

The Policing Lens

Quarterly Newsletter



IPOA

Independent Policing
Oversight Authority

SWAZILAND HUMAN RIGHTS WATCHDOG VISIT IPOA ON A LEARNING MISSION



IPOA hosted a delegation of the Swaziland Commission on Human Rights and Public Administration Integrity. From the left, Mr. Nonhlanhla Makhanga (Swaziland), Chairman Human Rights Commission Swaziland, Mr. Sabelo Masuku, IPOA CEO Mr. Maina Njoroge Common Wealth Secretariat, Human Rights Advisor, Mr. Steve Onwuasoanya, IPOA Director, Legal and Complaints Management, Mr. Njahi Nderitu, the Head of Investigations, Ms. Pauline Njoroge and Mr. Dennis Ombuna, Head of Inspections & Monitoring

THE INDEPENDENT POLICING OVERSIGHT AUTHORITY

The Communications and Outreach Department

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IPOA Public Interest Cases

By Pauline Njoroge, Head of Investigations



Janet Waiyaki

CITY PARK CASE

This is a case of police shooting causing death to Janet Waiyaki and wounding of Bernard Chege which happened on 20 May 2018 at City Park, Nairobi County. APC William Kipkorir Chirchir and Godfrey Kipngetch Kirui were charged with murder at Milimani Law court on 11 June 2018 and remanded awaiting bail application ruling.

BABY SAMANTHA PENDO CASE

The above inquest came up for hearing on 18 June 2018 was stood over to 9th July 2018 after the witness Mr. Benjamin Koima (SSP) DAPC Kisumu Central/East sought to engage an advocate. On 9 July 2018, three witnesses testified (CI Mohammed Ali-deputy OCS Railways Kisumu, Titus Yoma (CP) former Kisumu county commander and Christopher Mutune (SSP) former Kisumu Central/East OCPD) bringing the total of the witnesses who have so far testified to 19. Further hearing will be on 19 July 2018.

STEPHANIE MORAA CASE

The above matter came up for hearing on 13 July 2018 a total to 6 witnesses have so far testified and there are five more to go. Summons were issued to the Nairobi County Police Commander to appear in Court on the next hearing date with documentation as to who was deployed to the area of incident. Further hearing on 3 August 2018.

EVANS NJOROGE CASE

The Independent Policing Oversight Authority conducted independent investigations into the death of Evans Njoroge at Nchiru area- Tigania West Sub County in Meru County on 27th February 2018.

In execution of its mandate under Section 25(1) of the IPOA Act, the Authority invoked its powers provided for under Section 7 of the IPOA Act, and commenced investigations with a view to unraveling the circumstances leading to the fatal shooting of Evans Njoroge in particular, to find out whether the Police Officer who shot was justified in the use of his firearm. The investigation revealed that Evans was executed by an Administration Police Constable Leakey Maina, who was by then based at Tigania West Sub County Headquarters, Meru County, during a demonstration by the Meru University students along Meru- Maua road within Nchiru area on 27th February 2018.

Upon conclusion of the investigations the Authority forwarded the file to the Director of Public Prosecutions with a recommendation that APC Leakey Maina be charged with murder. The DPP concurred and has directed that APC Maina be charged with the murder of Evans Njoroge.



Evans Njoroge

ALEXANDER MONSON CASE

The three accused persons; Naphtali Chege, Charles Wang'ombe Munyiri, Ishmael Baraka appeared in court on 5/7/2018 where they were charged with



Alexander Monson

the three respondents pleaded not guilty. PC John Pamba failed to appear before the court and a warrant of arrest was consequently issued against him. The court released Mr. Charles Munyiri on free bond on medical grounds and remanded Naphtali Chege and Ishmael Baraka Bulima at Shimo La Tewa Prison pending plea determination on 19/7/2018.

The court also ordered for a psychiatric examination on the accused persons and a report filed within five days.

