

# ANNEX 2

# OFFICE OF THE PRESIDENT

TELEGRAMS: CRIMINAL NAIROBI  
TELEPHONE: NAIROBI 512090-9  
FAX: 512100 NAIROBI  
E-mail: [directorcid@africaonline.co.ke](mailto:directorcid@africaonline.co.ke)



CRIMINAL INVESTIGATION DEPARTMENT  
KIAMBU ROAD  
P.O. BOX 30036-00100 G.P.O.  
NAIROBI

*When replying, please quote our ref. No.  
and date*

## DIRECTOR CRIMINAL INVESTIGATION DEPARTMENT

CID/SEC/2/6/5/VOL.VIII/44

5<sup>TH</sup> MAY 2011

Chief Public Prosecutor  
NSSF Building  
P.O Box 40112  
**NAIROBI**

---

### POST ELECTION VIOLENCE INVESTIGATIONS PROGRESS REPORT

---

#### **PREAMBLE**

This is a report into post election violence that erupted immediately after conclusion of General Elections December 2007. This election violence centred on areas around Kisumu in Nyanza Province, Nairobi Province, Mombasa in Coast Province and some parts of Rift valley province specifically Naivasha, Nakuru and Eldoret among other cases town.

Investigations showed that the violence started after the disputed presidential elections. What added fuel to already volatile situation was inciting utterances by politicians, negative reporting by media, tribal animosity and land issues. Police officers were generally overwhelmed by the high number of protestors some armed with firearms and assorted crude weapons.

Although eventually calm was restored, the violence left quite a number of casualties from both the protestors and the security personnel. There was also massive destruction and lose of property.



Immediately after the violence cooled off, the Commissioner of Police deployed a team of Senior officers to investigate all the post election violence incidents.

The immediate and long term mandate of the team was to detect and investigate all crimes related to Post Elections Violence and bring to book all offenders in accordance with section 14(1) of the Police Act, Cap 84 Laws of Kenya. There were other security teams also on the ground for maintenance law and order and preservation of peace.

### **ACTION TAKEN ON CULPRITS**

A number of cases were detected within those areas mentioned above. Some of the notable offences committed against citizens were:-

- Rape and other forms of sexual violence
- Murders
- Grievous harm/assaults
- Arson
- Robbery with violence
- House breaking and theft
- Malicious damage to property and
- Incitement to violence.

Also, several suspects were arrested and arraigned before court for the aforesaid offences. Some of these cases have been finalized while others are either still pending before court or are under investigations.

The investigations have not been completed for various reasons that include, unreliable s and uncooperative witnesses. Some of the prominent pending cases include:-

- Nakuru CID Inquiry file No 10/2008 , the suspect in this inquiry is Hon William Samoei Ruto – immediate former Minister for Agriculture.

The allegations were that, the Minister together with others from the Kalenjin community incited Kalenjin youths to commit violence against non-Kalenjins living in some parts of Rift Valley Province.

The matter is still under investigation because there are some areas requiring further corroboration in order to reach to a fair conclusion.

### **OTHER MEASURES TAKEN BY THE GOVERNMENT**

His Excellency the president appointed a Judicial Commission of inquiry into circumstances leading to the cause of the post election violence. The commission was headed by Justice Waki and it came to be known as Waki commission. The Commission was appointed after members of the civil society and the public in general complained that they did not have faith with the Kenya police and were therefore demanding for an independent body to investigate all post election violence cases. The formation of the Commission somehow affected the police investigations since majority of the people preferred to appear before Waki the Commission as opposed to police investigators.

After Waki commission completed its work, the post election violence investigations team could not act further on his report since they were not privy to the information given to Waki by the witnesses.

After concluding its work, the Waki Commission proposed that the matter be either handed over to I.C.C or a local tribunal be formed to further investigate post election violence

The matter was tabled before parliament and the parliament overwhelmingly opted for I.C.C rather than a local tribunal. This in turn also affected our investigations because members of the public viewed police as incompetent and instead waited for I.C.C investigations.

When the ICC Prosecutor finally disclosed the names of what came to be known as the ocampo six, the Police investigators were taken by surprise. This was because other than Hon William Ruto, none of the members of the ocampo six have been mentioned previously during the investigations. Nevertheless, the Commissioner of Police again tasked the team of investigators to carry out exhaustive investigations relating to the Ocampo six and other high ranking citizens.



### **WAY FORWARD**

Following the disclosure by ICC prosecutor, Mr Louise Moren Ocampo of the involvement of prominent personalities (Ocampo six) in the post election violence, the Commissioner of Police has further directed the team to exhaustively investigate all the allegations.

The team is currently on the ground conducting the investigations as directed. It is also reviewing all the previous inquiries and reports to assist in the investigation.



**(NDEGWA MUHORO) 'ndc'(K)**  
**DIRECTOR CRIMINAL INVESTIGATION**

**C.C.**

Commissioner of Police  
Police Headquarters  
P.O Box 30083  
**NAIROBI**