



Mrs. Anne Makori,
Chairperson,
Independent Policing Oversight Authority,
P. O Box 23035- 00100,
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.

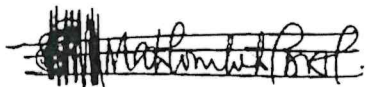
Additionally, the petition highlights the necessity for the Directorate of Criminal Investigations (DCI) and the Office of the Director of Public Prosecutions (ODPP) to take stringent action against public officers, specifically referencing Nakuru West MP Samuel Arama, who misuse their firearms. The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

institutions in addressing concerns raised by the public through the repeal or amendment of the Finance Act is also highlighted.

The petition further advocates for Civil Society Organizations (CSOs), including the Law Society of Kenya, to pursue justice for victims of police brutality through legal avenues. Lastly, it calls for a national dialogue process involving all stakeholders, including CSOs and religious leaders, and urges the initiation of investigations against police conduct by relevant state agencies.

In conclusion, the petition underscores a critical demand for accountability and transparency within the National Police Service. It further urges the National Assembly to consider a process leading to the recommendation of the removal of the Inspector General based on a perceived increase in cases of excessive use of force and unlawful deaths attributed to police officers since his assumption of the role in 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Davis Malombe", with a circular stamp or mark to the left of the name.

Davis Malombe

Executive Director

The Kenya Human Rights Commission

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,

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 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

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

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:

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 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

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

And your PETITIONER(S) will ever Pray.

NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
	Kennedy Ongaga	P.O Box 256-SUNA	30235041	
	CHARLES USAWU	SUNA-WEST	26086677	
	RIBRAK OGIWAKI	SUNA EAST	36270476	
	CELINI MWAVUJA	SUNA-EAST	29509631	
	BOLLETTE OTIENO	Box 747-40400 SUNA	20932371	
	VINCENT MULEMI	Box 44-40400 SUNA	20861916	
	OTIENO MERCY	BOX 523, SUNA	37501212	
	STENO WILMORS	Box 530 KSM	23920050	
	EDWARD ODORO	Box 520 SUNA	29293624	
	LAWRENCE OJOKA	Box 1002 SUNA	11293297	
	DAVID OTIENO	Box 520 SUNA	29598549	
	MANTAJAY OPIYO	SUNA EAST	39388267	
	MARY ATIENO	SUNA WEST	31809417	
	JANE ATIENO	SUNA EAST	27109976	
	Dorothy Mugiini	S. WEST	0727031473	
	OMWANDA PETERSON	S. WEST	0743814524	
	EMMANUEL JESUA	S. WEST	077782517	
	ESTHER MAURICE	W. KANTAMKAGIO	0708293521	
	CHRISTINE OBONGO	Box 667-SUNA E.	11633914	
	NOLINE ANYANGO	S. WEST	26607819	
	JOHN ATIENO	S. EAST	26486229	
	MOURIEN ATIENO	S. WEST	30520475	
	SUSAN FLORENCE	S. WEST	287141656	
	Maureen Anyo	Rongo	30178036	

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

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

And your PETITIONER(S) will ever Pray.

NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
	Sabrina Mwita	P.O NIMILANDU	10131449	
	Aliana Mamba	B KECIONGA	21789925	
	Maureen Anyango	Migori	24144412	Maureen Anyango
	Lucy Chama	Migori	21147709	Lucy
	Asquiel Ranga	ISURUA	10027172	
	Mansixi Peter	11-40416 Kegongu	23127286	
	Caroline Atieno	MIGORI	13383709	Caroline
	Pamela Atieno	MIGORI	135065	
	DAVID MBITA	RONGU	3974640	
	LENAK WETSYA	RONGU	22052263	
	Sudith Anyango	MIGORI	33896780	Sudith
	Velma Xkoth	Migori	36995460	
	ADKO CAROLINE	MIGORI	37789706	
	JAPHETH MATHIE	MIGORI	23324992	
	Gretnay Okumu	MIGORI	39075577	
	Angeline Atieno	MIGORI	39015599	
	HULDER AILETTI	NAMBIA	21301587	Hulder
	Edinah Mwangi	Nambia	24446320	Edinah
	NORIEH AUMA	NAMBIA	26374768	Norieh
	DORINAH KALEHA	RAGANA	22298545	
	DEIDONKA OUMA	NAMBIA	24595819	
	CAROLINE AUMA	NAMBIA	30980446	
	CHRISTINE AUMA	NAMBIA	26361273	
	RUKIA MUSEIN	NAMBIA	26931122	

Certify This Copy is a True Copy of the Original
 Date: 2/10/23
 Martin Ray T. Mavinjina
 Advocate

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

And your PETITIONER(S) will ever Pray.

NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
	VERONICA AZEKE	287 20 AWO	26401137	
	Florence AKINYI	1508321	1508321	
	Jane Wanza	437- Rong'o	13348281	
	Leon Odhumba	Awoondo	14418591	
	GODFREY A. OYANDO	URIRI	39156425	
	Ether Omas	RONGO	342010442	
	Benard Ochuoch	URIRI	13297652	
	DOROTHY NYATIKE	NYATIKE	8190116	
	CORNELIUS PEST	S/EAST	31929243	
	ISA KHAMBA	S/WEST	1515829	
	A.A. NYAMWANDA	AWENDO	1444477	
	B. ENOK OLODIP	URIRI	0325017	
	Grace Okoch	WYANDARA	2500904	
	Paul Owaga	NYATIKE 10	16018892	
	Jane A Agwa	Sung-WEST	12906401	
	RICKY MERVIN	RONGO	26086391	
	Rebecca mbusiro	Kurio -west	34262306	
	Esther	L-E	36543410	
	COTRINS OZIENG	NYATIKE	39201506	
	JOICE OCHENY	NYATIKE	27104962	
	WALTER KEVIN	URIRI	9482198	
	Collins Ogunjo	389	2290912	
	Samuel Mwangi	36 KUPZ	13073907	
			23601042	

I Certify That This is A True Copy of the Original
 Date: 21/10/23 Sign:
 Martin Ray T. Mava
 Advocate

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 NC 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

And your PETITIONER(S) will ever Pray.

NO.	NAME OF PETITIONER	POSTAL ADDRESS	I.D / P. P NO.	SIGNATURE
	JOHN Bosco	704 SUNA	23079746	
	Dennis Akanyi	142 SUNA	27919351	
	Edna Ochiambu	259-40400	22162360	
	Emmaculate Anello	23839-KISumu	27297810	
	Lavender Achileug	Suna-East	33256637	
	Barbara Jafar	S. EAST	14677028	
	Vivian Cheung	S. EAST	29559656	
	Agnes Juma	AWENDO	29839015	
	Kevin Oginga	Suna East	29251374	
	Binos MATHIRA	WASWETA II	30075136	
	Melvin Ochi	WASWETA I	22120792	
	Osado Amund	Suna East	42354958	
	Peter Oremo	Suna East	30973326	
	Patience Wambui	Suna East	33468566	
	Stephen Ochieng	Suna-west	28366666	
	Joseph O. Obonyo	Rongo	7300696	
	Achayo Chacha	Rongo	22161418	
	Boniface Onandi	Suna East	35381892	
	Nancy Okoth	Suna East	24114707	
	Peter Ochieng	Suna-west	3472869	
	Marygoretty Jene	Suna East	34313072	
	Stannie Ooko	Rongo	25523127	
	Bilha Achiong	Rongo	39938365	

I Certify That This Is A True Copy Of The Original
 Date: 21/10/23 Sign:
 Martin Ray T. Mavengwa
 Advocate