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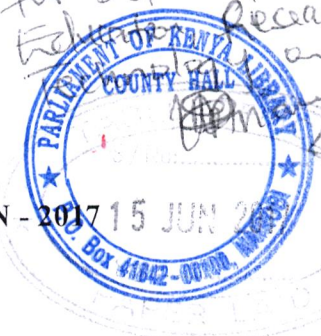
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REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - FIFTH SESSION - 2017

By the Hon. Geoffrey Odinga, MP, Member for Dept. Committee on Education, Research & Technology on 15/6/17



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND
TECHNOLOGY

REPORT ON THE PETITION BY THE STUDENTS OF THE UNIVERSITY OF
NAIROBI AND MEMBERS OF THE PUBLIC ON INSECURITY AND INJUSTICES
METED UPON STUDENTS BY POLICE OFFICERS, VICTIMIZATION AND
INFRINGEMENT TO THE RIGHT TO EDUCATION

Directorate of Committee Services,
Clerk's Chambers
Parliament Buildings,
NAIROBI

June, 2017

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ABBREVIATIONS

CCTV – Closed Circuit television

GSU – General Service Unit

IG – Inspector General of Police

IPOA – Independent Policing Oversight Authority

MOEST – Ministry of Education, Science and Technology

SONU – Students of Nairobi University

UON – University of Nairobi

1.0 CHAIRPERSON'S FOREWORD

On behalf of the Departmental Committee on Education, Research and Technology and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on insecurity and injustices meted upon students by police officers, victimization and infringement to the right to Education. The petition was tabled before the House pursuant to Standing Order No. 225 (2)(a) by the Hon. Timothy Wanyonyi Wetangula, M.P on behalf of the students of the University of Nairobi and Members of the Public. The Committee wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to Committee Members for their devotion and commitment to duty during the consideration of this Petition.

On behalf of the Committee, I now wish to table this report for consideration and passage by the House.

HON. SABINA CHEGE, M.P

Chairperson
Departmental Committee on Education, Research and Technology

2.0 MANDATE OF THE DEPARTMENTAL COMMITTEES

The Committee on Education, Research and Technology and the Committee on Administration and National Security are among the Committees of the National Assembly established under Standing Order 216 and mandated to, among others;

1. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
2. study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
3. study and review all legislation referred to it;
4. study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
5. investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
6. vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
7. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

3.0 COMMITTEE MEMBERSHIP

3.1 Committee on Education, Research And Technology

Chairperson	Hon. Sabina Chege, M.P
Vice Chairperson	Hon. Julius Melly, MP
Members	Hon. Yusuf Chanzu, M.P
	Hon. (Dr.) Christine Ombaka, M.P
	Hon. (Dr.) Wilber Ottichillo, M.P
	Hon. (Dr.) Susan Chebet, M.P
	Hon. (Prof.) Helen Sambili, M.P
	Hon. Cecilia Ng'etich, M.P
	Hon. Muriuki Njagagua, M.P
	Hon. Eric Keter, M.P
	Hon. Joseph Meruaki, M.P
	Hon. Joseph Manje, M.P
	Hon. Kenneth Okoth, M.P
	Hon. Halima Ware Duri, M.P
	Hon. Silverse Lisamula Anami, M.P
	Hon. Richard Makenga, M.P
	Hon. Opiyo Jared Odhiambo, M.P
	Hon. Geoffrey Makokha Odanga, M.P
	Hon. Anthony Kimaru, M.P
	Hon. Banticha Abdullahi, M.P
	Hon. Moses Injendi, M.P
	Hon. Mohamed Adan Huka, M.P
	Hon. Harrison Kombe, M.P
	Hon. Zuleikha Juma Hassan, M.P
	Hon. Rose Rwamba Mitaru, M.P
	Hon. Mary Seneta, M.P
	Hon. Michael Kisozi Muniyao, M.P
	Hon. Ibren Nasra Ibrahim, M.P
	Hon. Andrew Mwadime, M.P.

3.2 Committee Secretariat

Leah Wanjiru	First Clerk Assistant
John Mugoma	Third Clerk Assistant
Abdiaziz Shobay	Third Clerk Assistant
Doreen Karani	Legal Officer
Annceta Gaacheri	Research Officer
Eric Kanyi	Fiscal Analyst

4.0 Background

4.1 Committal of the Petition

On 30th June 2016, the Hon. Timothy Wanyonyi Wetangula, M.P presented a Petition to the House regarding suspension of students from University of Nairobi for allegedly taking part in a student unrest that led to the destruction of property within and without the university precincts. The students were raising concern on the manner in which the elections that took place on April 1, 2016 were conducted. The SONU 2016 elections were conducted and subsequently swearing in of the elected officials was done on April 2, 2016 as per the Student of Nairobi University (SONU) Constitution. Upon the announcement of the election results, some of the students held demonstrations protesting the re-election of Mr. Paul Ongili Owino alias Babu Owino.

Pursuant to Standing Order 227 (1), the petition was referred jointly to the Departmental Committees on Education, Research and Technology and Administration and National Security for consideration and preparation of a report within sixty days.

The Joint Committee was expected to inquire into the matter and recommend to the Independent Police Oversight Authority investigate the acts and omissions by the Police and recommend necessary remedial action to forestall a recurrence and the necessary disciplinary action taken. In addition, the Joint Committee was expected to investigate on the culpability of the University Administration during the students' unrest. Further, the Committee was expected to look into the existing legal framework and recommend to the Ministry of Education, Science and Technology to formulate regulations to guide the conduct of the Students' Council elections across all public universities. Finally, the Joint Committee was expected to look into the circumstances of the expulsion/ suspension of several students who allegedly were key organizers of the said student' unrest. **(See annex 1 – copy of the Petition)**

Consequently, the Committee on Education, Research and Technology proceeded with the consideration of the petition by holding meetings to set up terms of reference. The Committee resolved to invite the following key government agencies including and scheduling of key witnesses including Ministry of Interior and Coordination of National Government, Office of the Inspector General, Independent Police Oversight Authority and Management of University of

Report on The Petition by the Students of the University of Nairobi and Members of the Public on insecurity and injustices meted upon students by police officers, victimization and infringement to the right to education

Nairobi. The Committee also heard submissions from the Hon. Timothy Wanyonyi Wetangula, M.P and some of the suspended/expelled students. During the period of inquiry, the two Committees held two sittings jointly where they met with the Inspector General of Police and the Independent Policing Oversight Authority.

However, the two aforementioned Committees were not able to continue with the Joint meetings due to prioritization of business the Committees. The Committee on Education, Research and Technology proceeded on to conclude on the petition by limiting its scope on the matters that were within its mandate. The findings contained in this report are the ones proposed by the Committee on Education, Research and Technology.

4.2 Consideration of the Petition

In considering the Petition, the joint Committee was guided by the Provisions of Standing Order 227 (2) and (3). The Committees held meetings with the Hon. Timothy Wanyonyi, M.P and other relevant stakeholders. During the meetings, written and oral evidence was adduced as recorded hereunder: -

4.2.1 Submissions by the Hon. Timothy Wanyonyi Wetangula, M.P

Hon. Timothy Wanyonyi Wetangula, M.P appeared before the Committee on 26th July, 2016 accompanied by the affected students of the University of Nairobi including Mr. Edwin Lukorito, Mr. Kunani Wakoli and Mr. Paul Anyanga. He informed the Committee that: -

1. In 2016, students of the University of Nairobi held Student Council elections whose outcome and alleged meddling by the university administration led to the dissatisfaction and agitation by dissatisfied students.
2. The student held demonstrations in the streets of Nairobi city and during demonstrations, the police officers exerted a lot of brutality to the students, especially those who were residing in library, Halls of residence or lecture halls who were not participating in the demonstrations.

3. The Independent Police Oversight Authority disclosed that the police officers used excessive force to students in quelling the students' demonstration.
4. A number of students were suspended, most of whom were in their final academic year
5. The matter in respect of which this petition was made was not pending before any court of law.

4.1.1 Submissions by the representatives of the suspended and expelled University of Nairobi Students

The representatives of the suspended and expelled University of Nairobi Students informed the Committee that: -

6. Police in anti-riot gear evicted them from their hostels and classes before forcing them to lie down on the roadside where the beatings happened;
 7. The University had initiated disciplinary process against the students for participating in student unrest and destruction of public property;
 8. That the university randomly selected and thereafter suspended/ expelled some students who were not were not involved in the demonstrations and destruction of property;
 9. The suspended students were called on 18th April, 2016 and were asked to appear before the disciplinary Committee on 19th April, 2016. Most of the students were in their rural homes and as such could not afford the cost of travel back and consequently unable to honour the summons;
 10. Some students learnt of their suspension and expulsion informally through the media;
 11. A section of the affected students had filed the matter in Court but at the time the Hon. Member was presenting the Petition to the house the matter had not been filed in court;
 12. The students had appealed the decision by the university in May but were never accorded a hearing;
 13. Mr. Paul Anyanga, one of the affected students had filed the matter in court despite him being present in the same meeting. He acknowledged that his legal counsel was handling the matter;
 14. The students further informed the Committee that the supporters of Mr. Babu Owino the current Students' Council Chairman, were only suspended for two weeks and recalled to
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resume their studies while the supporters of his main rival were either suspended or expelled and were still out of the university;

15. Three students allied to Mr. Mike Jacobs were arrested on criminal activities as they were allegedly found with rolls of bang in their halls of residence. Further, the student reported that those suspended or expelled from Mr. Babu Owino's team had been arrested on other criminal charges that were unrelated to the contested student election;
16. The current SONU Chairman had hired agents across all the university campuses to suppress any opposition against him. It was noted that he was also allegedly using the Police Officer to threaten any student who attempted to set opposition against his tenure;
17. Mr. Babu Owino was a licensed gun holder and was not residing within the university halls of residence.

4.2.3 Submissions by Mr. Macharia Njeru (Chairperson Independent Policing Oversight Authority (IPOA))

Mr. Macharia Njeru appeared before the Committee on 4th August, 2016. He was accompanied by other members of the authority and adduced the following emanating from their inquiry into the police misconduct during the students' unrest. IPOA is mandated by the Constitution to carry out inquiry into the conduct of the Police Service with a view to improving service delivery.

The Chairperson, Independent Policing Oversight Authority informed the Committee that: -

18. Students of University of Nairobi conducted elections on 1st April, 2016 to elect officials of Students Organization of Nairobi University (SONU);
19. Some students including those who lost in the elections protested the outcome of election results which resulted in protests at the University that prompted the intervention of the police to maintain law and order;
20. It was alleged that during the anti-riot operation, some students were brutally assaulted by police officers. It was claimed that police officers flushed out students from ADD building and the surrounding areas;
21. The students were taken to lower State House road where they were paraded on tarmac and whipped by police officers using batons where a number of students were injured;

22. After the incidence, a video clip was circulated in the social media showing students being beaten by anti-riot police.
23. IPOA commenced the investigations as per Section 6(a) of the IPOA Act and received a complaint through email on 5th April, 2016 from one of the students who was allegedly brutally assaulted by the police officers. Through investigations, IPOA did the following;
- (i) Recorded ten statements from University of Nairobi Students, fourteen officers from Lavington and Hatari security companies and civilian witnesses.
 - (ii) Nine police officers from Kenya Police also recorded their statement with the Authority.
 - (iii) A police operation order for the students' election exercise was received and analyzed.
24. Evidence analyzed indicated that students were brutally assaulted by Police. Some of the assaulted students were pulled from classes and halls of residence.
25. The Independent Policing Oversight Authority faced the following challenges during its investigations;
- (i) The General Service Unit officers who were involved in the maintenance of law and order during the operation had not recorded their statements with IPOA. IPOA Investigators were on 31st May, 2016 denied entry into the GSU premises.
 - (ii) Only two students furnished the Authority with their medical records and had P3 forms from the police. Some of the students who were assaulted declined to visit health facilities to be treated. However, what the authority had as records in terms of medical records was adequate and would progress the investigations.
 - (iii) It was impossible to obtain CCTV footages for the cameras installed along lower State House road and University Way. The Inspector General informed the Authority that the areas in question were not covered by surveillance cameras installed by National Police Service and there was no record of CCTV footages of the incident.

(iv) After suspension and expulsion of some students from the University, those who had earlier recorded their statements with IPOA refused to cooperate for fear of victimization by the University.

(v) The Authority didn't receive timely cooperation from the top management of the University of Nairobi which would have facilitated completion of investigations.

26. IPOA had written several letters to the Inspector General of Police requesting to be allowed to examine the CCTV footages on lower State House Road. **(See annex 1)**
27. IPOA was focusing on taking action against police officers who had declined to cooperate in the investigations. In addition, other Government organs and agencies should take action on the National Police Service to ensure full cooperation so that the investigations can be concluded in the interest of justice for the victims (students) of the police brutality.
28. Amongst the achievement of IPOA, it had managed to take thirty-two (32) cases in Court where several officers had been charged.
29. There were fears that CCTV footages could be easily distorted to cover up and hinder investigations. As such the Authority was considering reverting to primary evidence.
30. Students who were physically pulled out of classrooms and halls or residence can easily identify the police officers who were involved in the brutality.
31. As per the mandate vested on IPOA, its powers were only limited to investigation and subsequent handing over of the results of its findings to the relevant authority. It lacks the mandate to proceed to arrest and subsequent prosecution.
32. The circular by the Inspector General of police that all investigations by IPOA are done through his office was unconstitutional. The gaps in the law should be addressed so as to have National Police Service which is accountable.

4.2.4 Submissions by the Cabinet Secretary, Ministry of Interior and Coordination of National Government

Hon. Rtd. Gen Joseph Nkaiserry, the Cabinet Secretary, Ministry of Interior and Coordination of National Government appeared before the Committee on 15th November, 2016. He was accompanied by other senior officers within the Ministry. He informed the Committee that: -

33. Some students of the University of Nairobi protested the outcome of students' elections that were held in April, 2016. They engaged in malicious damage of property through smashing the windows of buildings, looting from shops, stoning motorists and burning down SONU offices.
34. A contingent of anti police officers was dispatched to quell the riots and the violence that was being unleashed on innocent members of the public. Students engaged the officers in running battle while armed with stones and other crude weapons.
35. As much as the Constitution of Kenya guarantees the freedom of assembly as per Article 37 of the Constitution of Kenya 2010, the rights are not absolute as per Article 24(1)(d) which also applies to Article 21 of the International Covenant on Civil and Political Rights.
36. The National Police Service can restrict the right to freedom of assembly and association in situations where there is proper basis in law and limitation is necessary and appropriate in order to protect national security or public safety, prevent disorder or crime, protect health or morals and protect the rights and freedoms of the people.
37. The rioting students forfeited their right to demonstrate and picket on the material day when they attacked innocent motorists with stones and barricaded the lower State House road, consequently interfering with the free flow of traffic.
38. The action of the students couldn't be termed as peaceful demonstration but a riot that erupted as a result of a contested students' election.
39. The Government was not aware that the administration of the University of Nairobi interfered with the elections.
40. The police officers only dealt with riotous students who were engaging in violence against innocent members of the public, burning and destroying property. The sixth

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schedule of the National Police Service Act, 2011 states that forces to be used by the police shall be proportional to the objective to be achieved.

