter to The Office of the Director of Public Prosecution and IPOA into the death and filed a petition at the high court claiming compensation.

Nyeri Tagwa EJE: **Yusuf Mwangi, Kelvin Kihuri, Mohamed Kaburu, Martha Wairimu, Simon Kingori**; IMLU documented the cases, conducted postmortem and petitioned IPOA and DPP on the cases. No progress has been made by the two agencies and letters of update from DPP indicate that they are still investigating the two cases.

Begin Wango Amoth: IMLU supported the post mortem though eyewitnesses to the case could not be traced after being threatened by the perpetrators.

Daniel Nkukat (Kajiado): IMLU documented the case inquest of the death ongoing at the Kajiado Law Courts. IMLU had not petitioned for the inquest as it was opened before we petitioned. However, IMLU has an advocate watching brief.

Moses Kamau Wanyoike: IMLU supported in the conducting of post mortem. IMLU petitioned the ODPP of the inquest where a file was opened at Naivasha Law Courts and IMLU watching brief on behalf of the family.

Kwekwe Mwandaza: IMLU supported the family with exhumation of the body and second postmortem and carried out a media advocacy campaign. This led to arrest and charging of two police officers and murder proceedings against the two ongoing at the Mombasa law courts.

John Mwangi Gichiri: IMLU documented the case. Administration police officer charged in court with murder at Nakuru Law Courts and IMLU watching brief in the case.

John Akong: IMLU supported in the conducting of post mortem. We wrote a complaint letter to the DPP and the matter is under investigation.