

**LSK TASKFORCE
INVESTIGATING THE
LANG'ATA ROAD PRIMARY
SCHOOL POLICE CONDUCT
ON 19TH JANUARY 2015**

Foreword

The conduct by the Kenya police of using excessive, unreasonable and disproportionate force following the protests by the Lang’ata Road Primary School children on the 19th January 2015; was a clear violation of the fundamental rights and freedoms of the children. The actions by the police were contrary to the Kenyan Constitution, the Kenyan law on children and various international and regional instruments on the rights and welfare of children, to which Kenya is a signatory to and is expected to comply.

The Taskforce team through investigations, findings and recommendations established that there was widespread systemic failure across board, of all relevant statutory authorities.

Our investigation has demonstrated how the system is far from fit for purpose and the need to rethink and review the same. We have set out a number of practical recommendations to reduce incidents such as the Lang’ata Road Primary School saga and to ensure that whenever such crisis occur, state agencies will be in a position to deal proportionately.

The taskforce on the Lang’ata Road Primary School takes the view that the best interest of the child is of primary consideration and must be safeguarded even in the discharge of duties by the police service. The fact that the police threw tear gas canisters at the pupils and caused them untold suffering mentally and physically, failed our children and our country.

The documentation herein points to the need to have a strategic approach to legislative advocacy and public education of the police regarding the required standards and conduct when dealing with children during protests.

The taskforce therefore felt that there is need for all stakeholders including members of the legal profession to make themselves fully aware and create awareness among members of the public, that in all circumstances, the welfare of the children remains paramount.

The report acknowledges the dedication and commitment shown by the President and Council of Law Society of Kenya, all the members of the taskforce and the Secretariat of the Law Society of Kenya. To understand and learn from this saga we must all accept responsibility for children - our most valuable and vulnerable asset. Let us resolve to ensure that systems and policies leave no room for violations.

Ms. Gertrude Angote

Council Member, Law Society of Kenya

Chair Task Force

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Acknowledgement

We acknowledge the President Law Society of Kenya, Mr. Eric Kyalo Mutua and the Council of the Law Society for the oversight role over the Taskforce and mandating the Taskforce to undertake the investigation. We acknowledge the tireless efforts by the members of the taskforce who are Advocates with wide experience in Constitutional and Human Rights.

This publication would not have been possible without the financial support from MISEREOR of Germany and Amnesty International, both through Kituo Cha Sheria. We recognize and acknowledge the Technical Support offered by Kituo Cha Sheria in publication of this Report.

Abbreviations

LSK - Law Society of Kenya

IPOA - Independent Police Oversight Authority.

ODPP - Office of the Director of Public Prosecutions

DEO - District Education Officer

Executive Summary

The Law Society of Kenya is a statutory body under the Law Society of Kenya Act, Cap.18 Laws of Kenya. One of its mandate is to inter alia protect and assist the public in Kenya in all matters touching, ancillary or incidental to the law.

Following the police brutality on the children of Lang'ata Road Primary School on Monday 19th January 2015, the Council of the Law Society of Kenya constituted a committee of eleven (11) Advocates to consider the violation of children's rights, record statements from the children and the management of the School; and make recommendations on the incident. Several pupils were injured after police lobbed tear gas at them during a demonstration over the grabbing of the schools playground by a private developer.

While the Interior Cabinet Secretary Joseph Nkaisery apologised to the pupils of the school over the violence meted out on them by the police, this report is critical for advocacy and ensuring that those responsible are held to account for the violation of the fundamental rights of Children to care and protection, security and education as enshrined in the Constitution of Kenya and the relevant international conventions that Kenya is party to. The Cabinet Secretary also promised that the government will fence the land for the school, level the playground and ordered the developer who had put a wall around the School playground to clear the debris and collect any other materials within 24 hours.

The attempt to grab the playground of Lang'ata Road Primary School is not only a manifestation of the challenges many schools around the country face to hold on to their property in pursuit of the right to education but also the attitude of the police when it comes to preservation of public property from land grabbers.

