

ARTICLE

Conduct of the Police in Kenya's 2013 General Elections

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Abstract

The conduct of the police during the 2007 elections and post-election crisis in Kenya cannot be forgotten. The tragic stories and repugnant images that shook the world are still vivid even today. At the centre of it all was the conduct of the police. Human rights reports accused the police of acting with impunity during the period. They were responsible for several murders, and even those who were taken to court walked away without punishment. The former head of the police force, Retired Major General Hussein Ali, was among those who faced charges at the International Criminal Court (ICC) at The Hague. The ICC pre-trial chamber failed to confirm his charges of crimes against humanity. Since the historic events of 2007/8, the conduct of the police in Kenya has been a key issue in human rights debates and the media. This article is my journalistic foray into the recently concluded 2013 General Election that took place in Kenya on 4th March 2013, focusing on the conduct of the police before, during and after the elections.

Keywords

police, prosecutions, human rights, ethnic violence, peace, elections

BACKGROUND

The Kenya General Elections were held on 4th March 2013 to elect the president, governors, senators, members of parliament and county representatives. The elected president will be Kenya's 4th. As I write this, the President Elect is Uhuru Kenyatta. He is the son of Kenya's first President Jomo Kenyatta. Uncertainties dog his election as President, as one of the losers, Prime Minister Raila Odinga, has gone to the Supreme Court to challenge the election outcome citing massive irregularities.

In the 2007 election, the conduct of the police was questioned. Their role in the ethnic violence that rocked Kenya in 2007/8 was criticized in various human rights reports. As the violence escalated during Kenya's trying moment, the police were ordered to shoot to kill. The number of dead soared as Kenya quickly disintegrated into a failed state. This is evident in the rankings in the Failed States

Index published by the Fund for Peace in the United States. Kenya has been among the 20 countries topping the list since 2009. In 2012 it was in position 16 out of 177 countries ranked. Position 177 is the most sustainable and position one the worst state.

As the violence came to a halt in April 2008 after the signing of the Peace Accord, as a result of the talks mediated by Kofi Annan, the administration police and the regular police had shot at least half of the total number of people who had lost their lives during the ethnic violence. They were not arrested. The victims and relatives of those who had died as a result of the police brutality were denied justice. The most prominent case was that of a policeman who was filmed shooting an unarmed 15-year-old boy. The policeman walked away without punishment. This was impunity at its highest.

The 2013 General Election in Kenya put the police in the spotlight as a result of their actions in the 2007/8 ethnic



violence. Human rights organizations, the media, election observation missions and others kept a keen watch on the role of the police in the 2013 elections.

DEPLOYMENT OF POLICE OFFICERS

The Kenya police deployed 99,000 officers to staff polling centres and handle security issues during the March 4th 2013 General Elections in Kenya. This deployment was historic: it had never happened before. The State deployed, several days before the elections, the General Service Unit (elite paramilitary police squad) officers in hotspots like Naivasha, where a family was burnt to death in the ethnic violence related to the post-election events of 2007. The security personnel for the Kenya Elections 2013 were drawn from the Kenya police, administration police, Kenya Prisons Service, Kenya Wildlife Service, Kenya Forestry Service and National Youth Service.

A statement from the Inspector General of Police, David Kimaiyo, said that they had a Contingency Action Plan (CAP) to cover the election period. The CAP document outlined areas where police would be deployed in the polling centres and hotspots which were prone to election-related violence.

SECURITY AT THE NATIONAL TALLYING CENTRE IN BOMAS OF KENYA, NAIROBI CITY

Nothing was left to chance when it came to protecting the National Tallying Centre, where the data from all polling units around the country were being tallied. A police helicopter circled above the venue - the Bomas of Kenya - from 4th March 2013. The entire area was guarded by regular and administration police officers and their counterparts from the General Service Unit. The areas surrounding Bomas - i.e. Langata and Karen - were also under surveillance from these units.

In order to gain access, one needed to have accreditation from the Independent Electoral and Boundaries Commission (IEBC) or prove through official documents that they were guests of the state, observers, diplomats or political party agents among others. This was followed by a physical search and screening for guns or explosives. Everyone was screened. Kenya has been and is still on the look out for Al-Shabaab warriors who have been responsible for multiple bombings and killings around the country since Kenya's invasion of Somalia.

During the election period, the police gave a warning that some people were masquerading as police officers in order to disrupt the elections in parts of the country. The police spokesperson Charles Owino told a media briefing at the IEBC National Election Centre at the Bomas of Kenya that the fake police officers were targeting three areas: the Kibera, Mathare and Kisumu regions. It is worth noting that these were some of the areas that were adversely affected during the ethnic violence as a result of the election results in 2007.

He went on to say that certain people had planned to put on police uniform to disrupt the elections in Kibera, Mathare and Kisumu. The police asked the public to report any suspected cases of impersonation or any person harassing peaceful members of the community. Security was tight in all tallying centers in the 47 counties to deter any attempts by dissidents or any other groups that would want to disrupt the process.

