

1ST/JANUARY/2009

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ATTN:- CHIEF PROSECUTOR.

**RE:-INVITATION TO THE INTERNATIONAL CRIMINAL COURT TO INVESTIGATE THE
SYSTEMATIC AND WIDESPREAD ENFORCED DISAPPEARANCES AND EXECUTIONS IN
KENYA BY THE GOVERNMENT EXECUTION SQUAD DUBBED *KWEKWE***

In a period of four years starting from 2005, the Kibaki administration has introduced a policy of extermination targeting the youth on suspicion that they are members of the outlawed *Mungiki sect*. That the police have accounted for most of the deaths and yet no inquest has been constituted or arrest and prosecution of known trigger happy and rouged police officers involved in moonlighting and extra-judicial executions, these points to a systematic and deliberate effort and conspiracy to exterminate a generation from the Kikuyu ethnic community in Central Kenya, Rift Valley and Nairobi.

The Oscar Foundation receives a monthly report of between 200 to 400 cases of torture, extra-judicial executions, arbitrary arrests, illegal confinement and enforced disappearances of young people on the pretext that they belong to the outlawed *Mungiki sect*.

In most cases, extra judicial executions are usually preceded by State sponsored macabre killings of youths and innocent members of the public. These killings without investigations are then blamed on 'mungiki' through planted 'leaks' in the media by State intelligence agencies. The objective is to turn public opinion against mungiki and thus prepare the public psychologically of the ensuing spate of extra judicial executions. The recent goings-on in Othaya, Tetu and Mukurweini in Nyeri is a case in point. For sure the Kibaki administration has set a bad precedent of exterminating youth from the kikuyu community who now remain to be endangered species to the current government or any other to come. Intervention is called from international community to safe guard the human rights abuse in Kenya. Since the Faith based organization and leaders have failed the test of time.

It is our belief that extra-judicial executions on this scale and magnitude could only have taken place with the knowledge and express and/or implied authority of the President of the Republic of Kenya, H.E. Mwai Kibaki. The executions have been carried out by State security agents and operatives who come directly under the Commissioner of Police Major Hussein Ali, (an army General who brought the military mind and attitude to the police), and who reports directly to the president and to the Minister of State in the Office of the President in charge of Internal Security and Provincial Administration. The executions were commenced during the tenure of one, Hon John Michuki A.K.A "Kimendero" a former Colonial Chief reputed to have excelled in killing people during the emergency and continued full throttle under his successor in that Ministry, the Hon. George Saitoti, and President Kibaki has not sacked either of the Ministers or the Police Commissioner.

The cycle of police brutality continues to be perpetuated with impunity and remains the most serious and divisive human rights violations in Kenya. Excessive use of force by the law enforcement officers, including torture, extra-judicial executions, arbitrary arrests and intimidation, is rife in virtually all police stations in Kenya.

The inability of the police force to make it possible for rogue police officers implicated in human rights violations in order to face the due process and be held accountable has been compromised by a rein of lawlessness and endemic corruption.

This trend is rapidly precipitating a state of moral negligence and ineptness in the entire police force.

In Kenya, a rogue police officer implicated in an offence that constitute a violation, is shielded from prosecution and is allowed transfer to another station where he goes to commit the same offences. Lack of administrative and legal measures to punish those implicated in human rights abuses virtually guarantees them impunity.

We therefore ask the International Criminal Court (ICC) to send international investigators to come and carry out independent investigation. Although the Government funded Human Rights report catalogue around 500 youths executed by the law enforcement agents, the actual number of those killed according to Oscar foundation is estimated to be in excess of 8,000 young men. All the youths being kikuyu males most of them are between 15-35 years.

The allegation is of belonging to an illegal organization called mungiki. this organization is alleged to be behind a number of criminal activities including murder of civilian our challenge to the kibaki government is to apprehend and arraign in court any individual involved in crime. Violation of the law, like extra-judicial execution, cannot be justified on the pretext in keeping law and order. In any event groups like mungiki are in consequence of social and economic injustices obtaining in Kenya since independent in 1963.

If the ICC investigations establish extra-judicial executions and crimes against humanity, we ask that warrants be issued against:-

1. H.E. President Mwai Kibaki, President of the Republic of Kenya.
2. The Hon. John Njoroge Michuki, the former Minister of state in the Office of the President, in charge of Internal Security and Provincial Administration. It was when he was minister in this Ministry that the executions started.
3. The Hon. Professor George Saitoti, the current Minister of State in the Office of the President, in charge of Internal Security and Provincial Administration.
4. The Commissioner of Police Major General Hussein Ali and his subordinates who directly were linked with the enforced disappearances and extra-judicial executions in Kenya.

We the undersigned on behalf of mothers, widows, friends and relatives of the slain victims of extra-judicial execution and enforced disappearances request ICC to send International Investigators to undertake investigations into extra-judicial executions in Kenya which have been systematic and widespread from about 2005 and continue to date unabated.

Attached kindly acknowledge receipt of evidenced gathered by the Oscar Foundation Free Legal Aid Clinic Kenya and other organizations for your action and consideration.

Thanking you in anticipation of a positive and expedite response

SIGNED

1. KAMAU KINGARA

EXECUTIVE DIRECTOR

2. NAIMA NJERI

BOARD MEMBER

3. NATALIE NDUTA

BOARD MEMBER

CC.

His Excellency President Mwai Kibaki
Office of the president.
Harambee house.
Nairobi-Kenya

His Rightful Prime Minister Hon Raila Omolo Odinga
office of th Prime Minister
Finance Hse,
Nairobi-Kenya

Commissioner of Police Major Gen Hussein Ali
Police Headquarters, vigilance Hse
Nairobi- Kenya.

Former Minister of internal security
JOHN MICHUKI
finance hse Nairobi-Kenya

Minister of internal security
George Saitoti
Jogoo hse
Nairobi- Kenya

Minister for justice
Hon Martha Karua
cooperative hse,
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All Development Partners
Nairobi- Kenya

All Civil Society on Human Rights
Kenya.

All media Houses and Correspondences
Kenya