Education is a fundamental human right guaranteed by the Constitution of Kenya [Article 43 (1) (f), Article 53 (1) (b)] and the various international instruments that Kenya is party to, specifically the International Convention on Economic, Social and Cultural Rights.

On behalf of the Council of the Law Society of Kenya, we extend our gratitude to the members of the Committee for their service to this course and hope that this report will assist to highlight similar challenges afflicting many schools and bring to book those responsible for human rights violation.

Apollo Mboya, HSC

Secretary/Chief Executive Officer

INTRODUCTION

Following the incident that took place on Monday 19th January, 2015 where it emerged to the public that the police used copious amounts of tear gas to disperse member of the public together with pupils of Lang'ata Road Primary School protesting the grabbing of the school's playground by a private developer, the Law Society of Kenya condemned the action by the police as barbaric and an affront to the fundamental rights of children to care and protection, security and education as enshrined in the Constitution and International Law.



The police throwing tear gas canisters at the pupils

The Law Society established that on the material day, around 100 pupils from Lang'ata Road Primary School, a group of activists and demonstrators pushed over a section of a wall that separated a playing ground from the school buildings. The pupils left their classrooms at around 10.00 a.m. carrying twigs and placards and that they then attempted to breakthrough a gate upon which approximately 40 armed police accompanied by 5 dogs dispersed the protesters by firing tear gas canisters. The police are believed to have been at the school by 6.00 a.m from report; received by the LSK team.



Pupils scramble up a bridge to escape teargas

Dozens of children were caught in choking clouds of tear gas before being forced to shelter on a pedestrian bridge over the main road to escape the copious fumes. Most of the children were in classes one to eight and are believed to be between the ages of 8 and 13.

According to a report from the school management, at least five children were reported injured in the stampede and were rushed to the Lang'ata Prison dispensary to receive medical treatment while one policeman was wounded. Furthermore two activists, Houghton Irungu and Boaz Waruku, were arrested and taken to Lang'ata Police Station as reported by the Daily Nation Newspaper of January 16th 2015

The protest was said to be due to a perimeter wall erected by a private developer around the school playground in Nairobi's Lang'ata area. The playground was fenced off in December 2014, during the school holidays, by a prominent developer who also claims ownership of the

land. According to media reports, the title to the disputed land was said to be in the name of Airport View Housing Limited, which had planned to use the space to build a parking lot for a nearby hotel.

The Inspector-General of Police Samuel Arachi stated that the officer in charge of the operation where tear gas was used on pupils during the protest at the school has been suspended.

The school is in Lang'ata Sub- County in Nairobi City County and the disputed piece of land is of prime value, sitting adjacent to the Weston Hotel and opposite Wilson Airport.

On Monday 19th January 2015 the former Cabinet Secretary for Lands and Housing Charity Ngilu and National Land Commission Chairman Muhammad Swazuri said that the land belongs to the school and would be reverted back to the school and they undertook to provide documents to that effect.

The school is said to have obtained a title deed for the disputed land in 1972. The controversial piece under dispute was amalgamated with the school title in 1974. However, between 1984 and 1989; some people started a process to claim the land resulting in the current dispute.



Pupils weeping due to the harsh effects of the copious amount of teargas thrown at them by the police

In pursuit of its mandate, LSK constituted a team of 12 lawyers to consider the alleged use of tear gas visited upon defenceless children at Lang'ata Road Primary School.

The team liaised with the Office of the Director of Public Prosecution and Independent Police Oversight Authority to obtain information for possible prosecution and discipline of the involved officers.

The taskforce constituted of the following Law Society of Kenya members:

1. Gertrude Angote- Chair to the Taskforce
2. Mercy Wambua
3. Dennis Mosota
4. Anthony Mulekyo
5. John Chigiti
6. Nyamu Mati
7. Rose Mbanya
8. Julie Soweto
9. Michael Muchemi
10. Oscar Sang
11. Haron Olando
12. Maurice Ogosso

The terms of reference for the taskforce included:

1. Trace and identify the actual victims
2. Collect statements from victims and any other evidence
3. Identify who gave orders to the police to use tear gas canisters on innocent school children.