PETER KIMANI WATHIRU – KIBICHOI CASE

The complainant's case hinges on alleged murder of Peter Kimani Wathiru which occurred on 8th June, 2018 in the wee hours. Peter Kimani was allegedly found along the Kibicho police station fence having spent his last known hours at the police canteen/bar. The alleged perpetrators are officers from Kibicho police station, Kiambu County. The matter was brought to the Authority's attention through an article captured by the Standard media Group dated 16th June, 2018 after members of the community held a demonstration on the same matter. The investigations are still ongoing.

DAVID KARIUKI CASE

This is investigation into an allegation of fatal shooting of David Kariuki at Waitthaka shopping center by police officers on 20th May 2018. Investigations are still on going.



Swaziland Human Rights Watchdog Visit IPOA on a Learning Mission

By Fred Mukinda, IPOA Principal Communications & Outreach Officer



From the left, IPOA Head of Inspections & Monitoring, Mr. Denis Ombuna, Head of Investigations, Ms. Pauline Njoroge, IPOA Director, Legal and Complaints Management, Mr. Njahi Nderitu, Common Wealth Secretariat, Human Rights Advisor, Mr. Steve Onwuasoanya, IPOA CEO Mr. Maina Njoroge, Chairman Human Rights Commission Swaziland, Mr. Sabelo Masuku, Mr. Nonhlanhla Makhanga (Swaziland), KNCHR Deputy Commission Secretary, Ms. Wambui Gathathi, Ms. Phakama Shili (Swaziland), Ms. Nelsiwe Zwane (Swaziland) and KNCHR Head of Public Affairs and Communication, Mr. Dominic Kabiru

IPOA hosted a delegation of the Swaziland Commission on Human Rights and Public Administration Integrity, which was in Kenya on a learning mission in June.

Mr Sabelo Masuku, the chairman of the Commission said the team was keen to understand operations of IPOA especially when handling investigations and human rights issues.

The Commission was preparing to monitor elections to be held this year in Swaziland and its officials wanted to learn best practices from IPOA, since the Authority monitored police operations over the electioneering period.

Mr Masuku said it will be the first time his team would be monitoring elections.

He said: “In the first term we did not have an opportunity to monitor elections. We thought as we come here, as we are still building investigations office, we asked to have a conversation on how best to handle investigations and human rights.”

IPOA Chief executive officer Maina Njoroge took the visiting team through an overview of IPOA mandate, operations, achievements and challenges, spanning the six years it has been in existence.

He told the visiting team that oversight agencies must remain independent to ensure they are effective in discharging their mandate.

And since the IPOA inaugural Board ex-

ited at the end of its term on May 21, Mr Njoroge said the government is keen to recruit a new Board and selection of suitable candidates is in progress.

He said: “IPOA is created through the IPOA Act, which is derived from Article 244 of the Constitution. It is independent in its operations and reports to the Parliamentary Committee on Administration and National Security and its funds must be allocated by the National Treasury.”

Mr Njoroge also said that in order to avoid being influenced, IPOA resisted monetary funding from other stakeholders and development partners.

Instead, IPOA accepts support through capacity building, including trainings and receiving materials.

The CEO also told the delegation that IPOA Act, is anchored in the Constitution. Article 244 of the Constitution, in part says that the National Police Service shall strive for highest standards of professionalism and discipline, integrity and competence, promote transparency and accountability and also comply with human rights standards.

During the meeting, Director of Complaints Management and Legal Services, Mr David Nderitu, also told the visitors that all governments need to be kept in check.

He said: “Police are always viewed with suspicion because they are seen to be

aligned to those in authority. Authorities involved in human rights violations are also likely to use the police.”

He revealed that IPOA has received 10,000 complaints since inception.

Mr Njoroge also told the Swazi team to expect challenges, and pressure once they begin investigations.

Citing the Kenyan scenario, the CEO said IPOA is often judged only, but unfairly, by convictions secured in court.

“Where we report (at the parliamentary committee) they want to see blood. They do not want to see the monitoring, inspections or research, which are the other statutory functions demanded of IPOA,” Mr Njoroge added.

