

# ACCOUNTABILITY NOW

2022 ANNUAL REPORT

# MISSING VOICES





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# INTRODUCTION

## MISSING VOICES



“In this uniform, you will be called upon at all times to be conscious of the immense power and privilege you have and to be mindful of your corresponding obligation to exercise it conscientiously and responsibly. This way, you will remain ever conscious of our commitment to deliver a new, citizen-centric, service-oriented, and human rights-respecting policing and security paradigm that keeps the Republic of Kenya and its people safe without sacrificing their rights and freedoms.”

President William Ruto on 10th January 2023 at the National Police College Main Campus-Kiganjo

Missing Voices' objective is to end police killings and enforced disappearances in Kenya and call for justice for the families of the victims. Since its inception in August 2018, Missing Voices has documented and verified data on police killings and enforced disappearances and held several online and offline campaigns to disseminate our research. Missing Voices undertakes these activities in partnership with other stakeholders in the police accountability community and victims' families to get justice for victims and survivors and promote police accountability.

We envision a society that enjoys human rights and fundamental freedoms.

Our mission is to use data-driven advocacy campaigns towards the prevention of extrajudicial executions and enforced disappearances.

# METHODOLOGY AND DATA COLLECTION

## PRIMARY APPROACH

Missing Voices relies on monitors spread across Kenya to document cases of police killings and enforced disappearances; collect witness statements and further evidence. The materials collected are further scrutinized to ensure they meet the evidentiary threshold. If there are gaps, there is a follow-up before publishing them.

## SECONDARY APPROACH

Missing Voices collects data from open sources, including media outlets and human rights groups, to complement primary data collection. The secondary data is cross-checked with witness statements and police reports. As a result, only cases that can be verified are included in the final list.

We take data integrity seriously; thus, the cases included in the annual report are verified and, therefore, as accurate as possible.

## CHALLENGES

Missing Voices monitors experience difficulties documenting all cases of known police killings and enforced disappearances because of the following:

- Witnesses and families are unwilling to engage the criminal justice system because cases take inordinate time before the court rules on them; some cases take almost a decade in court.
- Human Rights Defenders (HRDs) face innumerable threats from security agencies when they pursue cases of extrajudicial executions and enforced disappearances.
- The Independent Policing Oversight Authority (IPOA) deals with a backlog of cases, leading to delays; as a result, families give up following the instances with the IPOA.
- Witnesses are unwilling to come forward to report cases because of inadequate protection services and general mistrust in the Criminal Justice System.
- Kenya does not have a law that explicitly criminalizes Enforced Disappearance, making it challenging for families to get justice.
- Police killings and enforced disappearances are evolving, and new groups have become targets. For instance, while people living in informal urban areas were the primary targets in the past, groups like Boda Boda riders are increasingly becoming new targets. Missing Voices must pivot in documenting this emerging trend.
- Rising crime and police attacks on IPOA by depicting them as busybodies out to persecute police officers have led to decreased public support and respect for the criminal justice system. Police have often claimed the reason they cannot effectively fight crime is because IPOA and civil society organizations are persecuting them.
- Limited scope of coverage leaving at-risk populations especially in bandit-prone areas where verification of cases is difficult.



# FOREWORD

President William Ruto's disbanding of the Special Services Unit accused of extrajudicial killings and enforced disappearances on October 17, 2022, and the sentencing of police officers involved in the killing of lawyer Willie Kimani, his client Josephat Mwenda and taxi driver Joseph Muiruri (referred to Mavoko 3 case), offers a glimpse of what accountability for the victims of extrajudicial executions and enforced disappearances can look like.

However, despite these positive and welcome moves by the president and the judiciary, a statement by the police leadership offers an insight into a service that is out of step with the reality of the police's egregious human rights violations. The Inspector General of Police, (IGP) Japheth Koome is on record calling the Independent Policing Oversight Authority (IPOA) as a "busybody" for discharging its constitutional mandate.

During the 2022 election campaign, President Ruto's party promised to end police abuse, especially against urban youth, through enhancing police oversight (IPOA, Internal Affairs Unit (IAU) and National Police Service Commission (NPSC), creating an ombudsman to monitor human rights violations, ending all forms of extra-judicial executions by

security agencies and establishing the Coroner General's Office as per the National Coroner's Service Act of 2017, ratifying and domesticating the International Convention for the Protection of All Persons from enforced disappearances.

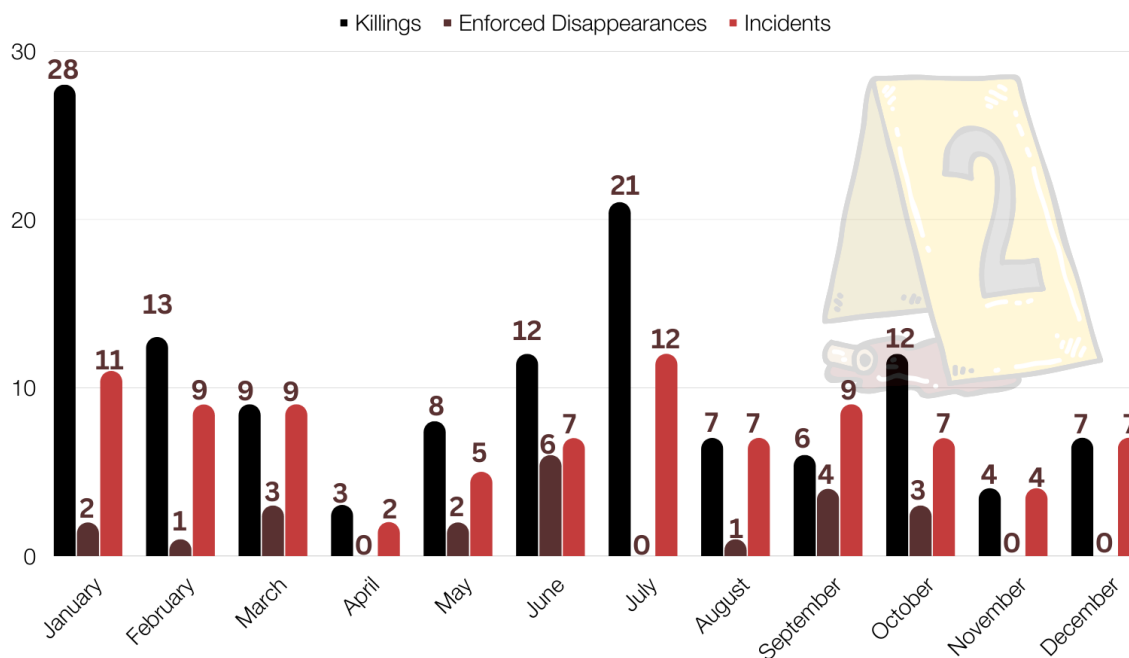
The time to put the campaign rhetoric into action is now. The disbanding of the Special Service Unit within the Directorate of Criminal Investigations (DCI) was a positive step, but fulfilling these promises, against the background of valiant documentation, extrajudicial killings and enforced disappearance, will send a powerful signal to the police officers that observation of human rights is sacred. Even more important, it will offer the families of the victims of extrajudicial killings and enforced disappearance solace that justice will be done, and hata mnyonge ana haki, which is in line with the National Anthem, Haki iwe ngao namlinzi.

While positive, the successful prosecution of the Mavoko 3 case also speaks of the long duration cases take in the court of law, discourages many families seeking justice in court. Additionally, for every Mavoko3 case, there are multiple cases of extrajudicial killings that are still in the courts without resolutions, some through legal maneuvers leaving families to lose hope of ever getting justice.



# POLICE KILLINGS AND ENFORCED DISAPPEARANCES 2022- KEY FINDINGS

## POLICE KILLINGS AND ENFORCED DISAPPEARANCES 2022- KEY FINDINGS



Missing Voices documented 130 cases of police killings and 22 cases of enforced disappearances in 2022, bringing the total number to 152. This compared to 2021, where Missing Voices documented 186 cases of police killings and 36 cases of enforced disappearances, indicates that police killings dropped by 30.1% and disappearances by 38%. This is a total drop of 31.5% percent.

January 2022 saw the highest police killings, with 28 cases from 11 incidents. The second-highest month is July, with 21 police killings arising from 12 incidents. The third highest month is February, with 13 police killings arising from 9 incidents. No enforced disappearance was recorded in April, July, November, and December 2022.

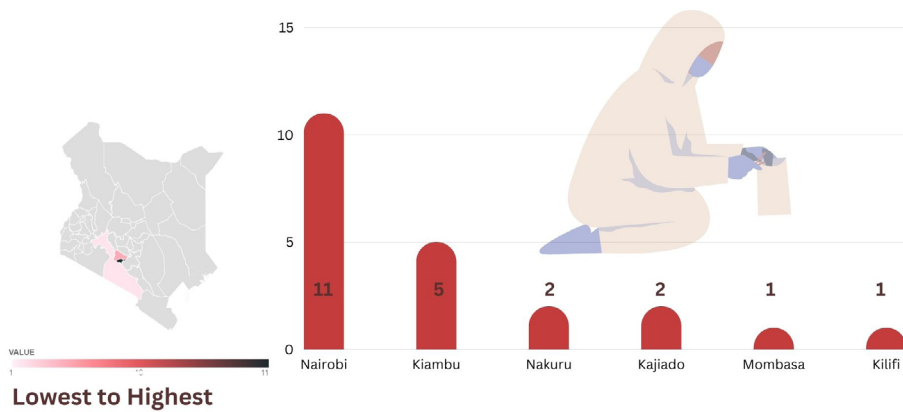
Regarding, enforced disappearances, June had the highest number of enforced disappearance cases at six. In June, however, 4 of the six victims were later found dead. These victims were Moses Nyachae, Frank Obegi, Fred Obare, and Elijah Omeka, who were arrested at Kasarani police station only to be found dead. September 2022 has the second highest number of enforced disappearances cases at 4, followed by March with 3 cases and January with 2 cases.

The last quarter of 2022 (October to December) had the lowest numbers of enforced disappearances cases at 3. This was the same period that the new government consistently condemned cases of enforced disappearances, a pointer to how political goodwill and condemnation of these crimes by the highest office can help reduce these cases.



# POLICE KILLINGS AND ENFORCED DISAPPEARANCES DATA PER COUNTY – 2022

**NUMBER OF ENFORCED DISAPPEARANCES PER COUNTY.**

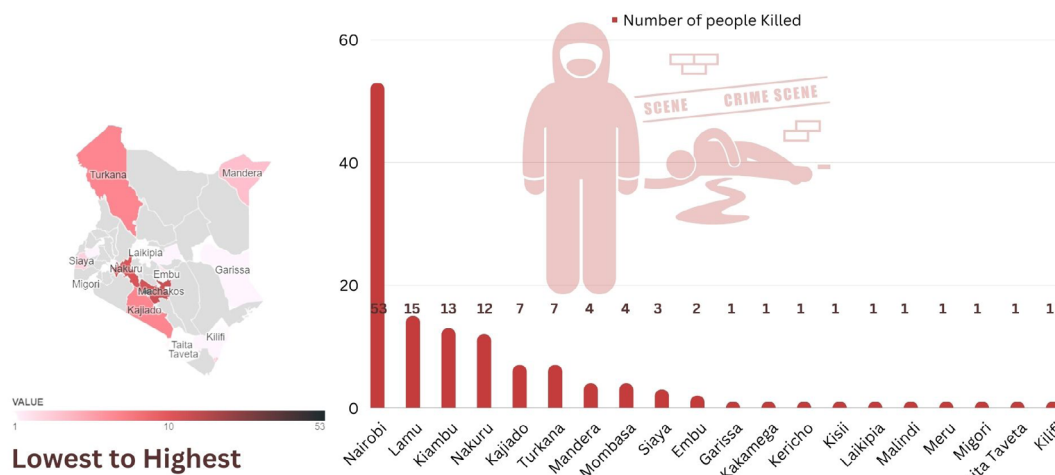


Nairobi county ranks as the highest in police killings with 53 cases; most cases were as a result of anti-crime operations that police conducted in various parts of the county. Lamu county comes in second with 15 cases. All 15 killings in Lamu happened on the 17th of January 2022 during a multi-agency task force's anti-terror operation in Boni forest. All the victims' details were never released but were recorded in the morgue as unknown.

In cases of enforced disappearance, Nairobi leads with 11 cases, followed by Kiambu County with 5 cases as shown in the chart below.