4. Investigate as to why the police had to bring police dogs to a place where there were children exposing them to great danger
5. Write a letter to Kenya Police asking for statements
6. Collect all necessary medical reports from the victims
7. Collect supporting evidence and clips from other alternative sources including journalist and media houses
8. Write to the Independent Police Oversight Authority to be enjoined in criminal litigation
9. Furnish the LSK Council with reports with appropriate recommendations
10. Develop their own TORs in the administration of the investigations here above.

INITIAL VISIT TO LANGATA ROAD PRIMARY SCHOOL

The LSK Committee led by Ms. Gertrude Angote, a council member, visited the Lang'ata primary school on the 20th of January 2015; this was just a day after the events. The team aimed, at making initial observation, so as to enable it undertake its terms of reference.

Debriefing session (Caucus)

On arrival at the venue, the Taskforce converged for a debriefing session on their role under the TORs. The opportunity was also meant to open conversation on other avenues of litigation. The following matters arose;

- a) The Kenya Police being the subject matter of the investigations, members proposed to pursue the matter in threefold; File a civil suit and seek for compensation for the victims, File a criminal suit under private prosecution and a notice be given to DPP and broadly explore the matter in the broader contexts of Human Rights.

- b) The need to expand the mandate to also identify who bears the top most responsibility and also establish at least 3 names of the duty officers plus their commanding officer.
- c) Establish if indeed the use of lachrymatory agent to children was necessary violation of children rights under Article 43 and 53 of the Constitution and other statues (local or international) protecting the rights of the Child
- d) The need to get parental consent to interview victims
- e) Divide the team into two groups; those visiting the DEO and those visiting Lang'ata dispensary/hospital.

NB: The taskforce met Mr. Mwadumbo, Counsel on record for the Lang'ata Road Primary School. He informed members that all the official records held by the school had been taken away by the Ministry of education, science and technology and that the school administration (Headmaster) had been given firm instructions not to comment and or give information incidental to the event. He affirmed having received instruction from his client to file a suit on the issue of land ownership on the 21st January 2015.

There were concerns over possible double registration and allocation of the land titles by Government. It was therefore thought by the taskforce that in the LSK application, there was possibility to seek among other prayer orders restraining parties from reconstruction of the wall.



The LSK Taskforce members at the scene on 20th January, 2015

Among the issues discussed by the committee members present were:

- The committee agreed that the police officers who carried out the brutal acts against children had to be brought to book.
- The committee agreed that they should obtain a record and/or trail orders given to the police officers, who gave command to the group, the list of police officers who were there, inventory of the tear gas canisters. The committee agreed to write to the office of the Inspector General to assist in getting the aforementioned information.
- The committee sought to know if the matter had been booked in the Occurrence Book (O.B) and at which police station and if the matter was not booked then the committee would consider taking up the same.
- The committee agreed that private prosecution would be considered because of the political influence in the matter.
- The committee also explored the possibility of filling a civil law suit for compensation purposes for the pupils who were injured both physically and psychologically.
- The committee agreed to consider being enjoined in the suit between the school and the private developer with a purpose to access information and make it easy to follow up the case towards the ends of justice.
- They further decided to issue notice from the LSK to the office of the DPP for purposes of consent to institute private prosecution.

ACTION TAKEN BY THE COMMITTEE

1) Attempts to interview Lang'ata Road Primary School Administration

The committee attempted to interview the head teacher and obtain consent to interview the school administration. The Headmaster of the school was unwilling to talk to the Committee as he had claimed to have received instructions from the Ministry of Education to the effect that he should not discuss the issue with anybody or disclose any related information. He advised that the committee seeks consent from the District Education Officer in charge to interview any person within the school including pupils and teachers.

2) Media Briefing

The Taskforce had an opportunity to address the public through a press briefing on its terms of reference and specifically its mandate. Members of the public were allowed to ask the committee questions on the matter. One of the questions addressed to the committee was on the land grabbing which had occurred at Muthurwa primary school and whether LSK was doing something about it. The response from Ms. Angote was that LSK was pursuing the matter at hand but if anybody had any other issue or complaint of a public interest nature they could bring it to the attention of the Law Society of Kenya. She went on to give details of the address of LSK.

