



10th October 2014

To all media houses

To the Editor

Dear sir/Madam,

Re: Extrajudicial executions in the country: Case Example of the late Kwekwe Mwandaza

Late month a 14-year-old girl Kwekwe Mwandaza was shot dead allegedly by policemen in Kwale County sparking countrywide outrage and condemnation of the National Police Service.

On the 23rd of August 2014 the deceased was buried albeit without the requisite post-mortem examination that would assist the family pursue justice for the heinous crime.

Subsequently the Independent Medico-Legal Unit (IMLU) worked with Kwekwe's family in a court case they had filed to, *inter alia*, seek orders for exhumation of the body of the deceased for purposes of conducting an independent post mortem examination.

On the 9th September 2014 the High Court in Mombasa granted the orders directing the exhumation and post-mortem examination. The exhumation and post-mortem was conducted on 12th September 2014 by the government pathologist assisted by pathologists contracted by IMLU.

The post-mortem examination concluded that Kwekwe had died of 'head injuries due to gunshot from a high velocity firearm'.

From the onset we wish to take note of the intrigues that have marred the investigations of her death with the Inspector General of police bizarrely disputing involvement of the police

in the alleged execution. We were not surprised! Investigations for extrajudicial executions by police in this country have always been inconclusive and accountability for perpetrators elusive. On this occasion, however, we are glad the Independent Policing Oversight Authority (IPOA) thoroughly investigated Kwekwe's case and the DPP has now ordered the arrest of the perpetrators. We laud this directive and are looking forward to its speedy implementation.

Our concern however is the hurry with which the Inspector General of Police dismissed police involvement in the alleged killing without prerequisite investigations. Even more worrying is the fact that the officers have not been arrested to answer to the charges. We hope the IG will respect the directive by the DPP to arrest the perpetrators.

Since the beginning of this year IMLU has recorded 176 case summary executions by police. 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 to us is the continued misuse of firearms by police officers against the sixth schedule of the National Police Service Act that provides guidelines for use of force and firearms.

It is our hope that the arrest and prosecution of Kwekwe's alleged killers will send a clear message to errant police officers that police officers can no longer afford to be a law unto themselves and act with impunity.

Our appeal is to the relevant authorities namely the IGP, IPOA, the Internal Affairs Unit and the NPSC to enhance mechanisms of bringing to end indiscriminate executions of people without due process of the law.

Signed

Peter Kiama



Executive Director

Independent Medico-Legal Unit