41. The force that was used was reasonable owing to the violence that was being meted out on innocent Kenyans by students.
42. The Government was not aware of any investigation or outcome of it pertaining to the conduct of police officers during the riot. Further, the Government was not privy to any action taken by the University against any student who participated in the riots as such action was administrative and not the mandate of the police.
43. No student was evicted from the halls of residence by the police officers.
44. The Ministry would follow up with Inspector General regarding the issues raised by IPOA on non-cooperation from the office of the Inspector General.
45. The Ministry of Internal Security was engaging with the University administration and agreed to post senior police officer at the university.

4.2.5 Submissions by the Vice Chancellor, University of Nairobi

Prof. Peter Mbithi, the Vice Chancellor, University of Nairobi appeared before the Committee on 9th August, 2016. He was accompanied by members of the management team. He informed the Committee that: -

- 45 The University of Nairobi had a population of eighty-five thousand (85,000) students and six thousand (6,000) staff drawn from national, regional and international communities.
- 46 The SONU 2016 elections were conducted on April 1, 2016 and subsequently swearing in of the elected officials conducted on April 2, 2016 as per the SONU Constitution. Following the announcement of the election results, some of the students held demonstrations protesting the re-election of Mr. Paul Ongili Owino alias Babu Owino. Riots by some students included inter alia the burning of the SONU office at the Main Campus, destruction of public and private property and other offences against public order.
- 47 All registered students of the university were members of SONU and all contestants listed for 2016 elections were cleared to contest for various positions in accordance with Article

- 19 of SONU Constitution. Consequently, no student was barred from contesting for any position of the Student's Governing Council.
- 48 The Elections were supervised by electoral commissioners appointed by the Senate in accordance with the SONU constitution 2015. The position of the Chairmanship was the most hotly contested.
 - 49 SONU elections were generally very costly affair to run and hence the students receive support from external sources; the elections are a microcosm of national politics.
 - 50 Upon the declaration of the winners for the executive posts, one of the candidates who lost the chairmanship position (Mr. Michael Jacobs) who emerged the first runner up declined to accept the outcome of the elections while the second and third runners up conceded defeat.
 - 51 Mr. Mike Jacobs proceeded to organize demonstrations to protest the outcome of the elections at about 12.00 noon despite being prevailed upon to make an appeal in accordance with the SONU constitution 2015. The SONU constitution 2015 under Article 24 makes provision for appeals to the SONU Independent Elections Petitions Panel. A total of seventeen (17) petitions were filed and determined by the panel chaired by an external advocate.
 - 52 The demonstrations turned violent and spilled over to the streets. The demonstrating students blocked University Way, Statehouse road, and Mamlaka roads as they stoned motorists and burned tyres. The police came to restore order and to prevent further damage to public and private property.
 - 53 In the midst of the chaos, a number of students sustained injuries. They were treated at the University's health facility. About forty-three (43) persons were arrested by police and booked at the Central Police Station including twenty (25) students. All the arrested students were later released
 - 54 The participation of the other fifteen (15) in the demonstrations and the recovery of ID's belonging to non-students further gave credence to the suspicion of an external hand.
 - 55 Some students led by Mike Jacobs continued with violent demonstrations from 2nd to 5th April, 2016. They continued to destroy public property including torching the SONU office, halls of residence and looting of the university cafeteria

- 56 On April 5, 2016, the University received a security advisory that the students were planning to cause mayhem and destroy more property including the libraries.
- 57 On that same day, three Members of Parliament in the company of Michael Jacobs and his team marched to the administration block and addressed a gathering of students at the Great Court.
- 58 The Vice Chancellor wrote a letter to the Cabinet Secretaries, Ministry of Education Science and Technology (MOEST) and Interior and Coordination of National Government to intervene on the matter.
- 59 Subsequently, on April 5, 2016, under the ensuing circumstances a special Senate meeting (constituted College Disciplinary committees) resolved that the University be closed indefinitely and students ordered to vacate campus immediately.
- 60 The estimated cost of property destroyed in halls of residence was Ksh.17, 163,598 while that of SONU office was Ksh.582, 190.
- 61 The Senate further appointed committees as follows to deal with the situation. The committees included the Senate Committee on Student Indiscipline, Goonism and Gangsterism and Senate Committee on Audit of SONU Affairs and its Electoral Process.
- 62 The Senate considered and adopted the four (4) recommendations of Mariara Report. Additionally, the Senate did not adopt Muriuki Report in its entirety. However, the Senate recommended the formation of a task force to review the SONU Constitution before the next elections. The Task Force has since been constituted and given the following terms of reference.
- (i) Review the SONU constitution.
 - (ii) Discuss and recommend the appropriate membership subscription for SONU.
 - (iii) Discuss and recommend ways and means of ensuring that the budget and expenditure of SONU is approved as stipulated by the university financial rules and regulations.
- 63 The university undertook disciplinary measures on students in accordance with the regulations governing the organization, conduct and discipline of students.

- 64 Two hundred and seventeen (217) students were initially suspended to undergo College Disciplinary procedures. During the College disciplinary process thirty three (33) students were expelled, twenty seven (27) were suspended, one hundred and thirty eight (138) re-admitted with strong warning and nineteen (19) were pardoned;
- 65 All the students were accorded an opportunity to appeal to the Senate for review of their cases and the outcome of the Senate Students Appeals Disciplinary Committee was communicated to the respective students;
- 66 The dissatisfied students filed their judicial review applications appeals in the Court of Law. Seven (7) of the cases filed are still ongoing while three (3) were dismissed.
- 67 The University had received teams of investigators from various independent bodies including Independent Police Oversight Authority (IPOA), The Kenya National Commission on Human Rights (KNHCR) and the Commission on Administrative Justice (Ombudsman). The University cooperated and facilitated them with the necessary information and materials to enable them conduct their work objectively. However, the agencies have not shared their findings with the University management.
- 68 In order to return to normalcy, the University had made improvements in the condition of halls of residence by carrying out necessary repairs and maintenance, lighting the surrounding environment and ensured cleanliness of the halls of residence.
- 69 It was difficult to verify the CCTV footage on the alleged beating up of students and excessive force on students on statehouse road.
- 70 In order to resolve the students' election dispute, the university Senate was looking into the issue of putting a term limit for the office of the chairperson of SONU.
- 71 The University had not received any justifiable criminal culpability to warrant the suspension of Mr. Paul Ongili Owino alias Babu Owino.
- 72 Mr. Paul Ongili Owino alias Babu Owino had confessed to have influenced the students at the Kenya Science campus by giving them money.
- 73 The University was in the process of implementing the Mariara report that investigated goonism and gangsterism at the university.
- 74 Students had recourse for appeal if not satisfied with the outcome of their investigation.

- 75 The University reached out to each student after the decision was reached but they all wanted to be readmitted
- 76 The university had launched policy on drugs and alcohol abuse;

4.2.6 Submissions by Mr. Joseph Boinett, the Inspector General of the National Police Service (NPS)

Mr. Joseph Boinett, the Inspector General of the National Police Service appeared before the Committee on 15th November, 2016. He was accompanied by other officers in the National Police Service. He was expected to adduce evidence relating to the conduct of the police in the said students' unrest where it is alleged that the police officers brutally beat up students who took part in the demonstration. In the submission made the Chairperson of IPOA he alleged that he had done several correspondences requesting to have CCTV footage along the Lower State House to examine the allegation leveled against the police officers. Mr. Joseph Boinett informed the Committee that: -

- 77 On 1st April, 2016, the Police received a letter from the Director of Safety and Security, University of Nairobi requesting for support to maintain security during the SONU elections.
- 78 As the SONU elections commenced the police received intelligence reports that some students were planning to disrupt the exercise. The police took preventive action and arrested a student with dangerous weapons in his room within the university.
- 79 Students at the University's Kabete campus started violent riots in order to stop the elections from proceeding. Three (3) students were found with crude weapons including pangas at their halls of residence. Two (2) students were also arrested at the Kenya Science training college campus along Ngong road.
- 80 After the election results were announced a group of students supporting one of the aspirants in the SONU polls attempted to disrupt the swearing of the elected officials. However the police moved in and dispersed the students;
- 81 On 3rd April, 2016 the students came back to the streets and caused mayhem in the areas near the university and set ablaze the SONU offices;

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- 82 The riots intensified on 5th April 2016 and one hall of residence within the university was set ablaze;
- 83 The police restricted their intervention to restoring law and order and did not assault the students in their rooms as reported in the petition;
- 84 The NPS received a request from the Independent Policing Oversight Authority seeking CCTV footage allegedly recorded near the university during the riots and the names of police officers involved in controlling the riots. However the requested CCTV footage were not available due to technical reasons and were therefore not availed to the Authority. The police would not also avail the names of officers involved in the security operation due to standard operating procedures that do not permit the same.
- 85 Several police officers including the Nairobi, County Police Commander appeared before IPOA and recorded statements on the police response during the riots;
- 86 The response by the police to control the riots at the university was proportionate to the violence initiated by the students and there was a possibility of injuries being sustained by both the police and the students;
- 87 The allegations of rape of female students during the riots were not accurate as investigations conducted by the university did not confirm any case of rape.

5.0 COMMITTEE OBSERVATIONS

Having held meetings and considered the submissions presented on the petition, the Committee observed that;

1. The Committee observed that the alleged interference by university administrations in student elections and the failure to amicably resolve the poll disputes as a contributor to student's unrests and as such should be addressed;
2. The Committee was concerned by the manner in which the police were deployed to quell the students' unrest. The Committee noted the need to review the conduct of police officer in cases of unrests to meet the international standards especially use of live bullets force and excessive use of force.
3. The Committee raised serious concern on the allegations that the Police officers were being used to silence students who were opposed to the current student leadership;
4. The Committee condemned the manner in which the Police mishandled the students while inside the university precincts. The Committee was concerned on the manner in which the students reacted to the disputed elections resulting destruction of properties.
5. The Committee noted that the University management ought to have handled the expulsions and suspensions in a better way by ensuring there was fairness across the two opposing sides.
6. The Committee noted that one of the amendments in the Universities (Amendment) Bill, 2015 had addressed the concerns of the term limits for Students Council office bearers.
7. The Office of the Inspector General of Police and the Independent Police Oversight Authority should cooperate for easy delivery of services to the public.
8. It would be difficult for the brutalized students to identify the police officers involved in the act since most students were lying on the ground and police officers had helmets that covered their faces.
9. There was need for the proper legal mechanism to compel National Police Service to provide information to IPOA.
10. The challenges IPOA was facing in carrying out its mandate should be addressed through legislation.

11. The Committee noted the need to fast the audit of the activities of SONU including a review of the electoral process with a view to making it more transparent and perform its duties and responsibilities in accordance with the rules and procedures in order to meet the needs of students.
12. The Committee raised concern on the allegations that the Police officers were being used to silence students who were opposed to the current student leadership
13. The Committee noted that the University management ought to have intervened on Mr. Paul Ongili Owino re-election which marked his fourth year as SONU president, having served in that position twice while studying Actuarial Science before enrolling as a new student at the School of Law Campus.

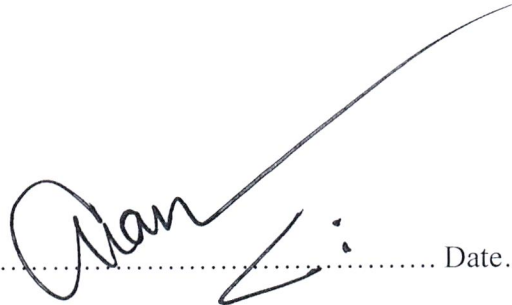
6.0 COMMITTEE RECOMMENDATIONS

In response to the above prayers, the Committee recommends;

1. **THAT** the Independent Police Oversight Authority should conclude investigations into the acts of the police including alleged police brutality on students during the strike and submit its report to the Director of Public Prosecutions for action and to the National Assembly for oversight.
2. **THAT** while handling the pending disciplinary cases against suspended students who were held culpable or whose cases are in abeyance, the University Senate should observe the principles of fair administrative action including consistency in application of the rules to all students, affording the students an opportunity to be heard, avoiding undue regard to procedural technicalities and affording them an opportunity to appeal or apply for review of a decision taken. With respect to cases pending before court, the University should take steps to conclude the same expeditiously in accordance with the orders made by the Court once judgment is delivered.
3. **THAT** the Ministry of Education, Science and Technology should investigate and review the manner in which the University of Nairobi handled the disciplinary cases against students to ascertain whether the University applied and adhered to its regulations before suspending or expelling students. *The Cabinet Secretary, Ministry Education, Science and Technology should report back to the National Assembly not later than sixty days after the adoption of this report on the status of implementation of this recommendation.*
4. **THAT** pursuant to section 41(1H) of the Universities Act, the Vice Chancellor of the University of Nairobi should ensure that the students association of the University of Nairobi formulates and enacts rules to govern the conduct of elections including regulation of campaigns, election financing, and prescribe offences and penalties.

5. **THAT** the university should put in place guidance and counseling support services for its students, enhance the channels of communications and implement mechanisms to bolster student confidence to ensure that aggrieved students can lodge their grievances without fear of victimization.
6. **THAT** the Cabinet Secretary for matters relating to education in collaboration with the Inspector General of Police and the Cabinet Secretary responsible for matters relating to security should investigate and take action against alleged cartels of criminal students working in cohort with the police officers to harass and intimidate other students at the University. *The Cabinet Secretary, Ministry Education, Science and Technology, The Cabinet Secretary, Ministry of Interior and Coordination of National Government and the Inspector General of Police should report back to the National Assembly not later than six months after the adoption of this report on the status of implementation of this recommendation.*
7. **THAT** the University should intervene and carry out both internal and external audit of operations of the students' organization to ensure that SONU money was utilized effectively and that there was accountability and transparency in the books of accounts. The Vice Chancellor should provide a plan for all expenditure on SONU activities as well as the funds contributed by students.

Signed



Date.....

15.6.2017.

fw

HON. SABINA CHEGE, M.P

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY

APPENDIX I

PETITION

Approved
14/6/16

REPUBLIC OF KENYA



Mr. Speaker
Please
Issue in
15/6/16
S. J. J. J.

THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT - FOURTH SESSION

PUBLIC PETITION
BY THE STUDENTS OF THE UNIVERSITY OF NAIROBI AND MEMBERS
OF THE PUBLIC ON INSECURITY AND INJUSTICES METED UPON
STUDENTS BY POLICE OFFICERS, VICTIMIZATION AND
INFRINGEMENT TO THE RIGHT TO EDUCATION

I, the UNDERSIGNED on behalf of students of the University of Nairobi and concerned members of the public;

DRAW the attention of the House to the following;

- i) THAT, the constitution of Kenya guarantees the freedom of assembly within the orderly confines of the law;
- ii) THAT, the country has had several protected demonstrations by different groups agitating for their rights with the Police maintaining law and order without any destruction of property;
- iii) THAT, that early this year, the University of Nairobi students held Student Council elections whose outcome and alleged meddling by the University administration led to the dissatisfaction and agitation by dissatisfied students;
- iv) THAT, the student held demonstrations in the streets of Nairobi City and during demonstrations, the police officers exerted a lot of brutality to the students, especially those who were residing in Library, Halls of Residence or Lecture Halls who were not participating in the demonstrations;
- v) THAT, the Independent Police Oversight Authority disclosed that the Police officers used excessive force to students;
- vi) THAT, a number of students were suspended, most whom were in their final academic year;

PUBLIC PETITION
BY THE STUDENTS OF THE UNIVERSITY OF NAIROBI AND MEMBERS
OF THE PUBLIC ON INSECURITY AND INJUSTICES METED UPON
STUDENTS BY POLICE OFFICERS, VICTIMIZATION AND
INFRINGEMENT TO THE RIGHT TO EDUCATION

viii) THAT, the matter in respect of which this petition is made is not pending before any court of law; and

ix) THAT, efforts to resolve this matter with the relevant government agencies have been futile;

THEREFORE your humble petitioners PRAY that the National Assembly, through the Departmental Committee on Education, Research and Technology and the Departmental Committee on Administration and National Security:-

- i) Recommends that the Independent Police Oversight Authority investigates the acts and omissions of the Police and recommends necessary remedial action to forestall a recurrence and the necessary disciplinary action taken;
- ii) Recommends the relevant government agency investigates the culpability of the University administration in the fracas that ensued following the dispute Student Council elections and recommend disciplinary action to culpable public officers;
- iii) Recommends that the Ministry of Education, Science and Technology formulate regulations to streamline student leadership within all the institutions of higher learning in Kenya;
- iv) Recommends that the Ministry of Education, Science and Technology investigates the suspension of the various students to ascertain the legality and fairness of the penalties handed down and recommend remedial action; and
- v) Make any other order or direction that it deems fit in the circumstances of the case.

And your PETITIONERS will ever pray.

PRESENTED BY;


HON. TIMOTHY WANYONYI WETANG'ULA, MP
MEMBER FOR WESTLANDS CONSTITUENCY

DATE 24/5/2016..

PUBLIC PETITION

A petition by the University of Nairobi students and the public on the insecurity and injustices meted upon the students by the Police, illegal victimization of students and the infringement of the right to education.

NO	NAME	ID NUMBER	REG NUMBER	SIGNATURE
35	CATHERINE KOKI	30522819		[Signature]
36	Rodgers Omondi	30185701	K39/2922/13	[Signature]
37	Samuel Mokuill	31720161		[Signature]
38	Agnes Ombao	29628515		[Signature]
39	VINCENT RUDGA	28061602		[Signature]
40	Charles Kamari	28132220		[Signature]
41	Felix Kerani	26822420		[Signature]
42	Douglas Ombao	25956057		[Signature]
43	GEORGE OJWANG	23752467		[Signature]
44	TERESA WANJA			[Signature]
45	MERTACK ARUNGU	28166390	H31/2496/201	[Signature]
46	RUBEN OCHONG OPAO			[Signature]
47	Francis Otieno	3027871	I11/159/201	[Signature]
48	JOEL MBURU KURIA			[Signature]
49	PATRICK NGESIA	29470476	CoU33133/201	[Signature]
50	TERESA OJWANG	29443523		[Signature]
51	ANBASA DICKENS	31178221		[Signature]
52	VANESSA ALVOCH	0736694469		[Signature]
53	Kennedy Ombao	7572186		[Signature]
54	Dennis Mutunga	10922131		[Signature]
55	Lawrence Otieno	31422530		[Signature]
56	MUSAU MULINGE		I20/1860/201	[Signature]
57	Jharica Ogutu	27552062		[Signature]
58	Paul Anjanga	24914959		[Signature]
59	Samuel Abudi	30261766		[Signature]
60	Bill Odhiambo	28215785		[Signature]
61	VICTOR ATIKO	2793075		[Signature]
62	DOROTHY WAIKE		H31/2512/201	[Signature]
63	Jared Otieno	30020391		[Signature]
64	OMONDI BUSTING ARNOLD		E34/3046/2013	[Signature]
65	PREMOI ALFRED		E33/3049/2016	[Signature]
66	Steve Biko	2552577		[Signature]
67	BRIAN ODHAMBO		E35/3797/2014	[Signature]
68	NAKITARE OUMA		E35/3559/2016	[Signature]

Matter in Court

PUBLIC PETITION

A petition by the University of Nairobi students and the public on the insecurity and injustices meted upon the students by the Police, illegal victimization of students and the infringement of the right to education.

NO	NAME	ID NUMBER	REG NUMBER	SIGNATURE
1	MIKE JACOBS	29630476	Co1/0820/2012	
2	Kunani L. Wakoli	28916636	F16/2324/2011	
3	Raymond Bramwet Keri	29683283	H31/2397/2012	
4	Eric P. P. P.	2973162	K59/3011/17	
5	JOSHUA N. KUNANI	24261582		
6	CEDRIC MUSEE	32460266		
7	Edwin LUKONTO	29752518	305/1012/2012	
8	Kisumu MACHAU	25837479		
9	OKumu peter Barasa	29338634	934/2898/2012	
10	Getruda Lukendo	747309	-	
11	Joseph Namawanga	6330102	N/A	
12	Brian Olev	31612129	-	
13	Samson Sibalile	31956736	N/A	
14	Clark S Wafula	33318287		
15	Brian Levi Manyonge	30252701	X74/3876/2013	
16	Abel Namalwa	28919853	F17/55167/2012	
17	Omondi Okuku	30509655	F16/1425/2012	
18	Edmundi Korir	29843644	-	
19	Bunguswa N. Mercelync	22962318	-	
20	Nlanga Jacob	29395053	-	
21	DAVID MUHORO MIANO	30131452	-	
22	SHADON MUNOKO	31802349	-	
23	Godfrey Odingo	29337550	- N/A	
24	Gibson N. Ojare	29424206		
25	Farida Rashid	33009472	-	
26	Cosmas Medja	24234537		
27	Denis Nyongesa	10442824		
28	Tamas Mavinda	269482		
29	Judis Kemuri	2376966		
30	David Nave	2327233		
31	Hyabuku Geofrey	30726629	E35/3247/2016	
32	ALFRED PKEMBI	29268371	E35/3549/2016	
33	ARRYSON AMODIUC	29837653	Co1/0746/2012	
34	BERNARD NJORUBE	29130751	X74/3387/2014	

APPENDIX II

COMMITTEE MINUTES

MINUTES OF THE 47TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON TUESDAY, 9TH AUGUST, 2016 IN COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. **Hon. Sabina Chege, M. P** -Chairperson
2. Hon. (Dr.) Wilber Ottichillo, M.P
3. Hon. Joseph Manje, M.P
4. Hon. Rose Rwamba Mitaru, M.P
5. Hon. Eric Keter, M.P
6. Hon. Silverse Lisamula Anami, M.P
7. Hon. Geoffrey Makokha Odanga, M.P
8. Hon. Moses Injendi, M.P
9. Hon. Ibren Nasra Ibrahim, M.P
10. Hon. Yusuf Chanzu, M.P
11. Hon. Halima Ware Duri, M.P
12. Hon. Mary Seneta, M.P
13. Hon. Joseph M'eruaki, M.P
14. Hon. Richard Makenga, M.P
15. Hon. Jared Odhiambo Opiyo, M.P
16. Hon. Michael Kisoi Munyao, M.P
17. Hon. Anthony Kimaru, M.P

ABSENT WITH APOLOGY

1. **Hon. Julius Melly, MP** -Vice Chairperson
2. Hon. (Prof.) Hellen Sambili, EGH, M.P
3. Hon. Harrison Kombe, M.P
4. Hon. (Dr.) Christine Ombaka, M.P
5. Hon. Dorcas Kedogo Luvalitsa, M.P
6. Hon. Muriuki Njagagua, M.P
7. Hon. (Dr.) Susan Chebet, M.P
8. Hon. Mohamed Adan Huka, M.P
9. Hon. Cecilia Ng'etich, M.P
10. Hon. Kenneth Okoth, M.P

ABSENT

1. Hon. Banticha Abdullahi, M.P
2. Hon. Steven Kariuki, M.P

National Assembly Secretariat

1. Mr. Abdiaziz Shobay - Third Clerk Assistant
2. Ms. Doreen Karani - Legal Officer
3. Ms. Annceta Gacheri - Research Officer
4. Ms. Christine Maeri - Audio Officer

IN ATTENDANCE

1. Prof. Peter M.F Mbithi - Vice Chancellor, University of Nairobi
2. Dr. Wamugunda W. D - Dean of Student, University of Nairobi
3. Prof. Bernard O. Aduda - Principal CBPS, University of Nairobi
4. Prof. Lucy W. Irungu - Deputy V.C (RPE), University of Nairobi
5. Prof. Isaac M. Mbeche - DVC (SA), University of Nairobi
6. Prof. Henry w. Mutoro - DVC (AA), University of Nairobi
7. Prof. Isaac O. Kibwage - Principal CHS, University of Nairobi
8. Prof. Peter M. Ngau - Principal CAE, University of Nairobi
9. Prof. Isaac Jumba - Principal CEES, University of Nairobi
10. Prof. Enos H.N Njeru - Principal CHSS, University of Nairobi
11. Prof. S.G Kiama - Principal CAVS, University of Nairobi
12. Prof. Horace Ochanda - D/Principal KSC, University of Nairobi
13. Prof. Peter K'obonyo - D/Principal CHSS, University of Nairobi
14. Mr. Martin W. Mativo - P.A, Vice Chancellor, University of Nairobi
15. Dr. Moses R.B Otieno - Chief Medical Officer, University of Nairobi
16. B.M Waweru - Academic Registrar, University of Nairobi
17. Major (Rtd) Simon Cherutich - Ag. Director Security, University of Nairobi
18. Mr. John A.O Orindi - Director Corporate Affairs, University of Nairobi
19. Mr. Fredrick Collins Omondi - Senior Legal Officer, University of Nairobi
20. Ms Phaustine Khaoya - Ag. Registrar Student Affairs, University of Nairobi
21. Mr. Naftali Mwangi - Office Assistant, University of Nairobi

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
 - (v) Confirmation of Minutes from the previous sittings
 - (vi) Matters Arising
2. **Meeting with Prof. Peter Mbithi EBS, Vice Chancellor, University of Nairobi Regarding the Petition on insecurity and Injustices meted upon students by police officers, Victimization and infringement to the right to education.**
3. Any Other Business
4. Adjournment/ Date for the Next Sitting

MIN.NO.DC.D/281/2016: PRELIMINARIES

The Chairperson called the meeting to order at 10:40am and thereafter prayer was read.

MIN.NO.DC.D/282/2016: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Joseph Manje, M.P and seconded by Hon. Eric Keter, MP respectively.

MIN.NO.DC.D/283/2016: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC.D/284/2016: PETITION ON INSECURITY AND INJUSTICES METED UPON STUDENTS BY POLICE OFFICERS, VICTIMIZATION AND INFRINGEMENT TO THE RIGHT TO EDUCATION

The matter had been brought to the attention of the Committee following a Petition presented by the Hon. Timothy Wanyonyi, M.P on behalf of the affected students. In order to undertake the inquiry into the issues raised, the Committee deemed it fit to summon the university management including the Vice Chancellor, Prof. Peter Mbithi and the Dean of Student Affairs among others.

SUBMISSION BY THE VICE CHANCELLOR

The Chairperson invited the Vice Chancellor to make his submission to the Committee on the matter. The VC submitted as follows: -

- i. The University of Nairobi has a population of eighty five thousand (85,000) students and six thousand (6,000) staff drawn from national, regional and international communities.
- ii. The SONU 2016 elections were conducted on April 1, 2016 and subsequently swearing in of the elected officials conducted on April 2, 2016 as per the Student of Nairobi University (SONU) Constitution. Following the announcement of the election results, some of the students held demonstrations protesting the re-election of Mr. Paul Ongili Owino alias Babu Owino. Riots by some students included inter alia the burning of the SONU office at the Main Campus, destruction of public and private property and other offences against public order.
- iii. All registered students of the university are members of SONU and all contestants listed for 2016 elections were cleared to contest for various positions in accordance with Article 19 of SONU Constitution. Consequently, no student was barred from contesting for any position of the Student's Governing Council
- iv. The Elections were supervised by electoral commissioners appointed by the Senate in accordance with the SONU constitution 2015. The position of the Chairmanship was the most hotly contested.
- v. SONU elections are very costly affair. Students get support from external sources. - The elections are a microcosm of national politics

- vi. When the winners for the executive posts were declared one of the candidates who lost the chairmanship position (Mr. Michael Jacobs) who was the 1st runner up declined to accept the outcome of the elections while the second and third runners up conceded defeat.
- vii. Mr. Mike Jacobs proceeded to organize demonstrations to protest the outcome of the elections at about 12.00 noon despite being prevailed upon to make an appeal in accordance with the SONU constitution 2015. The SONU constitution 2015 under article 24 makes provision for appeals to the SONU Independent Elections Petitions Panel. A total of seventeen (17) petitions were filed and determined by the panel chaired by an external advocate
- viii. The demonstrations turned violent and spilled over to the streets. The demonstrating students blocked University Way, Statehouse road, and Mamlaka roads as they stoned motorists and burned tyres. The police came to restore order and to prevent further damage to public and private property.
- ix. In the midst of the chaos, a number of students sustained injuries. They were treated at the University's health facility. About forty three (43) persons were arrested by police and booked at the Central Police Station including twenty (25) students. All the arrested students were later released
- x. The participation of the other fifteen (15) in the demonstrations and the recovery of ID's belonging to non students further gave credence to the suspicion of an external hand.
- xi. Some students led by Mike Jacobs continued with violent demonstrations from 2nd to 5th April, 2016. They continued to destroy public property including torching the SONU office, halls of residence and looting of the university cafeteria
- xii. On April 5, 2016, the University received a security advisory that the students were planning to cause mayhem and destroy more property including the libraries.
- xiii. On that same day, three Members of Parliament in the company of Michael Jacobs and his team marched to the administration block and addressed a gathering of students at the Great court.
- xiv. The Vice Chancellor wrote a letter to the Cabinet Secretaries, Ministry of Education Science and Technology (MOEST) and Interior and Coordination of National Government to intervene on the matter.
- xv. Subsequently, on April 5, 2016, under the ensuing circumstances a special Senate meeting (constituted College Disciplinary committees) resolved that the University be closed indefinitely and students ordered to vacate campus immediately.
- xvi. The estimated cost of property destroyed in halls of residence was Ksh.17, 163,598 while that of SONU office was Ksh.582, 190.
- xvii. The Senate further appointed committees as follows to deal with the situation. The committees included the Senate Committee on Student Indiscipline, Goonism and Gangsterism and Senate Committee on Audit of SONU Affairs and its Electoral Process.
- xviii. The Senate considered and adopted the 4 recommendations of Mariara Report. Additionally, the Senate did not adopt Muriuki Report in its entirety. However, the Senate recommended the

formation of a task force to review the SONU Constitution before the next elections. The Task Force has since been constituted and given the following terms of reference.

