

AI Index: PRE 01/511/2012
24 October 2012

Kenya: Investigate excessive use of force and drop charges against human rights defenders

Trumped-up charges against a group of human rights defenders in Kenya including Amnesty International staff and volunteers must be dropped, the organisation said ahead of a court appearance in Nairobi on Thursday.

Amnesty International is also calling for an investigation into the ill-treatment of the activists at the hands of the police.

“The government must send a clear message to the police that ill-treatment and wrongful arrest are unacceptable,” said Sarah Jackson, Amnesty International’s Deputy Africa Director.

The seven human rights defenders and community activists face charges of incitement to violence and disorderly conduct.

The incitement to violence charges relate to a protest on 14 October 2012 at which two of the accused – Gakii Kiogora and Minica Otieno Hamisi – were not even present.

The police fired rubber bullets on the 200 – 250 demonstrators who had gathered at Humura Police station in the Kenyan capital, Nairobi to protest about growing insecurity over recent months in Mathare slum.

There is no evidence that the protest was violent but police used rubber bullets, injuring three people, constituting an unnecessary and unlawful use of force.

“The Independent Police Oversight Authority should conduct an independent inquiry into this incident and police officers who used or ordered the use of arbitrary or abusive force against protestors must be prosecuted,” said Jackson.

Four of the protestors, Peter Kariuki, Julius Rusasia, Maren Atieno and Beatrice Karore, were charged with incitement on 15 October 2012 and granted bail.

Human rights defenders who followed-up on this incident were then arbitrarily arrested and subjected to ill-treatment by the police.

On 17 October 2012, seven human rights defenders and community activists were arrested when they visited Pangani Police Station for a pre-arranged meeting with the Commanding Officer to discuss policing in Mathare.

Those arrested included Gakii Kiogora, an Amnesty International Kenya staff member and Minica Otieno Hamisi and Frank Sakwa, volunteers at Amnesty International Kenya.

There was no basis for their arrest. Amnesty International believes that the subsequent charge of disorderly conduct is trumped-up.

The seven were beaten by a police commander and officer who hit them with the police radio handset. They were also kicked on the head, legs and arms, as they were forced to sit on the floor.

Amnesty International's lawyer visited Pangani Police Station, but was refused access to those arrested. The police denied holding the seven human rights defenders and had not logged their arrest in the incident book.

"Beatings of human rights defenders, arbitrary arrest and denial of access to a lawyer are shocking and completely unlawful," said Jackson.

"The commander responsible and officer involved should be held to account for arbitrary arrest, ill-treatment and denial of access to lawyers, which violate Kenyan and international law."

The police did not respond to calls from Amnesty International requesting an official response on the use of force during the protest and the arrests and ill-treatment of human rights defenders.

Amnesty International is making a formal complaint to the Independent Police Oversight Authority (IPOA), the Attorney General's Office, the Office of the Ombudsman, the Department of the Public Prosecutor, and the Police Commissioner.

"The Kenyan authorities must immediately and unconditionally drop these trumped-up charges against human rights defenders engaged in peaceful activism," said Jackson.

"The police responsible for ill-treatment and other human rights violations should be prosecuted instead."

Background Information

Under the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials, police must use non-violent means before resorting to use of force and only then use force in proportion to the seriousness of the situation. The arbitrary or abusive use of force or firearms by law enforcement officials must be punished as a criminal offense.

Kenya must ensure that all allegations of the use of arbitrary or abusive force, unlawful or arbitrary arrest and detention, and ill-treatment of protestors are investigated promptly and thoroughly. Those responsible, including those with command responsibility, who committed, ordered, condoned or failed to prevent such violations, must be brought to trial in fair proceedings.