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TO ALL NEWS EDITORS:

PRESS RELEASE

**PRWG-K URGES PRESIDENT UHURU KENYATTA TO ESTABLISH JUDICIAL  
COMMISSION OF INQUIRY INTO EXTRAJUDICIAL EXECUTIONS**

We the undersigned national and international organizations under the auspice of the Police Reforms Working Group- Kenya (PRWG-K), strongly condemn the summary execution of a young man in Nairobi's Eastleigh on 31 April 2017 by an officer believed to be attached to the Pangani Police Station, as shown in the video widely circulated on social and mainstream media.

In the video, the plain-clothed police officer is seen holding a young man, whom he turns around and shoots. The officer fires a first round of 5 shots into the midsection of the young man. He is then seen requesting for a second firearm and fires another five rounds into the young man who is at this point lying on the ground. The young man, still evidently alive, receives one more shot and his head falls lifelessly onto the pavement. Next to him is the lifeless body of another young man in a pool of blood who apparently was shot earlier.

The nation witnessed a grave criminal act, committed by those to whom we have given power to be guardians of the criminal justice system. In response, Nairobi Police Commander Japheth Koome defended the killings saying, in a statement, that: ***“The same gangsters shot dead an officer yesterday. Tell all gangsters out there that when they kill an officer, I am ruthless and they will get it from me.”*** A statement of this nature, from the police leadership, speaks to a rank and file acceptance and perhaps even encouragement of disregard for due process and rule of law. It has shown the public that the police leadership does indeed condone and sanction extrajudicial executions.

Police Reforms Working Group- Kenya (PRWG-K) wishes to express its grave concern over the rising incidences of deaths through use of lethal force by police officers. Over the last 15 months, human rights groups and media organizations have reported multiple incidents of torture and extrajudicial executions implicating police officers.

This latest case is not an isolated one, but an indication of a broader and widespread pattern of extrajudicial executions by the police as documented by human rights groups and the media. The cases of Kwekwe Mwandaza from Kinango, Kwale County, Dennis Ongwae Magomere and Felix Ngaywa Nyagena, who were both students from Egerton University, Willie Kimani, a lawyer with International Justice Mission (IJM), his client Josephat Mwenda, a motorcycle rider, and Joseph Muiruri, a taxi driver are just a few of the many cases which got covered in the media.

The usual response of the police's leadership is that the executions are carried out by a few rogue officers, and that the police service has no official shoot-to-kill policy. Is this another case of a rogue officer? At least three other officers, one uniformed, are on the scene as captured on the video. Are they rogue too? What is the list of rogue officers that have been effectively investigated, prosecuted and/or undergone disciplinary measure?

The actions of the police officer on 31 March 2017 clearly contravene Article 26 of the Constitution, which asserts that 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-defense or in defense of other person against imminent threat of life or serious injury. In the video, it was evident that the suspect was subdued. There was no imminent threat of life in this case. The young man was restrained.

To address the pattern of extrajudicial executions in Kenya, we call on:

**President Uhuru Kenyatta, to:**

- Promptly establish an independent judicial commission of inquiry to conduct thorough investigations into allegations of enforced disappearances, extrajudicial killings, torture and other ill-treatment of suspected criminals and detainees by the Kenya Police and other military, security, intelligence and law enforcement agencies.

- The commission should also examine the extent and causes of continued and persistent lack of individual and command accountability for the same, with a view to ensuring changes in conduct and culture, which is in line with international, regional and Constitutional human rights standards
- Speedily assent the National Coroners Bill 2017 to provide for independent forensic investigations of questionable deaths.

**Parliament, to:**

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which Kenya signed on the 6<sup>th</sup> of February 2007.
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**Independent Policing Oversight Authority and Internal Affairs Unit**

- Expedite investigations into the summary execution of the young man and forward the report to the director of public prosecutions office for further action against all officers found culpable.
- Inform the nation on various breaches against the National Police Service Act on the use of lethal force and recommend to NPSC superior commanders for disciplinary action for non-compliance with the National Police Service Act.

**The National Police Service Commission**

- The National Police Service Commission should institute disciplinary actions against other police officers who were at the scene or were involved in killing the two young men, including against the Nairobi County Commandant Japheth Koome.
- Immediately vet and remove police officers involved in extrajudicial killings including those from units within the Directorate of Criminal Investigations also linked to extrajudicial killings.

Signed:

Kenya Human Rights Commission (KHRC)

International Commission of Jurists –Kenya (ICJ-K)

Legal Resources Foundation (LRF)

International Justice Mission (IJM)

Independent Medico-Legal Unit (IMLU)

Kenya National Commission on Human Rights (KNCHR)

Rights Promotion and Protection Centre (RPP)

Federation of Women Lawyers in Kenya (FIDA-K)

Coalition on Violence against Women (COVAW)

National Coalition of Human Rights Defenders (NCHRD)

Kenyans For Peace, Truth and Justice (KPTJ)

Ushalama Reforms Forum

Amnesty International – Kenya

Transparency International-Kenya

Katiba Institute (KI)

Society for International Development

International Centre for Transitional Justice (ICTJ-K)

Chemi Chemi Ya Ukweli

Kariobangi Paralegal Network

Shield for Justice (SFJ)

Muslims for Human Rights (MUHURI)