

PRESS RELEASE

Monday, April 4, 2017

ON THE POLICE EXTRA JUDICIAL KILLINGS CAPTURED LIVE ON VIDEO IN EASTLEIGH NAIROBI

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) condemns in the strongest terms possible the summary execution of two crime suspects by police officers captured by a witness live on video on Friday 31 March 2017 in Eastleigh area in Nairobi.

An armed police officer was seen killing one of the suspects in cold blood as a crowd watched. The first suspect had already been killed and his body lying in a pool of blood about two meters apart before the second one was felled. The killer officer who was dressed in civilian pumped 11 bullets into the second suspect and was shortly seen taking his colleague's gun which he used to shoot a final bullet into the suspects head after his gun had run out of bullets.

There has been raging debate in the country concerning the heinous act by the police. The country is divided with a fraction of the population supporting the shooting and the other condemning the killings. Extrajudicial killings in this country have become the norm. We acknowledge the fact that *wananchi* are being forced by the failure of our criminal justice system across the board into frustration that makes them support the illegal actions by police. These killings are an offshoot of an ineffective criminal justice system stemming from poor police investigations and corruption. As a result, citizens have over time lost their trust in the police service as well as the whole justice system.

The summary execution by the police demonstrates a failure by the government to respect the rule of law and right to life. The executions are a gross violation of human rights including the right to life, right to fair trial for suspected criminals, protection from inhumane and degrading treatment and other incidental rights that extend to family members and the communities where the alleged criminals reside.

The right to a fair trial is fundamental to the rule of law. It has a firm foundation in international human rights law and in constitutional practice. The failure to observe the right undermines all other human rights. Based on this right an accused person cannot be subjected to extrajudicial killings merely upon an accusation being raised. The right to a fair trial is guaranteed under Article 50 of the Constitution, and it incorporates many procedural guarantees given to the accused in criminal proceedings.

The presumption of innocence is the cornerstone of any fair criminal justice system. This right guarantees that everyone is considered innocent during the entire period of suspicion, investigation and arrest. This period lasts until the defendant is either convicted or acquitted. The right to be treated with humanity and the right to freedom from torture and extra judicial killing is very crucial for the fair administration of justice.

All state agencies are obligated by the Constitution of Kenya to respect and promote human rights. Article 26 of the Constitution of Kenya provides that “every person has the right to life”. In the same breath, the African Charter on Human and Peoples’ Rights provides in article 4 that, “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right”. The International Covenant on Civil and Political Right under article 6 provides that, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”. Article 3 of the Universal

Declaration of Human Rights provides that “Everyone has the right to life, liberty and security of person”.

We therefore call upon:

1. The Inspector General of the Police, and the Independent Police Oversight Authority (IPOA) to conduct immediate and impartial investigations into the killings of the two Kenyans and institute necessary action against the responsible officers;
2. IPOA to immediately take charge of the investigations into the continuing summary extrajudicial executions of crime suspects in the country;
3. The President to assure the families and the general public that law and order will be maintained in the country;
4. The police officers suspected of committing the executions be investigated, charged, and prosecuted following due process;
5. The Inspector General of Police to publically issue an apology condemning the barbaric act of summary executions by Police Officers;
6. The government to establish a judicial commission of inquiry into extra-judicial killings that have been on the increase in the last few years; and
7. The National Police Service and the Office of the Director of Public Prosecutions conducts a comprehensive reform of the criminal justice system especially investigation and prosecution to ensure that those who are actually culpable of crime are apprehended and brought to justice.

SIGNED



Njonjo Mue

Chairperson, ICJ Kenya

ENDS