




Mr. Japheth Koome,
Inspector General of Police,
Kenya National Police Service,
P. O Box 47363- 00100,
Nairobi, Kenya.

Received on 21/10/2022
nr 1618
NPS HQS 

29th September 2023

Dear Inspector General,

Subject: Petition by the Kenya Human Rights Commission to the National Assembly and the Senate

I hope this letter finds you in good health and high spirits. I am writing to inform you of a petition recently submitted by the Kenya Human Rights Commission to the National Assembly and the Senate. The petition outlines a series of important prayers pertaining to the conduct and responsibilities of the National Police Service (NPS), and we believe it warrants your attention and consideration.

The petition raises several critical concerns regarding the actions and responsibilities of the National Police Service. Among other prayers, the petition calls for the Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) to investigate cases of arbitrary arrests, mistreatment, and other atrocities committed by the NPS, with an expectation that the resulting reports will be shared with the Senate.

Additionally, the petition highlights the necessity for the Directorate of Criminal Investigations (DCI) and the Office of the Director of Public Prosecutions (ODPP) to take stringent action against public officers, specifically referencing Nakuru West MP Samuel Arama, who misuse their firearms. The role of the President, Legislature, and relevant

PETITION TO THE SENATE UNDER ARTICLES 37, 94, 96 AND 119 OF THE CONSTITUTION OF KENYA; THE PETITION TO PARLIAMENT (PROCEDURE) ACT OF 2012, AND STANDING ORDER NO. 219 AND 220 OF THE SENATE APPEALING TO THE SENATE OF KENYA TO ADDRESS EXCESSIVE USE OF FORCE BY POLICE OFFICERS AND POLICY BRUTALITY IN KENYA AND TO DEMAND GOVERNMENT ACTION IN ENSURING POLICE OFFICERS ARE HELD TO ACCOUNT, DISCHARGE THEIR DUTIES IN A PROFESSIONAL MANNER WITH DUE REGARD TO THE RULE OF LAW

The National Assembly,
C/O The Clerk, National Assembly,
Parliament Building,
P.O. Box 41842 – 00100
Nairobi, Kenya

Dear Sir,

PETITION TO THE SENATE UNDER ARTICLES 37, 94, 96 AND 119 OF THE CONSTITUTION OF KENYA; THE PETITION TO PARLIAMENT (PROCEDURE) ACT OF 2012, AND STANDING ORDER NO. 219 AND 220 OF THE SENATE APPEALING TO THE SENATE OF KENYA TO ADDRESS EXCESSIVE USE OF FORCE BY POLICE OFFICERS AND POLICY BRUTALITY IN KENYA AND TO DEMAND GOVERNMENT ACTION IN ENSURING POLICE OFFICERS ARE HELD TO ACCOUNT, DISCHARGE THEIR DUTIES IN A PROFESSIONAL MANNER WITH DUE REGARD TO THE RULE OF LAW

We, the undersigned,

Citizens of Kenya, and representatives of the Homa Bay County, Kisumu County, Migori County, community members and victims of Police Brutality, the Kenya Human Rights Commission, Poverty Eradication Network and Civic Freedoms Forum being guided by the provisions enshrined under Articles 10, 26, 27, 29, 35, 232 and 238 of the Constitution of Kenya wish to state that it is in the public interest that we, formally lodge this petition concerning the acute state of excessive use of force by the police in to disperse peaceful protesters in different parts of the country over the past couple of years and more recently during the Mandamano peaceful demonstrations in Nairobi, Mombasa, Kisumu, Migori, Homa Bay, Kajiado, Kissi, and Makueni Counties where armed police officers, armed with lethal crowd control weapons including batons, teargas canisters, live ammunition and guns have descended on peaceful protesters and subjected them to numerous forms of torture, unlawful arrests and indiscriminate attacks. In the last couple of months,

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WE DRAW the attention of the House to the following:

1. Kenyan police have a long history of repressive response to peaceful protests. Many police interventions are characterized by deaths, indiscriminate use of force, serious injuries, abuse of firearms, arrests and illegitimate detentions under the pretext of maintaining law and order. These repressive responses stemmed from the violence that followed the announcement of the results of the presidential elections in 2007; a commission of inquiry established to investigate the violence revealed that the police management of the demonstrations had been "inconsistent in its basic legal provisions, had endangered the lives of citizens and in many cases was characterized by the unjustified use of lethal force". (A total of 405 people died from gunshot wounds, while 557 sustained gunshot wounds.)
2. The last few months Kenyans have witnessed waves of protests by various groups, including civil society organizations (CSOs), general public, public service vehicle operators, taxi drivers, a section of civil servants and political opposition, as an expression of anger over the soaring cost of living, controversial tax hikes contained in the Finance Act, and mandatory retesting for all PSV drivers. Most of these groups spilled into the streets to exercise the freedom of assembly and right to protest with hopes that the state agencies responsible would listen to the plights. Unfortunately, these groups have been met with brutal force by the security agencies resulting in serious injuries, extra-judicial executions, and forced disappearances.
3. The use of non-uniformed officers—who in most cases are seen to use vehicles with either distorted or no number plates, bundle protestors into car trunks and speed off to unknown locations—is also on the rise. These actions contravene the Criminal Procedures Code and Police Standing Orders. Moreover, these are tactics that Kenya's killer cops who abduct and forcefully disappear or extra judicially kill Kenyans have employed over the years, where human rights defenders have fallen victim on several occasions.
4. We are witnessing a disturbing pattern of police operation that exposes the country to civil strife and informal repression. Police are now working together with what appears to be private militia to attack

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and butcher people in Dandora and Kibera in Nairobi, Mlolongo in Machakos and some areas in Kisumu and Migori. These strikes are taking place in the cover of darkness with hope of shielding perpetrators from accountability.

HEREFORE your humble petitioner(s) Pray that Parliament directs—

1. The Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) should investigate cases of arbitrary arrests, mistreatment and all atrocities committed by the NPS and share the report with the Senate
2. Inspector General (IG) of NPS to take full political and command responsibility over the police. The IG should expressly denounce police brutality and killings to assure every Kenyan that their life is valuable. Further we expect the IG to give an accurate account of victims of police operations and deaths. The IG must also be reprimanded for flouting the law by purporting to have the authority to deny permission to protestors.
3. The DCI and ODPP should take stern action against public officers (specifically, Nakuru West MP Samuel Arama) who misuse their firearms.
4. The President and the Legislature must repeal or amend the Finance Act to address the concerns raised by the public.
5. CSO, including Law Society of Kenya, should move to court to seek justice for victims of police brutality.
6. National dialogue process that involves all stakeholders including the CSOs, religious leaders amongst others.
6. That the National and County Governments, Parliament and the County Assemblies concerned call on the relevant state agencies to initiate investigations against the conduct of the police.

LASTLY:

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We urge the National Assembly to initiate a process that would culminate into the recommendation of the removal of the Inspector General of the National Police Service Mr Japheth Koome. This is premised on the following;

- a) Since he became the Inspector General of the National Police Service in 2022, there has been a drastic increase in cases of excessive use of force and unlawful death that has been directly attributed to police officers from the National Police Service.

And your PETITIONER(S) will ever Pray.

NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE

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	CHRISTOPHER USWALI	SUNA-WEST	26086617	
	RICHARD OGIAMATI	SUNA EAST	36270476	
	CELINI MWAKHA	SUNA-EAST	29509631	
	BOLLETTE OTIENO	BOX 747-40400 SUNA	20932371	
	VINCENT MULEMI	BOX 44-40400 SUNA	20861916	
	OTIENO MERCY	BOX 523, SUNA	37501212	
	OTIENO PICHOKS	BOX 530 KSM	23920050	
	EDWARD ODERO	BOX 520 SUNA	29293624	
	LAWRENCE ODERO	BOX 102 SUNA	11293297	
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	MANTAJON OPIYO	SUNA EAST	39388267	
	MARY ATIENO	SUNA WEST	31809417	
	JANE ATIENO	SUNA EAST	27109976	
	Dorothy Mugeni	S. WEST	0727031473	
	ONWANDA PETERSON	S. WEST	0743814524	
	EMMANUEL JESUSA	S. WEST	077782517	
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	MOLIREN ATIENO	S. WEST	30520475	
	SUGAR ALUACH	S. WEST	28714656	
	Maureen Anyo	Rongo	30178036	