3) A visit to the District Education Officer (DEO)

The committee went to the DEO'S office to get consent so as to interview the school management as well as other members of the school community. The Committee met Ms. Florence Maathai the area DEO. In attendance was Mr. Oina Peter (District Education & Quality Assurance Officer). They reiterated that 5 students were injured and had sought medical attention from Lang'ata Hospital; Four of them were discharged and one of them had been admitted.



The LSK Taskforce members (at Lang'ata Road Primary school) debriefing on the legal approach prior to investigations)

The committee was informed that due to the incident, the population of the children in the school had dropped by almost 200 on the material day. She also informed the committee that they had already done a report to the Cabinet Secretary of Education on the matter. The DEO could not grant the Committee authority to interview the school children and thus advised to seek consent from the Ministry of Education, Science & Technology via the Cabinet Secretary's office on the issue of interrogation of students and the school management.

The Committee therefore agreed:

1. To write a letter to the Ministry of Education to permit investigations on the matter.
2. That should there be need they would seek court orders to compel the Ministry of Education for psycho-social support services desk within the school to help the children to overcome trauma experienced following the event.
3. On the need to get the medical reports of those students who were

injured with consent of their parents for compensation purposes.

The DEO confirmed that her office had received information that 5 pupils sought medical attention as a result of the Monday incident, among them, 4 were treated and discharged whilst one was yet to be discharged from hospital. She also confirmed that about 250 pupils were at the school during its opening when the events occurred.

4) A visit to Lang’ata Hospital

The committee also visited Lang’ata Hospital on the same day, Lang’ata Hospital is one of the hospitals where different pupils were rushed to for first aid and treatment following the unfortunate incident.

The Committee talked to the doctor who indicated that there were children who had been treated and discharged and there was only one child who had been admitted and was still at the hospital. The child whose name is withheld, but for purposes of the report will be referred to as “Child A” had been admitted in the hospital to receive treatment as she was experiencing difficulty in breathing after police officers lobbed teargas during the demonstrations where the Lang’ata Primary pupils were demanding that a wall built and blocking access to their playground be demolished.

The Committee however did not manage to speak to the child as she was deeply traumatized and could not speak or answer any questions on the issue at the time.

The Committee however managed to speak to the child’s mother who was very receptive, gave her contacts and promised to assist in any way possible towards obtaining justice for her child and other children who had gone through the same experience. The Committee undertook to follow up on the issue once the child had recovered.

5) Debriefing at Panafric Hotel

After the visits, members met at Panafric Hotel with a view of receiving the various reports from the different teams.

The Committee received the various reports from both teams and made the following recommendations in the interim.

1. That LSK should trace actual victims and collect all the relevant evidence in the matter including the school administration.
2. Write a letter to Ministry of Education, Science and Technology to seek authority to conduct formal investigations and interview school administration, parents and victims (the pupils involved).
3. Write to media houses seeking to get any relevant video clips and recordings that could act as evidence against specific police officers.
4. LSK to propose to compel the government to offer psycho-social assistance to the victims by way of litigation.
5. Seek to be enjoined in the intended suit by the school in regard to the ownership of the piece of land in dispute.
6. Draft a letter to the Office of the Director of Public Prosecutions giving notice of intent to institute private prosecution against the perpetrators of violence against children of Lang'ata Road Primary School. (Request LSK chair to facilitate conversations with the DPP for partnership)
7. Issue a letter to the office of the Inspector General of Police requesting that they:
 - a) Update LSK on any findings as they had indicated that they were investigating the matter.
 - b) Give an inventory of all police officers who had been sent to the Lang'ata Primary school on the 19th of January to handle the demonstrations
 - c) Give information as to who gave orders to the policemen

involved in the incident against the children

- d) Assist in identifying the commanding officers of the operation at Lang’ata Road Primary School.
8. Contact and follow up with the parent to the child who was admitted at the Lang’ata Hospital to assist in interrogation of the child and give any further assistance as may be required.
9. Look into the possibility of the Law Society of Kenya through its Council carrying out an audit of all land belonging to Public Schools in Nairobi County following a preliminary finding that most schools were actually facing the issue of having their land grabbed.
10. Interview the individual who was arrested for activism and incitement of the children to demonstrate on basis of the grabbed land.
14. Meet with Save the Children, Kituo Cha Sheria and other partners with a view to discussing how they could work together with LSK in fighting for and protecting the rights of the children at Lang’ata Road primary School and public land belonging to schools.

