



PRESS STATEMENT

STATE CULPABILITY IN EXTRA-JUDICIAL EXECUTIONS, TORTURE AND ENFORCED DISAPPEARANCES

A CALL TO THE PRESIDENT TO FINISH THE JOB STARTED

19TH OCTOBER 2022, 09.00 (EAT)

In our capacity as the Police Reforms Working Group-Kenya (PRWG-K), our attention has been drawn to the public admission by President William Ruto on Sunday, 16th October 2022, of the governments' culpability and complicity in extra-judicial executions and enforced disappearances. As a result, the Acting Inspector General of Police was ordered to disband the Special Service Unit (SSU). DCI's Twitter account confirmed later that the acting IG had dissolved the SSU and recalled all officers to Nairobi for redeployment.

The Presidential admission confirms previous PRWG-K public statements that the Kenya government has been complicit in a policy of extrajudicial killings (EJEs) and enforced disappearances (EDs) or unwilling to stop police units responsible for the same.

We highly welcome the Presidential admission and the promise to rid our policing service of the culture of impunity, criminality, arbitrary and illegal use of force and firearms. The President' decision is a strong first step in expressing the political will that has been lacking for decades. It is a strong foundational step for a new beginning in Kenya.

Over the past decade, Kenya has moved closer to a human rights-compliant, accountable, and professional police service. Community policing has been enhanced and community police relations have improved. More officers have been held accountable through investigations and prosecutions. Despite this, extrajudicial killings (EJEs), enforced disappearances (EDs), torture, cruel, inhumane and degrading treatment or punishment persist in alarming numbers.

As we welcome the commitment by the President we note that many other "special units" accused of serious violations, such as the Flying Squad and Kwekwe Squad, have previously been disbanded without necessarily ending the violations. In addition, we are aware that executions, disappearances, torture and cruel treatment are not only committed by the infamous SSU. It is important for the President to extend this action across all security and policing agencies including the Kenya Forest Service, Kenya Wildlife Service and the Kenya Defence Forces and the Anti-Terrorism Police Unit.

The PRWG-Kenya, therefore, demands the following: -

1. Disbanding the special unit is not enough: Members of the SSU must be investigated and prosecuted for their individual and command roles in extortion, abductions, kidnappings, torture, Extrajudicial Executions, Enforced disappearances, which are serious crimes. We urge the Internal Affairs Unit of NPS to initiate investigations into the activities of the SSU and crimes committed immediately and to make strong recommendations to the Inspector General of Police and the Director of Public Prosecutions to take action and seek justice and accountability.
2. We demand that all the recruitment and appointment to the police leadership should be thoroughly vetted to ensure that no one with record of human rights violations or criminal record are appointed to the helm of NPS. The leadership of the National Police Service should be headed by officers with pro-reform credentials and not those who have previously abated unlawful use of force and firearms.
3. We demand that the President make public the report submitted by the Internal Affairs Unit (IAU) that triggered the disbandment of the SSU. It is vital that the National Police Service Commission (NPSC) fulfils its role in exercising disciplinary control over police officers. In order to prevent the creation of units that act outside the law, the Commission must take responsibility for its function and mandate and undertake a radical transformation of the policing institution and system.
4. The Independent Police Oversight Authority (IPOA) to investigate all police officers involved in EJE's and EDs with a view to prosecuting them.
5. Judicial and Parliamentary Commissions of Inquiry to be established to investigate extortion, abductions, kidnappings, torture, extra-judicial executions and enforced disappearances. This will facilitate truth, justice and accountability and 'deal with our history' as the President promised.
6. The government to issue a national apology to all families of victims and to the Nation for lives lost, families broken, livelihoods lost, and communities traumatised by the lawlessness of officers of these special units.
7. The government to immediately establish the Victims Reparations Fund under the Victims Protection Board to facilitate reparations for all families of victims and survivors of these state atrocities.
8. The government to immediately commence the process of appointing the National Coroner to facilitate independent investigations into all reportable and questionable deaths in Kenya.
9. Additionally, we urge the Government to ratify the International Convention on the Protection of All Persons from Enforced Disappearance in accordance with its constitutional and international obligations.

Lastly, we reiterate the supremacy of the Constitution and rule of law, and send our deepest sympathy to the survivors, and families of victims' of state perpetrated torture, extra-judicial executions and enforced disappearances.

Numbers: Since 2007 the Missing Voices Coalition (Missing Voices) has verified and documented 1264 of cases of police linked executions and 237 cases of enforced disappearances. Between January 2022 to September, 107 People have been killed by the police and 10 disappeared. In 2021, 219 People were killed or disappeared by police. Out of 219, 187 were as a result of police killings and 32 disappeared in police custody. In 2020 158 people were killed and 10 disappeared. In 2019 a total of 154 people were killed.

This statement is signed by members of the Police Reforms Working Group-Kenya, an alliance of national and grassroots organisations committed to professional, accountable and human rights-compliant policing. They include:

1. Amnesty International Kenya,
 2. _____
Defenders Coalition,
 3. _____
Katiba Institute,
 4. _____
Kenya Human Rights Commission (KHRC),
 5. _____
The Kenyan Section of International Commission of Jurists (ICJ Kenya),
 6. _____
International Justice Mission (IJM-K),
 7. _____
HAKI Africa
 8. _____
Kariobangi Paralegal Network,
 9. _____
Women Empowerment Link,
 10. _____
Social Welfare Development Program (SOWED),
 11. _____
Independent Medical Legal Unit (IMLU),
 12. _____
Federation of Women Lawyers (FIDA- Kenya),
 13. _____
International Centre for Transitional Justice (ICTJ - Kenya),
 14. _____
Social Justice Centres Working Group (SJCW),
 15. _____
Usalama Reforms Forum,
 16. _____
Transparency International Kenya,
 17. _____
Shield For justice,
 18. _____
Wangu Kanja Foundation,
 19. _____
Constitution and Reform Education Consortium (CRECO),
 20. _____
Kenyans for Peace, Truth and Justice (KPTJ).
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