*Graph showing the number of enforced disappearances per county.*

**POLICE KILLINGS AND ENFORCED DISAPPEARANCES DATA PER COUNTY – 2022**

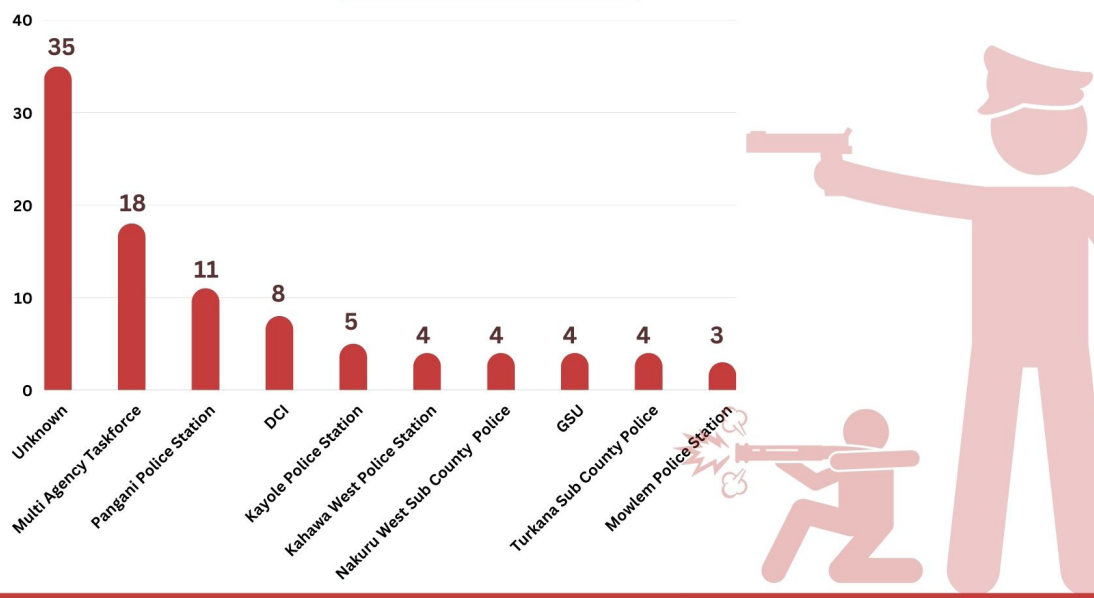


*Graph showing number of victims of police killings per county*

Youth residing in poor neighborhoods in urban centers are the most affected by police killings and enforced disappearances, as shown by the data on police killings and enforced disappearances per county above. The trend shows that male youth are prone to be victims of police killings and enforced disappearances.

# POLICE STATIONS WITH THE HIGHEST CASES OF KILLINGS AND DISAPPEARANCES

## POLICE STATIONS WITH THE HIGHEST CASES OF KILLINGS AND DISAPPEARANCES



*Graph showing police stations with highest number of victims.*

The Pangani police station in Nairobi County continued to be the most notorious when it comes to cases of police killings, with 11 cases attributed to the station; however, this is a significant drop from 32 cases reported at the station in 2021. This could be explained by the transfer of 19 police officers from Pangani Police Station on November 25, 2021, following sustained campaigns by Missing Voices coalition. Kayole Police Station is second with 5 followed by Kahawa West and Nakuru West Sub County police following with 4 cases each.

From our data, we could not pinpoint the police stations involved in the killings and enforced disappearances of 35 people. Out of this number, 19 are linked to enforced disappearance cases where perpetrators identified themselves as police officers. In contrast, 16 are linked to police killings where families could not identify the police stations the officers involved came from.

While conducting anti-terror operations, a multi-agency task force has been implicated in most killings in Lamu, Mandera, and Turkana Counties, totaling 18 cases.

The Directorate of Criminal Investigations, (DCI) was implicated in 8 killings in 2022.



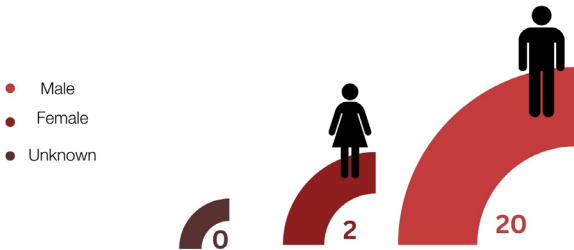
# GENDER OF VICTIMS

In the 2022 data, just like in previous years, men have predominantly been victims of enforced disappearances and police killings. Out of the 22 cases of enforced disappearance recorded in 2022, 20 victims are men representing 91% of the victims. Women accounted for 9% with 2 cases. Out of the 130 total documented cases of police killings, 124 are men representing 95.3%. Six of the cases are women, which represents 4.7%.

## THE GENDER OF VICTIMS OF ENFORCED DISAPPEARANCES

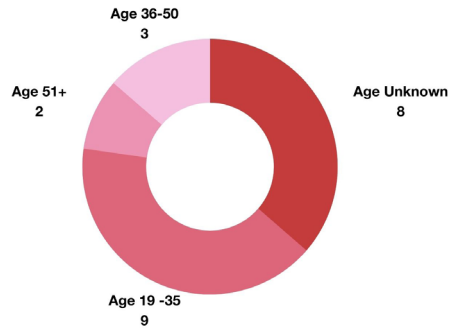


## THE GENDER OF VICTIMS OF ENFORCED DISAPPEARANCES



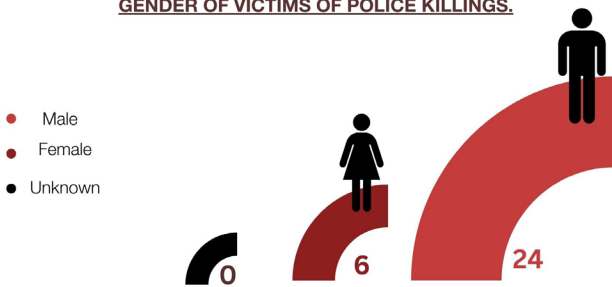
Graph showing the gender of victims of enforced disappearances.

## THE AGE OF VICTIMS OF ENFORCED DISAPPEARANCE



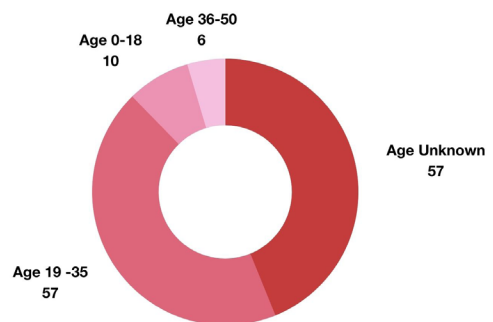
Graph showing the age of victims of Enforced Disappearance

## GENDER OF VICTIMS OF POLICE KILLINGS.



Graph showing the gender of victims of police killings.

## THE AGE OF VICTIMS OF POLICE KILLINGS

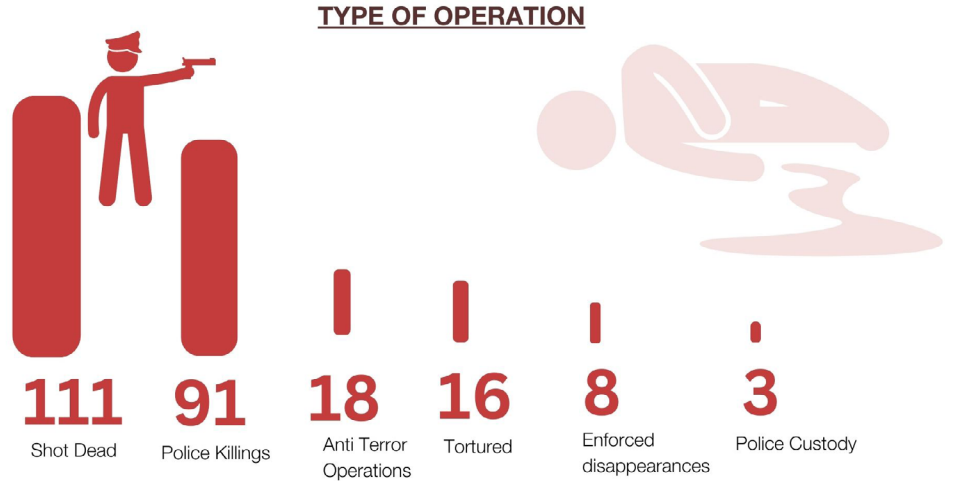


Graph of the age of victims of Police Killings

The data further shows that of the 22 victims of enforced disappearances, 9 are between the ages of 19 to 35 years. Out of the 130 cases of police killings, 57 were between the ages of 19 to 35, while 57 had ages recorded as unknown.

# TYPE OF OPERATION

Most of the cases resulted from anti-crime operations, accounting for 91 cases of police killings and 8 cases of enforced disappearances. 18 killings resulted from anti-terror operations, with most victims being youth. 111 victims of police killing were shot dead, 16 were tortured, and 3 died in police custody.



# KILLINGS TARGETING WOMEN



Five women were killed due to personal arguments or gender-based violence,



a stray bullet killed 1 Woman

## Killings Targeting Women



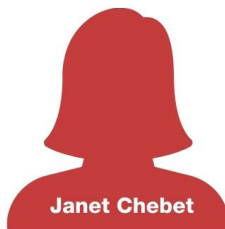
**Maureen Moraa**

Shot by her husband, a police officer, on February 20, 2022.



**Lucy**

Abducted on April 24, 2022 at Githurai 44, in the company of a female friend, and both were later found killed and dumped. Lucy's body was found in Oloitokitok, while her unidentified friend was discovered at Mashurui in Kajiado County, about 140 kilometers apart.



**Janet Chebet**

On September 5, 2022, Janet Chebet was shot and killed by her boyfriend, a police officer, in Kuresoi, Nakuru County



**Whitney Atieno**

Was killed by a stray bullet through the stomach on June 12, 2022, in Bondeni Nakuru during an operation by police to arrest suspected criminals in the city. It is alleged that the officer who shot her refused to take her to hospital immediately after the shooting and bled at the scene for two hours. One of Missing Voices partners is following the case.



**Emily Musitat**

Was shot dead on December 6, 2022, by her husband, a police officer. The 6th case is a 19-year-old



As opposed to men, most police killings of women resulted from gender-based violence. Five women were killed due to personal arguments or gender-based violence, while a stray bullet killed 1. These women include Maureen Moraa, who was shot by her husband, a police officer, on February 20, 2022. A woman we only identified as Lucy was abducted on April 24, 2022 at Githurai 44, in the company of a female friend, and both were later found killed and dumped. Lucy's body was found in Oloitokitok, while her unidentified friend was discovered at Mashuruu in Kajiado County, about 140 kilometers apart.

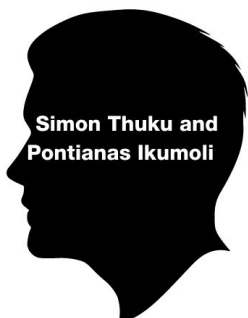
On September 5, 2022, Janet Chebet was shot and killed by her boyfriend, a police officer, in Kuresoi, Nakuru County. Emily Musita was shot dead on December 6, 2022, by her husband, a police officer. The 6th case is of 19-year-old Whitney Atieno, who was killed by a stray bullet through the stomach on June 12, 2022, in Bondeni Nakuru during an operation by police to arrest suspected criminals in the city. It is alleged that the officer who shot her refused to take her to hospital immediately after the shooting and bled at the scene for two hours. One of Missing Voices partners is following the case.

## KILLINGS DUE TO PERSONAL ALTERCATIONS

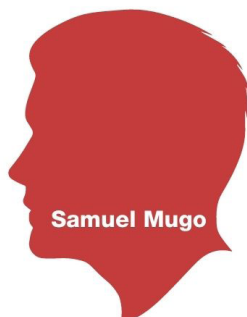
All the victims of altercations with police officers are men. Simon Thuku and Pontianas Ikumoli were killed in Nakuru on the 16th and Meru on the 22nd of February, respectively. The third case is that of Samuel Mugo, who was killed in Zimmerman Nairobi on May 16, 2022. The fourth victim is Stephen Osedo, who was killed on November 13, 2022, in Umoja Estate, Nairobi, by a police officer after an alleged argument.

The fifth victim is Elvis Baya Thoya, a 28-year-old boda boda rider who was shot and killed by a police officer in Malindi on December 22, 2022; the officer involved later took his own life. The sixth victim is Franklin Mong'are, a 23-year-old businessman who administration police officers allegedly killed at the Kitaru chief's office in Nyamira County.

