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PRESS UPDATE: UPDATES OF INVESTIGATION CASES BY IPOA

The Independent Policing Oversight Authority (IPOA) was established to provide for civilian oversight over the work of the Police. The objectives of the Authority as set out in Section 5 of the Act are to:

“(a) hold the Police accountable to the public in the performance of their functions;

(b) give effect to the provisions of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and

(c) Ensure independent oversight of the handling of complaints by the Service.”

Between October and November 2017, IPOA has received nine fully reviewed files from the Office of the Director of Public Prosecutions (ODPP) with corresponding directions as below:

(i) MURDER CHARGES TO BE PROFFERED AGAINST A POLICE CONSTABLE AND GREIVIOUS BODILY HARM CHARGES AGAINST HIS COLLEAGUE

IPOA conducted investigations into the alleged fatal shooting of Mr. Moses Chege Kanja and grievous injury of Mr. Edward Mathenge by two Police Constables at Mihang'o Police Patrol Base that occurred on 27th April 2015 where the former had gone to report an assault. During the period, an altercation ensued upon which the victims were shot, one fatally and another grievously. Upon conclusion of the investigations, the Authority forwarded the file to the ODPP with a recommendation that one of the two officers be charged with murder while his colleague be charged with unlawful wounding. The ODPP concurred and directed that officers be charged as per IPOA's recommendations.

(ii) DEATH OF SALIM JUMA WHILE IN POLICE CUSTODY AT NYALI POLICE STATION, MOMBASA COUNTY

The Authority undertook investigations into the death of Mr. Salim Juma in Police custody on 20th January 2016 after arrest in Karama area of Kongowea Sub County alongside three others. The investigation sought to unravel circumstances that led to his death. IPOA investigated the case and forwarded recommendations to the Office of the Director of Public Prosecutions. The

Authority recommended that an inquest be conducted into the cause of Salim's death. The ODPP concurred with the Authority's recommendations that the matter be placed before a court of competent jurisdiction for the matter to be disposed of by way of a public inquest.

(iii) DEATH OF JASON NDINDIRI CHUI WHILE IN POLICE CUSTODY AT KIBICHO POLICE STATION, KIAMBU COUNTY

The Authority undertook investigations into the death of Mr. Jason Ndindiri Chui in Police custody on 6th September 2012 after he was arrested for malicious damage to property. Mr. Chui was found dead in his cell allegedly after hanging himself by his shirt. IPOA investigated the case and forwarded recommendations to the Office of the Director of Public Prosecutions. The Authority recommended that an inquest be conducted into the cause of Chui's death. The ODPP concurred with the Authority's recommendations that the matter be placed before a court of competent jurisdiction for the matter to be disposed of by way of a public inquest.

(iv) DEATH OF NURA MALICHA ALLEGEDLY OCCASSIONED BY POLICE HURUMA POLICE STATION OFFICERS, NAIROBI COUNTY

Following a complaint from the Office of the Director of Public Prosecutions, the Authority undertook investigations into the fatal shooting of Mr. Nura Malicha at Soko ya Mbuji in Kiamaiko area allegedly by police officers based at Huruma Police Station on 21st February 2015. Mr. Nura was shot by two police officers who were responding to a distress call by a member of the public who Nura together with other accomplices had allegedly robbed. IPOA investigated the case and forwarded recommendations to the Office of the Director of Public Prosecutions. The Authority recommended that an inquest be conducted into the cause of Nura's death. The ODPP concurred with the Authority's recommendations that the matter be placed before a court of competent jurisdiction for the matter to be disposed of by way of a public inquest.

(v) DEATH OF JAMES KAIYONGI MBILI, NAROK COUNTY

Following a complaint that police officers from Narok Police Station killed Mr. Mbili and dumped his body in a quarry in Narok Town, the Authority undertook investigations into the death with a view of unravelling the circumstances that led to the death and whether the police were culpable as alleged. Prior. Mr. Mbili was rescued by the police on 11th March 2016 from mob justice and handed over to a local hospital where he was admitted for treatment. On 13th March 2016, Mr. Mbili's body was found in a quarry. IPOA investigated the case and forwarded recommendations to the Office of the Director of Public Prosecutions with a

recommendation that an inquest be conducted to establish the cause of Mbili's death. The ODPP concurred with the Authority's recommendations that the matter be placed before a court of competent jurisdiction for the matter to be disposed of by way of a public inquest. The inquest is currently underway before Narok Law Courts.

(vi) DEATH OF SAIDA HUSSEIN, ISIOLO COUNTY

Following a complaint from the Kenya National Commission on Human Rights, the Authority undertook investigations into the fatal shooting of Mrs. Saida Hussein, a teacher at Kilimani Primary School (Isiolo County) which occurred on 23rd March 2012 allegedly by police officers. On the fateful day, an operation to recover stolen livestock was underway when police accessed the deceased's compound in pursuit of the bandits. Saida was allegedly caught in the cross fire between the police and the bandits as she tried to secure her door. IPOA investigated the case and forwarded recommendations to the Office of the Director of Public Prosecutions for review. The ODPP directed that the matter be placed before a court of competent jurisdiction for the matter to be disposed of by way of a public inquest.

