



PRESS STATEMENT

4th August 2016

Harassment and Arrest of Officers of the Independent Policing Oversight Authority (IPOA)

Our attention has been drawn to the reported harassment and illegal arrest of officers of the Independent Policing Oversight Authority (IPOA) by the Kayole OCPD Mr. Ali Nuno on Monday 1st August 2016 while on official duty.

The two IPOA investigators had visited the OCPD in his office to serve him with summons requiring him to appear for questioning in respect of reported misconduct against him. The OCPD declined to receive the summons and ordered the officers out. The investigators left the letter on the OCPD's table after which the OCPD pursued and grabbed one of the IPOA officers, Mr. Humphrey Kaunya.

The OCPD then assaulted and threatened him with his official firearm and ordered that Kaunya be detained in the cells. Kaunya was released later on Monday on the intervention of the Director of Public Prosecutions. We have further learnt that the same OCPD has a record of obstructing the work of IPOA and has in the past intimidated IPOA officers and obstructed inspection, by IPOA, of police premises under his jurisdiction. He is facing investigations on several cases of wrongdoings including corruption, abuse of office, illegal arrests and detention of suspects.

The Kenya National Commission on Human Rights strongly condemns these actions by the OCPD and calls for immediate disciplinary and criminal sanctions against him for violation of the principles and values of the Constitution, the penal code and the IPOA Act.

Section 31. (1) of the IPOA Act states that;

"A person or body who— (a) disobeys a summons by the Authority... (g) willfully obstructs or hinders a person acting in the performance of functions or exercise of powers conferred by this Act; (h) fails to co-operate with the Authority on issues of Police oversight; (i) in any way interferes with the functioning or operations of the Authority, whether unduly or unlawfully;

...commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding three years or to both"

The latest actions by the Kayole OCPD is an example of the impunity that permeates our police service as well as other security organs. The Commission is particularly concerned about the continuing challenges that the National Police Service has failed to adequately address; these include: rampant corruption, high crime rate, extrajudicial killings, enforced disappearances, torture, arbitrary arrests and illegal detentions.



We are alarmed that the Kayole OCPD incident comes at a time when the Police are yet to address the recent abduction and macabre killings of lawyer Willie Kimani, his driver Joseph Muiruri and his client Josphat Mwenda, where the Police have been strongly implicated in the initial investigations.

The establishment of IPOA in 2011 was one of the key reform measures aimed at transforming the Kenya police from a force to a democratic and accountable service institution that adheres to the rule of law and is responsive to the needs of the citizens. Refusal to cooperate with IPOA and intimidation of its officers by the police negates the spirit of the ongoing police reforms and in fact only serves to perpetuate the culture of impunity within the police service.

The Commission urges the Inspector General of Police to immediately take stern disciplinary action against Mr. Nuno, and in particular, to divest him of his firearm which is, as he clearly demonstrated, in unsafe hands and could be used with irreparable lethal consequences against the citizens of Kenya. Mr. Nuno should also be immediately prosecuted for the various offences prescribed by the IPOA Act and indeed by the Penal Code to serve as a warning to other police officers who tarnish the image of the police.

The Commission strongly urges the leadership of the police and other security agencies to issue firm instructions to their officers to desist from hindering the work of oversight agencies. The Commission further calls for an end to intimidation and reprisals against Human Rights Defenders and civil society actors who play a critical role in enhancing accountability, promotion and protection of human rights and safeguarding the rule of law.

The police must adhere to Article 244 of the Constitution which provides that the National Police Service shall;

- (a) strive for the highest standards of professionalism and discipline among its members;*
- (b) prevent corruption and promote and practice transparency and accountability;*
- (c) comply with constitutional standards of human rights and fundamental freedoms;*
- (d) train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and*
- (e) foster and promote relationships with the broader society.*

The National Police Service must demonstrate results for the huge investments that Kenyans continue to make towards police reforms.

Ends....//

Signed

George Morara
Vice Chair, KNCHR