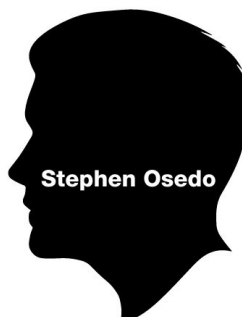
### Killings due to Personal Altercations



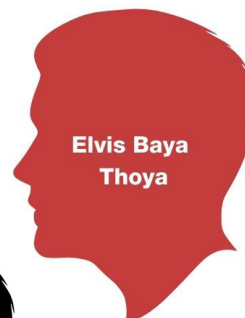
Were killed in Nakuru on the 16th and Meru on the 22nd of February, respectively.



Samuel Mugo, was killed in Zimmerman Nairobi on May 16, 2022.



On November 13, 2022, in Umoja Estate, Nairobi, by a police officer after an alleged argument.



A 28-year-old boda boda rider who was shot and killed by a police officer in Malindi on December 22, 2022; the officer involved later took his own life.



A 23-year-old businessman who administration police officers allegedly killed at the Kitaru chief's office in Nyamira County.

# RIVER YALA BODIES

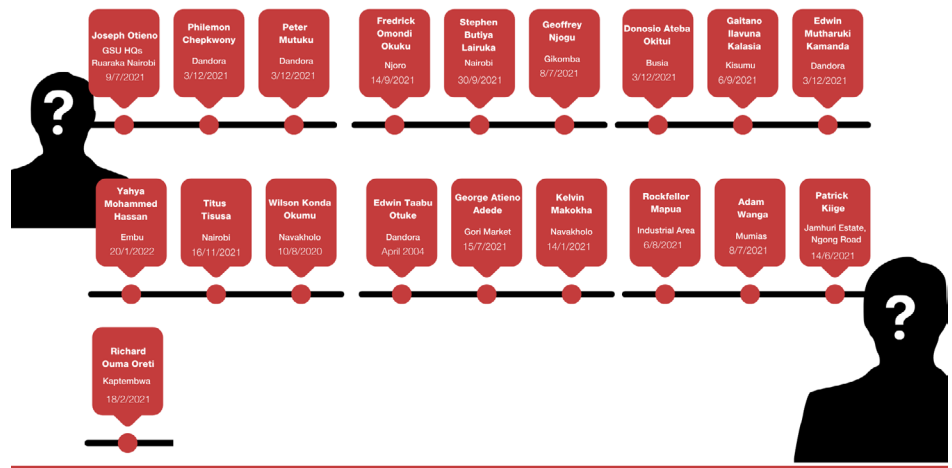
## IPOA REPORT ON KILLINGS AND ENFORCED DISAPPEARANCES

In January 2022, the Independent Policing Oversight Authority launched investigations into the incidents in which 22 dead bodies were recovered from River Yala in Siaya County on diverse dates after HAKI Africa brought the issue to light. The number would later shoot to 36 bodies after other Missing Voices partners joined the search for answers.

IPOA, in their statement, said they attended all the post-mortem examinations; the general emerging trend as the cause of death was determined as; 12 head injuries, 2 abdominal and chest injuries, 1 drowning, 1 had a head and chest injury, 3 strangulations and 1 peritonitis. The cause of death for 5 victims was undetermined. Preliminary investigations point out that the nature of injuries sustained or cause of death point to the same or similar perpetrators. DNA profiling is also ongoing.

Missing Voices Coalition contacted Nicholas Okero Okite, the local diver responsible for fishing out the bodies from the river. He claims more bodies are still being dumped into the river.

### LIST OF MISSING PERSONS RECEIVED IN YALA RIVER



List of Missing Persons Recovered from River Yala according to IPOA

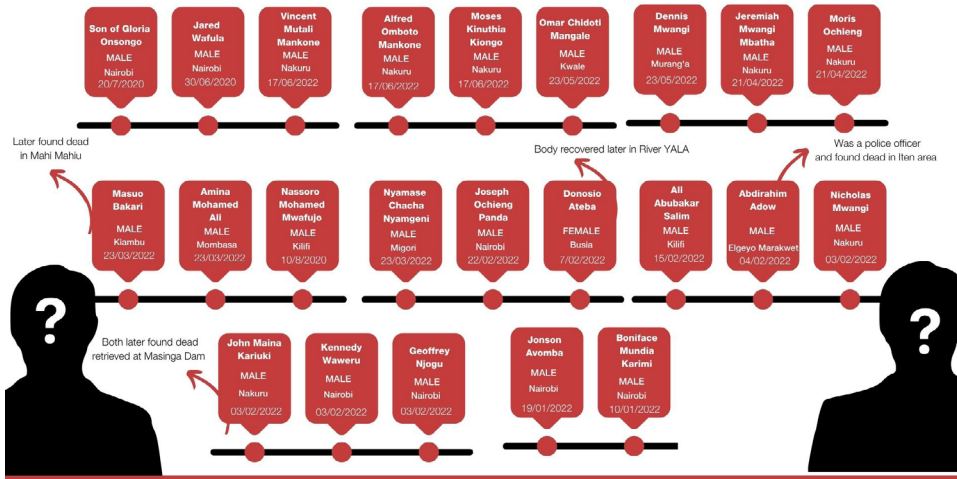
According to the table, we can deduce that 8 out of 13 persons reported missing between July 2021 and to date were last seen within Nairobi City and that 2 of them were positively identified by their families at Yala Sub County Mortuary. Others were from Nakuru 1, Kisumu 1, Embu 1, Kakamega 1 and Siaya 1. Consequently, most of the reported cases of missing persons are from Nairobi City, drawing a conclusion that most of the bodies retrieved from River Yala are from other counties.

Missing Voices was unable to add the River Yala bodies to the total number of those killed by police because the investigations are ongoing



# IPOA RECEIVED 20 CASES OF ENFORCED DISAPPEARANCES IN 2022

## VICTIMS OF ENFORCED DISAPPEARANCES IN 2022



Independent Policing Oversight Authority had received 20 cases of enforced disappearances as of December 2022. The authority was yet to release the numbers for August to December.

This list varies from the one Missing Voices has since some of the cases were reported to IPOA directly and were not even highlighted in the media or reported to human rights organizations.

*List of victims of enforced disappearances in 2022 according to IPOA.*

## POLITICAL GOOD WILL

During the election campaign, the Kenya kwanza- UDA Manifesto had the following points regarding police killings and enforced disappearances.

- Ending police abuse, especially against urban youth, through enhancing police oversight (IPOA and NPSC) and creating an ombudsman to monitor human rights violations.
- Ending all extra-judicial executions by security services and establishing the Coroner General's Office as per the National Coroner's Service Act of 2017.
- Establishing a Special Tribunal for Gross Human Rights Violations and Enforced disappearances (including by police and military actors in Northern Kenya).
- Ratifying and domesticating the International Convention for the Protection of All Persons from Enforced disappearances.

Following his election, President William Ruto disbanded the dreaded Special Services Unit (SSU) police unit under the Directorate of Criminal Investigation (DCI). He accused the unit of engaging in extra-judicial killings and Enforced disappearances.

On December 21, 2022, the President gazetted a 23-member task force tasked with identifying and recommending legal, administrative, and institutional reforms in the National Police Service and the Kenya Prisons Service. So far, these decisions have given the public a glimmer of hope as they await the findings of this task force and the determination of cases against SSU officer, Ahmed Rashid.

# THE NEED FOR MORE ACCOUNTABILITY

## MURDERED BY THE POLICE: OUR CHILDREN AS TARGETS



**The story told by:** **HawoHirbo Boba**

**Victims name:** **DonoJuma**

I received a phone call around 9 pm on January 29, 2022. The distress phone call was from Dono's wife. She was in tears. At first, I assumed they were involved in a domestic dispute. So, I decided to call him instead, but he never picked up. I assumed he was angry, that is why he is not picking up.

We took a motorcycle ride to Dono's house with my husband. When we arrived at his house, there was a lot of confusion. Then, one of his neighbors called and unequivocally stated that the situation was getting out of hand.

I was shocked to discover that it was a crime

scene and that state agents had murdered my son. Those involved were two police officers. He was shot by one of the police officers who were after him. We saw all the evidence of murder where Dono was lying dead. His head was inflamed, and the bullet had exited through his chest.

The police officer who shot him dead left the scene with his partner. They later returned to the scene to search for the bullet.

The alleged cop was apprehended. We attempted to track the case's progress by following up. Until now, we have no idea how it is progressing.

## ENFORCED DISAPPEARANCE CASE

**Story told by:** Ann Mwihaki Wanjiku

**Victims name:** Charles Muchuha

My son went missing while working as an Uber driver. He left his place in Komarock and arrived at my place around 11:30 am. He was cheerful that day. He didn't spend so much time around.

Less than 30 minutes after he left, I received a phone call informing me that my son had been arrested at a car wash. I learned that he had been transferred to John Saga. When I arrived there, his friends, who had gone before me, informed me that he was not present at the station.

It is harrowing; raising a child in good health and spirit for all those years is extremely difficult. It was heartbreaking to bury my son while missing some of his body parts.





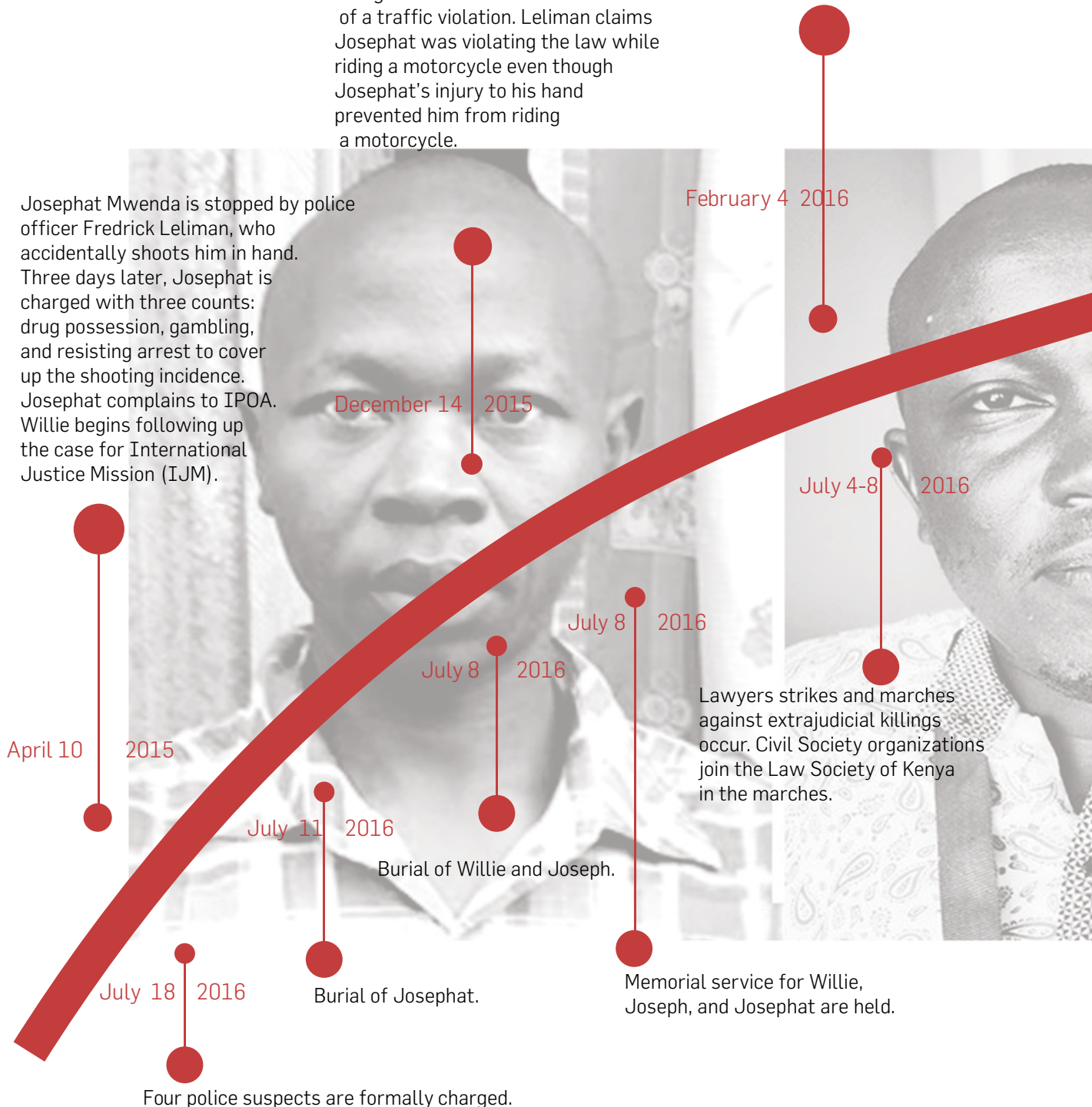
# MAVOKO 3 CASE

## 2015-2016

Officer Leliman and other police officers abduct Josephat from his home during the night. The next day Josephat is charged with six additional counts of a traffic violation. Leliman claims Josephat was violating the law while riding a motorcycle even though Josephat's injury to his hand prevented him from riding a motorcycle.

