



POLICE BOSS'S DECLARATION OF SHOOT TO KILL UNCONSTITUTIONAL AND ILLEGAL

The **Independent Medico-Legal Unit (IMLU)** is a governance, health and human rights non-profit organization, whose vision is *A Just World Free from Torture*. Our work is underpinned by a holistic approach involving litigation, medical and psychosocial rehabilitation of survivors of torture, monitoring government adherence to its human rights obligations and advocacy for policy, legal and institutional reforms. Over the last two decades we have assisted over 4,000 victims of torture, cruel, degrading and inhuman treatment through the support of our national networks of professionals: doctors, trauma counselors, lawyers, human rights monitors and journalists.

Our attention has been brought to the assertion by the Nairobi Police Commander Benson Kibue on NTV on Sunday, 7th September, declaring that he and his officers will hence shoot-to-kill suspected criminals to curb insecurity in the City. It is our considered opinion that this declaration by Mr. Kibue is in total disregard to the constitution and the law. We wish to unequivocally express our dismay at this declaration that is not only a license for extrajudicial executions but also against the rules of natural justice where one is assumed innocent until proven guilty.

We note with grave concern that Nairobi County that Mr. Kibue heads continues to lead in deaths from police use of firearms. In a research by IMLU covering 2009-2013 Nairobi led with 1611 (86%) out of 1873 deaths in six counties. In 2013 Nairobi accounted for 87 of 143 cases of deaths from police use of firearms, while between January 1st 2014-30th August 2014 Nairobi led with 109 out of 169 cases of deaths from police use of firearms. Most of these deaths remain unreported to the Independent Policing Oversight Authority (IPOA), and very poorly documented, leading to a serious miscarriage of justice.

The law has to be safeguarded and such a declaration is an outright affront to the provision of article 26 of the Constitution on the right to life and a violation of the National Police Service Act

Sixth Schedule. If implemented it clearly portends a serious danger to the lives of citizens and has potential to lead to unnecessary loss of lives.

We highly value and recognize the critical role played by the National Police Service in fostering public safety and security and it is our considered view that intelligence policing should be strengthened to avert criminal activities in the country. Shoot-to-kill directives are a thing of the past and should not be a replacements to an integrated community driven security agenda for this country.

It is for this reason that **WE DEMAND** that Mr. Kibue denounces this directive in order to allay fears of the public regarding his conduct as a public officer and reassure Kenyans of his commitment to safeguarding the Constitution and the rule of law. We at the same time urge IPOA and the National Police Service Commission to investigate these utterances with a view to instituting criminal proceedings against the officer.

Signed:

Peter Kiama,

A handwritten signature in black ink, appearing to read 'PK', is written over a horizontal dashed line.

Executive director

Independent Medico-Legal Unit