



## **PRESS STATEMENT**

### **CALL FOR THE CABINET SECRETARY OF HEALTH TO RESPECT THE CONSTITUTIONAL MANDATE OF THE NATIONAL POLICE SERVICE COMMISSION.**

**2<sup>nd</sup> AUGUST 2023**

The Police Reforms Working Group (PRWG) has supported and advocated for police reforms since the promulgation of the 2010 Constitution. We are conscious of the police reform journey especially concerning where we came from and where we want to go as a country.

In view of the above mandate, our attention has been drawn to the media reports attributed to the health Cabinet Secretary Susan Nakhumicha who, while attending a burial in Matisi, Trans Nzoia County, is reported to have ordered the transfer of Matisi OCS John Thuo over the rising cases of insecurity in the area.

Despite the power to transfer security officials not being within her docket, the CS was reported to have said that the government has taken a 'one government approach' which ostensibly gave her the powers to make sweeping decisions and only report actions taken to the relevant Cabinet secretary.

We would like to point out clearly that the National Police Service Commission is the police employer, in charge of the human resources function. We reiterate that the Commission draws its powers and functions from Article 246 of the Constitution, which gives it powers to recruit and appoint persons to hold or act in offices in the Service, confirm appointments, determine promotions and transfers, and exercise disciplinary control over and remove persons holding or acting in offices within the Service.

We remind the CS, and all state and public officers that public lynching is not part of the principles of security governance nor of policing in our democracy. The Constitution of Kenya entrenches a culture of accountability. It includes democracy and people's participation, the rule of law, inclusiveness, social justice, and human rights among the national values and principles of governance. All state and public officers have the constitutional duty to abide by and respect these values when applying and interpreting the Constitution.

While we espouse public participation, accountability and quality policing services, we are compelled to remind all police officers and commanders of the provisions of the constitution, the law and the Service Standing Orders with regard to legitimate orders or commands, and urge them to only obey a lawful command.

We, therefore, demand the following: -

- 1. The NPSC stamp its authority regarding its mandate and jealously protects it. The sovereign people of Kenya gave them that mandate, and they are the only ones who can remove or reallocate such powers.**
- 2. All the State and Public Officers are to respect the rule of law and abide by the Constitution of Kenya.**
- 3. The Inspector General of Police to ensure he exercises full command and control of the Service, including denouncing public lynching of police officers as witnessed in Matisi.**

This statement is signed by members of the Police Reforms Working Group-Kenya, an alliance of national and grassroots organisations committed to professional, accountable and human rights-compliant policing. They include:

1. Independent Medico-Legal Unit (IMLU),
2. Kariobangi Paralegal Network,
3. Defenders Coalition,
4. Katiba Institute,
5. Social Justice Centres Working Group (SJCW),
6. The Kenyan Section of the International Commission of Jurists (ICJ Kenya),
7. International Justice Mission (IJM-K),
8. HAKI Africa,
9. Amnesty International Kenya,
10. Women Empowerment Link,
11. Social Welfare Development Program (SOWED),
12. Kenya Human Rights Commission (KHRC),
13. Federation of Women Lawyers (FIDA- Kenya),
14. International Centre for Transitional Justice (ICTJ - Kenya),
15. Social Justice Centres Working Group (SJCW),
16. Transparency International Kenya,
17. Shield For justice,
18. Wangu Kanja Foundation,
19. Constitution and Reform Education Consortium (CRECO),
20. Kenyans for Peace, Truth and Justice (KPTJ),
21. Peace Brigades International Kenya. (PBI Kenya).

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