- a) Review the SONU constitution.
 - b) Discuss and recommend the appropriate membership subscription for SONU.
 - c) Discuss and recommend ways and means of ensuring that the budget and expenditure of SONU is approved as stipulated by the university financial rules and regulations.
- xix. The university undertook disciplinary measures on students in accordance with the regulations governing the organization, conduct and discipline of students.
- xx. Two hundred and seventeen (217) students were initially suspended to undergo College Disciplinary Procedures. During the College disciplinary process thirty three (33) students were expelled, twenty seven (27) were suspended, one hundred and thirty eight (138) re-admitted with strong warning and nineteen (19) were pardoned
- xxi. All the students were accorded an opportunity to appeal to the Senate for review of their cases and the outcome of the Senate Students Appeals Disciplinary Committee was communicated to the respective students.
- xxii. The dissatisfied students filed their judicial review applications appeals in the Court of Law. Seven (7) of the cases filed are still ongoing while three (3) were dismissed.
- xxiii. The University had received teams of investigators from various independent bodies including Independent Police oversight Authority (IPOA), The Kenya National Commission on Human Rights (KNHCR) and the Commission on Administrative Justice (Ombudsman). The University cooperated and facilitated them with the necessary information and materials to enable them conduct their work objectively. However, the agencies have not shared their findings with the university management.

The Committee was further informed that: -

1. In order to return to normalcy, the University had made improvements in the condition of halls of residence by carrying out necessary repairs and maintenance, lighting the surrounding environment and ensured cleanliness of the halls of residence.
2. It was difficult to verify the CCTV footage on the alleged beating up of students and excessive force on students on statehouse road.
3. In order to resolve the students' election dispute, the university Senate was looking into the issue of putting a term limit for the office of the chairperson of SONU.
4. The University had not received any justifiable criminal culpability to warrant the suspension of Mr. Paul Ongili Owino alias Babu Owino.
5. Mr. Paul Ongili Owino alias Babu Owino had confessed to have influenced the students at the Kenya Science campus by giving them money.
6. The University was in the process of implementing the Mariara report that investigated goonism and gangsterism at the university.
7. Students had recourse for appeal if not satisfied with the outcome of their investigation.
8. The University reached out to each student after the decision was reached but they all wanted to be readmitted

9. The university had launched policy on drugs and alcohol abuse

Committee Concerns and Resolutions

1. The Committee noted the need to fast track the audit of the activities of SONU including a review of the electoral process with a view to making it more transparent and performs its duties and responsibilities in accordance with the rules and procedures in order to meet the needs of students.
2. The Committee raised concern on the allegations that the Police officers were being used to silence students who were opposed to the current student leadership
3. The Committee noted that the University management ought to have intervened on Mr. Paul Ongili Owino re-election which marked his fourth year as SONU president, having served in that position twice while studying Actuarial Science before enrolling as a new student at the School of Law Campus.
4. The University should intervene and carry out both internal and external audit of operations of the students' organization to ensure that SONU money was utilized effectively and that there was accountability and transparency in the books of accounts.
5. The University should review and amend SONU constitution to ensure that students leaders who register in new programmes upon completion of the first degree were ineligible to contest for any position in the student governing council.
6. The Ministry of interior and Coordination of National Government should investigate and take action against police officers working in collaboration with some students to silence their fellow students who may have differences of opinions especially on students' elections.
7. The Dean of students should provide a plan for all expenditure on SONU activities as well as the funds remitted by students.
8. The Committee directed the university to look into the issue of guidance and counseling to for the students and to enhance the channels of communications where aggrieved students can register their grievances without fear of victimization.

Resolution

The Committee resolved to invite the Ministry of Interior and Coordination of National Government, the Inspector General of police, the Independent policing oversight authority to provide a comprehensive report on the alleged brutality meted on the students by the police and the general insecurity within the university. The Committee further resolved to invite Mr. Paul Ongili Owino in order to make further submission on the matter.

MIN.NO.DC.D/285/2016: ANY OTHER BUSINESS

Invitation to the 12th Kenya Primary Schools Head Teachers Association

The Meeting was informed that the Committee had been invited to the 12th Kenya Primary Head Teachers Association being held in Mombasa between 8th – 11 August 2016. The Committee nominated the following Members to represent the Committee: -

1. Hon Sabina Chege MP - Chairperson
2. Hon. Mary Seneta, MP
3. Hon. Rose Mitaru, MP

MIN.NO.DC.D/286/2016: ADJOURNMENT

The Chairperson adjourned the meeting at 12:50pm.

Signed.....


Hon. Sabina Chege, M.P
(CHAIRPERSON)

Date.....

13/10/2016

MINUTES OF THE 46TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON THURSDAY, 4TH AUGUST, 2016 IN BOARD ROOM 5TH FLOOR, CONTINENTAL HOUSE PARLIAMENT BUILDINGS AT 10:30 AM.

PRESENT

1. **Hon. Sabina Chege, M. P** - **Chairperson**
2. Hon. (Dr.) Wilber Ottichillo, M.P
3. Hon. (Prof.) Hellen Sambili, EGH, M.P
4. Hon. Yusuf Chanzu, M.P
5. Hon. Ibren Nasra Ibrahim, M.P
6. Hon. Jared Odhiambo Opiyo, M.P
7. Hon. Dorcas Kedogo Luvalitsa, M.P
8. Hon. Richard Makenga, M.P
9. Hon. Mary Seneta, M.P
10. Hon. Joseph M'eruaki, M.P
11. Hon. Moses Injendi, M.P
12. Hon. Muriuki Njagagua, M.P
13. Hon. Joseph Manje, M.P
14. Hon. Rose Rwamba Mitaru, M.P
15. Hon. Silverse Lisamula Anami, M.P
16. Hon. Geoffrey Makokha Odanga, M.P
17. Hon. Steven Kariuki, M.P

APOLOGY

1. **Hon. Julius Melly, MP** - **Vice Chairperson**
2. Hon. (Dr.) Susan Chebet, M.P
3. Hon. Michael Kisoi Munyao, M.P

ABSENT

1. Hon. Harrison Kombe, M.P
2. Hon. Kenneth Okoth, M.P
3. Hon. (Dr.) Christine Ombaka, M.P
4. Hon. Mohamed Adan Huka, M.P
5. Hon. Anthony Kimaru, M.P
6. Hon. Eric Keter, M.P
7. Hon. Cecilia Ng'etich, M.P
8. Hon. Halima Ware Duri, M.P
9. Hon. Banticha Abdullahi, M.P

In Attendance

1. Hon. Timothy Wanyonyi Wetangula, M.P

Independent Policing Oversight Authority

1. Mr. Macharia Njeru - Chairperson
2. Mr. Joel Mabonga - Chief Executive Officer
3. Ms. Rose Bala - Board Member

Ministry of Interior and Coordination of National Government

1. Hon. Major. Gen. (Rtd) Joseph Nkaiserry - Cabinet Secretary
2. Ms. Mary Njenga - Liaison Officer

University of Nairobi

1. Mr. Paul Anyanga - Student
2. Mr. Paul Tuitoek - “
3. Mr. Sam Ragira - “
4. Mr. Rayon Astagus - “
5. Mr. Harold Mugozi - “
6. Mr. Raymond Kundu - “
7. Mr. Michael Jacobs - “
8. Ms. Mary Ojwang - “
9. Mr. Wakienga Michael Nabiswa - “
10. Mr. Washington Onyango - “

National Assembly Secretariat

1. Ms. Leah Wanjiru - First Clerk Assistant
2. Mr. John Mugoma - Third Clerk Assistant
3. Mr. Abdiaziz Shobay - Third Clerk Assistant
4. Ms. Doreen Karani - Legal Officer
5. Ms. Annceta Gacheri - Research Officer
6. Mr. Rodgers Kilungya - Audio Officer

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
 - (v) Confirmation of Minutes of the previous sitting
 - (vi) Matters Arising

2. Meeting with the Mr. Macharia Njeru, Chairperson, the Independent Policing Oversight Authority and Hon. (Rtd) Major General Joseph Nkaiserry Regarding the Petition by Hon. Timothy Wanyonyi Wetangula, M.P on insecurity and injustices meted upon students by police officers, victimization and infringement to the right to Education.

3. Adjournment/ Date for the Next Sitting

MIN.NO.DC. D/274/2016: PRELIMINARIES

The Chairperson called the meeting to order at 11:10am and thereafter a prayer was said followed by introductions. The Chairperson then informed the Committee that meeting was a follow up to

MIN.NO.DC. D/275/2016: ADOPTION OF THE AGENDA

The agenda of the meeting were adopted having been proposed and seconded by Hon. Ibren Nasra Ibrahim M.P and Hon. Mary Seneta, M.P respectively.

MIN.NO.DC.D/276/2016: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmations of the Minutes of the previous Sittings were deferred to the next sitting.

MIN.NO.DC.D/277/2016: SUBMISSIONS BY MR. MACHARIA NJERU, CHAIRPERSON, INDEPENDENT POLICING OVERSIGHT AUTHORITY (IPOA)

The Chairperson, IPOA, informed the Committee that:-

- I. Students of University of Nairobi conducted elections on 1st April, 2016 to elect officials of Students Organization of Nairobi University (SONU);
- II. Some students including those who lost in the elections protested the outcome of election results which resulted in protests at the University that prompted the intervention of the police to maintain law and order;
- III. It was alleged that during the anti-riot operation, some students were brutally assaulted by police officers. It was claimed that police officers flushed out students from ADD building and the surrounding areas;
- IV. The students were taken to lower State House road where they were paraded on tarmac and whipped by police officers using batons where a number of injured students were injured;
- V. After the incidence, a video clip was circulated in the social media showing students being beaten by anti-riot police.
- VI. IPOA commenced the investigations as per Section 6(a) of the IPOA Act and received a complaint through email on 5th April, 2016 from one of the students who was allegedly brutally assaulted by the police officers. Through investigations, IPOA did the following;

- a) Recorded ten statements from University of Nairobi Students, fourteen officers from Lavington and Hatari security companies and civilian witnesses.
 - b) Nine police officers from Kenya Police also recorded their statement with the Authority.
 - c) A police operation order for the students election exercise was received and analyzed.
- VII. Evidence analyzed indicated that students were brutally assaulted by Police. Some of the assaulted students were pulled from classes and halls of residence.
- VIII. The Independent Policing Oversight Authority faced the following challenges during its investigations;
- a) The General Service Unit officers who were involved in the maintenance of law and order during the operation had not recorded their statements with IPOA. IPOA Investigators were on 31st May, 2016 denied entry into the GSU premises.
 - b) Only two students furnished the Authority with their medical records and had P3 forms from the police. Some of the students who were assaulted declined to visit health facilities to be treated. However, what the authority had as records in terms of medical records was adequate and would progress the investigations.
 - c) It was impossible to obtain CCTV footages for the cameras installed along lower State House road and University Way. The Inspector General informed the Authority that the areas in question were not covered by surveillance cameras installed by National Police Service and there was no record of CCTV footages of the incident.
 - d) After some students were suspended and other expelled from the University, those who had earlier recorded their statements with IPOA refused to cooperate for fear of victimization by the University.
 - e) The Authority didn't receive timely cooperation from the top management of the University of Nairobi which would have facilitated completion of investigations.
- IX. IPOA was focusing on taking action against police officers who had declined to cooperate in the investigations. The University of Nairobi should facilitate the investigations by the cooperating with IPOA
- X. Other Government organs and agencies should reign in on the National Police Service to ensure full cooperation so that the investigations could be concluded in the interest of justice for the victims (students) of the police brutality.

The Chairperson, IPOA further informed the Committee that;

1. The National Police Service lacks capacity to conduct proper public Management.
2. IPOA had thirty two (32) cases in court where several officers have been charged.
3. The Authority was ready and willing to investigate the Inspector General for the interest of the Members of the public.
4. The CCTV footages could be easily distorted and therefore hence the Authority could revert to primary evidence.

5. Students who were physically pulled out of classrooms and halls or residence can easily identify the police officers who were involved in the brutality.
6. IPOA investigates and hands over to the relevant authority. It lacks the mandate to arrest.
7. The circular by the Inspector General of police that all investigations by IPOA are done through his office was unconstitutional. The gaps in the law should be addressed so as to have National Police Service which is accountable.

Members Observations and Recommendations

1. The Office of the Inspector General of Police and the Independent Police Oversight Authority should cooperate for easy delivery of services to the public.
2. It would be difficult for the brutalized students to identify the police officers involved in the act since most students were lying on the ground and police officers had helmets that covered their faces.
3. There was need for the proper legal mechanism to compel National Police Service to provide information to IPOA.
4. The challenges IPOA was facing in carrying out its mandate should be addressed through legislation.
5. The University of Nairobi administration should cooperate and provide the authority with the necessary information they require in order to conclude on the investigations.
6. The Independent Police Oversight Authority should provide to the Committee the communications or correspondences between the Authority and the university.

MIN.NO.DC.D/278/2016: SUBMISSIONS BY THE CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

The Cabinet Secretary informed the Committee that;

- I. Some students of the University of Nairobi protested the outcome of students elections that were held in April, 2016. They engaged in malicious damage of property through smashing the windows of buildings, looting from shops, stoning motorists and burning down SONU offices.
- II. A contingent of anti police officers was dispatched to quell the riots and the violence that was being unleashed on innocent members of the public. Students engaged the officers in running battle while armed with stones and other crude weapons.
- III. As much as the Constitution of Kenya guarantees the freedom of assembly as per Article 37 of the Constitution of Kenya 2010, the rights are not absolute as per Article 24(1)(d) which also applies to Article 21 of the International Covenant on Civil and Political Rights.
- IV. The National Police Service can restrict the right to freedom of assembly and association in situations where there is proper basis in law and limitation is necessary and appropriate in order to protect national security or public safety, prevent disorder or crime, protect health or morals and protect the rights and freedoms of the people.

