



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

Press Statement

2nd March 2017

Prevailing Insecurity in the North Rift Region

The Commission deployed officers to the conflict region on 20th to 24th February 2017 and established the following as the situation on the ground:

- Loss of lives: Over ten people have lost their lives so far, following the latest flare-up in the region.
- Massive displacement of civilian populations: Over 10,000 integrated internally displaced persons (3000 from Arabal, 2500 from Chebinyiny, 5000 from Mochongoi) and over 10,000 internally displaced persons (9,000 from Kipkata location, 1,500 from Kipsarman Catholic Church)
- Worsening humanitarian crisis with security threats directed at humanitarian agencies like the Kenya Red Cross: Consequently, insufficient humanitarian interventions in the place (areas of concern include lack of water in Kipsarman and Kapkomon; people sleeping in the bush or on the hard floors of abandoned classrooms)
- Disruption of learning activities: Over 40 schools affected by the crisis with over 8000 students and pupils unable to attend school.

Government response to the situation

The Commission notes that one of the principal duties of government is to keep its citizens safe and secure. In fact, this duty is well captured in Article 29 of the Constitution which guarantees Freedom and Security of the person. We therefore laud the Government in its efforts to restore law and order in the North Rift Region by way of a Gazette Notice issued on 28th February, 2017 in line with Section 106 of the National Police Service Act, 2011. We note that this section specifically calls for the deployment of more police officers to places that have been designated as ‘disturbed or dangerous’. We further note that in his recent tour of the region—where he was accompanied by the Inspector General of Police—the Deputy President, Hon. William Ruto, commissioned an additional 255 National Police Reservists.

While these measures are laudable, we take this opportunity to remind all the security officers deployed to the North Rift that they are at all times bound by our Constitution and the relevant laws and that their operations must always be carried out within the confines of the law. We understand that the North-Rift region is a difficult region to police. However, the use of brute force or collective punishment cannot be the only method deployed by security agencies in their bid to restore normalcy to this trouble region.

It is our contention that strategic, intelligence-led policing will yield more durable results in so far as the promotion of law and order in this region is concerned. Additionally, the police officers deployed to the region must be well-skilled, well-equipped and experienced in covering the local terrain. They must also have excellent people skills as set out in Article 244 (e) of the Constitution so as to avoid committing human rights violations in the course of their deployment. What is more, the deployment of the National Police Reserves in this region must be done in line with the provisions of Sections 110 and 114 of the National Police Service Act, 2011.

Concerns by the Commission

The Kenya National Commission on Human Rights is concerned about the persistent shoot to kill orders that emanate from administrative and security leaders, with the latest coming from the Deputy President Hon. William Ruto every time there is a flare-up of conflict in the North Rift region. The last such call was made by senior administration officers in 2015 within Baringo County. The Commission notes with concern that such calls are usually invoked by security agencies as a pretext for the perpetration of egregious human rights violations.

The calls are usually followed by massive security operations, which leave in their trail, death, rape, destruction of property, displacement and large numbers of internally displaced persons. Over the last 10 years, the Commission has documented atrocities meted out on residents by security officers deployed to implement the so-called 'shoot to kill' orders. This collective punishment practice negates the spirit and letter of the Constitution, which protects the right to life and security of the person as articulated in Articles 26 and 29 of the Constitution.

We are also concerned that a number of political leaders have been adversely mentioned in connection with the on-going conflict in the North Rift. In the spirit of Chapter 6 of the CoK, the Commission calls for speedy legal action on politicians and other opinion leaders cited for fueling the current violence in the North Rift, especially within Baringo County and East Pokot Sub-County. Some of these leaders

have been frequently mentioned in previous years as perpetrators and sponsors of the violence. Specifically, the KNCHR calls on the Chairman of the Parliamentary Committee on National Security the Hon. Asman Kamama to step aside and allow for investigations into his 'alleged' role in the spiraling conflict in Baringo County.

We note that despite the recent progressive efforts by the Ministry of Education in standardizing the quality of education in Kenya, the gains achieved are yet to be enjoyed by students in these conflict prone and marginalized areas. Already over 8000 pupils and students both in primary and secondary schools are not enjoying the right to education following closure of schools in the recent spate of attacks.

This massive displacement of persons has created a humanitarian crisis. Families are in dire need of food, shelter and even more urgent health services as they have been removed from facilities accessible to them as they move to safer ground.

KNCHR Recommendations

In 2016, the KNCHR conducted a public inquiry on insecurity and its impact on the enjoyment of human rights in the North Rift. We are in the course of finalizing the report of the inquiry and the findings of the inquiry will be released to the public by mid-April 2017. This report will offer concrete and comprehensive recommendations on how to stop the perennial blood-letting in the North Rift. It will offer possible solutions aimed at mending with the region through durable socio-economic and political interventions. However, as we finalize this report and in light of the current situation, we wish to make the following recommendations:

1. The on-going security operation must not be a one-off affair. It must be sustained until normalcy is restored, that is to say killings of people stop, cases of cattle theft stop, people go back to their homes, schools re-open and normal learning resumes.
2. That the security personnel on the ground be held accountable concerning efforts aimed at restoring law and order in the area. Specifically, in carrying out their operations the officers must be guided by utmost respect for human rights and must exercise caution to avoid violating human rights of the citizens, especially women, children and persons with disability.
3. That the County and National Government enhance their interventions in the provision of humanitarian assistance to the displaced persons who are in dire need of food, non-food items and basic health services.

4. The KNCHR further calls upon various aid/relief agencies to move into the affected areas and provide humanitarian support to the affected communities which continue to live in dire straits.
5. The Government must put in place mechanisms to address the underlying causes of the insecurity, conduct thorough investigations into all criminal activities including the killing of the two politicians at Marigat and other members of the public who have lost their lives and property, been injured or displaced; ensure sustainable peace in the region and promote peaceful co-existence amongst the Pokot, Tugen and Ilchamus communities within Baringo County.

Finally, the Commission calls upon residents to play an active role in community policing by reporting to authorities any criminal elements among them. Further they can reach the KNCHR through their free SMS number 22359 or call 0724 256 448 or 0733 780 000 to report any complaints on human rights violations.

Signed:

George Morara, Vice-Chairperson

Shatikha Chivusia, Commissioner

Jedidah Wakonyo, Commissioner