(vii) ALLEGED SHOOTING AND INJURY TO ISSAC ADAN MUHUMED AND OTHERS BY ADMINISTRATION POLICE OFFICERS IN AKTELEL AREA, WAJIR COUNTY

Following a shooting incident that involved Dayib Hussein, Isaack Muhumed, Siyad Adow, Ibrahim Gifey, Yusuf Kitifey and Muktar Bashir in Shitawario location in Wajir County on 13th September 2016 that resulted in injury, IPOA conducted investigations into the matter to establish circumstances of the shooting and whether the force used by the police was justified. Prior, the complainants had been alerted about an oil exploration exercise that was ongoing without the consent of local residents. Elders tasked the victims led by a local Chief to request temporary halting of the exploration exercise pending public engagement. They alleged that after this they were ambushed and shot by the police. Later, elders oversaw engagements that resulted in an amicable solution after alternative dispute resolution engagements. The Authority noted the same and made recommendations to the ODPP to have the matter closed based on the account of the complainants. The ODPP concurred with the Authority's recommendations.

(viii) ALLEGATIONS OF ASSAULT AND GREIVIOUS INJURY TO JULIUS MUTUKU KIOKO, TALA, MACHAKOS COUNTY

The Authority launched investigations into allegations of assault and grievous injury of Mr. Julius Mutuku Kioko in Sengani area by an Administration Police

Constable on 12th October 2014. Kioko, who was arrested on suspicion of theft was beaten up and seriously injured by the constable while in transit to Sengani AP Camp. On completion of the investigations, the Authority forwarded the file to the ODPP with recommendations that the officer be charged with the offence of assault and causing grievous harm. The ODPP concurred with the Authority's recommendations that the constable be charged for assault and causing grievous harm in a court of law.

(ix) ALLEGATIONS OF ASSAULT AND GREIVIOUS INJURY TO RICHARD KIPSANG SIGEI BY ADMINISTRATION POLICE OFFICERS, SOTIK

Following a complaint from the Kenya National Commission on Human Rights, the Authority undertook investigations into the allegations of assault and grievous injury of Mr. Richard Kipsang Sigei upon arrest by Administration Police officers attached to Sotik Central DO's office on 13th and 14th May 2011. Sigei was arrested by the officers for defaulting to pay a loan from a local Sacco after the lender sought police intervention. The officers allegedly assaulted the complainant during arrest and at the DO's office compound, where he was unlawfully held. On completion of the investigations, the Authority forwarded the file to the ODPP with recommendations that the officers be charged with the offence of assault and causing grievous harm. The ODPP concurred with the Authority's recommendations that charges be proffered against the officers for assault and causing grievous harm in a court of law.

CASES RECENTLY FORWARDED TO THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

(i) ALLEGED FATAL ASSAULT OF BABY SAMATHA PENDO

Arising from the Presidential elections skirmishes in Nyalenda area, Kisumu County, IPOA launched investigations into the death on 15th August 2017 of baby Samantha Pendo, a six-month-old baby who sustained fatal injuries arising from an alleged assault by police officers in her parents' house. IPOA finalized investigations, compiled a report on the findings and has now forwarded the investigation findings together with recommendations to the Office of the Director of Public Prosecutions for review and direction.

(ii) ALLEGED FATAL SHOOTING OF MINOR STEPHANIE MORAA

This is an investigation that arose from the Presidential elections skirmishes in Mathare North Area 2, Nairobi County on 12th August 2017 in which nine year old Stephany Moraa Gisemba was allegedly fatally shot by police on the third floor

balcony of a three storeyed building in the area. IPOA finalized investigations, compiled a report on the findings and has now forwarded the investigation findings together with recommendations to the Office of the Director of Public Prosecutions for review and direction.

(iii) ALLEGED ASSAULT ON UNIVERSITY STUDENTS BY THE POLICE

The Authority on own motion launched investigations on the allegations of Police brutality on students of the University of Nairobi within the University premises along Lower State House road on 28th September 2017 in which a number of students sustained physical injuries. IPOA finalized investigations and submitted its report to the National Police Service Commission for stern disciplinary action against the responsible Commander. Further, the Authority also forwarded the investigation file to the Office of the Director of Public Prosecutions for review and direction.

(iv) ALLEGED RAPE BY A GENERAL SERVICE UNIT OFFICER

Following an allegation of rape lodged against a General Service Unit Police Officer at the GSU Headquarters in Nairobi City County on 9th February 2017, IPOA launched investigation to establish the factuality of the claim and whether the suspect was culpable. IPOA finalized investigations, compiled a report on the findings and has now forwarded the investigation findings together with recommendations to the Office of the Director of Public Prosecutions for review and direction.

IPOA remains committed to being independent, impartial and shall continue to observe the rules of natural justice in the conduct of its work and assures all Kenyans that all cases received will be fully investigated. Further, the Authority encourages members of the public to come forth and volunteer information whenever they have it. IPOA treats all information with absolute confidence and has collaborative mechanisms for witness protection whenever it is required.



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