

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 Senate,
C/O The Clerk, Senate
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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I Certify That This Is A True Copy Of The Original
 Date: 2/10/23 Sign:
 Martin Ray T. Mavochina
 Advocate

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	REITHONKA OUMA	NAMBA	24595819	
	CAROLINE AUMA	NAMBA	30980446	
	CHRISTINE AUMA	NAMBA	26361273	
	RUKIA MUSEIN	NAMBA	26931127	

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	Patrick Warden	Suna East	33468566	
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	Achayo Charles	Rongo	22161218	
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	Peter Ochieng	Suna-west	3472869	
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