- V. The rioting students forfeited their right to demonstrate and picket on the material day when they attacked innocent motorists with stones and barricaded the lower State House road, consequently interfering with the free flow of traffic.
- VI. The action of the students couldn't be termed as peaceful demonstration but a riot that erupted as a result of a contested students election.
- VII. The Government was not aware that the administration of the University of Nairobi interfered with the elections.
- VIII. The police officers only dealt with riotous students who were engaging in violence against innocent members of the public, burning and destroying property. The sixth schedule of the National Police Service Act, 2011 states that forces to be used by the police shall be proportional to the objective to be achieved.
The force that was used was reasonable owing to the violence that was being meted out on innocent Kenyans by students.
- IX. The Government was not aware of any investigation or outcome of it pertaining to the conduct of police officers during the riot. Further, the Government was not privy to any action taken by the University against any student who participated in the riots as such action was administrative and not the mandate of the police.

The Cabinet Secretary further informed the Committee that;

1. No student was evicted from the halls of residence by the police officers.
2. The Ministry will follow up with Inspector General regarding the issues raised by IPOA on non cooperation from the office of the Inspector General.
3. Though the students provoked the public but the reaction of the police was excessive.
4. The Ministry of Internal Security engaged the University administration and agreed to post senior police officer at the university.

Members Observations and Recommendations

1. Use of excessive force against the students was not justified. The Cabinet Secretary should meet with the Inspector General and IPOA in order to solve the wrangles between the I.G and IPOA.
2. The Cabinet Secretary should investigate and take action against cartels of criminal students working in cohort with the police officers to terrorize and torture other students at the University.

Way forward

The Committee will hold a joint meeting with the Cabinet Secretary, Ministry of Interior and Coordination of National Government, Inspector General of Police and IPOA on 16th August, 2016 to deliberate on the way forward regarding the issues raised in the petition.

MIN.NO.DC.D/279/2016: ANY OTHER BUSINESS

The following issue was deliberated on:-

World TVET Conference in Fiji from 23rd – 25th August, 2016

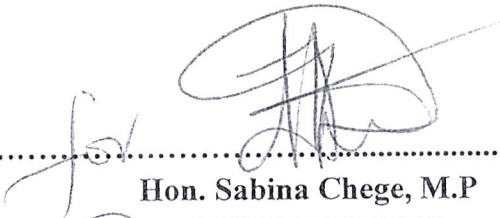
The Committee was informed that the following Members will attend the above Conference on Quality, Innovation and Skill mobilization in Technical Education and Training in Suva, Fiji Island;

- | | |
|----|----------------------------|
| 1. | Hon. Julius Melly, M.P |
| 2. | Hon. Cecilia Ng'etich, M.P |
| 3. | Hon. Steven Kariuki, M.P |
| 4. | Hon. Jared Opiyo, M.P |
| 5. | Hon. Rose Mitaru, M.P |
| 6. | Hon. Geoffrey Odanga, M.P |
| 7. | Hon. Muriuki Njagagua, M.P |

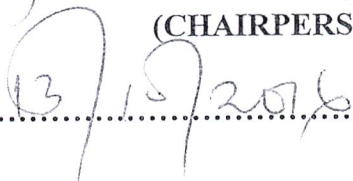
MIN.NO.DC.D/280/2016: ADJOURNMENT

The Chairperson adjourned the meeting at 1:40pm.

Signed.....


Hon. Sabina Chege, M.P
(CHAIRPERSON)

Date.....


13/10/2016

MINUTES OF THE 43RD SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON TUESDAY, 26TH JULY, 2016 IN BOARDROOM, 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. **Hon. Julius Melly, MP (Vice Chairperson) - Chairing**
2. Hon. (Dr.) Wilber Ottichillo, M.P
3. Hon. (Dr.) Christine Ombaka, M.P
4. Hon. (Dr.) Susan Chebet, M.P
5. Hon. Muriuki Njagagua, M.P
6. Hon. Cecilia Ng'etich, M.P
7. Hon. Yusuf Chanzu, M.P
8. Hon. Halima Ware Duri, M.P
9. Hon. Mary Seneta, M.P
10. Hon. Rose Rwamba Mitaru, M.P
11. Hon. Eric Keter, M.P
12. Hon. Silverse Lisamula Anami, M.P
13. Hon. Geoffrey Makokha Odanga, M.P ✓
14. Hon. Dorcas Kedogo Luvalitsa, M.P
15. Hon. Mohamed Adan Huka, M.P
16. Hon. Joseph M'eruaki, M.P ✓
17. Hon. Richard Makenga, M.P
18. Hon. Jared Odhiambo Opiyo, M.P

ABSENT WITH APOLOGY

1. **Hon. Sabina Chege, M. P** **-Chairperson**
2. Hon. (Prof.) Hellen Sambili, EGH, M.P
3. Hon. Joseph Manje, M.P
4. Hon. Moses Injendi, M.P
5. Hon. Ibren Nasra Ibrahim, M.P
6. Hon. Michael Kisoi Munyao, M.P
7. Hon. Banticha Abdullahi, M.P
8. Hon. Steven Kariuki, M.P

ABSENT

1. Hon. Kenneth Okoth, M.P
2. Hon. Harrison Kombe, M.P
3. Hon. Anthony Kimaru, M.P

IN ATTENDANCE

- | | |
|-------------------------------|----------------------------------|
| 1. Hon. Timothy Wanyonyi, MP- | Westland's Constituency, Nairobi |
| 2. Mr. Edwin Lukorito | - Student, University of Nairobi |
| 3. Mr. Kunani Wakoli | - Student, University of Nairobi |
| 4. Mr. Paul Anyanga | - Student, University of Nairobi |

National Assembly Secretariat

- | | |
|-------------------------|-------------------------|
| 1. Ms. Leah Wanjiru | - First Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - Third Clerk Assistant |
| 3. Mr. John Mugoma | - Third Clerk Assistant |
| 4. Doreen Karani | - Legal Officer |
| 5. Ms. Anneceta Gacheri | - Research Officer |
| 6. Mr. Rodgers Kilungya | - Audio Officer |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda
 - (v) Confirmation of Minutes from the previous sittings
 - (vi) Matters Arising
2. **Meeting with the Hon. Timothy Wanyonyi, MP Regarding the Petition on insecurity and injustices meted upon students by Police Officers, victimization and infringement to the Right to Education.**
3. Any Other Business
4. Adjournment/ Date for the Next Sitting

MIN.NO.DC.D/255/2016: PRELIMINARIES

The Chairperson called the meeting to order at 10:30am and thereafter prayer was said.

MIN.NO.DC.D/256/2016: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Cecilia Ng'etich, M.P and seconded by Hon. Dr. Susan Chebet, MP respectively.

MIN.NO.DC.D/257/2016: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC.D/258/2016: PETITION ON INSECURITY AND INJUSTICES METED UPON STUDENTS BY POLICE OFFICERS, VICTIMIZATION AND INFINGEMENT TO THE RIGHT TO EDUCATION

Submission by Hon. Timothy Wanyonyi, MP

The Chairperson invited the Hon. Timothy Wanyonyi, Member of Parliament for Westlands Constituency to make his submission on the Petition.

The Hon. Timothy Wanyonyi, MP informed the Committee that: -

- i. The Constitution of Kenya had guaranteed the freedom of assembly within the orderly confines of the law
- ii. The country had had several protected demonstrations by different groups agitating for their rights with the police maintaining law and order without any destruction of property;
- iii. Early this year, the University of Nairobi students held student council elections whose outcome and alleged meddling by the university administration led to the dissatisfaction and agitation by dissatisfied students;
- iv. The student held demonstrations in the streets of Nairobi city and during demonstrations, the police officers exerted a lot of brutality to the students, especially those who were residing in library, Halls of residence or lecture halls who were not participating in the demonstrations
- v. The independent police oversight authority disclosed that the police officers used excessive force to students
- vi. A number of students were suspended, most of whom were in their final academic year
- vii. The matter in respect of which this petition is made is not pending before any court of law, and
- viii. Efforts to resolve this matter with the relevant government agencies have been futile;

Submission by Suspended/Expelled University of Nairobi Students

The Chairperson invited the University of Nairobi suspended/expelled students to make their submission on the petition. They informed the Committee that: -

- (i) Police in anti-riot gear evicted them from their hostels and classes before forcing them to lie down on the roadside where the beatings happened;
- (ii) That a total of twenty five (25) and thirty three (33) were suspended by the University.
- (iii) The university had initiated disciplinary process against the students for participating in student unrest and destruction of public property;
- (iv) That the university randomly selected and thereafter suspended/ expelled some students who were not were not involved in the demonstrations and destruction of property;
- (v) The suspended students were called on 18th April, 2016 and were asked to appear before the disciplinary Committee on 19th April, 2016. Most of the students were in their rural homes and as such could not afford the cost of travel back and consequently unable to honour the summons;
- (vi) Some students learnt of their suspension / expulsion informally through the medi;
- (vii) A section of the affected had filed the matter in Court but at the time the Hon. Member was presenting the Petition to the house the matter had not been filed in court;
- (viii) The students had appealed the decision by the university in May but were never accorded a hearing;

- (ix) Mr. Paul Anyanga, one of the affected students had filed the matter in court despite him being present in the same meeting. He noted that his legal counsel was handling the matter;
- (x) The students further informed the Committee that the supporters of Mr. Babu Owino the current Students' Council Chairman, were only suspended for two weeks and recalled to resume their studies while the supporters of his main rival / competitor were suspended/expelled and were still out of the university;
- (xi) Three students allied to Mr. Mike Jacobs were arrested on criminal activities as they were allegedly found with rolls of bang in their halls of residence. Further, the student reported that those suspended/expelled from Mr. Babu Owino's team had been arrested on other criminal charges that were unrelated the contested student election;
- (xii) The current SONU Chairman had hired agents across all the university campuses to suppress any opposition against. It was noted that he was also allegedly using the Police Officer to threaten any student who attempted to set opposition against his tenure;
- (xiii) Mr. Babu Owino was a licensed gun holder and was not residing within the university halls of residence.

Members Observations and Resolution

1. The Committee observed that the alleged interference by university administrations in student elections and the failure to amicably resolve the poll disputes as a contributor to student's unrests and as such should be addressed;
2. The Committee was concerned by the manner in which the police were deployed to quell the students' unrest. The Committee noted the need to review the conduct of police officer in cases of unrests to meet the international standards especially use of live bullets force and excessive use of force.
3. The Committee raised serious concern on the allegations that the Police officers were being used to silence students who were opposed to the current student leadership;
4. The Committee condemned the manner in which the Police mishandled the students while inside the university precincts. The Committee was concerned on the manner in which the students reacted to the disputed elections resulting destruction of properties.
5. The Committee observed noted that the University management ought to have handled the expulsion/ suspension in a better way by ensuring there was fairness across the two opposing sides.
6. The Committee noted that one of the amendment in the Universities (Amendment) Bill, 2015 had addressed the concerns of the term limits for Students Council office bearers.

Resolution

The Committee resolved to invite the Ministry of Education, Science and Technology, Ministry of Interior and Coordination of National Government, Independent Police Oversight Authority (IPOA), and Vice Chancellor University of Nairobi (accompanied by the Dean of Students and Chief Security Officer) to provide status report on the event that culminated into the unrest including the conducts of the student's elections held in April, 2016, the alleged brutality meted on the students by the police and the general insecurity within the University. Further the Committee resolved to invite Mr. Babu Owino to provide evidence on the matter.

MIN.NO.DC.D/259/2016: ANY OTHER BUSINESS

1. Tabling of Committee Reports

The Meeting was informed that the Universities (Amendment) Bill, 2015 was scheduled to be table in the House on Wednesday, 27th July, 2016 awaiting the Second Reading.

2. Report on the Students' Unrests

Members were urged to go through the Report on the Students' Unrest prepared by the Education Committee in the 10th Parliament under the Chairmanship of Hon. David Koech, M.P in preparation for the Thursday 28th July, 2016 meeting with the CS. The Secretariat was directed to circulate the report to Members.

MIN.NO.DC.D/260/2016: ADJOURNMENT

The Chairperson adjourned the meeting at 11:50am.

Signed..... *for* Sabina Chege

HON. SABINA CHEGE, M.P
(CHAIRPERSON)

Date..... *15th - 06 - 2017*

APPENDIX III
SUBMISSIONS BY THE UNIVERSITY OF
NAIROBI

Tabled
26/7/2017



UNIVERSITY OF NAIROBI

Office of the Vice-Chancellor

Prof. Peter M. F. Mbiti: IOM, EBS, MKVC (Surgery), MKIM, EVM, MSc., (Nbi), MVSz. (Sask), PhD, (Nbi)

Fax: +254-20-2212604/2216030
Email: vc@uonbi.ac.ke
Website: www.uonbi.ac.ke

Tel: +254-20-3318262, +254 732 020 207
P.O. Box 30197 - 00100 - GPO
Nairobi, Kenya

April 11, 2016

F16/2324/2011
Kunani Lazarus Wakoli
C/o Dean, School of Engineering
Tel: 0714-654240

Dear Mr. Kunani

SUSPENSION FROM THE UNIVERSITY

It has been reported to me that on April 4, 2016 at around 1125hrs, while leading a group of about 100 students you:

- i. Broke the glass door leading to Gandhi wing and forcefully entered Arziki restaurant where you ate the food that was in the kitchen and afterwards stole the remaining food which you sneaked through the Hyslop gate and
- ii. Incited the students into burning the SONU Office.

Your conduct is in contravention of the Rules and Regulations Governing the Organization, Conduct and Discipline of students, which regulations you are well aware of having signed and declared to abide by the same. Your said conduct also aided, abetted, counseled and or procured the commission of criminal offences against the University, its stakeholders and the general public and further disturbing public peace, thereby leading to the closure of the University.

By the authority conferred upon me by the University council by virtue of part IV (a), (ii) and (iii) of the same rules, I hereby on behalf of the Council suspend you from the University with immediate effect pending investigation and further disciplinary action. A detailed copy of the specific charges and particulars and any other related matter will be communicated to you.

You will be invited to appear before the appropriate Disciplinary Committee as per statute prescribed at a date to be communicated.

Page 1 of 2



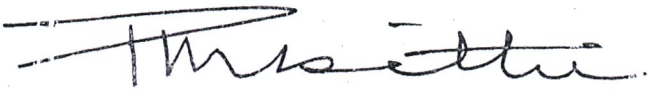
ISO
9001:2008
CERTIFIED

Quality Management System Excellence in University Education and Training

In the meantime you are required to keep away from all University precincts including any and all lectures and activities of the University unless expressly authorized in writing by my office or until such time as the investigations and/or the disciplinary process shall be finalized. **TAKE NOTE AND STRICTLY COMPLY.**

You are also advised that this suspension letter does not bar the University from instituting appropriate criminal charges against yourself for offences related to but not limited to unlawful assembly, riots and other offences against public tranquility.

