



African Policing Civilian Oversight Forum

**NGO Observer Status No. 372**

## **Statement in response to the report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa**

**71<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (2022)**

### **ITEM 6: Activity Reports of the Members of the Commission & Special Mechanisms**

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes this opportunity to make a statement in response to the activity report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa. We are a not-for-profit Trust based in Cape Town, South Africa, working on issues of police accountability and governance in Africa.

Our statement draws on the findings and observations of a data-led [research report](#) that was recently published by APCOF, as part of its ongoing efforts to promote the implementation of human rights standards for policing in Eastern Africa, adopted by the East African Police Chiefs Cooperation Organisation (EAPCCO). It deals with two interrelated issues: (1) concerns regarding increased incidents of extrajudicial and summary execution of suspects by law enforcement officials in Kenya; and (2) non-cooperation by law enforcement officials with the Independent Policing Oversight Authority

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(IPOA).<sup>1</sup>

## **1. Increased incidents of extrajudicial and summary execution of suspects by law enforcement officials in Kenya**

As the Chairperson may be aware, despite the existence of a regional and domestic legal framework that explicitly prohibits summary or arbitrary execution of suspects, and sustained efforts by stakeholders in the field of policing and human rights to prevent their occurrence, the number of incidents of extrajudicial and summary execution of suspects by law enforcement officials in Kenya, continues to rise.

APCOF is concerned about the increasing number of documented cases of extrajudicial and summary executions by law enforcement officials. We are also concerned that there is limited progress in existing efforts to investigate and prosecute perpetrators.

In this regard, we note that the *National Coroners Service Act 2017*, a key statutory instrument which, *inter alia*, establishes the National Coroners Services and the procedures for investigations by coroners of reportable deaths, is yet to be implemented and the Service operationalised. We note further than the limited progress in the operationalisation of the Act is partly attributable to the absence of a Cabinet Secretary responsible for Justice, which the Act identifies as the political head of the implementation process.

We urge the Chairperson to call on Kenya to comply with its obligations under Articles 1 and 4 of the African Charter to prevent arbitrary and summary execution of suspects by law enforcement officials, including through independent and effective investigation, prosecution and punishment of perpetrators.

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<sup>1</sup> The full report is available on our website: African Policing Civilian Oversight Forum, 'Assessment of the Kenya National Police Service's progress towards meeting the Common Standards for Policing in Eastern Africa', 2022, available at <https://apcof.org/wp-content/uploads/common-standards-for-policing-in-eastern-africa-kenya-.pdf> (accessed on 22 April 2022).

## **2. Non-cooperation with Independent Policing Oversight Authority (IPOA)**

APCOF remains concerned about non-cooperation by law enforcement officials in Kenya with IPOA, which is the statutory police oversight and accountability mechanisms whose objectives include holding the police accountable to the public in the performance of their functions. In particular, we are concerned about non-cooperation by the Kenya National Police Service with IPOA in its investigations and other accountability processes, including in particular, investigations of incidents of deaths in police custody or as a result of police action.

We call on the Chairperson to remind Kenya of its obligation to provide transparent and accountable policing services, to ensure cooperation with statutory oversight authorities, and to promote policing services that comply with national and regional human rights standards, including the [African Commission's Resolution 103a on police reform, accountability and civilian oversight in Africa ACHPR/Res.103a\(XXXX\)06](#).

### **Submitted on behalf of APCOF by:**

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