IJM officially takes Josephat's case.

Josephat Mwenda is stopped by police officer Fredrick Leliman, who accidentally shoots him in hand. Three days later, Josephat is charged with three counts: drug possession, gambling, and resisting arrest to cover up the shooting incidence. Josephat complains to IPOA. Willie begins following up the case for International Justice Mission (IJM).

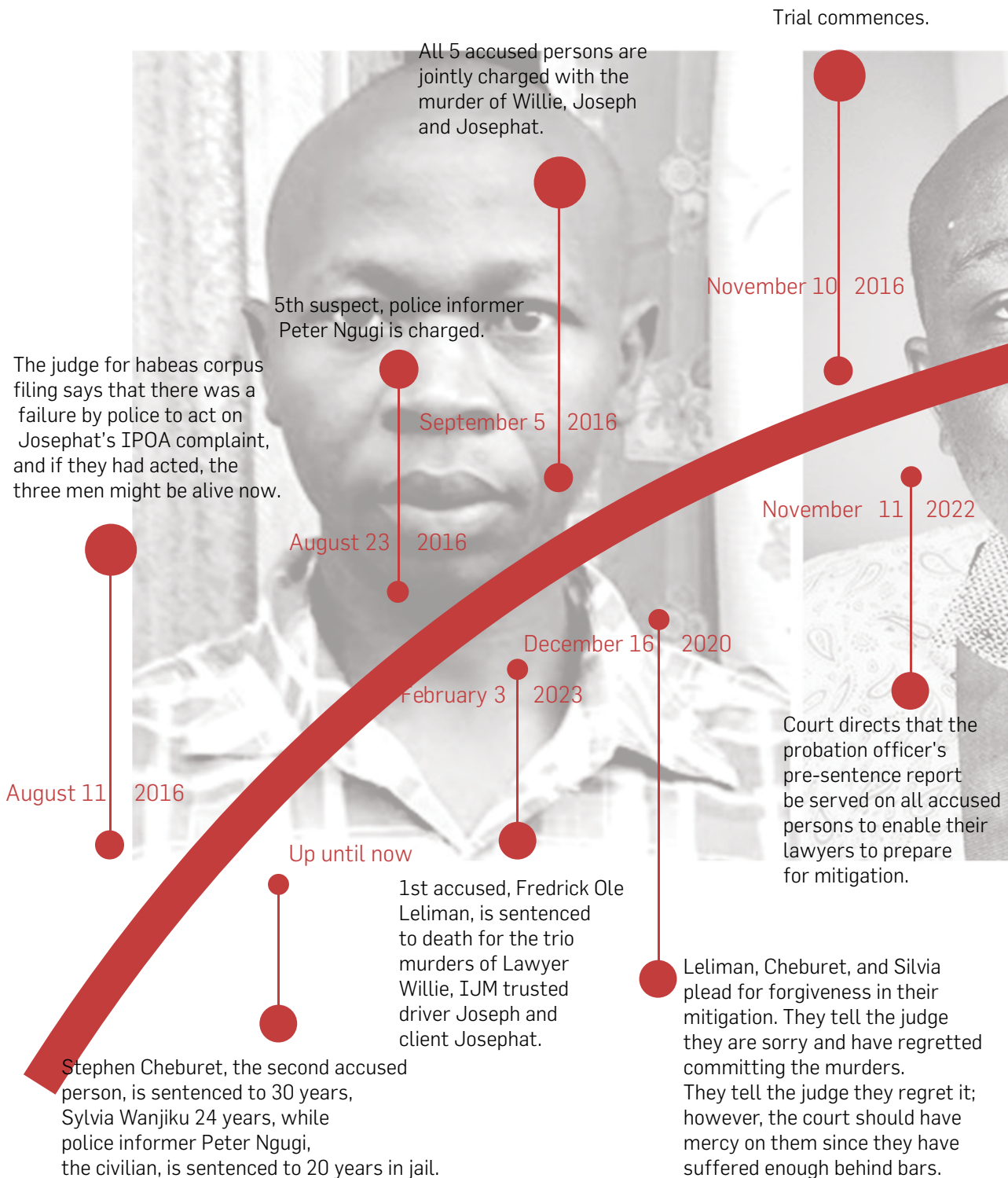




# MAVOKO 3 CASE

## 2016 TILL DATE

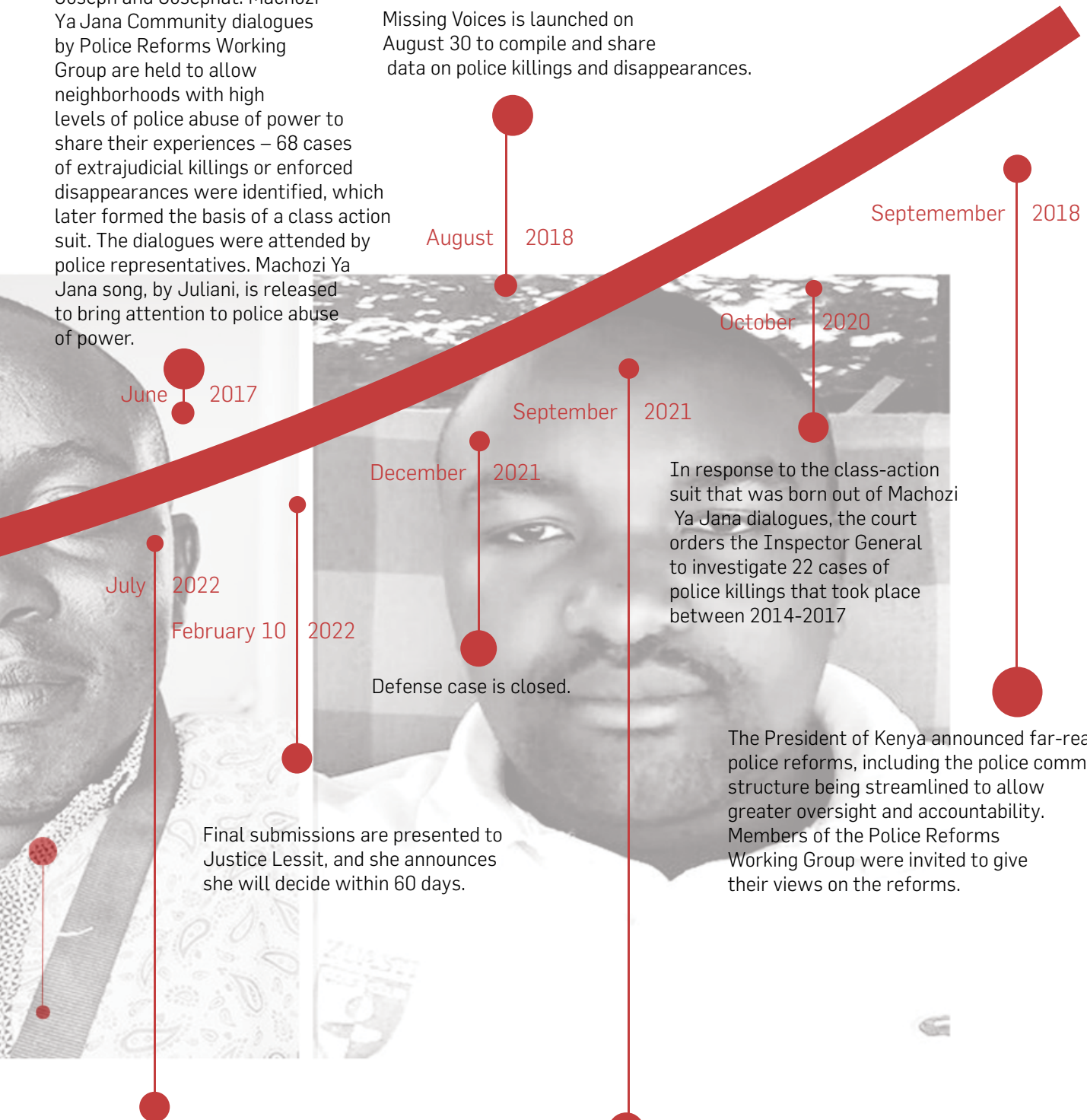
### COURT PROCESS





First-anniversary commemoration for Willie, Joseph and Josephat. Machozi Ya Jana Community dialogues by Police Reforms Working Group are held to allow neighborhoods with high levels of police abuse of power to share their experiences – 68 cases of extrajudicial killings or enforced disappearances were identified, which later formed the basis of a class action suit. The dialogues were attended by police representatives. Machozi Ya Jana song, by Juliani, is released to bring attention to police abuse of power.

Missing Voices is launched on August 30 to compile and share data on police killings and disappearances.



June 2017

August 2018

September 2018

October 2020

September 2021

December 2021

July 2022

February 10 2022

Three police officers (Leliman, Cheburet, and Sylvia) and civilian Peter Ngugi were convicted of the three murders.

Final submissions are presented to Justice Lessit, and she announces she will decide within 60 days.

Defense case is closed.

In response to the class-action suit that was born out of Machozi Ya Jana dialogues, the court orders the Inspector General to investigate 22 cases of police killings that took place between 2014-2017

The President of Kenya announced far-reaching police reforms, including the police command structure being streamlined to allow greater oversight and accountability. Members of the Police Reforms Working Group were invited to give their views on the reforms.

The prosecution case is closed, and the judge rules the defense has a case to answer.

MON JULY 23, 2022

Murder most foul The lawyer and taxi driver were collaterals in the vendetta

# How technology helped fix the killers of Mavoko 3

BY JOSEPH WANGUI

It was not for the phone data analysis technology and confession by an informant in the murder trial of lawyer Willie Kimani and taxi driver Joseph Mwangi would have had it rough securing convictions.

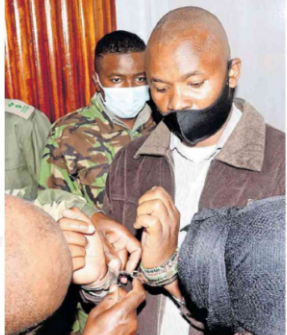
The prosecution deployed technology including mobile phone data records, to nail police officers Fredrick Leiman, Stephen Chabwet and Sylvia Nguni as the killers.

The four were yesterday found guilty of killing Mavoko 3 by Judge Justice Leakey at the High Court in Nairobi. Mavoko 3 was a taxi driver who was shot dead in Mavoko county in June 2016.

Justice Leakey was asked to sentence the three counts of murder. The court said there was no evidence to show anything to do with the killing that he was "part of the operation plan" before the killing.

Justice Justice Leakey said he concluded the case on February 11, 2022, after the trial had been held in July 2021.

Justice Justice Leakey said he concluded the case on February 11, 2022, after the trial had been held in July 2021.



Police officers escorting lawyer Willie Kimani, Mavoko 3's lawyer, to court on Monday. (JICA/PHOTOGRAPH BY JICA)

INFORMER spills the beans on 'killer' officers

# Informer spills the beans on 'killer' officers

BY JOSEPH WANGUI

Informant links some officers to the murder of lawyer Willie Kimani and taxi driver Joseph Mwangi. He talks of the alleged bad conduct of officers and the general police.

Murder of lawyer Willie Kimani and taxi driver Joseph Mwangi was a case that has been in the courts for over a year. The case has been a source of controversy and has attracted a lot of attention.

The informant, who has provided a detailed account of the events leading to the murder, has revealed that several police officers were involved in the operation.

He has also mentioned the role of the police in the investigation and the trial. The informant's revelations have shed new light on the case and have raised questions about the conduct of the police.

