



Kenya National Commission on Human Rights

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Our Ref: KNCHR/OTC/SSR/06/VOL1

8th June 2015

Mr. Peter Okwanyo
County Commissioner
Baringo County

Dear Mr. Okwanyo,

RE: SHOOT TO KILL ORDER

Greetings from the Kenya National Commission on Human Rights (KNCHR).

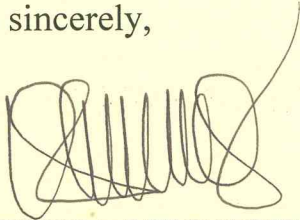
KNCHR is a Constitutional Commission established under Article 59 (1) of the Constitution of Kenya 2010 and subsequently operationalized by an Act of Parliament, KNCHR Act No. 14 of 2011. The Commission's mandate is to promote and protect human rights in Kenya in all spheres including the security sector.

We write concerning remarks attributed to you directing police officers to shoot and kill suspected cattle rustlers. This directive is in violation of Article 10 of the Constitution which requires that all public officers act in accordance with human rights and comply with the Rule of Law. We also refer you to express provisions of the National Police Service Act on the lawful use of firearms.

We consider your statement unfortunate and irresponsible and advise that in the event that the officers under your jurisdiction act in accordance with your directive we shall initiate proceedings to hold you personally liable for the consequences arising from the unlawful use of firearms.

By copy hereof we also request the Inspector General to advise police officers to ignore your directive and inform the officers that they are liable to prosecution for unlawful use of firearms if they act as directed by this order.

Yours sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

KAGWIRIA MBOGORI
CHAIRPERSON

c.c.:

Maj. Gen. (Rtd.) Joseph Nkaiserry, CBS
Cabinet Secretary, Ministry of Interior & Coordination of National Government

Mr. Joseph Boinett
Inspector General, National Police Service

Mr. Joseph Kinyua
Chief of Staff & Head of Public Service

Mr. Njeru Macharia
Chairperson, Independent Police Oversight Authority