



## PRESS STATEMENT

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TO ALL MEDIA HOUSES

### **DEATH ON THE BULLET: MORE PEOPLE DYING FROM POLICE BULLETS IN KENYA**

The Independent Medico-Legal Unit (IMLU) wishes to draw the attention of Kenyans to the increasing number of deaths from police bullets. The numbers of deaths as demonstrated in the report we are sharing today raise questions on how well police are using firearms in this country. Over the last two years this has been made worse by the retrogressive legislations that are not only meant to rob the National Police Service of its independence but also entrench police impunity in the country.

The Independent Medico-Legal Unit monitors police conduct through reports submitted by victims and/or their families, through our network of monitors across the country and monitoring the print and electronic media. We have for the past two years noted that the incidences of use of lethal police leading to extra judicial executions has been rising amidst a clamor for fundamental reforms in the National Police Service.

We note with concern the increasing cases of unnecessary and illegal use of lethal force by police officers. Of grave concern is the impunity that keeps feeding this practice, with minimal or no accountability for the numerous extra-judicial executions, enforced disappearances and deaths in police custody across the country. In our research report "***Our Guns: Our Security: Our Dilemma***" of 2014 we found that police were responsible for 1254 out of 1870 guns related deaths between 2009-2013.

To put this into more perspective, last year (2014) we recorded a total number of one hundred and ninety nine (199) people killed by police. Out of these, one hundred and eighty one (181) were summarily executed, fourteen (14) were shot to protect life and four (4) were killed in unclear

circumstances. This year we have recorded 97 cases including 85 summary executions, and 6 killed in protection of life by police officers and Kenya Wildlife Service.

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.

### **Retrogressive legislation contributing to police impunity**

In the last one year we have witnessed spirited efforts to amend numerous legislations to remove safeguards for public participation, accountability, access to information, and the freedom of peaceful assembly and association among other key provisions of the Constitution. The Security Laws Amendment Act 2014 is a clear example of this trend where crucial provisions to safeguard the independence of the police service from undue executive and political influence were removed.

The Kenya Defense Forces (KDF) Bill 2015 now before parliament takes this trend even further by proposing deployment of KDF in internal security operations without clear chain of command and accountability. Tomorrow, the Security Laws (Amendment) Bill will be tabled in the Senate for the first reading proposing to grant the executive power to unilaterally appoint and dismiss the Director of CID, the Deputy Inspector Generals of police and curtailing the constitutional right and freedom of peaceful assembly. This further serves to erode independence of the National Police Service and the National Police Service Commission, the latter having now been reduced to a by-stander.

### **IMLU Intervention**

To respond to this, in 2014 we facilitated fourteen (14) post mortem examinations to provide medicallegal evidence in our quest for justice on behalf of victims and survivors. Three police officers have since been charged in Nairobi, Embu and Nakuru Law courts with murder. We as well sent seven (7) letters and petitions to the Office of the Director of Public Prosecution and IPOA calling for thorough and independent investigations into the deaths. We have further filed one petition at the high court for victims' compensation in one of the cases. Additionally we are watching brief on five cases.

In the year 2015 we have already assisted families in six post mortem examinations. Four complaint letters have been sent to the Office of the Director of Public Prosecution and IPOA to investigate the deaths. Subsequently three officers have been charged in court and we are watching brief on behalf of the families. Another officer is due in court I the next few days for extra-judicial execution of university students. Further, we have petitioned the Senate over investigations into enforced disappearances and executions in Isiolo County.

We appreciate the work being done by the Independence Policing Oversight Authority (IPOA) and the Office of Director of Public Prosecutions (ODPP), where the IPOA and ODPP have investigated deaths or serious injury of persons in Police custody and deaths arising from Police action. We are encouraged that IPOA and ODPP have concluded investigations and prosecuted of several cases presented to them by us or victims, notably the notorious executions in Karasani, Kwekwe Mwandaza, the Mathare stray-bullets shooting, the Narok demonstrations and the Egerton University student cases.

Despite these intermittent cases of success, IPOA and the DPP have their work still cut out. Cases of extrajudicial executions involving police officers are now all too frequent. The number of deaths recorded above must not be just another statistic. Many of the cases remain either uninvestigated or unresolved, and many perpetrators continue to rein supreme.

### **Our Recommendations**

While we note that the new Inspector General appears to display a sense of urgency and clarity on implementation of police reforms, Kenyans are yet to see a change on the ground with regard to the conduct of police officers in reduction of impunity. Its clear much more needs to be done. We urge him to act with speed to ensure the full and independent functioning of the Internal Affairs Unit (IAU) to act as a professional arm for first-hand investigations of police impunity.

We urge all the governors and county commissioners to hasten the establishment of the County Policing Authorities as the vehicles for enhanced cooperation between police and citizens, accountability for police action and enhanced welfare and capacity of police officers.

We also wish to remind parliament of its constitutional role as provided for under article 94 to include 'protect this Constitution and promote the democratic governance of the Republic'. We urge legislators to rise above partisan and parochial interests and reject laws meant to promote impunity and reduce police accountability such as the proposed amendments to the National Police Service Act 2011 as contained in The Statute Law (Miscellaneous Amendments) Bill, 2015.

Signed:

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