# Officer celebrated after killing Kimani's client and taxi driver, says witness

Ngugi, a former police informer, says he was used by the cops and he was not aware what they were doing



Stephen Chabwet, Stephen Chabwet and Fredrick Leiman at the Mvungu High Court on September 20. (JICA/PHOTOGRAPH BY JICA)

# Shocking confessions on police executions

Police informer lifts lid on extra-judicial killings in explosive testimony that implicates rogue officer in the murder of human rights lawyer, his client and their taxi driver, and other Kenyans accused of being 'car thieves'.

Police informer Peter Nguni has revealed shocking details of extra-judicial killings in an explosive testimony. He has implicated a rogue police officer in the murder of human rights lawyer Willie Kimani, his client Joseph Mwangi, and their taxi driver.

Nguni also mentioned other Kenyans accused of being 'car thieves'. He provided a detailed account of the events leading to the deaths of Kimani and Mwangi.

The testimony has shocked the public and has raised questions about the conduct of the police. It has also highlighted the need for reform in the police force.

# Officer celebrated after killing Kimani's client and taxi driver, says witness

Ngugi, a former police informer, says he was used by the cops and he was not aware what they were doing



Stephen Chabwet, Stephen Chabwet and Fredrick Leiman at the Mvungu High Court on September 20. (JICA/PHOTOGRAPH BY JICA)

# Accused: I was paid Sh3,000 for spying on Kimani's client

Informer says he was given the money by a police officer, whom he identified as Wilson Kamau, as appreciation for good work

A former police informer has testified that he was paid Sh3,000 for spying on Willie Kimani's client. He said the money was given to him by a police officer named Wilson Kamau.

The informer provided a detailed account of the events leading to the payment. He mentioned that he was used to gather information on Kimani's client.

The testimony has raised questions about the conduct of the police and the use of informants. It has also highlighted the need for reform in the police force.

# Phone numbers link suspects to Willie Kimani murder scene

Police officers' details were captured at Mvungu High Court on July 22, 2022 - a day before lawyer, his client and taxi driver were killed



Stephen Chabwet, Stephen Chabwet and Fredrick Leiman at the Mvungu High Court on September 20. (JICA/PHOTOGRAPH BY JICA)

# Jailed head of Rio delegation appeals against his conviction

BY JOSEPH WANGUI

The head of the Rio delegation has appealed against his conviction. He was found guilty of a crime related to the Rio Olympics.

The appellant provided a detailed account of the events leading to his conviction. He mentioned that he was part of the Rio delegation.

The appeal has raised questions about the conduct of the courts and the use of evidence. It has also highlighted the need for reform in the judicial system.

# Health challenges in swearing-in and cabinet

Government's cabinet members are facing health challenges as they prepare for the swearing-in ceremony.

The government's cabinet members are facing health challenges as they prepare for the swearing-in ceremony. Several members have been hospitalized due to health issues.

The health challenges have raised questions about the fitness of the cabinet members to take office. It has also highlighted the need for better health care for government officials.







# CARLTON MAINA 2018 -2022

Maina, an electronic engineering student, had returned to Kenya for Christmas Holidays.

Police Constable Emmanuel Ambunya Oyombe of KNH Police Post was arrested for killing..

August 15 2020

The 23-year-old University of Leeds student was killed by police on December 21, 2018, at Line Saba, Kibera-Nairobi.

December 21 2018

Up until now

Since 2018 the case has not gone to a full hearing; there have been four adjournments since 2018 because the defense team isn't ready, technicalities, or just not in court. Other dates were set from February 13, 14, and 15 but the case did not proceed. (will be updated before the report goes to print) and 13, 14, 15, 27, and 28 March 2023 have been set for the case.



Oyombe denied the charges before Justice Jessie Lesiit. He was detained at Kilimani Police Station until April 23, 2020. He was freed on Sh 600 000 cash bail.

He was arraigned at Milimani High court before Justice Ngenye Macharia to face trial. He didn't plead to murder charges. c

April 23 2020

February 16 2020

March 2022

September 2022

The court had allocated three days for the first hearing (8, 9, 10). The matter didn't proceed as the advocate of the accused, Clifford Ombeta was not in court.

The court further allocated 9 days in July and September of 2022 for the case to be heard, but unfortunately, the case did not proceed.

# Evans Njoroge alias 'Kidero'

## 2020

*Evans had fled and tried to hide in a banana plantation a kilometer and a half from the main road where they had staged a peaceful protest against the rise in university fees.*

Administration Police officer Leaky Maina was arrested and later charged on July 13, 2018, with the murder of Evans Njoroge.

July 13 2018

Njoroge, a Meru University Student Leader, was killed on February 27, 2018, at Kabebe village in Tigania West

Up until now

February 27 2018

The hearing resumes in April 2023. Three judges have also handled the case since 2018.

Leakey, out on bond, was a police constable at Nchiru Police Station. The case has had seven adjournments; the prosecution has had twenty witnesses testifying. The Chief Government Pathologist and the Investigating Officer (IO) are the only prosecution witnesses remaining before the accused can be put on defense.



July 2018

2018

The hearings in February, May, and September 2022 were adjourned because the defense counsel had not supplied the court with all the necessary evidence and witness statements.e.



# YASSIN MOYO 2022

## COURT PROCESS

Yassin Moyo was 14 years pupil waiting to sit his KCPE examination in 2020 when his life was cut short by a police bullet where the COVID-19 curfew was declared.

Unfortunately, the curfew hour found Hussein at his friend's house, and he was stuck at the home. While they were watching news with Bashir, they heard gun shots within the estate and shortly after Hussein's elder daughter called him crying alerted him that Yassin had been shot while they were at the balcony.

The shooting happened on March 30, 2020, at around 7.15pm. Yassin's father Hussein had left his flat at around 6pm with instructions that Yassin shuts the gate and gives the keys to his mother. He had then proceeded to his friend's house who stayed close by.

March 30 2020

January 23 2023

January 23 2023

January 23 2023

Judge Justus Bwonwong'a who was handling the case said the hearing against Ndiema will end by March 2023, two months after its commencement.

Nineteen witnesses are set to testify against Ndiema according to the Director of Public Prosecution.

Ndiema was arraigned on June 23, 2020 for causing Yassin's death. He denied the charge, and the court released him on Sh1 million cash bail.

Up until now

Unfortunately, the case has never progressed to Hearing. Initially the court file allegedly got lost in the Registry and could not be traced. When it was found, the defense has sought several adjournments, and this has made the matter to stall. Recently the trial judge was transferred, and this will cause further delays.

Immediately Hussein proceeded to his house accompanied by Bashir and another friend by the name of Mohammed. From afar they could see about 15-20 police officers throwing tear gas canisters at the residents.

Yassin was rushed to a nearby clinic, but they were unable to treat him. Some neighbors took Yassin to Huruma Police Station so a formal report could be made for Yassin to be treated of the gunshot wound but their statement was not taken because the OCS was not around. They were instead issued with an OB and immediately rushed the child to Mama Lucy Hospital.

March 30 2020

March 30 2020

March 30 2020

March 31 2020

At around 3.00am, the doctor met with Hussein and he informed him that the surgery was unsuccessful as the bullet had gone through Yassin's stomach and had destroyed his intestines. The doctor further advised him that they could not remove the bullet as it was meant to be removed during the postmortem.

January 23 2023

March 31 2020

The child was received and booked for theatre at 8pm after the family agreed to sign a consent. At around 9pm, the OCS Huruma arrived and met with Hussein. He offered his apologies and gave out his contacts for Hussein to make a follow up.

Hussein informed his wife and the neighbors that had accompanied them to the hospital and at around 4am the child was taken to the Mama Lucy Hospital mortuary. Yassin case became the face of police brutality during the curfew time, and it was hoped the case would be determined in a record time.

The trial the of the police officer Duncan Ndiema was slated for January 23, 2023, about three years after the teenager's death.

# BABY PENDO'S CASE 2022

The suspects appeared before Justice Ogembo but were not required to plead to any charges

High Court Judge Daniel Ogembo directed that Titus Yoma, Titus Mutune, John Chengo, Linah Kogey, Benjamin Kipkoskei, Benjamin Lorema, Volker Edambo, Cyprian Robe, Josphat Sensira, Mohammed Baa and James Rono take plea relating to charges of murder as crime against humanity, rape as a crime against humanity and torture as a crime against humanity.

The trial of 11 police officers implicated in the 2017 murder of Baby Samantha Pendo and other atrocities committed during the 2017 post-election period in Kisumu was to begin on November 21, 2022. Ndiema was slated for January 23, 2023, about three years after the teenager's death.

November 21 2022

November 21 2022

January 03 2023

January 03 2023

Up until now

November 21 2022

A warrant of arrest was also issued against one of the accused police officers, Mohammed Baa, who failed to turn up in court. Judge Kimondo directed the Inspector General of Police Japhet Koome to apprehend the officer who could not be traced by IPOA officers to effect summons.

Judge George Kinya Kimondo while giving the DPP extra time, however, ordered the suspects to present themselves before a clinical officer at Mathare Mental Hospital for mental assessment.

He pointed out that it would be prejudicial to call upon the suspects to answer the murder charges at this stage before they are examined to satisfy their mental status.

Through their lawyers, they asked the court to suspend the case for two months to allow them to pursue several other applications they had filed challenging the constitutionality of their trial.

They told the court that the case affects their constitutional rights and that, because the case has already been in court for five years, delaying it further to allow them to resolve the preliminary issues would not be detrimental.

But victims, through a team of human rights lawyers, raised objections to that application. The rights lawyers argued that delaying the matter would be prejudicial to victims, like baby Pendo, who is deceased, and others who were left maimed by the actions of the accused persons.

November 21 2022

November 21 2022

November 21 2022

November 21 2022

November 21 2022

November 21 2022

November 21 2022

January 03 2023

January 03 2023

The suspects were then released on a personal bond of Ksh 200,000.

His sentiments were echoed by those of other victims' lawyers drawn from the Kenya Human Rights Commission (KHRC), Independent Medical Legal Unit (IMLU), and Utu Wetu, all of whom asked the judge to decline the request to suspend the trial.

The case was to proceed on January 30, 2023 but the Director of Public Prosecutions Noordin Haji sought 21 days pending the hearing and determination of a Constitutional Petition filed by the defense lawyers before the officers take plea.

Submitting before the judge, International Justice Mission lawyer Edward Mbanya said suspending the trial would be tantamount to denying victims the right to justice.

"This is a very serious case with far-reaching implications as it is a case of unique nature as the suspects have been brought to court where they are being charged under the International Crimes Act. This is a case where a child died and other violations of sexual violence and torture. We need directions from the court on how to proceed on the matter regarding its uniqueness," DPP urged court.

In his ruling, Justice Ogembo explained that he had considered all of the arguments presented in court. He was of the view that the suspects wouldn't be prejudiced if they entered a plea. "I am of the view that even if a plea is taken, the subjects will still be at liberty to pursue their applications, and if successful, this proceeding can be declared null and void at any stage," the judge said.



# KIANJAKOMA BROTHERS' CASE 2021

The killing of two brothers Benson and Emmanuel Ndwiga in Embu, Kianjokoma area who were arrested over curfew rules on August 1, 2021, elicited a public outcry. The brothers went missing after being arrested by police officers for breaking curfew rules. For days their parents searched for them with their search ending at the morgue.

August 1 2021

Six police officers were arrested and charged with the murder, but they denied the charges. The six accused police officers were initially represented by 9 lawyers who had sought to stop the plea taking. So far 6 prosecution witnesses have testified including the boys' parents have testified in court.

August 1 2021

The matter was set to make further progress on February 27, 2023, to March 2, 2023, but did not proceed as the trial Judge has been transferred.

March 2 2023

Up until now

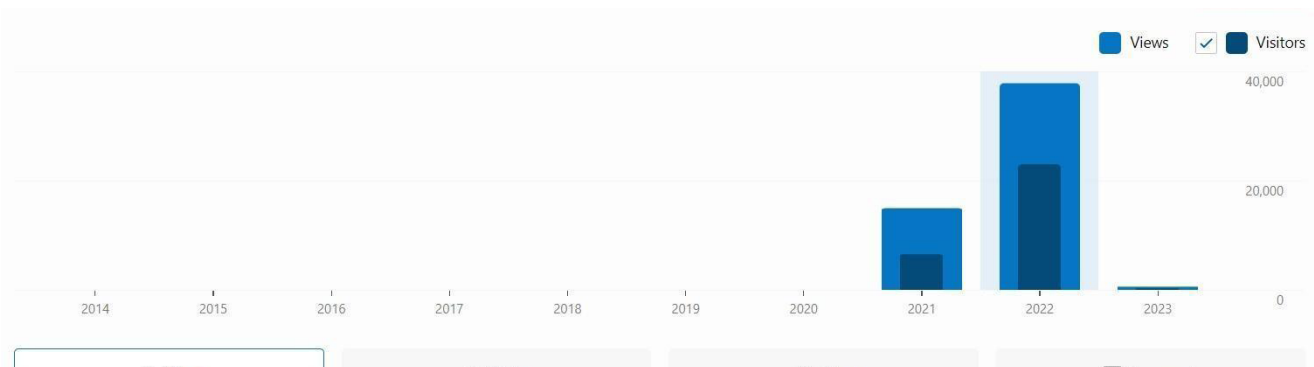
Law Society of Kenya (LSK), International Justice Mission (IJM), Independent Medical Legal Unit (IMLU) and others are representing the family.