Yours sincerely



PETER M.F. MBITHI, PhD, EBS
VICE-CHANCELLOR

&
PROFESSOR OF VETERINARY SURGERY

copy to: Deputy Vice-Chancellor (Student Affairs)
Deputy Vice-Chancellor (Academic Affairs)
Deputy Vice-Chancellor (Administration and Finance)
Deputy Vice-Chancellor (Research, Production and Extension)
Principal, College of Architecture & Engineering
Dean, School of Engineering
Dean of Students
Director, SWA
Chief Halls Officer
Director, Security and Safety Services
Chief Medical Officer
Chief Legal Officer
Academic Registrar
Deputy Registrar, Examinations (Operations)
Head, Cost Sharing Section

Guardian: C/O Lazarus Wakoli Kunani

PWK/rwn

Tabled
26/7/2017



UNIVERSITY OF NAIROBI
COLLEGE OF ARCHITECTURE AND ENGINEERING
OFFICE OF THE PRINCIPAL

Our. Ref.No. UON/CAE/9/14 VOL.XVII/13

14th April, 2016

Mr. Wakoli Kunani
Reg. No. F17/2324/2011.

Dear Mr. Wakoli Kunani,

RE: COLLEGE DISCIPLINARY COMMITTEE

You are required to appear before a College Disciplinary Committee on 19th April, 2016 at 8.00-8.20 a.m at the Institute of Nuclear Science Boardroom, College of Architecture and Engineering to answer the following charges attached to this letter.

For purposes of identification, you are required to be accompanied by your parent/guardian (one person). He/she should be the officially registered person in these capacities in our records.

It is in your interest that you appear before the Committee to present your case, failing which the Committee shall proceed to deliberate on your case in your absence.

Yours faithfully

Prof. Peter M. Ngau,
PRINCIPAL,
COLLEGE OF ARCHITECTURE AND ENGINEERING

Please confirm receipt of this letter by signing here below and returning a copy to the Registrar/Secretary, College of Architecture and Engineering.

I hereby confirm the receipt of this letter

Name: Kunani, Wakoli

National ID NO: 23916630

Student Reg. NO: F17/2324/2011

Date: 20/04/2016

Signature: [Signature]



UNIVERSITY OF NAIROBI
INTERNAL MEMO
(Legal Office)

To: Registrar, Student Affairs

Date: 13/04/2016

From: Ag. Chief Legal Officer

Ref: F16/2324/2011

KUNANI LAZARUS WAKOLI

COUNT ONE

Statement of Offence

Failure to respect and adhere strictly to the administrative and academic procedures established by the University of Nairobi Charter, 2013 for the control, governance and operations of the University contrary to **Part III (1) (a) (i) of the Rules Governing the Conduct and Discipline of Students (RGCDOS)**.

Particulars of the Offence:

- a) That on April 4 2016 at around 1125 hrs, you led a group of students who proceeded to SONU Office, broke the steel door and torched the office, burnt one plastic water tank, 3 leather seats, one desk, one table, and smashed 6 window panes, an act which was unlawful, uncalled for, ill intended, and a blatant contravention of the Rules Governing the Conduct and Discipline of Students (RGCDOS).
- b) That on the same day and time or there about, you led the same group of students to Gandhi Wing where they damaged the glass door entrance, forced their way into Arziki Restaurant, ate the food that was ready in the kitchen, and carried away the rest through the Hyslop gate, an act which was unlawful, uncalled for, and a blatant contravention of the Rules Governing the Conduct and Discipline of Students (RGCDOS).

COUNT TWO

Statement of the Offence

Failure to respect the rights and privileges of the members of the University community at all times contrary to Part III (1) (a) (ii) of the rules Governing the Conduct and Discipline of Students(RGCDOS).

Particulars of the Offence

As in Count One (1) above.

COUNT THREE

Statement of the Offence

Failure to refrain from any conduct that might bring the University or any section or programme thereof to disrepute or public censure contrary to Part III (1) (a) (iii) of the rules Governing the Conduct and Discipline of Students (RGCDOS).

Particulars of the Offence

As in Count One (1) above.

COUNT FOUR

Statement of the Offence

Failure to carry yourself in all public places and fora with such humility and dignity as befits your status as a mature and responsible citizen contrary to Part III (1) (a) (iv) of the rules Governing the Conduct and Discipline of Students (RGCDOS).

Particulars of the Offence

As in Count One (1) above

COUNT FIVE

Statement of the Offence

Failure to refrain from all acts of hooliganism, unruly or rowdy behavior (including fighting) or conduct likely to cause annoyance or disturbance to others, within or outside University precincts contrary to Part III (3) (b) of the rules Governing the Conduct and Discipline of Students (RGCDOS).


COUNT SIX

Statement of the Offence

Exhibiting a disorderly conduct and molestation of other members of the University community contrary to Part IV (b) (ii) (b) of the rules Governing the Conduct and Discipline of Students (RGCDOS).

Particulars of the Offence

As in Count One (1) above.



TIM A. O. MWESELI
AG. CHIEF LEGAL OFFICER

APPENDIX IV

**SUBMISSIONS BY THE CABINET SECRETARY
MINISTRY OF INTERIOR AND COORDINATION
OF NATIONAL GOVERNMENT**

PETITION ON ALLEGED POLICE BRUTALITY ON UNIVERSITY OF NAIROBI STUDENTS

1. Background

Pursuant to Standing Order No.227, Honorable Timothy Wanyonyi Wetangula has petitioned the National Assembly on behalf of the University of Nairobi students. The petition was referred to the Committee on Education, Research and Technology. The Committee is concerned with the alleged police brutality meted on the students by the police and the general insecurity within the university.

2. Demonstrations by the University of Nairobi students

The University of Nairobi students held their Student's Organization of the University of Nairobi (SONU) elections in April this year. However, a section of the students protested the outcome of the elections and held demonstrations along the streets. They engaged in malicious damage of property through smashing the windows of nearby buildings, looting from shops and stoning of motorists, besides burning down SONU offices situated in the institution's compound.

A contingent of anti riot police officers was therefore dispatched to quell the riot and the violence that was being unleashed on innocent members of the public. However, the students engaged the officers in running battles while armed with stones and other crude weapons.

3. Petition

On specific issues that were raised in the petition;

- i. It is true the Constitution guarantees the freedom of assembly within the orderly confines of the law. According to Article 37 of the Constitution of

Kenya 2010 “Every person has the right, peaceably and unarmed to assemble, to demonstrate, to picket and to present petitions to public authorities”. However this right is not absolute as Article (24) (1) (d) states that “the need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others”.

Further, Article 21 of the International Covenant on Civil and Political Rights provides that “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public orders, the protection of public health or morals or the protection of the rights and freedoms of others”.

In addition, the National Police Service can restrict the right to freedom of assembly and association, in situations where there is a proper basis in law and the limitation is necessary and proportionate, in order to:

- Protect national security or public safety
- Prevent disorder or crime
- Protect health or morals
- Protect the rights and freedoms of other people.

The rioting students thus forfeited their right to “demonstrate and picket” on the material day when they attacked innocent motorists with stones and barricaded the lower State House road, consequently interfering with the free flow of traffic.

- ii. It is true the police have the mandate to provide security to demonstrators who act within the confines of the law. The actions of the students cannot be termed as a peaceful demonstration but a riot that erupted as a result of a contested election.
- iii. The Government is not aware that the administration of the University interfered with the elections.
- iv. The police officers only dealt with riotous students who were engaging in violence against innocent members of the public, burning and destroying property. The sixth schedule of the National Police Service Act, 2011 states that force to be used by the police shall be proportional to the objective to be achieved. The force that was used was reasonable owing to the violence that was being meted out on innocent Kenyans by the students.
- v. The Government is not aware of any investigation or outcome of it pertaining to the conduct of police officers during the riot.
- vi. The Government is not privy to any action taken by the University against any student who participated in the riots as such action is administrative and not a mandate of the police.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

HON. MAJ. GEN. (RTD) JOSEPH NKAISSERRY, EGH, CBS

CABINET SECRETARY

MINISTRY OF INTERIOR AND

COORDINATION OF NATIONAL GOVERNMENT

4th August, 2016

APPENDIX V

**SUBMISSIONS BY THE INDEPENDENT
POLICING OVERSIGHT AUTHORITY (IPOA)**

Telegraphic Address
'Bunge', Nairobi
Telephone +254 20 2221291
Fax: +254 20 2243694
E-mail: clerk@parliament.go.ke

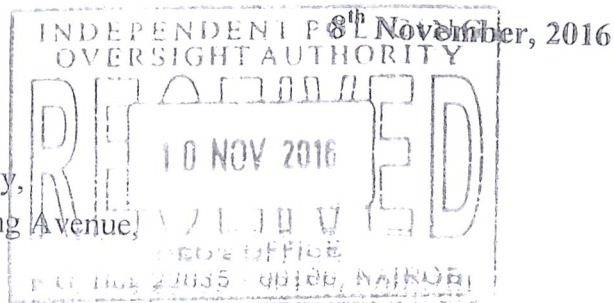


KENYA NATIONAL ASSEMBLY

CLERK'S CHAMBERS
National Assembly
Parliament Buildings
PO Box 41842-00100
NAIROBI, Kenya

Ref. No. KNA/DCS/EDUC/2016/ (61)

Dr. Joel Mabonga, Phd, M.Phil, B.Ed,
Chief Executive Officer,
Independent Policing Oversight Authority,
ACK Garden Annex, 2nd floor, 1st Ngong Avenue,
NAIROBI.



Dear Sir,

RE: MEETING WITH THE JOINT DEPARTMENTAL COMMITTEE ON
EDUCATION, RESEARCH AND TECHNOLOGY AND ADMINISTRATION &
NATIONAL SECURITY

Reference is made to our letter Ref. No. KNA/EDUC./CORR/2016/043 dated 12th August, 2016 inviting you for a joint meeting with the Departmental Committees on Education, Research and Technology and Administration & National Security on Tuesday 23rd August, 2016.

The meeting was scheduled to discuss the petition presented to the House by Hon. Timothy Wanyonyi, MP on behalf of some students of University of Nairobi on the alleged brutality meted on students by police officers. Regrettably, the meeting could not take place due to unavoidable circumstances.

The Committee has resolved to hold a joint meeting with the Cabinet Secretary for Interior and Coordination of National Government, Inspector General of the National Police Service and the Chairman of the Independent Policing Oversight Authority (IPOA) to discuss the Petition.

This is therefore to inform you that the meeting will be held on Tuesday, 15th November, 2016 in Committee Room, 4th Floor Continental House, Parliament Buildings at 10.00am.

Yours faithfully,

MICHAEL R. SIALAI, EBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Mr. Macharia Njeru,
Chairman,
Independent Policing Oversight Authority,
ACK Garden Annex, 2nd floor, 1st Ngong Avenue,
NAIROBI.

1

4

REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone +254 20 2221291
Fax: +254 20 2243694
E-mail: clerk@parliament.go.ke

Clerk's Chambers
National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

KENYA NATIONAL ASSEMBLY

When Replying Please Quote

KNA/EDUC./ CORR/2016/ 056

16th August, 2016

Mr. Macharia Njeru
Chairperson
The Independent Policing Oversight Authority
1st Ngong Avenue, ACK Garden
Annex, 2nd Floor
NAIROBI

Dear

**RE: MEETING WITH THE JOINT DEPARTMENTAL COMMITTEE ON
EDUCATION, RESEARCH & TECHNOLOGY AND ADMINISTRATION &
NATIONAL SECURITY**

Reference is made to the meeting between the Cabinet Secretary Ministry of interior and Coordination of National Government and the Departmental Committee on Education Research and Technology held on **Thursday, 4th August, 2016.**

The meeting deliberated on the petition by Hon. Timothy Wanyonyi, MP on behalf of the students of the University of Nairobi regarding alleged insecurity and injustices meted upon students by police officers, victimization and infringement to the right to education.

During the meeting it was agreed that the ministry provides a comprehensive report on the alleged brutality meted on the students by the police and the general insecurity within the university.

Consequently, the Departmental Committees on Education, Research & Technology and Administration & National Security have jointly resolved to invite the Cabinet Secretary, the Inspector General of Police and the Independent Policing Oversight Authority to attend a meeting scheduled for **Tuesday 23rd August, 2016** to present a comprehensive report on the issues raised in the petition.

The meeting will be held in tCommittee Room, 2nd Floor, Continental House, Parliament Buildings, at 10:00 am.

Yours

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

INVT'S
Terey
Meeting cancelled
submit over
date
22/8/16

2



IPOA/ADM.F/INV/3/Vol. III

15th August, 2016

The Clerk
Kenya National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Attn: Mr. James N. Mwangi, EBS

ADDITIONAL UPDATE – REPORT ON IPOA'S INVESTIGATIONS OF THE BRUTAL ASSAULT OF THE UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS ON 2ND APRIL, 2016.

Following IPOA's presentations on the subject matter to the Honorable Committee on Education, Research and Technology of the National Assembly on 4th August, 2016, and subsequent directive by the Committee Chair for submission of support documents, attached please find the following:

- (i) Copy of a letter to the Vice Chancellor of University of Nairobi dated 5th April, 2016.
- (ii) Copy of letter to OCS, Central Police Division dated 5th April, 2016
- (iii) Copy of letter to the Vice Chancellor of University of Nairobi dated 20th April, 2016 and its response dated 21st April, 2016.
- (iv) Copy of letter to the OCPD, Kilimani Division dated 7th April, 2016 and its response dated 7th April, 2016.
- (v) Copy of letter to the Deputy Inspector General, Kenya Police Service dated 8th April, 2016 and its response dated 8th April, 2016.
- (vi) Copy of letter to the Inspector General of Police dated 15th April, 2016 and responses dated 20th April, 2016 and 22nd July, 2016.
- (vii) A Sketch map drawn by IPOA showing the cameras physically sighted along lower statehouse road between St. Pauls Chapel and YMCA as well as those located along University Way.

We hope that this information will assist the committee in its work with regard to this investigation.

Yours Sincerely



Dr. JOEL MABONGA
CHIEF EXECUTIVE OFFICER/SECRETARY

3

3

Our Ref: IPOA/CMU/634/2016

5 April 2016

THE VICE CHANCELLOR
UNIVERSITY OF NAIROBI
NAIROBI



Dear Sir,

REF: INDEPENDENT INVESTIGATION INTO THE BRUTAL BEATING OF UNIVERSITY OF NAIROBI STUDENTS.

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority Act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to the Authority's investigative function, the Authority has commenced investigations into the brutal beating of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

In this regard, the Authority seeks to be provided with the following information:

1. A brief of what transpired leading to the riots and subsequent brutal beating of the students by the police
2. List of students who were beaten up by the anti-riot police officers on the date in question
3. List of students who were injured and the facilities in which they were attended to including the University's dispensary.

