

Damaoja Tutetee Haki



Hon. Justin B. N. Muturi E.G.H,
Attorney General,
Office of the Attorney General and Department of Justice,
P. O Box 56057- 00200,
Nairobi, Kenya.

29th September 2023

Dear Attorney 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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	Charles Usawa	SUNA-WEST	26086617	
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	CELLINI Mwaruki	SUNA-EAST	29509631	
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	VINCENT MULEMI	Box 44-40400 SUNA	20861916	
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	OTIENO DICKSON	BOX 530 KEN	23920050	
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	SUGARI ALOUCH	S. WEST	28714656	
	Maureen Apyo	Rongo	30178036	

I Certify That This Is A True Copy of the Original
 Date: 2/10/23 Sign:
 Martin Ray T. Mavonjira
 Advocate

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NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D/P. P NO.	SIGNATURE
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	Halima Mwangi	B KEGONGA	21755525	
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	Daniel Ranga	ISURUA	10027172	
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	Pamela Alerio	MIGORI	135065	
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	LENAK WETSYA	RANGU	22852263	
	Sudith Anjago	MIGORI	33896780	
	Velma Akoth	MIGORI	36995460	
	ADKO CAROLINE	MIGORI	37789706	
	JAPHETH INCHIE	MIGORI	23242992	
	Georgina Okumu	MIGORI	39075577	
	Angeline Alerio	MIGORI	39015599	
	HULDER Alerio	NAMBA	21301527	
	Edinah Mwangi	Namba	24446320	
	MAREEN AUMA	NAMBA	26374768	
	MORINAH KALEHA	RAGANA	22298545	
	LETITONKA OUMR	NAMBA	24595819	
	CAROLINE AUMA	NAMBA	30980446	
	CHRISTINE AUMA	NAMBA	26361273	
	RUKIA HUSSEIN	NAMBA	26931127	

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	Florence Akingi	150832111	1508321	
	Jane Wanza	437- Rongu	13348281	
	Leon Odhumbwa	'Awendo	14418591	
	GODFREY A. OYARDO	URIRI	39156425	
	Ether Orons	RONGO	34202442	
	Bernard Ochuocho	URIRI	13297650	
	DOROTHY NYATIKE	NYATIKE	8190116	
	CORNEZI PEST	S/EAST	31929242	
	ISA KHAMBO	S/WEST	1515829	
	A.A. NYATIKE	AWENDO	14444707	
	Grace Okech	URIRI	0325017	
	Paul Owaga	Nyatike 10	2800904	
	Jane A Agwe	Sung-West	16018892	
	RICKY MERVIN	RONGO	12906401	
	Rebecca mbisiro	Kurio-West	26086391	
	Esther	C.E	34262306	
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	Collins Ochieng	389	9482198	
	SAMUEL MARIANI	36 KURU	22909912	
			13073907	
			23601042	

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NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
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	Edgar Othmanbo	289-40400	22162360	
	Emmaculate Amello	23839-KISumu	27297810	
	Laverda Achileng	Suna-East	33256637	
	Rachida Jafar	S. EAST	14677028	
	Vivian Cheung	S. EAST	29559656	
	Agus Juma	AWENDO	29839015	
	Kevin Oginga	Suna East	29351374	
	Bino MATHIRA	WASWETA II	36075136	
	Makaria Oduro	WASWETA I	22120792	
	Osando Amund	Suna East	42354958	
	Peter Opiemo	Suna East	30973326	
	Patrick Wambua	Suna East	33468566	
	Stephen Ochieng	Suna-west	28366666	
	Joseph O. Obonyo	Rongo	7300696	
	Achayo Chacha	Rungu	22161418	
	Bonface Omondi	Suna East	35381892	
	Mica Okoth	Suna East	24114707	
	Peter Ochieng	Suna-west	3472869	
	Marygoretty Jomo	Suna East	34313072	
	Swannie Ooko	Rongo	28523127	
	Bilha Achiong	Rongo	39938365	

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