# 2022 MISSING VOICES WEBSITE REPORT

Missing Voices website where statistics and data on police killings and enforced inapparencies are published saw exponential growth in 2022. The number of visitors to the site was more than the total number of visitors who have ever visited the site since its inception. This is the same for the number of views.

Overall, the website has 29,863 visitors and 53,359 page views. Of the total views, 37,833 were in 2022, and 23,061 visitors the same year.



## Total views

Months and years  Average per day

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
2021			1.5K	1.4K	1.4K	1.7K	1.2K	2.1K	1.4K	1.1K	1.8K	1.2K	14,916
2022	1.4K	1.2K	4.7K	2.2K	1.7K	1.6K	3.5K	2.6K	4.4K	5.7K	6.7K	2.1K	37,833

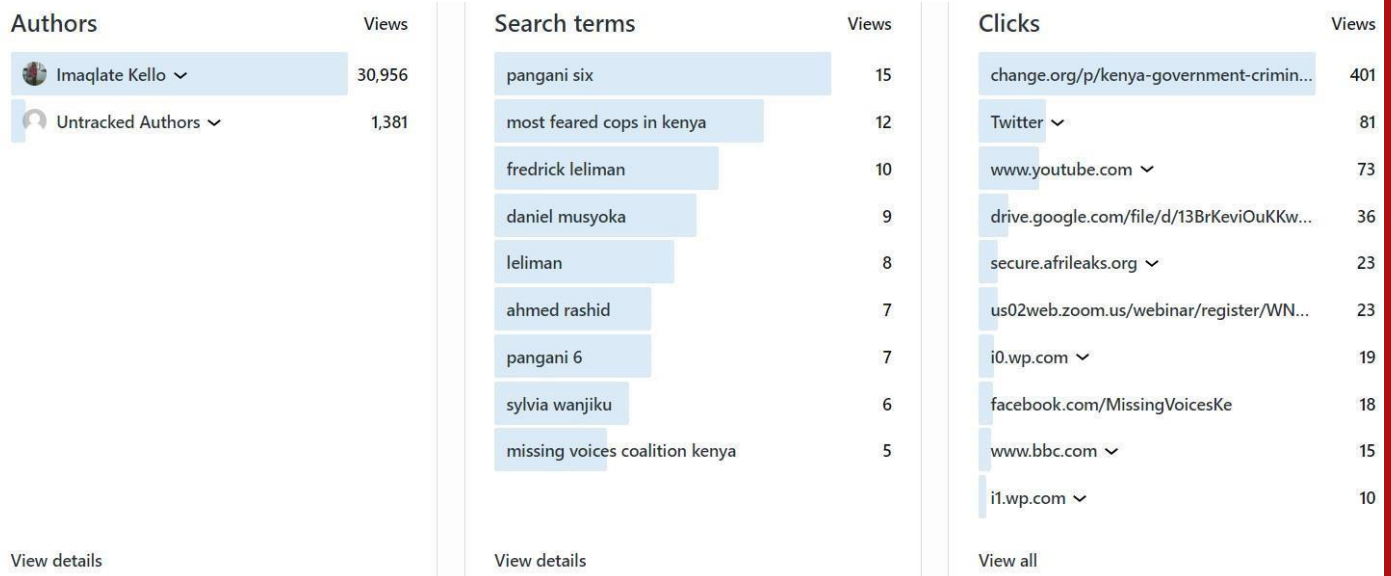
The growth in numbers is because of increased publishing of stories on policing and monthly data. While in 2021, we only posted 11 stories, in 2022, Missing voices published 117 articles.

## All-time annual insights

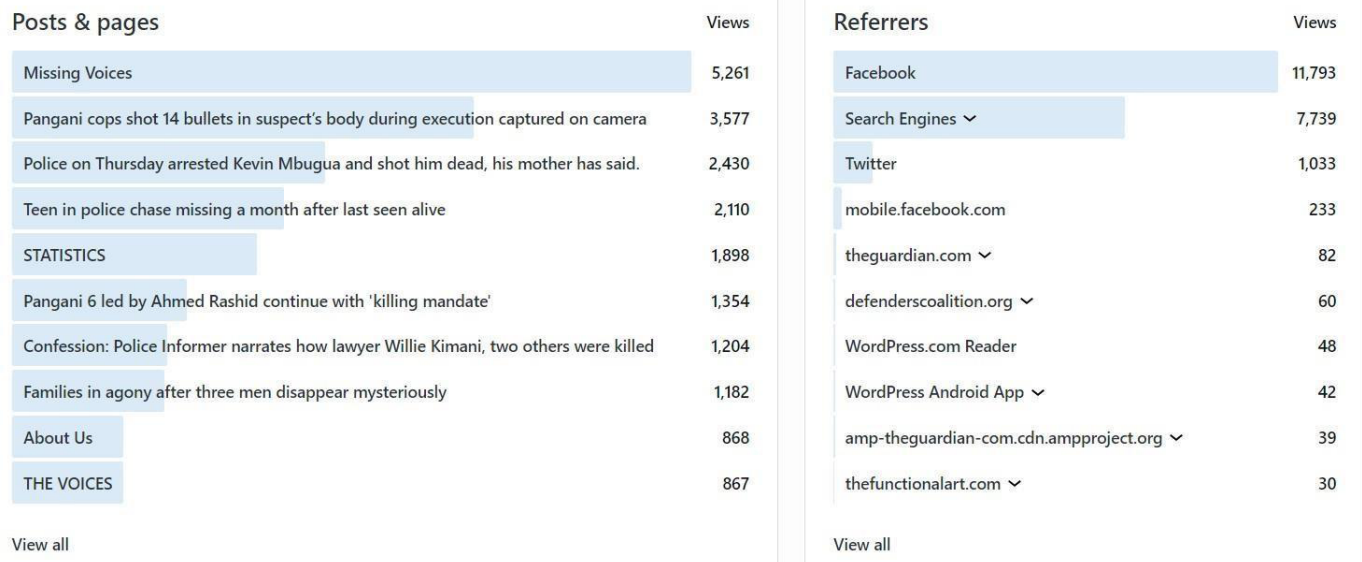
Year	Total posts	Total comments	Avg comments per post	Total likes	Avg likes per post	Total words	Avg words per post
2009	6	0	0.0	0	0.0	212	35
2010	14	0	0.0	0	0.0	1,564	112
2019	1	54	54.0	0	0.0	360	360
2020	2	0	0.0	0	0.0	2,359	1,180
2021	11	0	0.0	0	0.0	6,948	632
2022	117	1	0.0	0	0.0	54,799	468
2023	9	0	0.0	0	0.0	3,099	344

The top three keywords that people use to find Missing Voices are:

1. Pangani six
2. Most feared cops in Kenya
3. Fredrick Leliman (convict in Willie Kimani's case)



Most people (11,793) find Missing voices through Facebook, followed by other search engines and Twitter, respectively.



Our audience distribution is still largely Kenya (28,381).USA, Nigeria, and the UK follow respectively.



# MISSING VOICES MEDIA MENTIONS

Missing Voices website where statistics and data on police killings and enforced inapparencies are published saw exponential growth in 2022. The number of visitors to the site was more than the total number of visitors who have ever visited the site since its inception. This is the same for the number of views.

Overall, the website has 29,863 visitors and 53,359 page views. Of the total views, 37,833 were in 2022, and 23,061 visitors the same year.

## 1. THE GURDIAN

Missing Voices website where statistics and data on police killings and enforced inapparencies are published saw exponential growth in 2022. The number of visitors to the site was more than the total number of visitors who have ever visited the site since its inception. This is the same for the number of views.

Overall, the website has 29,863 visitors and 53,359 page views. Of the total views, 37,833 were in 2022, and 23,061 visitors the same year.

<https://www.theguardian.com/global-development/2022/dec/12/families-and-activists-unite-to-fight-for-justice-over-river-of-death-killings-in-Kenya>

## 2. THE CITIZEN

According to Missing Voices, a campaign group focused on extra-judicial killings, at least 39 unidentified bodies – all men – have been retrieved from the RiverYala.

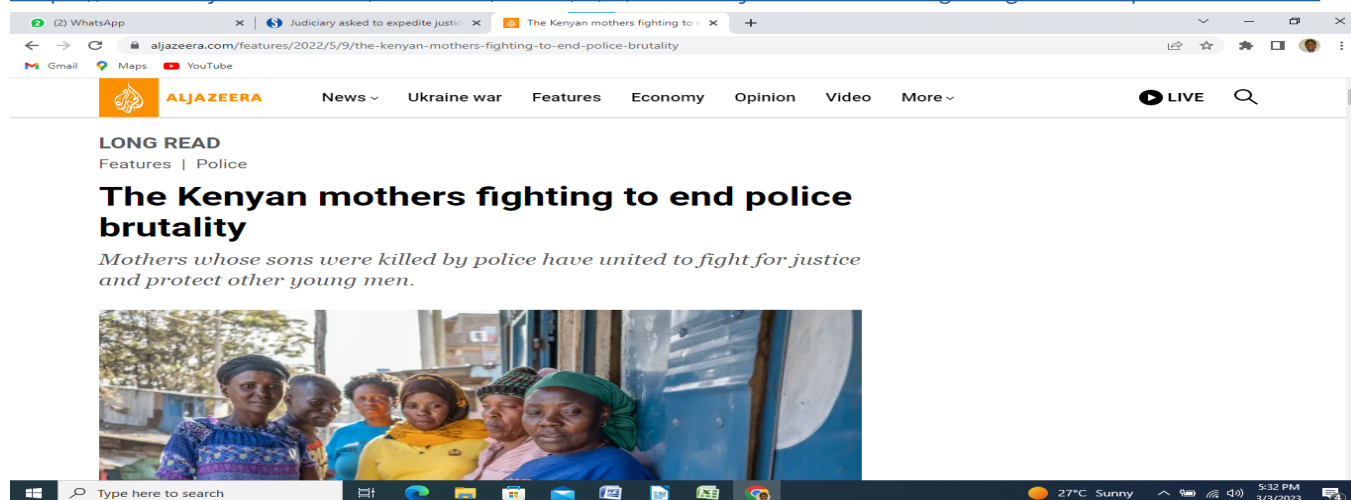
<https://www.thecitizen.co.tz/tanzania/news/east-africa-news/kenya-disbands-killer-police-unit-3989812>

The screenshot shows the top portion of a news article on the website 'THE CITIZEN'. The navigation bar includes 'Menu', 'ePaper', and a search icon. Below the navigation bar, there are tabs for 'News', 'Business', 'Entertainment', and 'Sports'. The main headline reads 'Kenya disbands 'killer' police unit' with a sub-headline 'Tuesday, October 18, 2022'. Below the text is a photograph of a man with a serious expression, wearing a dark suit and a light-colored shirt. On the right side of the page, there is a vertical sidebar with various social media and utility icons.

### 3. ALJAZEERA

Missing Voices Kenya, a coalition of organizations that monitor such deaths, has recorded 1,226 police killings and 275 enforced disappearances since 2007 when it began documenting cases. That was when the city's slums were flooded with "killer cops" who shot numerous young men, accusing them of actual or alleged crimes. Locals refer to these police officers as "serial killers". Last year, the group counted at least 187 extra-judicial killings and 32 cases of enforced disappearances in Kenya.

