



## **STATEMENT ON THE KILLING OF SHEIKH ABOUD ROGO AND THE SUBSEQUENT VIOLENCE**

**September 6, 2012:** We, the Kenyans for Peace with Truth and Justice (KPTJ), a coalition of citizens and organizations working in human rights, governance and rule of law, have come together to express our concern over the killing of the Muslim cleric, Sheikh Aboud Rogo in Mombasa on Monday August 27, 2012 and the violence that ensued resulting in the burning down of churches, the injuries and loss of lives of members of our police service and loss of property of innocent bystanders. We condemn the violence and wish to deliver our condolences to the families of those affected.

The killing of Aboud Rogo is an unacceptable act that has violated the right to life, a fundamental human right protected by the Constitution. While we acknowledge that the Director of Public Prosecutions, Mr. Keriako Tobiko, has constituted a Task Force to investigate the killing of Sheikh Aboud Rogo we demand that the mandate of the task force be extended to investigate the disappearances of other Kenyans too. We also demand that due process be followed and investigations into the crimes that occurred during the protests be investigated with equal measure.

We express solidarity with the congregations of the church institutions that were mistakenly targeted by misdirected anger and empathise with them over their loss during the violence that followed Aboud Rogo's killing: which left three people dead, three churches burned down and two others destroyed as well as the general destruction of private property in Mombasa.

Additionally, we note with concern the increase of forced disappearances and extra-judicial killings of Kenyans.

In **February** this year, as documented by Muslim for Human Rights and the Muslim Human Rights Forum, the disappearances of Ngoy Kayembe and Shani Lydia, both were last seen in the company of men who identified themselves as

police

officers.

In **March** this year, the removal from a bus of Samir Khan (also charged in relation to Al Shabaab) and Mohammed Kassim; by men who identified themselves as police officers. Khan's mutilated body was found in Tsavo National Park a few days later. Kassim's whereabouts remain unknown.

In **May** this year, the disappearances of Musa Osodo and Jacob Matheka from Molo.

Finally, in **June** this year: the disappearances of Steven Osaka and Jeremiah Okumu.

These are just a few of the many people recorded as missing. What they have in common is criminal charges specified to their alleged association with Al Shabaab. Similarly, they also have in common the fact that they were all last seen in the presence of men who identified themselves as police officers-except in the cases of Osaka and Okumu who were picked up by men in civilian clothes.

Either the Kenya Police Service (or officers therein) are demonstrating grave contempt for their own investigative process, the prosecution process and the courts, or another organized criminal group is out there impersonating the Kenya Police Service and are abducting and murdering suspected Al Shabaab members at will.

We urge all to note that the youth did not cause havoc and mayhem when Rogo (or any of the above) were charged before the courts. They did not protest the judicial process.

That said; we believe that the destruction of property and Christian places of worship is a manifestation of a failed governance system because ultimately, the Government has a responsibility to ensure the security of all the members of the public. Consequently we demand that the Government undertake full investigations as to who is responsible for the destruction of property and for the

violence meted out on members of the Christian community and police officers who were intervening to end the violence.

We would like the government to take note that, while we condemn the violent protests:

1. The violent reaction in Mombasa is the direct result of the pressure that has been building due to failure by the State apparatus to uphold the rule of law.
2. Kenyan youth are disenchanted and frustrated by a failed system of governance, the abuse of judicial process-through disappearances and murders and rather than follow the legal justice mechanisms, have chosen to take matters into their own hands by attacking easy targets and those they perceive to be part of the failed system.
3. The failure and delay by the government to undertake security sector reforms, which is exemplified by the absence of the appointments of an Inspector General (IG), a Deputy Inspector General (DIG) and a Police Commission - is undermining key changes that could help make the security sector more professional and more prepared to ensure sustainable security in the country.

**We therefore call upon the Government:**

- a. To take up its responsibility of enforcing the rule of law so that such acts of lawlessness as displayed in Mombasa, Tana River and Northern Kenya are neither repeated, nor go unpunished.
- b. To inform the public on what measures it is undertaking to investigate the root causes of the tension and violence witnessed in various parts of Kenya in the last month.
- c. To embark on investigations to unearth the whereabouts of the missing persons and bring the perpetrators responsible to justice.

**In conclusion** we reiterate that the mayhem witnessed in Mombasa is not and should not be misconstrued as a Christian and Muslim conflict, but rather a manifestation of decayed governance and justice system; all of which require urgent fixing. The responsibility lies squarely with the state apparatus. Let Kenyans not be exploited to rebel against one another or withdraw their commitment to nurturing a truly peaceful and harmonious nation.

Finally, we appeal for calm and peaceful co-existence between the Christians and Muslims and urge Kenyans not to allow themselves to be divided along religious or ethnic lines.

Signed by:

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