For Immediate release

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Press Statement on Spiraling Insecurity in Kenya

Kenya National Commission on Human Rights (KNCHR) is concerned with the prevailing state of security in the country. We take this opportunity to sincerely condole with the families of the security personnel, civilians and humanitarian personnel who lost their lives during the weekend in Kapedo. We also take this opportunity to condole with the family of the military officer who lost his life at the hands of suspected MRC militants in Mombasa. We condemn the brazen attacks against all security enforcement agencies, which have caused alarm and panic among members of the public.

We note with grave concern the disrespect for the right to life and property as well as the disrespect for the state security apparatus as manifested through the felling of security agents and the reported attacks on security installations. It is alarming that these violations are taking place despite the country’s robust bill of rights and substantial investment in the security sector.

We condemn the attacks which continue to cause massive displacement of innocent civilians, who include vulnerable children, women and the elderly, disrupting the social economic activities and livelihoods thus subjecting them to further human rights violations such as denial of the right to food, right to security, right of movement, right to education and access to health.

The government plays a vital role in any society, by ensuring that security, law and order, as well as protection of human rights are secured. This mandate is exercised through; the National Police Service; National Intelligence Service; and the Ministry of Interior and National Coordination. The Ministry’s core functions include maintenance of law and order, prevention and detection of crime, and peace building and conflict resolution at the grassroots level. The NIS is mandated to collect security intelligence to enhance national security in the country. The NPS on the other hand is mandated to maintain law and order, while complying with constitutional standards of human rights and
fundamental freedoms. The roles of these two agencies are complementary in nature. While the law stipulates the above, there still remains a gap in their collaborations as is evidence by the continued attacks.

KNCHR notes that the following are some of the underlying causes of conflict: In the North Rift, these include boundary disputes, competition for natural resources and the recent discoveries of resources such as oil in the north rift. In Mombasa and the larger coastal region, the commission is concerned with the upsurge of radicalisation amongst the youth which has been used as a means of economic empowerment and agitation for secessionist claims for self rule.

We raise the following human rights concerns arising from recent and continuous issues on insecurity in the country:

1. On education
We note that the attacks especially in Kapedo come at a time when Kenya Certificate of Secondary Education (KCSE) are underway and Kenya Certificate of Primary Education (KCPE) commence tomorrow. Learning and national exams have been disrupted in the affected areas denying many children equal opportunity to realize their constitutional right with their counterparts’ country wide.

2. On disarmament
It has come to our attention that despite the need for continuous disarmament of civilians in especially the north rift, the exercise has been selective thus hindering the full realization of its objectives and long term peace in the region. This has continued to feed the belief held by certain members of the community that there can be ‘no peace without justice’, as perpetrators continue to use guns for counter attacks.

3. On Management of security forces
The commission is aware that Kenya Defence Forces were deployed yesterday evening in the current affected area in the north rift following the Kapedo attacks. We are concerned about the procedures of deployment and whether it was done with parliamentary approval as required by the law.

Further, we are concerned about the inability of the Kenya Police Service to adequately and effectively deal with rising insecurity in the country. This calls into question the levels of logistical preparedness and expertise among the Police Service and their ability to effectively manage the endemic incidents of insecurity in the country.
4. **Actors in the conflict**
In our previous investigations, the Commission and other actors have shared and mentioned names of players in varied conflicts with relevant institutions and none are always brought to book. We put on notice political and community leaders and other culpable perpetrators who are bent on fanning insecurity in the country. The Commission is closely monitoring their contribution, utterances and influence to the current insecurity impasse and will take up legal and other appropriate action for accountability as soon as our investigations are complete.

5. **Humanitarian Crisis**
Following the recent attacks, there is a growing humanitarian crisis that requires urgent interventions from the relevant government and other humanitarian agencies such as the Red Cross. We note that the humanitarian agencies have become targets of attacks which hinders their deployment and service delivery further worsening the situation.

**Recommendations**

1. That the government puts more effort to the efficiency of the security sector players to deal with insecurity issues.
2. That the Ministry of Education develops a strategy of dealing with education for pupils and students in affected areas to ensure they receive equal opportunity.
3. That radicalization of the youth needs a specific action-plan to deal with as opposed to employing everyday security strategies.
4. That in restoring calm in affected areas; security agents should respect the human rights and the dignity of every person. The mishandling of civilians in Mombasa as was depicted in the media in the wake of the attack on the barracks will only further harden persons towards security agents.

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Signed

Ms. Kagwiria Mbogori
Chair, KNCHR