HUMAN RIGHTS ABUSES DURING THE ELECTION PERIOD

The night before the 4th March General Elections in Kenya, at least 10 police officers, were killed before the voting began. The brazen attacks on the police officers marred the start of elections in Mombasa City. The police laid blame on the outlawed Mombasa Republican Council (MRC). Though it was a dark day for the security forces, they went on with their work to make sure that the elections could be held without interference. The suspected MRC, militia who were estimated to be between one and two hundred strong, went on to terrorize and kill residents on the eve of the elections.

The police in the Changamwe region, on the coast heard that over 200 armed, suspected MRC members were going to attack a police station in Miritini. Before they could take any action, the MRC attacked and the police were killed. Seven members of the MRC also fell in the process. The Inspector General of police and other human rights bodies in the country condemned the attacks. Election observation missions suddenly took an interest in the area. International media ran sensational headlines depicting resurgence to violence as had happened in 2007.

There was a rapid response from Police Inspector General Mr. David Kimaiyo, who quickly airlifted 300 paramilitary personnel to Mombasa. To show solidarity, he flew to Mombasa City and visited Miritini, one of the places where attacks had taken place. In other attacks on the police in Kisauni and Mishomoroni, a sergeant from the Prisons Department was killed and his AK47 rifle stolen, while in Kilifi, one administration police sergeant was killed and his G3 rifle taken by the attackers.



The Inspector General of Police directed his officers to use their firearms as provided for in law in such circumstances, and ensure no further loss of lives of police officers or civilians. At least eight civilians were also killed during the targeted attacks. Among the dead were the Changamwe Officer Commanding Police Division (OCPD) and the Officer Commanding the Station (OCS). The attackers stole some guns and two G3 rifles.

Some isolated events indicate the police were not well trained to handle their own weapons. One was in Murang'a region where a policeman accidentally shot dead an election official as they were transporting ballot boxes to Kangema tallying centre in the same region. It is not clear how the gun suddenly went off killing the IEBC official. In another incident that shocked Kenyans, in Masimba Social Hall in Kisii, an administration policeman manning the tallying centre shot himself dead while votes were being tallied on the day of the election. Gunshots were heard and panic ensued. The circumstances are still not clear as to why he killed himself. Another accident? We have yet to find out.

In analyzing the events of the 2013 election period compared to the 2007 election, it is prudent to say that the police in 2013 were the target of pre-planned attacks meant to disrupt the electoral process and throw the country into a state of emergency. After the Independent Electoral and Boundaries Commission Chairman, Isaac Hassan, announced the results; Kisumu City was in a state of panic. Their preferred Presidential candidate Raila Odinga had lost the election. They had voted overwhelmingly for Raila Odinga. With a heavy presence of police already there, they neutralized the situation before it got out of control. The Kondele area of Kisumu was the only area affected by the unrest in Kisumu.

PROSECUTION OF ELECTORAL OFFENCES

The Kenya Director of Public Prosecutions (DPP), Mr. Keriako Tobiko, set up a special unit of 35 officers to deal with issues related to electoral offences just before the elections. The readiness is a result of the unpreparedness the office had found itself in after the 2007 post-election violence. The main purpose of the special unit was to deal expeditiously with those who engaged in electoral misconduct. The officers were given specialized training on electoral related issues so that they were well prepared. These included guidelines in drafting charge sheets used to register proof of committed offences.

To ensure effectiveness in operations, the Public Prosecutions Office (PPO) worked in collaboration with the police and the IEBC to ensure smooth identification and prosecution of cases.

The Judiciary also went further to create Special Courts all over the country to deal with electoral offences committed during the election period. The prosecutors were based at the Special Courts created by the Chief Justice of Kenya. The whole process was meant to decongest the courts and ensure speedy trials.

Kenya's Judiciary has gone through massive restructuring since 2008. There is a new Chief Justice (CJ) and a vetting process of all judges to ensure they are fit for office. Many judges who were anti-reform or corrupt were dismissed or opted to retire. There is a lot of confidence in the Judiciary at the moment. A few days before the elections, a notorious sect threatened the CJ and other judges but the police moved swiftly to reinforce their security.

CONCLUSION

The conduct of the police during the 2013 election period as compared to that in 2007 was above intrinsic. It is worth noting that the police officers who died at the police station in Miritini were carrying out their duty to protect the citizenry. The cowards who tried to disrupt the process and send Kenya back to the precipice were thwarted in their attempts and the elections took place peacefully. Peace messages that ran on TV played a vital role in calming the youth in the areas where people were not happy that their preferred candidate had not won the Presidential Election.

Kisumu City was one of the hotspots in the country that the police had already noted and they deployed officers to avoid possible outbreaks of violence. When the unrest began in the afternoon of 9th March 2013, after the results were announced, the police force moved in swiftly before the crowd of youths could burn the city to cinders as they had done during the 2007/8 elections. The police have conducted themselves in a manner worthy of recognition. The process was not perfect but the police did their best, in spite of the numerous challenges. They fared better than the IEBC who are facing law suits at present. ■



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