<https://www.aljazeera.com/features/2022/5/9/the-kenyan-mothers-fighting-to-end-police-brutality>



### 4. SAPIENS.ORG

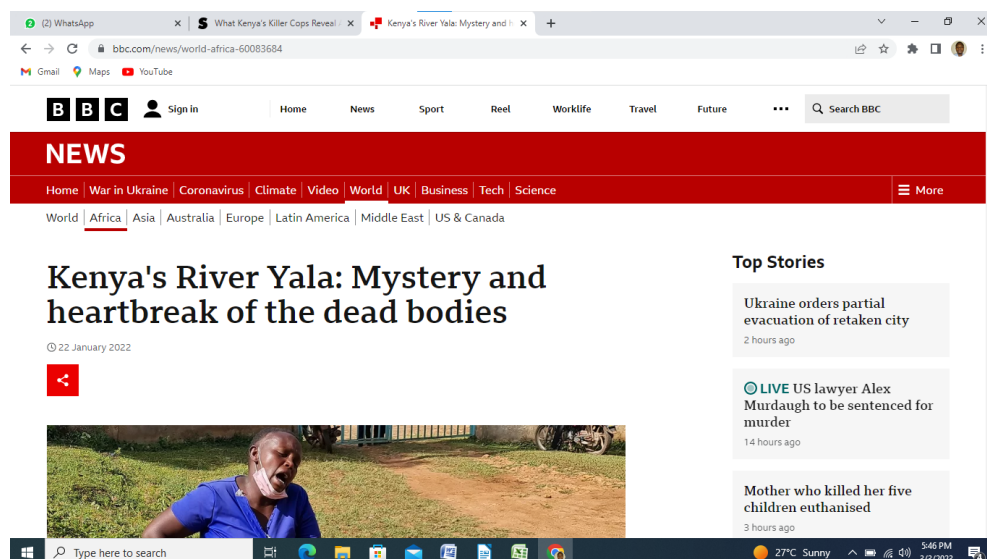
In 2020, police killed or disappeared 167 people, according to Missing Voices Kenya, a consortium of human rights organizations tracking extra-judicial killings.

<https://www.sapiens.org/culture/kenya-killer-cops/>

### 5. BBC

Missing Voices, a group of organizations documenting extra-judicial killings in Kenya, says 167 Kenyans were killed or disappeared in police custody in 2020.

<https://www.bbc.com/news/world-africa-60083684>



Irene Waheto breaks down at Yala Sub County mortuary after identifying the body of his brother only identified as Ndirangu in January 2022. The brother disappeared in Nakuru but was later found over 200kms away raising questions on how his body was found so far. Front page Photo/BBC.



# MISSING VOICES CAMPAIGNS 2022

## LAUNCH OF 2021 DELAYED JUSTICE REPORT IN NAKURU



On April 27, 2021, Missing Voices officially launched the 2021 annual report titled Delayed justice at Nyayo Gardens at the heart of Nakuru town. The report focused on the long-time cases of extrajudicial killings taken in court, with the focus being Mavoko 3 case which was in its sixth year in court then. The judgment was made in July, two months after the report's release.

The then Head of Criminal Division at the High Court Justice Grace Nzioka who represented the Chief Justice at the launch blamed investigations and prosecution teams for most of the case delays by filing cases with gaps.

**“If you bring me a matter, I am ready to proceed, but the Independent Police Oversight Authority and Office of the Director of Public Prosecutions do not bring witnesses what can the court do?”**

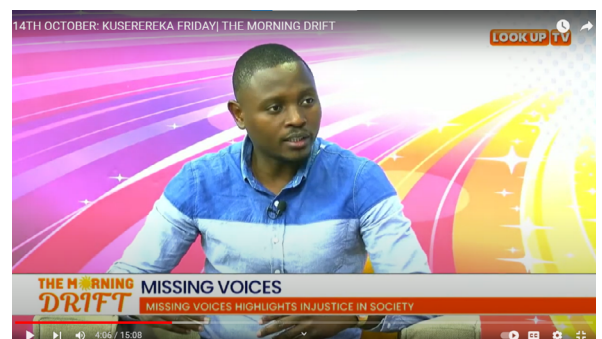
Justice Nzioka called on all actors in the criminal justice system to play their role in enabling the courts to administer justice swiftly. The Lady Justice said numerous adjournments of cases defeat justice. “I can assure you as a judge, if you bring me witnesses and bring to my knowledge the sensitivity, the need, the demand, I am willing to lay aside every other case and do take this case, finalize with it and move on, but if you do not enable me it is going to be extremely difficult,” Justice Nzioka said.

# UWAGA MEDIA TOURS

During the year Missing Voices launched the Uwaga Song by community artists and Juliani. After the launch the team organized media tours to discuss the song's main theme and way young people should join the fight against police killings and enforced disappearances. In addition to the core objectives, Missing coordinator also called on the public to support Missing Voices by signing the online petition on Criminalizing Enforced Disappearance in Kenya that has so far attracted 3,969 signatures.

The coalition managed to conduct 5 television interviews and 4 radio shows as follows.

1. KUTV Kenya:  
Top in Africa Show, hosted by Richard Okenye  
The artist involved, AbudhabiTembekali and Flawless Konya  
<https://youtu.be/UxCLB8JXhD8>
2. GBS Kenya:  
Artists involved, Flawless Konya and Frank Zaga  
[https://youtu.be/O\\_owKHMttjA](https://youtu.be/O_owKHMttjA)
3. KUFM radio:  
Artist Involved, Flawless konya.
4. Kass TV:  
Visit by Alex Mbela; hosted by DJ Sweetkay in Upper hill  
<https://youtu.be/TVTtrTGkwSs>
5. Y224 T.V (Y in the morning):  
Visit by Flawless Konya \_ KBC studios.
6. Look up TV:  
Visit by Alexander Mbela – Missing Voices Coordinator  
Discussed the mandate and importance of the campaign, partnership and how the public can get onboard.  
<https://youtu.be/4A7naUMJFLc>
7. Nation FM (Nation Media):  
Morning show by David: visit by Mugureness, Alexander Mbela, and Frank Zaga.
8. Pulse Live (Radio/TV):  
Frank, Javan and Mugureness, Brew Bistro, Ngong Road.
9. Radio 224:  
Mugureness, Javan. The Quorum shows.





# ZERO.ZERO PODCAST



On July 2, 2022, Missing Voices Coalition conducted an audio-visual podcast at Mathare Social Justice Center. Later, the same day, the coalition held a concert at slum soccer grounds in Mathare, which was also a launch of the Uwaga music video that had been recorded at Mlango Kubwa in Mathare. Missing Voices partners with like-minded artists with the goal of empowering the masses through art (artivism).

The podcast brought together 8 community leaders from Mathare to speak on their community's

challenges. This is especially about police brutality and the normalization of violence.

The panelists proposed the following as a way forward to.

- The need for restorative justice, that is, rehabilitation of criminals, in addition to psycho-social support. Security agents and administrators should be educated on handling people living in informal settlements.
- Civilians should build rapport with police officers and help police conduct CSR projects. All community-based organizations should come together to make this dream a reality.
- The youth should seek to learn skills to provide for themselves and their families.
- There is power in storytelling. Positive stories should be told that will help change Mathare.
- Leaders should bring projects to the youth so that they stop engaging in criminality since Extra Judicial Killings are not ending criminality but are instead making matters worse.

# DIALOGUE FORUM AT SLUM SOCCER GROUNDS – MATHARE

Missing voices partnered with Mathare Social Justice Center and Mathare Empire to conduct this activity on 2nd July 2022. This activity was attended by over 400 participants from the Mlango area of Mathare and its environs.

The performance acts included the BMK family, Anthem republic, Skim Music, Mico Migra, Mugureness, Flawless Konya, and Mathare Social Justice Center Kids.

The Mathare community dialogue forum used the hashtag **#UwagaMtaaLaunch**. This hashtag drew 292,402 impressions with the potential to reach 68,976 people



*Mathare Social Justice Center Kids entertaining participants at the*



# COMMUNITY DIALOGUE FORUM IN NYALENDA-KISUMU



Missing Voices conducted a community dialogue forum in Kisumu on Friday, July 22 at Nyalenda Kilo, opposite Baba Shamar Supermarket on elections. Over 350 participants attended the event.

The event started with a procession from Quick mart in Kisumu town to the venue. The procession was attended by the Kenya National Commission on Human Rights chairperson-KNCHR Roseline Adede, who officially flagged it off, and the Amnesty International Kenya Executive Director Irungu Houghton. Mr. Irungu was representing Missing Voices Directors. Various Justice Centers from Kisumu and Nyalenda organized the activity.





Representatives from IPOA, IAU, KNCHR, AIK, NPS, and ODPP attended the event. The event's goal was to provide a platform where Nyalenda residents can engage duty-bearers on the challenges they face in accessing justice for victims of police brutality.

Nairobi-based artists, including Javan the poet, Sigingi, Burguda, Chali Slim and Shikkey entertained the guests and residents. Artists including Apesi Minyamamkali, Dawedawe, Tessgraced the occasion. The Performances were on issues affecting the community dealing with police brutality. The event was streamed live on the Missing Voices Facebook page.

Residents heard from baby Pendo's parents, whose daughter was killed in the 2017 General Elections. They appealed to Nyalenda residents to desist from violence.

Mary Shantel's mother recounted what led to her daughter being shot by a stray bullet from the police. She said that she and her daughter Mary loses her memory in school and hides whenever she sees police officers. The mother appealed to well-wishers to provide counseling to her and her daughter, something they have not accessed due to financial constraints.

KNCHR Chairperson, Ms. Roselyne Adede, the chief guest, said that the commission

partners with civil society organizations, including grassroots organizations to execute its mandate.

Mr. Houghton Irungu faulted the criminal justice system for taking too long to provide justice to victims of police brutality and other human rights violations, citing that justice delayed is justice denied.

Local, and international media and Missing Voices website covered the event. See some of the links below:

1. <https://www.the-star.co.ke/counties/nyanza/2022-07-24-judiciary-asked-to-expedite-justicefor-pev-brutal-killings-victims>



2. <https://youtu.be/DfWPGOtDmu4>



3. <https://missingvoices.or.ke/report/kisumu-widow-ipoa-mum-on-my-daughters-shooting-five-years-after-interrogating-me/>

The three hashtags for the events were **#Nyalenda4Peace**, **#NyalendaForPeace**, and **#MissingVoicesNyalenda**.

The hashtag **#NyalendaForPeace** had 372,014 impressions on Twitter with the potential to reach 91,942 people.

The hashtag **#MissingvoicesNyalenda** had drew 296,810 impressions with the potential to reach 92,950 people.



# ELDORET JOURNALISTS TRAINING AND COMMUNITY DIALOGUE

Missing Voices conducted a training of 40 journalists on election from the 4th to the 7th of July 2022 at the Boma Inn Hotel in Eldoret. Afterward, the consortium conducted a community dialogue forum at TAC Center in Eldoret on 8th July 2022.

Participants were trained on various mandates held by organizations that played a vital role during this election period, especially regarding human rights and the rule of law. The training targeted journalists from Kenya's Rift Valley, Western and Nyanza regions. The trainers were sourced from different institutions such as Independent Policing and Oversight Authority- IPOA, Police Internal Affairs Unit (IAU), Defenders Coalition, KHRC, NPS, ODP, and IJM, among others.

The community dialogue forum attracted 217 people.

Eldoret residents were addressed by the IPOA chairperson Ms. Anne Makori who called on the police to consider human rights as they discharge their duties. She asked them to be professional and transparent always.

She informed participants that IPOA exists to guard the public interest. IPOA only wants the relationship between the police and the public to be strengthened. She asked participants to report to IPOA if they have any issues with the police via a toll-free number is 1559.

Mr. Julius Ndenda from Kenya National Commission on Human Rights (KNCHR) called upon members of the public to contact them using various reporting mechanisms, for instance, through toll-free no. 0800720627 and the Kitale Office number 0708271216. The event has 143,286 impressions on Twitter with a potential of reaching 60,152 people.



*A police officer addressing participants during the Eldoret Community Dialogue Forum*

# TWITTER SPACE DISCUSSION— AUG 29, 2022

**TOPIC:** *Why Enforced Disappearance Should Be Criminalized*

**Moderator:** Marie Ramtu

**Panelists.**

Houghton Irungu: Executive Director, Amnesty International

Aggrey Juma: Lawyer at International Justice Mission

Javan Ochieng: Organizer, Social Justice Centers Working Group

Wangui Kimari: Research Coordinator, MSJC



Ahead of the International Day of Victims of Enforced Disappearance, the Missing Voices coalition held Twitter Space on August 29, 2022, from 7-8 pm, in which 455 people tuned in.

The discussions focused on the legal gaps that hinder the prosecution of cases of enforced disappearances in Kenya.

The panelists explained that enforced disappearances are those cases of abduction that are done by state officers and not those kidnappings that civilians do.

