



Date: April 28, 2020

Press Release:

Police Must Uphold Human Rights Standards while Enforcing the Dusk to Dawn Curfew in the Fight against COVID-19

The Independent Medico-Legal Unit (IMLU) wishes to identify and commend the national and county government efforts to combat the COVID-19 pandemic since the first case was identified in Kenya 45 days ago.

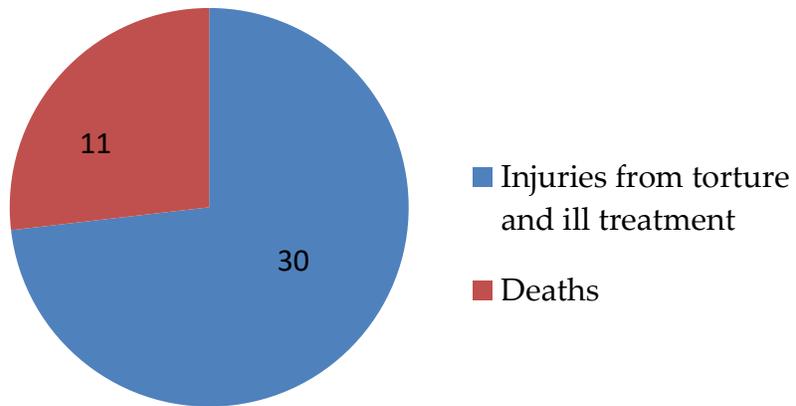
We also stand with the frontline teams of medical personnel in our health facilities and public health staff and volunteers working across communities to communicate preventive measures. On the other hand, we commend majority of Kenyans who have heeded the advisory from the World Health Organization (WHO) and our Ministry of Health, hence contributing greatly to slow down and prevent infections.

In the same breath we commend many of our police officers who have worked tirelessly, often in difficult circumstances to enforce the various preventive measures under the public Order Act and Public Health Act.

We however wish to express our grave concern over the increasing incidences of deaths and injuries from police use of lethal force in the country during the initial 30 days curfew that ran between 27th March 2020 and 26th April 2020. The curfew started off with police across the country using excessive force, thrashing and tear-gassing crowds of people on their way home from work. This is regrettable especially at a time when the country is fighting a global pandemic.

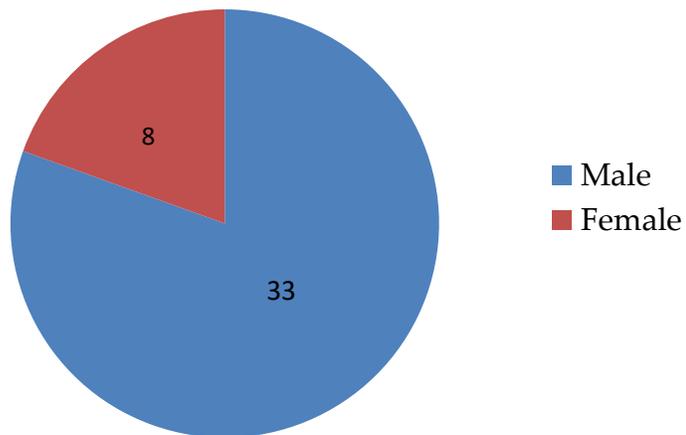
During this period, we have monitored and documented 41 cases of police torture, cruel and inhumane degrading treatment perpetrated by law enforcement agencies and an Assistant Chief. Out of the 41 cases, 11 were deaths and 30 injuries from torture and ill treatment.

Total number of cases recorded

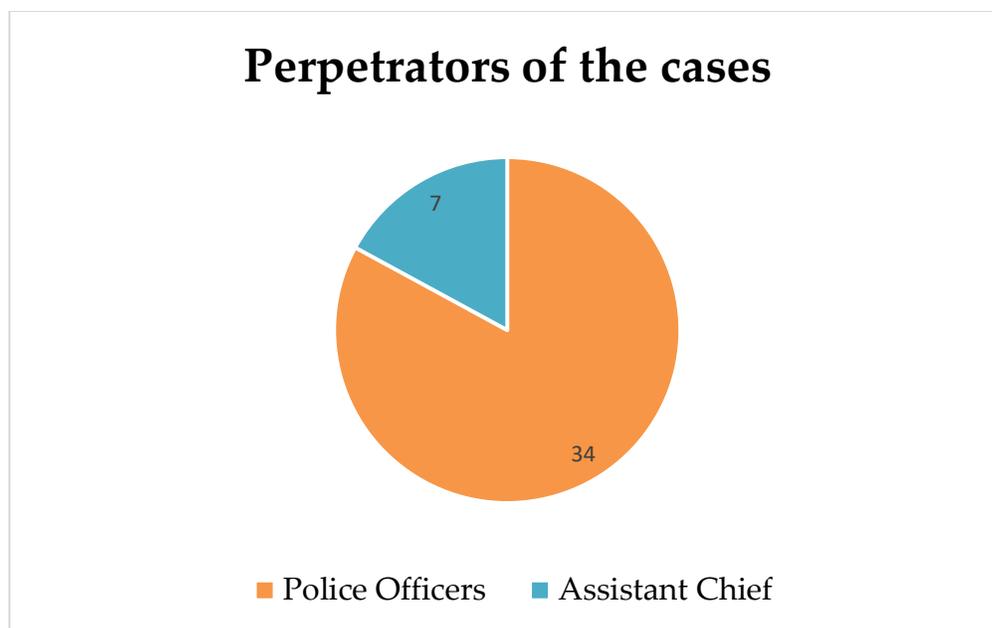


Out of the 41 cases that we have documented, 33 are male and 8 female aged between 13 and 65 years; 34 cases were perpetrated by police officers and 7 by an assistant chief.

