



(MSJC)
**IN DEFENCE
OF SOCIAL
JUSTICE**

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To Noordin Haji
Director of Public Prosecutions
Ragati Road, Upper Hill
Nairobi, Kenya

Re: Open Letter to the DPP -- Unlawful Detention, Injury to and Charges against Mathare residents

Monday, November 2, 2020

Dear Director of Public Prosecutions -- Noordin Haji,

Mathare Social Justice Centre (MSJC) is an initiative by young members of this community to promote social justice. Against the widespread systematic violence in the area, a collective of young community activists in Mathare came together in 2014 to envision a centre that would promote more participatory forms of justice. Since then we have been involved in a number of initiatives, most notably our foundational campaign to document extrajudicial killings that resulted in the launch of our 2017 report titled: *Who is Next? A Participatory Action Report Against the Normalization of Extrajudicial Killings in Mathare*. This grassroots report ended up being one of the most comprehensive tallies of extrajudicial killings by the police in Kenya between 2013 – 2016: we documented over 850 deaths across the country by the police during this period.

We continue with this work even while the same officers who we have documented, over many years, as grave human rights violators, continue to illegally detain, injure and often kill residents across poor urban settlements. Particular to Mathare, we refer to Police Officers Rashid and Baraza; we have forwarded tens of cases to IPOA implicating Rashid in the killings of young residents, to no avail.

As part of this community work, we are actively involved in the cases of Jacktone Omondi (18 years) and Peter Wakaba (17 years) who were shot and injured by the police in Mathare on October 14, 2020, at around 7.30 pm. It was only the swift and determined action by three young Mathare women activists, who alerted local networks and managed to get the young men medical care hours after they had been shot, that saved their lives.

From the information we have gathered from residents and witnesses since then, and heavily implicating Police Officer Baraza, Jacktone was shot as he was going about his normal day to day activities in Espana in Mlango Kubwa, and was rescued by women in the community– they took him to a safe space. Peter Wakaba was shot by Baraza in his leg as he was sitting and eating food, *mushogi*, in an outdoor space also in Mlango Kubwa. Peter was then put in the back of a Probox car number KCP 361V, and taken to Tosha Petrol Station. His mother and other community members then went to Tosha Petrol Station to plead for Peter to be taken to hospital and to question why Baraza had shot him. Baraza responded that he was going to let him bleed until he died in the car. But after more protest by these community members, Baraza took Peter to Pangani Police Station, and he was told, even as his leg bled, to clean the cell. It was

the inmates who protested that he should not be in the cell as he was bleeding, forcing Baraza to take him out and leave him close to the river in Mathare.

Thereafter, the three women activists, all of whom have lost family members to police killings in Mathare, managed to take both Jacktone and Peter to the nearby Medical Sans Frontiers (MSF) clinic, and hours later managed to get the two to Kenyatta National Hospital: they sat with them for twelve hours before they were admitted. Jacktone and Peter had surgery a day later on October 15, but unfortunately were treated like prisoners while they were in the hospital even if they had not committed any crime: they were chained to the hospital bed for the days they were there, and not allowed to shower.

On October 26, Peter Wakaba's mother and a lawyer from Amnesty Kenya went to pay their hospital bill and get them both released from hospital, but their doctor refused as he said they did not have permission from Pangani Police Station. Between October 27 – 30, Peter's mother received a number of phone calls from an officer called Mukisii telling her to go to the Pangani Police Station to get a letter that would get both Peter and Jacktone released from the hospital, but was unsure about whether to go. On October 30, Peter and Jacktone were released from Kenyatta National Hospital and taken to Pangani Police Station where they are currently being held, even when they have not committed any crime, and are still recovering from the police inflicted gunshot wounds.

Against this background, this letter serves to alert the DPP to any false charges that may be brought against Peter and Jacktone, even when they have done nothing wrong. We ask that you stand firm and question any charges that may be brought against these two young men by Pangani Police Station. In addition, there are many Peter and Jacktones, and, therefore, this letter is also a request to the DPP to commit to supporting poor communities such as Mathare that are struggling under a systemic terror enacted by police officers like Rashid and Baraza. We are closely following the case of Duncan Ndiema, and ask that the DPP take similar swift action against other police officers in Mathare, and elsewhere, that are terrorizing poor communities.

We can no longer live with police instigated unlawful detentions, charges, killings and violence in our community.

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