



## FEDERATION OF WOMEN LAWYERS IN KENYA

Amboseli Road, Off Gitanga Road | P.O. Box 46324 - 00100 Nairobi | Email: info@fidakenya.org | www.fidakenya.org

NAIROBI OFFICE: General Inquiries +254 71060724 | Appointment +254 743306287 | Email: ajnairobi@fidakenya.org

KISUMU OFFICE: P.O. Box 19219-40100 Kisumu | Tel: 0724256658 | Appointment: 0757327516 | Email: ajkisumu@fidakenya.org

MOMBASA OFFICE : P.O. Box 80687-80100 Mombasa | Mobile: 0724256659 | Email ajmombasa@fidakenya.org

Toll Free Line : 0800 720 501 | Counselling Line: 0722 509 760

### PRESS STATEMENT

11 MAY 2023

#### **POLICE KILLING OF KENYAN STUDENT JECINTA ACHIENG IN KISUMU**

The Federation of Women Lawyers in Kenya, FIDA-Kenya is deeply saddened by the shooting to death by the Kenyan police of a Kenyan student on Tuesday 9 May 2023 in Kisumu. 19-year-old Jecinta Achieng, a Form Two student at Simero Mixed Secondary School in Siaya County, was killed by a stray police bullet on Tuesday morning when police opened fire to disperse a crowd as they gave chase to a matatu that had run over spikes on a traffic roadblock. Achieng' was among four people shot by the police as they dispersed the crowd. Luckily, three others survived but with serious injuries.

We express our most sincere condolences to the family, friends, and all those who knew the Late Achieng and will support the family in their quest for justice. We condemn the heinous act in the strongest terms possible and appeal to the Independent Policing Oversight Authority (IPOA) to conduct speedy and thorough investigations into this unlawful killing of Achieng.

It is not only sad, and unfortunate but also unacceptable that such a young Kenyan girl's life is taken away by a trigger-happy police officer. It is tragic that as thousands of students returned to school for Term Two, the family of Jecinta is in mourning.

All security agencies are obligated to uphold and respect the human rights of every person as enshrined in Article 21 of the Constitution of Kenya. Police officers are not exempted from these provisions and must observe the rule of law and uphold their duty to protect all citizens. All Kenyans have the right to life, freedom of assembly, and expression and the work of the police is to protect these rights.

Under Kenya's National Police Service Act of 2011, use of excess force is only justified when strictly unavoidable to protect life. This was never the case in Kisumu and the shootings were unwarranted. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, also stipulate that law enforcement officials should use nonviolent means and resort to excess force only when strictly unavoidable to protect life. These are basic principles that require all security agencies to abide by and any abusive use of firearms, as in the case of Achieng and many others, is a criminal offense.

**In view of this and other cases of unwarranted police killings in Kenya, we call upon:**

- The Inspector General of Police (IG), the Director of Public Prosecutions (DPP), the National Police Service Commission (NPSC), and the Independent Policing Oversight Authority (IPOA) exercise their mandate to ensure justice for the victims and accountability for the responsible security officers.
- IPOA must immediately conduct a prompt, thorough, impartial, and independent investigation into the shootings in Kisumu including a forensic analysis of all firearms held by the police at the scene and any police officers identified as responsible must be held accountable as per the law and appropriate actions pursuant to Article 25(10) IPOA Act and Schedule 6 (b) (5) to the National Police Service Act with regard to death and serious injury occasioned by the use of firearms.
- We call on the government to investigate all alleged police killings, many of which have been documented by human rights organizations and ensure that all arbitrary or abusive use of firearms by law enforcement officials is punished as a criminal offense.

Further, FIDA-Kenya demands that the police proactively seek ways to stem the rising cases of insecurity in the country.

We remain concerned about the escalating cases of police misuse of firearms and killings in the country.

FIDA-Kenya is watching keenly and will reach out to the family of the late Jecinta Achieng' for psycho-social and legal support in order to ensure the fair execution of justice.

**Nancy K. Ikinu**



**Chairperson**

For further inquiries, kindly reach out to the PR/Communications Lead, Moses Okinyi on [mokinyi@fidakenya.org](mailto:mokinyi@fidakenya.org), or call 0726989713.

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