6) Engagement with stakeholders

The Secretariat together with the Committee Chair- Ms. Gertrude Angote met with relevant stakeholders with a view to adopting an engagement framework.

On the 21st January 2015 the team held a stakeholders meeting at the Kenya National Human Rights Commission (KNHCR), the meeting drew participation from representatives from the following institution; Kenya National Commission for Human Rights, The CRADLE, Kituo Cha Sheria and Save the Children. Among the issues agreed by the group was the need to protect the children from further trauma by subjecting the children to numerous interviews that will require the children to repeatedly retell the encounter they had on the 19th January 2015.

The Secretariat together with KNHCR team later that day held a meeting with the Deputy Director, Basic Education, Mr. Isaac Thuita

at the Ministry of Education offices with a view to seek the approval of the Ministry to interview and record statements from Lang'ata Road Primary School pupils and Administration. It was resolved during the said meeting that all stakeholders be involved in therapeutic support for the students. This was based on the background that the children needed to be supported psychologically to come to terms with the events of 19th January 2015 before they were involved in any investigation/legal processes.

7) Psycho-Social Support

Law Society of Kenya consequently secured the services of Margaret Mbusiro who is a counsellor and offers psychological support services at Supporting Access to Justice for Children in East Africa (SAJCEA) a program hosted and supported by the LSK.

Margaret Mbusiro offered counselling and psychological support services at the school on Thursday 22nd January and Friday 23rd January. The psychological support report is attached as Annex 1. The Counsellors report clearly demonstrates that numerous number of children suffered psychological trauma as a result of the manner in which the police handled them.

The Councillor offered psychological support to the Children in class 6 and Class 1.

8) Evidence gathering

- On Friday, 23rd of January, a team from the Secretariat visited the Lang'ata hospital to record a statement from "Child A" the pupil who had been admitted at the hospital. The child was still unwell and was undergoing medical review. It was therefore not possible to interview the child and the team was advised to report back the next day (Saturday).
- On Saturday, 24th, January 2015, the taskforce and Secretariat team managed to record statements from the parents of "Child A" and

other pupils (to be named as “AWK” and “JK”). The statements are attached as Annex 2 and Annex 3 respectively. (The mother signed a consent form to allow the child to be interviewed. The consent form is annexed as Annex 2(a).

- On Monday, 26th January 2015 the taskforce and Secretariat team managed to record “Child A’s” statement at the KNHRC. The statement is attached as Annex 4. The consent form by the mother is annexed as Annex 4 (a).
- On the 28th January 2015 the LSK received a letter from the Principal Secretary Ministry of Education, Science and Technology authorising the Task Force to undertake the investigation in investigations into the issues. This authorisation came after the Taskforce release of its first report. On the 24th February, 2015 the secretariat team interviewed pupils of Lang’ata Road Primary School who were present on 19th January, 2015 and the Deputy Head Teacher Mrs. Waweru. The report is annexed as Annex 4 (b).

A letter was written to the office of the Cabinet Secretary, Ministry of Education, Science and Technology expressing dissatisfaction in the manner in which the committee had been treated by the school administration and the Ministry while seeking to undertake its work by their refusal to grant authority to the team to interview and collect important evidence from the school administration and the children. The letter sought the Ministries written authorization to LSK to undertake thorough audit regarding the events of the 19th of January 2015, interview and/ or obtain statements from the management, teachers and pupils of the school, obtain relevant document evidence and take up any action within the terms of reference of the committee. The letter is attached herein as Annex 5.

The taskforce issued a letter to the Inspector General of Police requesting that they provide the following to enable the committee to fulfil its mandate;

1. Copy of the operation order guiding the operation at Lang’ata Road Primary School.
2. Copy of the register of the officers deployed to undertake the

operation.