Enforced disappearance is mostly carried out by people in plain clothes and unmarked cars posing as police officers. The officers do not identify themselves or produce official documents like arrest warrants. In most cases, the victims are dragged by force into unmarked cars and taken to an unknown destination with no communication with family members, lawyers, and human rights activists.

Gitau Mwangi from the African Commission confirmed that they are finalizing a guideline on Enforced disappearances because most African countries have not ratified the Convention to Protect All Persons Against Enforced Disappearance. The guideline will help the government investigate cases of Enforced disappearances to prosecute those culpable of committing that crime. The commission adopted the guideline, it was launched on October 25, 2022. They plan to have a simplified version to share with the community to help advocate for Kenya to ratify the convention.

## WHAT SHOULD BE DONE IF KENYA RATIFIES THE CONVENTION TO PROTECT ALL PERSONS AGAINST ENFORCED DISAPPEARANCES?

- If the covenant is ratified, human rights organizations need to push for a provision in Law, the Penal Code, or an Act of government that specifically criminalizes enforced disappearances.
- In 2018, the National Police Service did something very significant; they did an alignment of police divisions with the administrative services to have a ward and a police station within the ward.
- This is critical in cases of Enforced Disappearance because if someone is arrested in a certain locality, the officer in charge of that locality should be held responsible for that detention. Unfortunately, that does not happen currently.
- There is importance to give family solidarity in searching for their enforced disappeared member.

## COMMEMORATION OF INTERNATIONAL DAY OF VICTIMS OF ENFORCED DISAPPEARANCE

The Missing Voices Coalition held a dialogue to mark the International Day of Victims of Enforced Disappearance on Tuesday, 30th August 2022, at Kayole 2 Social Hall. Kayole Community Justice Center hosted the event.



Some of the issues discussed include;

- Criminalize Enforced disappearances. The Senate in their report recognized enforced disappearance as a big problem and even recommended criminalizing it.
- The need to amend the laws of Kenya on enforced disappearances.
- The public should know the role of the police service and the Independent Policing Oversight Authority (IPOA) because they play a major role when it comes to cases of enforced disappearance.
- It is important to have an effective witness protection agency which we already have under the Witness Protection Act. It is important for witnesses to be assured of their protection when it comes to cases that involve state agencies.
- Victims and families of the victims need to be protected and freed from threats and intimidation.
- There is a task force on Criminal Justice Reform, which will play a critical role in ensuring that if a person is found capable of any crime, they can receive a quick and fair hearing.





## RECOMMENDATIONS FROM THE DIALOGUE FORUM

1. All the security stakeholders were urged to hold forums on their areas to familiarize themselves with the community. This way, the community will get to understand their mandates, and these organizations will get to know more about what happens in the community.
2. The witness protection agency needs to be proactive in cases of police abuse of power in ensuring that the witnesses are safe to testify in those cases, including those of enforced disappearance.
3. The community was urged to report to any authority like the police, IAU, or even IPOA if something abnormal, like enforced disappearances cases occurs using emergency numbers from these organizations.
4. IAU and IPOA to have a forum where these two organizations will bring cases to all cases that have been referred to them, especially from the justice centers.
5. There is a need to have a discussion with the Witness Protection Agency in community forums to answer questions about the protection of witnesses.







# INTERNATIONAL HUMAN RIGHTS DAY 2022



In partnership with the coast civil societies reference group for human rights and security, the Missing Voices Coalition hosted the International Human Rights Day celebrations on December 10, 2022, at Swahili Pot Hub in Mombasa. The event was attended by more than 240 people and watched by hundreds of others online.

The participants for this activity were drawn from different parts of Mombasa County and represented different demographic groups. Some groups mobilized

include reformed youth, women, persons living with disabilities, religious leaders, and human rights defenders from all the six sub-counties in Mombasa County.

Members of the Missing Voices Coalition in Mombasa from HAKI Africa, MUHURI, and Kituo cha Sheria decried the increased number of mob injustice cases in Mombasa and its environs. They claimed that 19 suspects had been lynched in less than a month.

They asked security agencies to respond urgently to crime reports to stop this trend as some may be used to settle personal scores. They also asked the

government not to set up another unit like the SSU that would be used to kill Kenyans.

Members of the Social Justice centers Working group from Nairobi also took time to educate participants about the social justice movement and how it can help the poor and marginalized at the coast access justice.

They told them about the importance of organizing which is aimed at giving strength to those facing challenges in communities.



# MEDIA INTERVIEW LINKS



...scores need to enlighten public on rights in upholding rule of law

The climax of the event was the premier of the new Missing Voices Documentary titled "License to kill?"

The documentary gave a historical perspective on how police killings and enforced disappearances came to be normalized in Kenya and what should be done to stop the trend. The link is attached below.

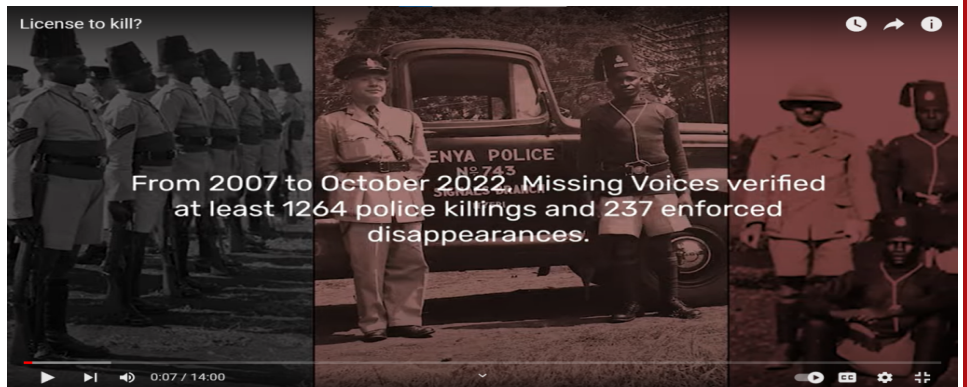
<https://youtu.be/OdXEyvGoOVE>



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...need to enlighten public on rights in uph





# RECOMMENDATIONS

## To The National Assembly

1. Ratify the International Convention on the Protection of All Persons from Enforced Disappearance per its constitutional and international obligations without reservations.
2. Enact a law on Enforced disappearances or amend existing legislation to criminalize Enforced disappearances. The law should include recourse and reparations for victims and their families.
3. Amend the National Police Service Act and the Independent Policing Oversight Authority Act to grant the IPOA the primary responsibility to investigate crimes allegedly committed by police officers. Currently, under Sections 24 (e) and 35 (a) & (j) of the National Police Service Act, the police are responsible for the investigation of crimes. But under sections 6 (a) and 25 of the Independent Policing Oversight Authority Act, (IPOA) is responsible for investigating crimes committed by the police. The mandate overlaps between the DCI and IPOA investigating extra-judicial killings and enforced disappearances has prevented an adequate investigation.
4. Amend the Independent Policing Oversight Authority Act, the Wildlife Conservation and Management Act, the Prisons Act, the Forest Conservation and Management Act, National Intelligence Service Act 2012, and the Kenya Coast Guard Service Act to expand the mandate of IPOA to exercise civilian oversight over and investigate crimes alleged to have been committed by officers from these agencies.
5. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT).

## To the National Police Service

1. The Internal Affairs Unit of NPS to initiate investigations into the activities of the disbanded DCI SSU, including Extrajudicial Executions and Enforced Disappearance, and to make strong recommendations to the Inspector General of Police and the Director of Public Prosecutions to act and seek justice and accountability.
2. Ensure that documentation in the occurrence book indicates all persons in police custody to facilitate rapid investigations of enforced disappearances.
3. Ensure those police officers wear the uniform, have their identification badges, and drive police vehicles to be easily identifiable by the public.
4. Provide adequate medical cover, including psychosocial and mental health support to officers and families, for the police officer and families.

## The Office of the Director of Public Prosecution

1. Expedite cases on Extra-Judicial killings and Enforced disappearances in court and work with the judiciary to provide a realistic timeline for resolution.
2. Develop a habeas corpus guideline with state oversight agencies, the judiciary, and civil society organizations.
3. Develop ODPP guidelines on the investigation of enforced disappearances.
4. Fast-track the development of jurisprudence on prime responsibility and command of responsibility.

## To the Attorney General

1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance by the government of Kenya.
2. Operationalize the National Coroners Service Act and the Prevention of Torture Act.
3. Fast-track the payment of court awards and reparations to victims of unlawful police killings.
4. Work with the CS Interior and Coordination of National Government and the relevant National Assembly Committees to increase budgetary allocation to facilitate the operationalization of the National Coroners Service under the National Coroners Service Act.

## To the Judiciary

1. Expedite and finalize the cases of enforced disappearances and police killings before the court and habeas corpus before the court.
2. Prioritize the need for law reform on sanctions for government officials' failure to obey court orders for production in habeas corpus cases.

## To the Independent Policing Oversight Authority (IPOA)

1. Investigate and prosecute members of the disbanded Special Service Unit of DCI for their individual and command roles in extortion, abductions, kidnappings, torture, Extra-judicial Executions, and enforced disappearances, which are serious crimes.





# MISSING VOICES DIRECTORS' STATEMENTS

“

The time for action is now. We cannot wait any longer to tame injustices and violations of human rights include to life and the right to security. Human rights defenders play a, crucial role in monitoring, documenting and reporting human rights violations in their communities, yet they face serious risks, including extrajudicial.

Our shared responsibility is rances.

It is our shared responsibility to hold those responsible for these crimes accountable perpetuating an end to the impunity that perpetuates violence and human rights abuses. We must raise our voices in support of human rights defenders and demand that governments take concrete steps to protect their safety and security.”

“Protection International Africa calls for impartial, thorough, and independent investigations into extrajudicial killings and enforced disappearances, and for those responsible to be brought to justice. The future we want to build requires all of us to act and speak out for human rights and accountability,”

**Susan Muriungi**

***Africa Regional Director, Protection International Africa***

“

Accountability Now” to combat corruption and impunity, the strongest enemies of human rights, and forge the bases for a responsible, equitable, and fair society. The Human Rights Defenders in Kenya remain united and resolute in demanding for accountability and remain engaged and committed in fighting corruption, violence, injustice, discrimination, and all form of abuses. Pamoja tunaweza!!”

**Alberto Fait**

***Country Coordinator, Peace Brigades International Kenya***

***Country Coordinator***

“

Checks and balances are necessary in order for the police to carry out their duties in accordance with the law and to be held to account if they fail to do so. This will restore and enhance public confidence in policing.”

**Joachim Paul**

***Director, Heinrich Böll Foundation***

“

Article 244 of the constitution of Kenya requires the National Police Service to prevent corruption and practice a culture of transparency and accountability. Considering this, the Kenyan section of the International Commission of Jurists (ICJ Kenya) calls upon the NPS to collaborate with criminal justice actors to ensure speedy investigation and prosecution of rogue police officers.”

**Elsy C Sainna**

***Director, The Kenyan Section of the International Commission of Jurist***

“

The year 2022 had vigorous and numerous interventions aimed at enhancing police accountability. Notable was the judgement in the case of Willie, Joseph and Josephat, commonly referred to as Mavoko 3 case. This case took over six years plus to reach its conclusion. Three police officers plus one police informer were found guilty of the murder of Willie Joseph and Josephat.”

“Our hope has always been such cases can send a strong message of deterrence for police officers who engage in extrajudicial killings and enforced disappearances in Kenya.”

“We have seen a drop of 30% in cases of police killings and enforced disappearances in 2022 compared to 2021, from 219 cases to 153. Despite the decline in these cases, we have continued to witness more killings and dumping of bodies in rivers, like it was witnessed in River Yala.”

“We are encouraged that President William Ruto has been at the forefront in calling for an end to extrajudicial killings and enforced disappearance.”

“We believe that we can all work for a society where police officers are professional and uphold the rule of law and observe human rights as they execute their mandate, and in cases of police misconduct proper accountability mechanism are followed swiftly to address the misconduct. This is the reality that we dream and work for.”

**Benson Shamala**

***Country Director, International Justice Mission***



# MISSING VOICES TEAM



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Transactional Justice

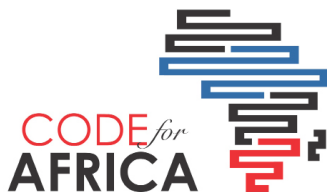




# MISSING VOICES PARTNERS



Humanity| Activism| knowledge| Integrity





# MISSING VOICES

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