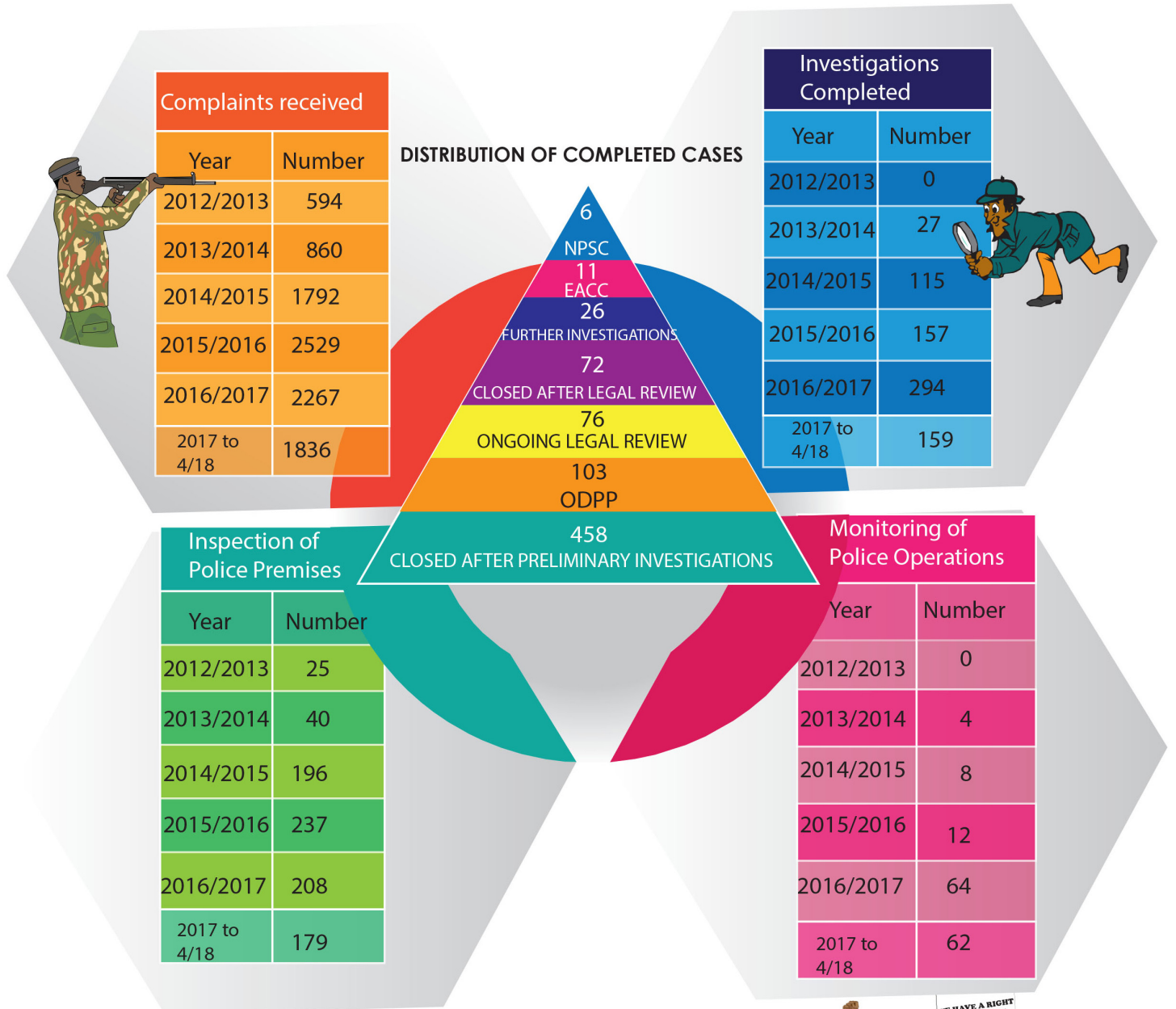
Head of Investigations Pauline Njoroge also spoke at the forum and told the visitors that due to the large of volumes of complaints received, priority is given to cases where death or serious injuries were reported.