3. Name of the commander of the operation.
4. Copy of the letter interdicting Elijah Mwangi, OCPD Lang'ata Police Station, with information on action being taken.
5. Details of the police officers authorised to handle the following during the operation:
 - a. Teargas Canisters.
 - b. Firearms.
6. Details, name and brand description of the tear gas used during the operation.
7. Copies of relevant statements obtained by the police in regard to the events before, during and after the operation.
8. Any other Information on any disciplinary action taken against any of the officers responsible for violations of Human Rights to wit, to care and protection of Minors before, during and after the operation.
9. Copy of entries reflecting reports made to the police in relation to the events that took place on the said date.

The letter is attached herein as Annex 6.

The team obtained one of the used tear gas canisters collected from the scene on the 19th January 2015 from a person who was at the scene and who sought anonymity. An analysis was to be conducted on the canister with a view to determine the specific gas components and the scientific medical effects of the components. A photo of the tear gas canister is attached as Annex 7.

A video footage of the events of the 19th January 2015 was also sourced by the taskforce obtained and stored for record purposes.

CHALLENGES

1. The Committee was faced with stiff rebuff in their attempts to undertake investigations as there was lack of co-operation and willingness to volunteer information by the governmental instruments/bodies. Of worth noting is the attempt at obtain authority to interview the School Administration from the Education - Cabinet Secretary, as this request was met with much delay and lack off initiative.
2. The children were deeply unsettled and greatly traumatized by the incidents and were psychologically unsettled and hence the challenge in getting information from them.
3. Financial constraints; The committee was not well equipped financially to be in a position to offer extensive support as the incidence touched on a large number of pupils and members of the public.

FINDINGS

The following is the summary of the findings by the taskforce into the events at Lang'ata Road Primary School:

1. On the 19th January 2015 at Lang'ata Road Primary school the police used excessive and unreasonable force and more specifically lobbed teargas on children during the demonstration. The action amounted to an affront to the fundamental rights of children to care and protection, security and education as enshrined both in the Constitution of Kenya and International law.
2. More than 200 school children suffered both physical and psychological trauma as a resort of use of excessive force by the police at Lang'ata Road Primary School.
3. At least five children were injured and sought medical treatment at Lang'ata Hospital on the 19th January 2015. One child was admitted and later transferred to Karen Hospital for further treatment.
4. A number of persons tasked with the responsibility to care and protect children and their welfare including school administration officials, the Kenya police, teachers, Ministry of Education officials and Parents/Teachers Association (PTA) among others fell below the standards expected of them when executing their duties.
5. The relevant authorities failed to provide and secure a peaceful and enabling environment for the children to exercise their Constitutional rights to assemble, demonstrate and picket as guaranteed under Article 37 of the Constitution of Kenya without fear of intimidation.
6. The Ministry of Education, The school Administration led by the head teacher and the Inspector General of Police failed to co-operate and to provide relevant information to the taskforce.
7. There was uncertainty and lack of information about the legitimate ownership of land belonging to the Lang'ata Road Primary School as well as other public schools, including Muthurwa Primary.
8. There was gaping inadequacies in disaster conscience preparedness and management in the Lang'ata Road Primary School and Ministry of Education structure.

