



February 2, 2021

**PRESS RELEASE:**

**THE RETURN OF THE DARK DAYS:**

**ODPP WITHDRAWAL OF CASE AGAINST 15 POLICE OFFICERS AND 6  
COUNTY ENFORCEMENT OFFICERS.**

The Police Reforms Working Group (PRWG-K) is deeply dismayed and shocked in the manner in which the Office of the Director of Public Prosecutions (ODPP) has treated the case (Cr No. CR/E043/21) in which 15 police officers and 6 county enforcement officers were involved in an incident in Busia County.

The incident took place on March 30, 2020 in Nambale town, Busia County when Police officers allegedly discharged teargas in a private home, beating up, assaulting and destroying properties of Benard Orenga, his wife, children and neighbours.

On 21<sup>st</sup> January 2021, the Independent Policing Oversight Authority (IPOA) concluded investigations and recommended various charges against the officers. They were to take plea yesterday (1<sup>st</sup> February 2021) on charges of assault, causing bodily harm and malicious damage to property, however, the Office of the Director of Public Prosecutions (ODPP) made an oral application to withdraw the case.

As PRWG-K, we opine that police officers who abuse their authority must be investigated and prosecuted. Kenyan will only move towards the rule of law when all those who are suspected to have violated it, including police officers, are prosecuted, and given an opportunity to defend themselves in a court of law

We continue to stand with the families of the victims of police excesses even during the enforcement of COVID-19 rules and emphasise that the use of force should strictly be guided by the law. The use of force should only be used when legal, necessary, proportionate, accountable.

We call upon the ODPP to reconsider their stance on this case to ensure justice for the victims and equality before the law.

Signed by the following members of the PRWG-K:

1. Independent Medical Legal Unit (IMLU)  
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2. Amnesty International – Kenya (AIK)  
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3. Kenya Human Rights Commission (KHRC)  
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4. Transparency International Kenya  
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5. Katiba Institute  
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6. HAKI Africa  
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7. International Justice Mission (IJM Kenya)  
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8. SOWED Kenya  
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9. Usalama Reform Forum  
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10. Kariobangi Paralegal Network  
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11. Defenders Coalition  
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12. Shield for Justice  
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13. The Kenyan Section of the International Commission of Jurists (ICJ Kenya)  
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14. Peace Brigades International (PBI)  
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15. International Centre for Transitional Justice (ICTJ)  
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16. Women Empowerment Link (WEL)  
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17. Constitution Reform Education Consortium (CRECO)  
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18. Wangu Kanja Foundation  
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