

PRESS RELEASE

Police killings in Kenya are “systematic, widespread and carefully planned”, says UN independent expert on extrajudicial executions

Nairobi, 25 February 2009, Press Center – UN Headquarters:

Today, the UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston, concluded his 16-25 February 2009 fact-finding mission to Kenya.

The UN independent expert stated that, “Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity.” He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki.

He called on the President of Kenya to acknowledge the widespread problem of extrajudicial executions in Kenya and to commit to systemic reform. “Effective leadership on this issue can only come from the very top, and sweeping reforms to the policing sector should begin with the immediate dismissal of the Police Commissioner,” concluded the independent expert. “Further, given his role in encouraging the impunity that exists in Kenya, the Attorney-General should resign so that the integrity of the office can be restored.”

In addition, the Special Rapporteur found compelling evidence that in Mt Elgon, the police and military committed organised torture and extrajudicial executions against civilians during their 2008 operation to flush out the Sabao Land Defence Force militia. “For two years, the SLDF militia terrorized the population and the Government did far too little. And when the Government did finally act, they responded with their own form of terror and brutality, killing over 200 people.” He said that since the security forces had not investigated the allegations in any convincing manner “the Government should immediately act to set up an independent commission for Mount Elgon, modeled on the Waki Commission”.

With respect to the accountability for the post-election violence, the Special Rapporteur stated that the setting up of the Special Tribunal for Kenya was “absolutely indispensable to ensure that Kenya does not again descend into chaos during the 2012 elections.” He called on civil society and the international community to take a firm line on its establishment. “At the same time, this is an ideal case for the ICC to urgently take up”, he added, stressing that the two approaches were not mutually exclusive and a two-track approach should be adopted.

The Special Rapporteur also recommended that an independent civilian police oversight body be established, that records of police killings be centralized, that an independent Department of Public Prosecutions be created, across-the-board vetting of the police be undertaken, the setting up of an independent witness protection program, that the Government issue substantive responses to KNCHR reports, and compensation for the victims of those unlawfully killed.

In the course of his ten-day visit, the Special Rapporteur visited Nairobi, Central, Rift Valley, Western and Nyanza Provinces. He conducted in-depth private interviews with more than one hundred victims and witnesses. Mr. Alston met with senior Government officials, including the Prime Minister, the Minister of Justice, the Assistant Minister of Defence, the Chief of Police and the Chief of Staff of the Armed Forces, as well as officials at the provincial and district levels. He also met with the Kenya National Commission on Human Rights, the independent national human rights institution, as well as with civil society organizations.

The full text of the Special Rapporteur’s statement is available at www.extrajudicialexections.org. For further information please contact Mr. Nasser Ega-Musa, Director of the United Nations Information Centre in Nairobi.

Professor Alston was appointed Special Rapporteur in 2004 and reports to the United Nations Human Rights Council and the General Assembly. He has had extensive experience in the human rights field, including eight years as Chairperson of the UN Committee on Economic, Social and Cultural Rights, principal legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child, and Special Adviser to the UN High Commissioner for Human Rights. He is Professor of Law and Faculty Director of the Center for Human Rights and Global Justice at New York University School of Law. For information on the mandate of the Special Rapporteur, see: <http://www2.ohchr.org/english/issues/executions/index.htm>.