On his part, Head of Inspections and Monitoring Denis Ombuna revealed that scrutinizing police records is vital because “most abuses are at this stage.”

Mr Ombuna informed the team that IPOA is also involved in monitoring public order management by police and in addition but not limited to, patrols and live monitoring during demonstrations.



IPOA's MAIN ACHIEVEMENTS IN A NUTSHELL FOR THE LAST SIX YEARS



Designed By Rosemary Kamau, Principal Communications & Outreach Officer



Digitizing Police Records and Retraining Officers Is Crucial To Strengthening Cases In Court.

By Fred Mukinda, IPOA Principal Communications & Outreach Officer



IPOA Director of Inspections, Research and Monitoring, Mr. Stephen Musau at the meeting at Sarova Panafric, Nairobi

The need to have digital records at police stations is long overdue, according to Director of Inspections, Research and Monitoring Stephen Musau.

This way, he noted, crucial evidence will neither be easy to lose nor tamper with, and therefore once investigations are completed watertight cases would be presented in court.

Mr Musau also called for training of station commanders on leadership and management, noting that many of them lacked the skills thus denting a big blow to statutory provisions that demand the National Police Service should strive for the highest professional standards possible.

He made the observations at a meeting attended by stakeholders in Kenya's Criminal Justice System which was held in Nairobi in June.

The talks were sponsored by the European Union, which has funded a programme in Kenya that among other issues, is aimed at training the staff of law enforcement agencies, preventing ill treatment within Kenya's Criminal Justice System as well as monitoring and preventing human rights violations.

Mr Musau told the participants: "IPOA has made the recommendation to have police records digitized since 2012. But when there is no will from the political establishment, what can we do? The CS, finally, said we make them digital."

The observation was echoed by other participants across the board.

Mr Musau went on to explain to explain that IPOA, which is mandated by law to inspect police premises detention facilities, identified glaring gaps in what "entails the job description of police station commanders."

He added: "That is why our former Chairman (Mr Macharia Njeru) kept on speaking about management and that needs to be given a lot of focus. We have seen a missing link when it comes to the OCSs (Officer Commanding Police Station). You visit a station and you will find the exhibits strewn all over. For instance, a motorbike involved in death of a person is just there among other wreckages and not preserved. Then if this is what is supposed to be produced in court as evidence, that case is lost."

However, Mr Musau told the participants

about solutions that if applied could turn around the sorry state of affairs.

He stated that police officers holding those positions should be trained in management, documentation should be digitized, and officers should further embrace mind and attitudinal change.

At the same forum, European Union Deputy Head of Delegation Brunno Pozzi, spoke in support of values that IPOA has over the years held so dearly.

He said: "All State institutions need to respect human rights and rule of law. We will support prevention of ill treatment in detention facilities. Kenya is known as a democracy in the region and also hope it can be known as a country where police uphold human rights."

The EU official went on: "Often, suspects get locked up with little children. We are aiming to get help for the young ones."

Previous IPOA reports have constantly identified detention premises that do not have facilities to hold children.

The EU programme is dubbed Imarisha Haki (Strengthen the Rights).



USIU-Africa visits IPOA on an Educational Trip

Photos By Loreen Nalwenge, IPOA Customer Care Officer



USIU-Africa students in Criminal Justice together with their lecturer Ms. Terry Odhiambo visited IPOA offices to learn more about IPOA.



IPOA Head of Communications and Outreach, Mr. Dennis Oketch gives an overview on the functions of IPOA to the students.



IPOA Senior Complaints Management officer Faith Nchagwa explains the processes in complaints management to the students.



IPOA Head of Investigations, Ms. Pauline Njoroge explains how the investigations department works.



IPOA Head of Inspections & Monitoring, Mr. Denis Ombuna gives a detailed presentation on how inspections, research and monitoring is carried out in IPOA