

# AMNESTY INTERNATIONAL

## Public Statement

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### **Kenya: Police operations against Mungiki must comply with Kenya's obligations under international human rights law**

Amnesty International today strongly condemned the killings of over 30 individuals in Nairobi's Mathare informal settlement on Tuesday 5 June and Thursday 7 June by the Kenyan police. The killings took place in the course of police security operations, the second one of 7 June dubbed "Operation Kosovo", against members of the Mungiki group. Both operations were aimed at recovering guns snatched from two police officers shot dead by alleged Mungiki members on the night of Monday 4<sup>th</sup> June.

Media reports indicate that in both operations, more than 500 police officers went into the informal settlement, beat up people at random, harassed residents and demanded to be shown where the stolen guns were. By the end of both operations, police had shot dead over 30 people and injured several others. A police representative is reported in the press to have stated that those shot dead were Mungiki members who had tried to escape or resisted police arrest.

Since April 2007, alleged members of Mungiki have killed tens of people, including at least five police officers, in gruesome circumstances in different parts of Nairobi and central Kenya. Some of these killings involved the beheading of victims. In addition, alleged Mungiki members have reportedly destroyed private property including the frequent burning of public service motor vehicles.

Amnesty International is deeply concerned that the police killings were committed subsequent to remarks by the Minister of Internal Security, Hon. John Michuki, reported in the press a few days earlier. On Monday 4 June, the Minister is reported to have said, in reference to intended government crackdown on alleged Mungiki members:

*"We will straighten them and wipe them out. I cannot tell you today where those who have been arrested in connection with the recent killings are. What you will be hearing is that there will be burial tomorrow. If you use a gun to kill you are also required to be executed."*

Amnesty International is concerned that the Minister's remarks may have been construed as being an order to the Kenyan police to shoot to kill any suspected members of the Mungiki group. Amnesty International is further concerned that such remarks would appear to endorse the extrajudicial execution of criminal suspects, contrary to Kenya's obligations under international law.

Amnesty International calls on the Kenyan authorities to establish an inquiry into the police killings of 5 and 7 June, in compliance with international standards which require thorough, prompt and impartial investigation of all suspected cases of extrajudicial executions. The inquiry should be carried out by a body which is independent of those allegedly responsible and has the necessary powers and resources. Its findings should be made public. Anyone identified by the inquiry as having been responsible for extrajudicial executions should be brought to justice in a

trial which complies with international fair trial standards. The families and dependents of those killed shall be entitled to fair and adequate compensation within a reasonable period of time.

## **BACKGROUND**

The Mungiki group comprises individuals who claim to be guided by traditional religious and moral beliefs. Alleged members of the group have also claimed "a role in maintaining law and order" in the running of the public transport industry in parts of Kenya and have demanded "protection fees" from owners of public service vehicles. Majority of the group's members and activities of the group are concentrated in parts of Nairobi and central Kenya. Leaders of the group have at various times publicly alleged that the group has had tacit support from individual prominent government officials in the previous and current governments. Although alleged leaders of the group have in the recent past threatened to publicly name some of these government officials they are yet to do so.

The previous government proscribed the group on 8 March 2002. At the time, the then Commissioner of Police is reported to have categorized Mungiki as one of the "perpetrators of lawlessness and insecurity in the country. It is illegal and Kenyans are advised to keep away from them and their activities. Adherents to the group will be arrested and charged in court."

Alleged members of the group have in the past years been implicated in killings and assault of members of the public.

Since April 2007, police have arrested and charged in court hundreds of individuals with criminal acts attributed to alleged Mungiki members. Police have arrested and interrogated two former and two sitting Members of Parliament about their alleged links to the group.

Under international law Kenya is obliged to respect and protect the right to life of everyone within its jurisdiction. This includes taking effective measures to protect people against such acts of violence and to bring the perpetrators to justice. Such measures must comply with international law, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights to which Kenya is a party, and international standards on law enforcement such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Under international human rights law anyone arrested on suspicion of committing a criminal offence has the right to a fair and public hearing without undue delay by a competent, independent and impartial tribunal established by law. The obligation to respect the right to life of everyone, including criminal suspects, requires that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life.