

His Excellency, Uhuru Kenyatta
C.G.H. President and
Commander in Chief of The Defence Forces of The Republic of Kenya
Harambee House
Harambee Avenue
P O Box 62345- 00200
Nairobi, Kenya

July 4, 2016

H.E. Uhuru Kenyatta,

Petition to the President of the Republic of Kenya to end enforced disappearances and extrajudicial executions by the National Police Service and provide justice for families of the disappeared and murdered

Kenyans have reacted with grief and outrage to the discovery of the bodies of Willie Kimani, Josphat Mwendwa and Joseph Muiruri on July 1, 2016. Their bodies were found in Ol Donyo Sabuk River, a week after their abduction further to an appearance at Mavuko Law Courts. Evidence to date indicates they were all victims of enforced disappearance and extrajudicial executions.

Josphat Mwendwa was a *boda boda* rider pursuing a complaint with the Independent Policing Oversight Authority in respect of his having been shot by an Administration Police officer in April 2015. Willie Kimani was a human rights lawyer with the International Justice Mission, working to defend Josphat Mwendwa. Joseph Muiruri was their taxi driver that day.

The discovery of their bodies places into question the ability of ordinary citizens to safely pursue their rights. It is also an assault on the legal profession. It makes a mockery of the efforts of many Kenyans - within and without the civil service - to ensure institutional, legal, policy and practice reforms to bring policing in Kenya in line with the promise of the Constitution of Kenya, 2010.

Unfortunately, the three are not alone. Numerous Kenyans - particularly young males in Kenya's low-income and Muslim-majority areas - have been reported disappeared or killed by members of various departments and specialised units of the National Police Service. The disappearances and executions have been in circumstances such as these - amounting to abuse and appropriation of policing powers and resources for individual, criminal ends, as well as attempts to cover-up the same. They have also been in the context of operations intended to address organised crime committed by armed groups and militia extorting the public or pursuing ideological and political ends.

The tragedy that befell Willie Kimani, Josphat Mwendwa and Joseph Muiruri is thus another worrying indication of the state of human rights and rule of law in Kenya today.

We are therefore petitioning your office in the name of the 34 Kenyan and international human rights organisations signatory below to:

- Ensure recommendations in previous reports into enforced disappearance and extrajudicial executions in Kenya are acted on, going back to the report of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, and including relevant reports from the Kenya National Commission on Human Rights, as well as the Commission of Inquiry into the Post-Election Violence and the collected documentation of the Kenyan and international human rights organisations listed below;
- Immediately institute a judicial Commission of Inquiry into enforced disappearances and extrajudicial executions across the county.

Signed:

Kenya National Commission on Human Rights

Kenya Human Rights Commission

National Coalition on Human Rights Defenders (NCHRD-K)

Independent Medico Legal Unit (IMLU)

Amnesty International

Human Rights Watch

Freedom House

Article 19, Eastern Africa

Commonwealth Human Rights Initiative

Defend Defenders

International Commission of Jurists (Kenya Chapter)

InformAction

Chapter Four, Uganda

Pan African Human Rights Defenders Network, Uganda

Foundation for Human Rights Initiative, Uganda

Rights Promotion and Protection Centre

Muslims for Human Rights

HAKI Africa

Coalition for Constitution Implementation

Kenyans for Peace with Truth and Justice

Centre for Reproductive Rights

Bunge La Mwananchi

Coalition of Grassroots Human Rights Defenders

Kenyan Peasants League

Pan African Grassroots Women Liberation

World March of Women Kenya

Mathare Social Justice Centre

Bunge La Mwananchi, Kangemi

Kamukunji Human Rights Defenders Network

Women Arising

Dandora Must Change Social Movement

The Change Movement Kenya

Sauti Ya Umma, Kenya

Background

The bodies of Willie Kimani, who was employed by International Justice Mission, a Christian legal aid charity, his client Josphat Mwendwa, a motorcycle taxi rider, and Joseph Muiruri, a taxi driver, were recovered on June 30, 2016 from Ol Donyo Sabuk River in Machakos County, Eastern Kenya, a week after the three went missing in circumstances suggesting they were victims of enforced disappearance. Initial reports immediately suggested that Administration Police officers, one of whom Josephat Mwendwa was defending himself against in court that day, may have abducted them.

The three were last seen as they left Mavoko Law Courts, in Machakos County, on June 23, 2016 where they had attended a hearing of a traffic case against Josephat Mwendwa. Police officers from Syokimau Administration Police Camp preferred traffic charges against Josphat Mwendwa in December 2015, months after he had lodged a complaint with Independent Policing Oversight Authority (IPOA) against a senior officer at the camp who had illegally shot him in April 2015 as he dismounted a motorcycle after the officers had waved him down to stop. Human rights organisations in Kenya have evidence indicating the three men were briefly held at Syokimau Administration Police Camp soon after they were abducted. The men's whereabouts after that remained unknown until their bodies were recovered seven days later.

Early on July 1, before news of the bodies being found was publicly known, Inspector-General of Police Joseph Boinett ordered the arrest of three Administration Police officers attached to the Syokimau Administration Police Camp and further directed that all their colleagues at the camp be questioned about the disappearances.

On July 2, the Inspector General said three officers – Frederick Leliman, Stephen Chebulet and Sylvia Wanjiku – were being held over offences relating to the killings.