I Certify that This is A True Copy of The Original
 Date 2/10/23 Sign.
 Martin Ray T. Mavinjina
 Advocate

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NO.	NAME OF PETITIONER	OF	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
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	Halima Mwangi		B KECIONGA	21789925	
	Maurice Anjago		Migori	24144412	
	Lucy Chana		Migori	21147709	
	Aquiel Raga		ISURUA	10027172	
	Mwansixi Peter		11-40416 Kegonya	23127286	
	Caroline Alleno		MIGORI	12383709	
	Pamela Alleno		MIGORI	135065	
	DAVID MBITA		RONGO	3974640	
	LENAK WASSYA		RONGO	22852263	
	Sudith Anjago		MIGORI	33896780	
	Velma Akoth		MIGORI	36991460	
	ADKO CAROLINE		MIGORI	37789706	
	JAPITETH MUTHI		MIGORI	2332992	
	Georgina Okumu		MIGORI	39015577	
	Angeline Alieno		MIGORI	39015599	
	HULDER ALOTTI		NAMBA	21301577	
	Edinah Mwangi		Namba	24408320	
	NORIEH AUMA		NAMBA	26374768	
	NORINAH KALEHA		RAGANA	22298545	
	REITHONKA OUMR		NAMBA	24595819	
	CAROLINE AUMA		NAMBA	30980446	
	CHRISTINE AUMA		NAMBA	26361273	
	RUKIA MUSEIN		NAMBA	26931127	

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	Veronica Azbede	287 20 NCU	26401137	
	Florence Akingi	150832111	1508321	
	Jane Wainza	437- Rong'o	13343281	
	Leon obhumbwa	Awendu	14418591	
	GODFREY A. OYARDO	URIRI	39156425	
	Ether Orons	RONGO	34210442	
	Bernard Ochuocho	URIRI	13297650	
	DOROTHY ANTHONY	NYATIKE	8190116	
	CORNEZI PEST	S/EAST	21929243	
	ISA KHAMUSI	S/WEST	1515829	
	A.A. NYAMWANDA	AWENDU	14444477	
	B. Enok obhumbwa	URIRI	0325017	
	Grace Okech	NYATIKE	2800904	
	Paul Owaga	NYATIKE 10	16018892	
	Jane A Agwe	Sung-west	12906401	
	RICKY MERVIN	RONGO	26086391	
	Rebecca mbusiro	Kurio-west	34262366	
	Esther	L-E	36543410	
	COTRINS OCHIENG	NYATIKE	39201506	
	JOICE OCHIENG	NYATIKE	27104962	
	Wanjomo Kevin	URIRI	9482198	
	Collins Ochieng	389	22909912	
	Samuel Mwarika	36 KURU	13073907	
			23601042	

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NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
	JOHN Bosco	704 SUNA	23079746	
	James Akinyi	142 SUNA	27919351	
	Edgar Ochiengo	289-40400	22162360	
	Emmanuel Anello	3839-KISumu	27297810	
	Laverde Achilug	Suna-East	33256637	
	Richard Jafar	S. EAST	14677028	
	Vivian Cheung	S. EAST	29559656	
	Agus Juma	AWENDO	29839015	
	Kevin Oginga	Suna East	29351374	
	Brian MATARA	WASWEST II	33075536	
	Melvin Ochieng	WASWEST II	22120992	
	David Emmanuel	Suna East	42354958	
	Peter Oremo	Suna East	30973326	
	Patrick Wambua	Suna East	33468566	
	Stephen Ochieng	Suna-west	28366666	
	Joseph O. Obonyo	Rongo	7300696	
	Achayo Chuma	Rungu	22161418	
	Boniface Onandi	Suna East	35381892	
	Mica Okoth	Suna East	24114707	
	Peter Ochieng	Suna-west	3478869	
	Margaretty Juma	Suna East	34313072	
	Stannie Ochieng	Rungu	28523127	
	Bilha Achilug	Rongo	39938365	

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 Martin Ray T. Mavengira
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