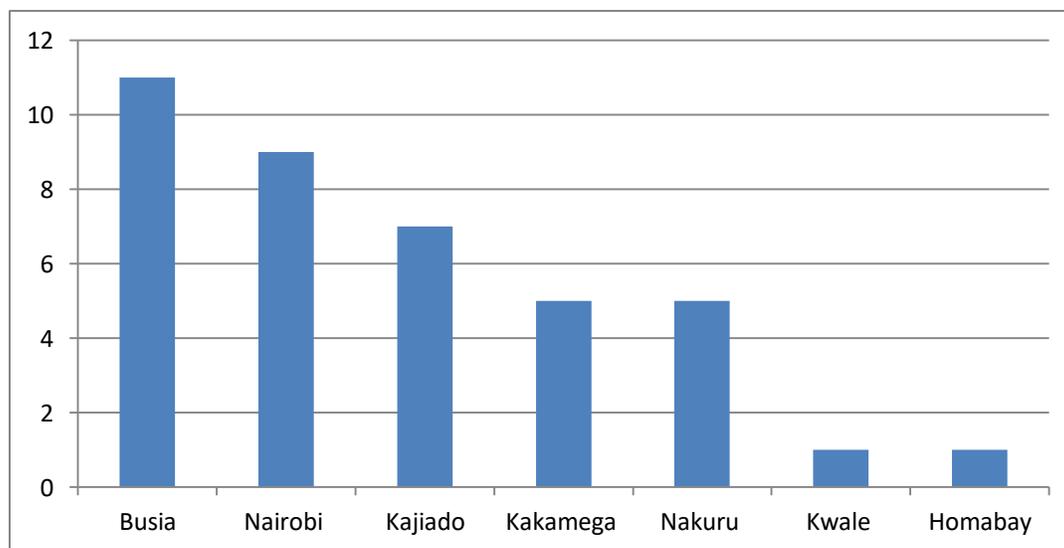
Gender representation



Perpetrators of the cases



Busia recorded the highest number of cases (11) followed by Nairobi with (9) cases Kajiado with (7), Kakamega (5) and Nakuru (5), and Kwale, Kilifi, Lamu, Homabay and Kilifi recording one each (4). This was recorded across 10 Counties.



Postmortem reports from the 7 deaths we have reviewed indicate that one victim died from a gunshot wounds and the rest (6) injuries resulting from police torture and ill-treatment. The circumstances of the deaths indicate a clear dereliction of duty by the police to protect life and abide by the law. In none of these cases was the life of any police officer under threat, nor that of another person. Sadly, police conduct has led to

the killing of half as many persons as have been killed by COVID-19! The actions of the police officers during the curfew point to a clear contravention of Article 26 on the right to life.

We recognise the commitment by the DCI, IPOA and IAU to investigate police officers involved in these egregious violations of human rights, the National Police Service Commission's promise to take immediate disciplinary actions, and the President's apology on the conduct of the police. However, we are perturbed that police officers continue to violate citizens' rights in the same scale and magnitude as the initial days of the curfew, albeit more subtle, yet, not less injurious to the rights and fundamental freedoms. Sadly, extortion, threats, intimidation, and use of quarantine as a punitive measure have replaced the tear gas, guns and batons seen in the initial phase of the curfew.

Indeed the modus operandi of the police is beginning to run counterproductive to the national efforts to curb the pandemic. Many persons who have come into contact with positive cases are declining to come forward since quarantine facilities have taken the identity of police detention facilities.

As we enter into the second phase of the dusk-to-dawn curfew today, we call upon:

1. The Inspector General of Police to provide full cooperation to the IPOA in investigations concerning officers accused of violating the rights and fundamental freedom of citizens, including provision of deployment records and those who were in command of units that violated citizen's rights;
2. The Inspector General to ensure that Ward Commanders in charge police stations immediately activate Community Policing as provided for under article 96-100 of the National Police Service Act 2011 as it provides a great platform for police and citizen's joint action and nexus between the police and other sectors and public agencies especially during the restrictions of movements. Funds to support community policing should be provided under the national COVID-19 fund;
3. County Commanders of Police to ensure that all victims of police violence, extortion, bribery are accorded a safe environment to record their complaints at respective police stations;
4. The Deputy Inspector General Kenya Police Service to re-issue the police guidelines on combating COVID-19 and ensure they are adhered to by all without exception;
5. We have forwarded eight (8) petitions to IPOA for investigations and urge IPOA to expedite investigations and bring all concerned officers to book

Additionally, we have formally petitioned the Inspector General of Police to investigate and bring to account all police officers found culpable for use of unnecessary excessive force leading to the injuries and deaths.

Finally, urge all citizens to adhere to the guidelines of the ministry of health and WHO as part of the national effort to prevent further infections and defeat this global pandemic. We also remind all enforcement agencies that we are dealing with a public health matter and not a national security emergency, hence the need to adopt enforcement measures relevant to restoring our health and lives and not taking life or causing physical and psychology harm.

Signed by,



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Peter Kiama,
Executive Director

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