4

4. Any other information regarding the incident.
Our investigation officers will visit your office to collect the documentation.



E. HALAKE

FOR: CHIEF EXECUTIVE OFFICER

4

Our ref: IPOA/CMU/634/2016

5 April 2016

OFFICER COMMANDING DIVISION
CENTRAL POLICE DIVISION
NAIROBI COUNTY



Dear Sir,

REF: INDEPENDENT INVESTIGATION INTO THE BRUTAL BEATING OF UNIVERSITY OF NAIROBI STUDENTS.

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority Act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to the Authority's investigative function, the Authority has commenced investigations into the brutal beating of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source. In this regard, the Authority seeks to be provided with the following documents:

1. Certified copy of the OB extracts in relation to the incident.
2. Certified copy of the list of officers who were involved in the operation.
3. Certified copy of the police operation order in relation to the operation.
4. Certified copies of the arms movement register for the period in question.
5. Certified copy of incident report if any.
6. Certified copy of the cell register from 4th to 5th April 2016

5

2

Our ref: 031-INV-NAIROBI-C-634-2016

12 April 2016

**COUNTY POLICE COMMANDER
NAIROBI COUNTY**

Dear Sir,

**REF: INDEPENDENT INVESTIGATION INTO THE BRUTAL ASSAULT OF THE
UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS**

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to the Authority's investigative function, the Authority has commenced investigations into the brutal assault of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

In this regard, the Authority seeks to be provided with the following documents:

1. List of all officers who were involved in the operation.
2. Certified copy of the incident report in relation to the operation.
3. Certified copy of the police operation order if any.
4. Details of any investigation/inquiry commenced in relation to the incident.
5. Any other relevant information.

*Received at CPO
NBI*

On 12/4/16

6

Our investigation officers will visit your office to collect the documentation.

Yours sincerely,



E. HALAKE

FOR: CHIEF EXECUTIVE OFFICER

2

Our Ref: 032/INV/NBI/CMU/634/2016

20 April 2016

VICE-CHANCELLOR
THE UNIVERSITY OF NAIROBI
NAIROBI

IPoAS

RE: REQUEST TO COMPEL ATTENDANCE OF THE DIRECTOR OF SECURITY SERVICES FOR INTERVIEW.

The Independent Policing Oversight Authority (IPOA) is a State Agency established under the Independent Policing Oversight Authority Act Chapter 35 of 2011. The objectives of the Authority are: to hold the Police accountable to the Public in performance of its functions, to give effect to Article 244 of the Constitution and ensure independent oversight of complaints involving the police.

Pursuant to its investigative function, the Authority commenced investigations into the brutal assault of the University of Nairobi students by the anti-riot police on 2 April 2016 along Lower State House road near YMCA hostels.

Section 7(1) (a) of the IPOA act accords the Authority power to gather any information it considers necessary by such lawful means as it may deem appropriate including requisition of reports, records documents or any information from any source, interviewing and taking statements from any person.

During the course of our investigations, the Authority has determined that it is necessary to interview and record the statement of the University's director of Security Services Mr. Wilfred M. Wahome.

In this regard, the Authority therefore requests you to cause the said officer to appear at our offices on 22/4/2016 at 9.00 AM.

Our offices are located at: ACK Garden Annex (2nd Floor)
1st Ngong Avenue
Nairobi County.

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If you require any clarification, please do not hesitate to contact us.

Yours sincerely,



E. HALAKE
FOR: CHIEF EXECUTIVE OFFICER



UNIVERSITY OF NAIROBI
OFFICE OF THE DEPUTY VICE-CHANCELLOR
(ADMINISTRATION AND FINANCE)

Telegrams : "Varsity" Nairobi
Fax : +254-20-2226329
Email : dvcaf@uonbi.ac.ke
Website : www.uonbi.ac.ke

Telephone: +254
P.O. Box 30197
Nairobi, Kenya

April 21, 2016

Ref: UON/SEC/5/5/42

Chief Executive Officer
Independent Policing Oversight Authority
Guarding Public Interest
NAIROBI

Dear Sir,

ALLEGED BRUTAL BEATING OF UoN STUDENTS

Thank you for your letter Ref: IPOA/CMU/634/2016 of April 5, 2016:-

Students Organization of Nairobi University (SONU) held their elections to elect their leaders for 2016/2017 period on April 1, 2016. Elections were to commence at 8.00am and close at 6.00pm in all campuses.

The students were electing among other leaders; chairman, secretary general and campus representatives. Although there were other students vying for the position of SONU Chairman, the race seemed to be between two contenders namely **PAUL OWINO ONGILI ALIAS BABU OWINO Reg. No.G34/35738/2013** and **MIKE JACOBS Reg. No. C01/0820/2012**.

Most polling stations opened their doors to voters at about 9.00am and closed at about 6.00pm and counting of votes started in all centers immediately. During voting time most centers experienced calmness apart from Central Catering Unit (CCU) and Kikuyu Campus. In CCU four ballot booklets were stolen. One for Secretary General post serial 22901 to 2300, one for Rep Faculty of Arts No. 0600 to 0700, one for rep. Non – resident serial No. 0001 to 0100 and one for Rep. Main Campus serial No. 04001 to 04500, which according to



retuning officer Mr. ZADOCK OPOLE were stolen by a student commissioner at the center namely **OTIENO PATROBA OGWENO Reg. No. X74/3776/2012**.

Shortly after the commencement voting, a crowd of about 100 people was seen assembled at Chancellors' Court. A contingent of police officers was called in and on seeing them the crowd dispersed to different directions.

Voting Centers were fully secured by law enforcement officers from different sections, namely regular Kenya police, Administration police, General Services Unit and Criminal investigation Department. Some were in plain clothes and others were in uniform. The security coverage was necessitated by the tension that existed between the supporters of the two main SONU Chairman seat contenders.

At about 5.00am on April 2, 2016, SONU election results were announced. Paul was declared the winner and this did not go well with Mike.

While preparations for swearing in were being done at Administration Block, at about 9.00am April 2, 2016, it was reported from Students Welfare Authority (SWA) that two groups of students were forming up outside Hall 9 and Hall 7 in support of BABU OWINO and MIKE JACOBS respectively. The groups grew up in numbers and the one for MIKE JACOBS moved closer to hall 9 where they started exchanging bitter words with the group in support of BABU OWINO. Police officers were mobilized to be on standby.

At about 10.00 am BABU OWINO accompanied by a group of about 100 students came to Main campus for swearing in. At Main Campus next to Administration block BABU OWINO was separated from the group and informed to go to council chambers for swearing in while his supporters were asked to wait at the field next to Taifa Hall. While swearing was going on inside the council chamber, another group of about 150 students led by MIKE JACOBS also came to main campus demonstrating against BABU OWINO being sworn in. They were chanting that "BABU must go" and "no MJ no swearing in". But when they approached the Great Court they were calmed down by security personnel who were in company of GSU police officers. The group assembled at the Great Court where they were addressed by Mike JACOBS. Thereafter the JACOBS and his group insisted to be let in to the swearing in ceremony at Council Chambers and they were refused by Security Officers. BABU supporters were on the other side silently watching as Mike's supporters were chanting and making demands to allow Mike to the swearing in ceremony.

At about 12.00 noon the ceremony was over and as the officials walked out, Mike's supporters started shouting and when finally BABU and other few elected leaders walked out, Mike supporters started throwing stones while running out of Campus. The Police who had cordoned the area followed them closely until they were out of Campus. Students who were supporting MIKE JACOBS joined with a few individuals from BABU'S side and started throwing stones and barricading the State House Road. Some of the students started burning tyres under an electric transformer. This prompted the Police to direct the students into the Halls area. A battle ensued but the students could not sustain it and hence were eventually forced to the Halls. While at hostels they could still throw stones and try to block the usage of State House Road by motorists. The students attempted to burn the Transformer for a number of times until the Police had to chase them whereby the students went to ADD.

Due to the various allegations of rape, looting and beating leveled against the Police through the social media, at around 3.30pm the Director and his team moved swiftly to verify the allegations. The team started by visiting Hall 12 which is a Girl's Hostel to verify the rape allegations. At the Hall it was all quiet and the Security Officer and the custodian on duty were surprised to hear the allegation that there were GSU officers at the Hall.

The team proceeded to Hall 6 where rowdy group of students were some inside and others outside claiming that Two Police Officers were holed up at the 3rd Floor. The Director then summoned the GSU Officer with a few of his officers to come and witness the student allegation. The Officer In - Charge came swiftly and the team checked floor to floor, room to room and finally the allegation was proved to be false. In view of the above, the allegation of rape was found to be false and of no basis. The allegation of looting and breaking of doors was done by the students themselves and not the Police Officers. The GSU team then left for State House Road.

As a preliminary explanation as to why these allegations were made, the UoN Security team hypothesis it was part of MIKE JACOBS plan to propagate violence until his demands are met.

During the stampede at Hall 5 due to the noise from Hall 6 side. Fourteen (14) students sustained injuries, Ten (10) of them had slight injuries and were treated at Senior staff clinic and discharged in a fair condition, while four of them were referred to Kenyatta National Hospital where they were also treated and discharged in a stable conditions. There were damages to room doors in halls 5,

7 and 9 and prefabs 8, 9 and 10. The damages were apparently caused by the students. Though there are allegations that students lost their properties during the time, it appears the students were stealing among themselves. Police officers managed to arrest Forty Three (43) students along University Way and State House Road and booked them at Central Police Station. The students were later released from police cells.

While assessing the extent of damages in Prefabs and at about 3.30pm on April 2, 2016, a team of internal security personnel from SWA came across very sickly female student one **MILLICENT WAMBUI MACHARIA** in Prefab 10 room 12 lying unconscious, naked and the mattress so wet with her boyfriend watching over her. When the boyfriend one **MWAISAKA COLLINS** was asked of the happenings, he informed security that Millicent took an overdose of drugs on April 1, 2016 at 3.00PM due to depression and since then she had not woken up. An ambulance with a medical officer was called immediately, assessed the patient, containers of drugs and drugs she was using were recovered and the patient was referred to Kenyatta National Hospital for further management.

In the light of the background given above the University would like to answer your letter as follows:-

1. The riot that erupted on Saturday April, 2 2016 and continued up to Tuesday April 5, 2016 when the University was closed was as a result of dispute on election results contested by MIKE JACOBS and BABU OWINO for the position of Chairman SONU.
2. The allegation of beating of students by the Police could not be established by the University.

In conclusion the relationship between the National Police Service and the University over the years has been cordial. The University of Nairobi is a public Government Institution, hence it has and will always endeavour to cooperate with other Government agencies like your Institution.



W. M. WAHOME
DIRECTOR, SECURITY AND SAFETY SERVICES

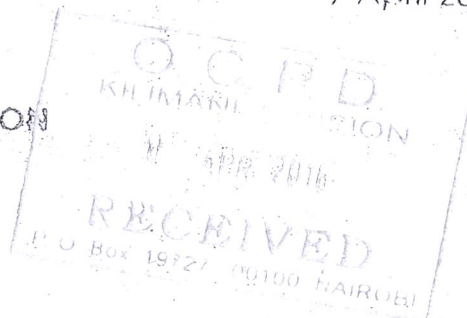
WMW/jkg



Our ref: 031-INV-NAIROBI-C-634-2016

7 April 2016

OFFICER COMMANDING POLICE DIVISION
KILIMANI POLICE DIVISION
NAIROBI COUNTY



Dear Sir,

REF: INDEPENDENT INVESTIGATION INTO THE BRUTAL ASSAULT OF THE UNIVERSITY OF NAIROBI STUDENTS.

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to the Authority's investigative function, the Authority has commenced investigations into the brutal assault of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information if considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

In this regard, the Authority seeks to be provided with the following documents:


1. Certified copy of the OB extracts in relation to the incident.
2. Certified copy of the list of all officers who were involved in the operation.
3. Certified copy of the incident report in relation to the operation.
4. Certified copy of the police operation order if any
5. Certified copy of the arms movement register for the period in question.
6. Certified copy of the cell register from 2nd to 5th April 2016.

9

7. Copy of the inquiry file opened/preliminary report including but not limited to exhibits, expert reports statements, findings and recommendations.
8. Any other relevant information.

Our investigation officers will visit your office to collect the documentation.

Yours sincerely,



J. ARODI
FOR: CHIEF EXECUTIVE OFFICER

9

KENYA POLICE SERVICE

TELEGRAMS: "POLICE"
TELEPHONE: 020-2728021
When replying please quote
Ref. SEC.POL. 4/3/2/VOL.1/95



KILIMANI DIVISIONAL HQRS
P.O. BOX 19727-00202
NAIROBI.

7th April, 2016

Independent Policing Oversight Authority,
ACK Garden Annex 3rd Floor,
1st Ngong Avenue,
P. O. Box 23035-00100,
NAIROBI.

INDEPENDENT INVESTIGATION INTO THE BRUTAL ASSAULT OF THE UNIVERSITY OF NAIROBI STUDENTS

Please refer to your letter reference 031-INV-NAIROBI-C-634-2016 dated 7th
April, 2016 in respect of the above subject.

Kindly direct your queries to the underlisted office.

County Police Commander
Nairobi County
P. O. Box 30051-00100
NAIROBI

(GRACE JEPKOECH)
FOR: O.C.P.D KILIMANI

10

Our ref: 031-INV-NAIROBI-C-634-2016

8 April 2016

Joel M Kitili
Ag. Deputy Inspector General
Kenya Police Service
P.O Box 30083-00100
Nairobi

Dear Sir,

REF: INDEPENDENT INVESTIGATION INTO BRUTAL ASSAULT OF THE UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to its investigative function, the Authority commenced investigations into alleged brutal assault of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

In the course of our investigations, the Authority has determined that it is necessary to review CCTV footages captured by cameras installed along Lower statehouse road between St. Paul's Chapel and YMCA as well as those located along University way.

On this premise, the Authority seeks your assistance in providing the clips captured by the above mentioned cameras on the 2nd April 2016 between 10am and 5pm.

Your cooperation will highly be appreciated.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'E. Halake', written over a horizontal line. The signature is stylized and somewhat cursive.

E. HALAKE

FOR: CHIEF EXECUTIVE OFFICER.

11 APR 2016



KENYA POLICE SERVICE

OFFICE OF THE DEPUTY INSPECTOR-GENERAL

Telegraphic Address: "VIGILANCE", Nairobi
Telephone: Nairobi 341411-6
Fax: 330495

POLICE HEADQUARTERS
P.O. Box 30083-00100
NAIROBI

When replying please quote:
SEC POL. 4/4 VOL. XXXIV/(78)

8th April, 2016

Ref. No.
and date

....., 20.....

