



PRESS STATEMENT

May 12, 2023

ATTN: ALL MEDIA HOUSES

IMLU CONDEMNS THE ILLEGAL USE OF FIREARMS IN JUA KALI AREA, KISUMU COUNTY

We refer to the story that was published on page 10 of the Daily Nation newspaper on 9th May 2023. On this day a secondary school student by the name of Jencinta Achieng, 19 years, was summarily killed by a bullet discharged from a police officer's gun in the Jua Kali Area, Kisumu County. In the same incident, three other people; Kevin Ochieng, James Omondi and Silas sustained gunshot wounds from bullets that were fired by National Police Service officers.

On May 9, 2023, around 10 am at Patel flat area in Kisumu town, traffic police officers manning a roadblock stopped a matatu driver who defied their orders. They pursued him up to the Aga Khan Hall area where they caught up with him. A commotion ensued between police officers and the matatu driver. The public joined in by demanding that the officers record the number plate and let the matatu proceed to its destination. The officers called for backup and they started firing to disperse the crowd. In the process, they shot Jencinta who was passing the area carried on a boda boda by Kevin Ochieng. The bullet went through Jacinta's body and entered Kevin's back. They also shot James Omondi, a truck driver and Silas, a Jua Kali artisan.

Our preliminary findings point to a trigger-happy police service. It is not beyond imagination that the shooting of the four was irresponsible and reckless. Also, For the period January 1, 2023, to March 31, 2023, IMLU documented and processed 76 torture and related violations (TRVs), 58 males (76.32%), 18 (23.68%) females. The actions of the police officer point to a clear contravention of Article 26, every person has the right to life. A person shall not be deprived of life intentionally, except to the extent authorized by the Constitution or other written law. Further, 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-defence or in defence of other person against imminent threat of life or serious injury.

We are greatly dismayed by the impunity displayed by the police officers in this incident and many more, and call for the following action:

1. That the National Police Service hold each officer involved in these incidents individually responsible for their actions;
2. The Independent Policing Oversight Authority and the Internal Affairs Unit (IAU) expedite investigations;
3. We appeal to all eye witnesses and anybody else with evidence on this to come forward and present their information to the IPOA;
4. The National Police Service Commission should institute disciplinary actions against the police officers;
5. The need to speedily implement the National Coroners Act 2017 to provide for independent forensic investigations of questionable deaths;
6. We commend all police officers who have embraced the ongoing reforms and urge those officers with information on these killings to liaise with IPOA to ensure that that we rid the force of those not willing to change;
7. Lastly, we continue to firmly believe that failure to hold the officers individually responsible and accountable will only continue to undermine the ongoing reforms under the central command of the Inspector General, and entrench a culture of impunity within the National Police Service.

Signed:

Peter Kiama.