Mr. E. Halake
Chief Executive Officer/Secretary
Independent Policing Oversight Authority
P. O. Box 23035-00100
NAIROBI

INVESTIGATION INTO BRUTAL ASSAULT OF THE UON STUDENTS

Reference is made to your letter Ref. 031-INV-NAIROBI-C-634-2016 dated 8th April, 2016 on the above subject.

Please note that CCTV Cameras are controlled at Command and Control Centre situated at National Police Service Headquarters, Jogoo House. For this reason, kindly resubmit your request to the Inspector General's Office for the said clip if it is there.


(JOEL M. KITILI), MBS
Ag. DEPUTY INSPECTOR GENERAL
KENYA POLICE SERVICE

12

15th April, 2016

IPOA/CEO/INV/3 Vol. III (182)

Mr. Joseph K. Boinett, MGH, nsc (AU)
Inspector General
National Police Service
Jogoo House A
NAIROBI

Dear

IG,

INDEPENDENT INVESTIGATION INTO ALLEGATIONS OF BRUTAL ASSAULT OF THE
UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS

Greetings from Independent Policing Oversight Authority (IPOA).

IPOA is currently investigating the alleged brutal assault of the protesting University of Nairobi students by the anti-riot police on 2nd April 2016 along Lower State house road near YMCA hostels.

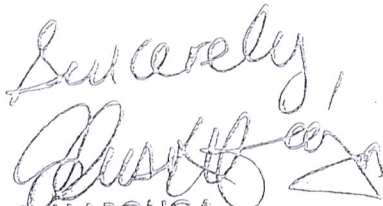
In the course of our investigations we have found it necessary to review CCTV footages captured by cameras installed along Lower Statehouse Road between St. Paul's Chapel and YMCA as well as those located along University way.

The Authority therefore requests your office for the clips captured by the above mentioned cameras on the 2nd April 2016 between 10am and 5pm.

We shall appreciate if we can receive the footage by 20th April, 2016.

Thank you for your continued support.

Yours



Dr. JOEL MABONGA
CHIEF EXECUTIVE OFFICER/SECRETARY

13

21



06 MAY 2016

OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI – KENYA

Telegraphic Address: "IG, NPS"
Telephone: Nairobi 020-2221969
When replying please quote Ref.
No. and Date

Jogoo House 'A'
4th Floor
P O Box 44249-00100
NAIROBI

Ref. No. NPS/IG/SEC/4/11 Vol. 1 (131)

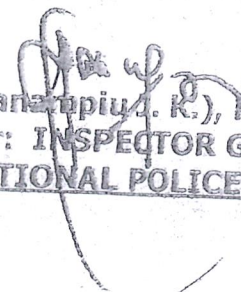
20th April, 2016

Chief Executive Officer/Secretary
Independent Policing Oversight Authority
NAIROBI

**INDEPENDENT INVESTIGATION INTO ALLEGATIONS OF BRUTAL ASSAULT OF THE
UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS**

Reference is made to your letter IPOA/CEO/INV/3 Vol. III (182) dated 15th April, 2016 and received in this office on 18th April, 2016 requesting for clips captured on 2nd April, 2016 between 10am and 5pm during the University of Nairobi riots.

This is to acknowledge receipt of your letter quoted above that was received here on 18th April, 2016 leaving us with a very short time to beat the deadline. We wish to inform that it's not technically feasible to extract and deliver the required information within the stated date.


(Kanoppiu J. K.), MBS, ndc (K)
For: INSPECTOR GENERAL
NATIONAL POLICE SERVICE

14

4



Our ref: IPOA/DI/RR.G/3/5 (044)
032-INV-NAIROBI-C-634-2016

14th July 2016

Inspector General of Police
National Police Service
Jogoo House 'A'
NAIROBI

Attention: Mr. Kanampiu J.K., MBS, ndc (K)

Dear Sir,

REF: INDEPENDENT INVESTIGATION INTO THE BRUTAL ASSAULT OF THE
UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS

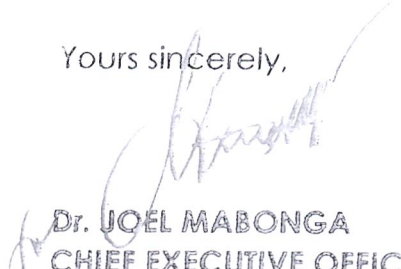
Greetings from Independent Policing Oversight Authority (IPOA).

Kindly refer to our earlier letters IPOA/CEO/INV/3 Vol. III (182) dated 15th April 2015 and IPOA/DI/RR/3/5(006) dated 19th May 2016(attached herewith for ease of reference). The Authority sought to be provided with the CCTV clips captured on 2nd April, 2016 between 10am and 5pm during the University of Nairobi student riots. This information was to be received by 20th June 2016.

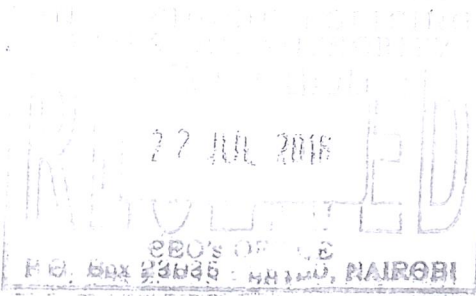
Pursuant to section 7(1) (a) (i) of IPOA act, you are reminded to provide a response to IPOA's request not later than 20th July 2016.

We treat this as a last reminder on this subject matter.

Yours sincerely,


Dr. JOEL MABONGA
CHIEF EXECUTIVE OFFICER

2.



OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI – KENYA

Telegraphic Address: "IG, NPS"
Telephone: Nairobi 020-2221969
When replying please quote Ref.

Jogoo House "A"
4th Floor
P. O. Box 44249-00100
NAIROBI

NPS/IG/SEC/4/11/VOL.II/14

22ND JULY, 2016

Chief Executive Officer
Independent Policing Oversight Authority
ACK Garden Annex 3rd Floor
1st Ngong Avenue
P.O. Box 23035-00100
NAIROBI

**RE: INDEPENDENT INVESTIGATION INTO THE BRUTAL ASSAULT OF THE
UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS**

This is in reference to your letter IPOA/DI/RR.G/3/5 (044) of 14th July 2016 on the above subject.

This is to inform you that University Way, University Way Slip road, and State House road near YMCA hostels are not covered by any surveillance cameras installed by the National Police Service.

The surveillance system has therefore no record of CCTV footages of the incident as requested in your letter due to the above reason.


FRANCIS GACHINA
FOR: INSPECTOR GENERAL
NATIONAL POLICE SERVICE

16

Our ref: IPOA/DI/RR.G/3/5 (006)
032-INV-NAIROBI-C-634-2016

19 May 2016

Mr. Joseph K. Boinett, MGH (AU)
Inspector General of Police
National Police Service
Jogoo House 'A'
Nairobi

Attention:
(Kanampiu J.K.), MBS, ndc (K)

Dear Sir,

**REF: INDEPENDENT INVESTIGATION INTO ALLEGATIONS OF BRUTAL
ASSAULT OF THE UNIVERSITY OF NAIROBI STUDENTS BY POLICE OFFICERS**

We acknowledge receipt of your letter NPS/IG/SEC/4/11 Vol.1 (131) dated 20th April 2016 in response, to our earlier request for CCTV clips captured on 2nd April, 2016 between 10am and 5pm during the University of Nairobi riots.

In your response letter, the indication is that more time is required to extract and deliver the required information.

On this premise, the Authority has considered your concern and therefore allowed for a window of one Month from the date of this letter for the requested information to be availed to us.

Yours sincerely,



E. LAGAT

For: CHIEF EXECUTIVE OFFICER

19 May 2016

17

Our ref: IPOA/DI/RR.G/3/5 (016)
032-INV-NAIROBI-C-634-2016

19 May 2016

Mr. Joseph K. Boinett, MGH (AU)
Inspector General of Police
National Police Service
Jogoo House 'A'
Nairobi

Dear Sir,

**REF: INDEPENDENT INVESTIGATION INTO THE ASSAULT OF THE UNIVERSITY
OF NAIROBI STUDENTS ON 02 APRIL 2016 BY ANTI-RIOT POLICE OFFICERS**

Pursuant to its investigative function, the Authority commenced investigations into the alleged brutal assault of the University of Nairobi Students on the 02 April 2016 by Anti-riot Police Officers within the University premises and along Lower State house road near YMCA Hostels as they participated in a demonstration.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

The Authority sought to be provided with a list of all police officers from the General Service Unit who were involved in the Anti-riot operation vide a letter to the GSU commandant referenced **IPOA/DI/RR.G/3/5 (005)** and dated 11 May 2016. IPOA officers delivered the letter at the GSU headquarters on 12 May 2016 but they were advised to direct the letter to your office.

In this regard, the Authority therefore requests for intervention from your good office in directing the GSU commandant to avail the information.

We shall appreciate receiving a response by Thursday, 26 May 2016.

Yours sincerely,



E. LAGAT

For: **CHIEF EXECUTIVE OFFICER**

18

Our Ref: Our ref: IPOA/DI/RR.G/3/5 (005)

11 May 2016

032/INV/NBI/CMU/634/2016

THE COMMANDANT GSU,
GSU HEADQUARTERS-RUARAKA

REF: INDEPENDENT INVESTIGATION INTO THE ASSAULT OF THE UNIVERSITY
OF NAIROBI STUDENTS ON 02 APRIL 2016 BY ANTI-RIOT POLICE OFFICERS

The Independent Policing Oversight Authority (IPOA) is a state agency established under the Independent Policing Oversight Authority act No. 35 of 2011. The objectives of the Authority are: to hold the police accountable to the public in the performance of its functions, to give effect to article 244 of the constitution and ensure independent oversight of complaints involving the police.

Pursuant to our investigative function, the Authority commenced investigations into the alleged brutal assault of the University of Nairobi Students on the 02 April 2016 by Anti-riot Police Officers within the University premises and along Lower State house road near YMCA Hostels as they participated in a demonstration.

Section 7(1) (a) of the Independent Policing Oversight Authority Act accords the Authority power to gather information it considers necessary by such lawful means as may deem appropriate including requisition of reports, records and documents from any source.

In this regard, the Authority seeks to be provided with a list of all police officers from the General Service Unit who were involved in the operation.

We shall appreciate receiving a response by Thursday, 12 May 2016.

Yours sincerely,


E. HALAKE

FOR: CHIEF EXECUTIVE OFFICER

Copy: Inspector General,
National Police Service

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**IPOA'S REPORT ON INVESTIGATIONS OF THE
ALLEGED ASSAULT OF THE UNIVERSITY OF
NAIROBI STUDENTS BY POLICE OFFICERS ON
02 APRIL 2016.**

**Presented to the Departmental Committee on
Education, Research and Technology of the
National Assembly**

August 4th 2016

1.0 Background

On 01 April 2016, the University of Nairobi conducted elections to elect officials of Students Organization of Nairobi University (SONU). Some students including those who had lost in the elections protested the outcome of the election results allegedly rigged in favor of the status quo. This resulted in protests at the University that prompted the intervention of the police to maintain law and order.

During the anti-riot operation there are allegations that some students were brutally assaulted by police officers. There are claims that police officers flushed out students from ADD building and the surrounding areas, took them to Lower State house road where they paraded them on the tarmac as they whipped them using their batons and *rungus*. A number of the injured students were treated in various health facilities including the University of Nairobi's Senior Staff clinic.

Media reports alleged that some of the students involved in the riot were taken to Central Police Station. After the incident, a video clip was circulated in the social media showing students being beaten by anti-riot police. Reports of the Police brutality were also widely covered by print and electronic media

IPOA invoked its powers as provided under IPOA Act Sec 6(a) and commenced investigations on its own motion. The Authority also received a complaint through email on 05 April 2016 from one of the students who was allegedly brutally assaulted by the police officers.

2.0 Status of IPOA's Investigations:

The Independent Policing Oversight Authority initiated investigations into this case on 05 April 2016. So far the following has been done:

- a) Ten (10) statements of the University students have been recorded.
- b) Fourteen (14) security officers/guards drawn from Lavington and Hatari security companies and other civilian witnesses have also recorded statements.
- c) Nine (9) police officers drawn from Kenya Police have recorded their statements with the Authority about the incident.
- d) A Police Operation order for the students' election exercise has been received and analyzed

Evidence from witnesses analyzed so far indicate students were brutally assaulted by the Police. Some of the assaulted students were pulled from classes and halls of residence.

3.0 Challenges:

a) The General Service Unit officers who were involved in the maintenance of law and order operations have not recorded their statements with IPOA to date. A letter was sent to the Inspector General on 19 May 2016 seeking for intervention from his office to have the list of GSU officers who were involved in the maintenance of law and order provided for statement recording but we have no response to-date. On 31st may 2016, IPOA's investigators were denied entry into the GSU premises to deliver a letter in relation to the investigation. The details of the officers who assaulted the students and are believed to belong to GSU are yet to be established.

b) Only two students among all those who recorded their statements have furnished the Authority with their medical records and have obtained P3 forms from the police. The rest of the students have since been reluctant to avail their medical records so that the P3 forms can be procured from the police stations. Some other students who were assaulted declined to visit health facilities to be treated and therefore do not have any treatments notes to assist in the investigations. Despite the reluctance from some of the affected students, what the Authority has on record in terms of medical records is adequate and will progress the investigation.

c) Obtaining CCTV footages for the cameras installed along Lower State House road, University way and University way slip has not been possible. A letter was written and delivered to the IG requesting for the footages on 15 April 2016. The Authority received a response three months later from the IG through a letter dated **22nd July 2016** stating that the areas in question are not covered by any surveillance cameras installed by the National Police Service and that there is no record of CCTV footages of the incident.

d) After some students were suspended/expelled from the University following the riots a number of those who had recorded statements with IPOA now want nothing to do with the investigation probably to avoid victimization by the University administration.

e) The Authority has not received timely cooperation from the top management of the University of Nairobi which would have facilitated completion of investigations.

4.0 Conclusion

The success of this investigation is dependent on the full cooperation of Police Officers who have crucial information relating to this operation. However this has not been forthcoming and therefore it informs the need of addressing the issue of the police being uncooperative with the investigators. Some students have been reluctant to pursue this matter with the Authority, however that notwithstanding, the Authority is able to still pursue its investigation to logical conclusion subject to cooperation from the National Police Service.

IPOA is now focusing on taking action against police officers who have declined to cooperate in the investigations.

Other government organs and agencies should reign in on the National Police Service to ensure full cooperation especially on this case so that the investigations may be concluded in the interest of justice for the victims (students) of the police brutality.

Furthermore the University of Nairobi should facilitate the investigations by the cooperating with IPOA.

Signed,



MACHARIA NJERU
CHAIRMAN,
INDEPENDENT POLICING OVERSIGHT AUTHORITY

4th August 2016