RECOMMENDATIONS

1. LSK to consider and commence proceedings by way of public interest litigation case in form of a Constitutional Petition on behalf of Lang’ata Primary school children. This action to be against the office of the Inspector General of Police, the Ministry of Education and others for violation of children’s fundamental rights to care and protection under both national and international laws, by action and/or inaction on their part or their servants and/or agents. Furthermore, LSK to seek compensation on behalf of the Lang’ata Road Primary School Children from the violating authorities.
2. LSK to carefully consider and commence criminal proceedings against the violating authorities by way of private prosecution, upon obtaining consent from the Director of Public Prosecution. The LSK, in the alternative, proceed to seek by way of judicial review, an order compelling the Inspector General of Police to provide names of specific police officers who were involved in the violation of the rights of the children.
3. LSK to undertake an audit of all land belonging to all public schools in Nairobi County and to demand a similar audit to be undertaken by the Nairobi County Government and published within a specific timeframe.
4. LSK to seek to be enjoined in the ongoing suit filed by the Lang’ata Road Primary School Advocate.
5. The LSK to continue providing psycho-social care for “Child A” until the child is restored to reasonably good health.
6. The LSK to send a clear message to the responsible department of the Kenya Government, asking for provision of continuing psycho-social support to the children of Lang’ata Road Primary School to ensure that the paramount welfare of the children is secured.
7. LSK to send a recommendation to the Kenya government through the relevant departments about the need to undertake nationwide civic education and training to the police, law enforcement agencies and all care givers to ensure that they are well equipped to understand fundamental rights regarding the “best interest of the child” whenever they get in contact with children.

ANNEX 1

Report compiled by:

Margaret Mbusiro

Counsellor/Psychologist

LANG'ATA ROAD PRIMARY SCHOOL - COUNSELLING REPORT

Background Information

Following the 19th January 2015 incident between the pupils of Lang'ata road primary and the police over the alleged grabbed piece of land that was used as the school's playground, a team of counselors were sent to offer therapy to the affected pupils at the school. The team of counselors comprised of representatives from the Ministry of education, IPOA, Child line, LSK, KNCHR. The counselors were assigned respective classes and group therapy was undertaken on Thursday 22nd and Friday 23rd January 2015. I was assigned class 6G and class one. Class 6 pupils in my group therapy sessions were between 11 years and 13 years of age while class one pupils were between 5 years and 7 years of age. The two groups were met separately on different days.

Group therapy sessions - class 6G pupils

The group comprised of both boys and girls aged 11 years and 14 years old pupils who have been in Lang'ata road primary school for more than three years. All of them were aware of what happened in the school on the 19th January including those who were not at school that day. During the session, each one of them was able to narrate his/her experience on that day. Below is a summary of what happened according to this group

On 19th January, each one of them reported to school early in the morning as usual, some of them were at school as early as 6.00am that day. However they noticed something unusual, the presence of so many armed police officers around the school. At 7.30am, they went for assembly, prayed and after their teachers had addressed them they went back to class. Teachers went to class as usual to teach and when it was break time they went out to play. They had noticed before that their usual playground was fenced off, so they decided to

go and find out if they could gain access into this playground so they could play. They walked out of the school compound towards the gate which was next to the fly-over, they found the gate closed. They knocked at the gate but no one opened; it is at this point that they resorted to using force to have the gate open. They pushed the gate and when it was about to fall, a security guard came out and threatened to beat them up but they refused to run away. At this point, the police officers around came and sprayed them with tear-gas, ordering them to go back to class. The pupils were scattered with some running away and some running back into the school compound, as they were running back into the school compound they were singing the song 'Haki yetu, uwanja wetu' They approached the playground from inside the school compound where they decided to push, bringing down the wall that was used to fence off the field. After bringing down one side of the wall, they moved to another side and brought the remaining part of the wall down. This was allegedly done with the help of former standard eight pupils and a few outsiders who came to assist when the pupils were being overwhelmed by the police.

The reason why the pupils demonstrated is the fact since they joined the school up to end of term 3 2014, they knew that this piece of land belonged to the school and it was their only playground. They were shocked to find that area fenced off when they came back from holidays. According to this group, the children had a right to play and it was their right too to play on this particular field. They had no prior information that this land belonged to somebody else and that it would be taken away one day.

Psycho - social issues

During the group sessions, the pupils were able to express their feelings which were addressed in the group. These include feelings of disappointment, shock, pain, fright, helplessness and others. They felt bad and disappointed because their playground had been taken away and they had nowhere else to play. The other field they sometimes use is small and it also belongs prisons department. The pupils were also disappointed and angry at the way they were handled by the police. They expected the police to protect them but the contrary happened. The police according to them were too harsh in the way they handled the situation, the police fired tear gas to disperse the pupils, they were choked making some of them to cough and vomit, their eyes were irritated and they cried. One particular child shared with the group how she cried and urinated on herself because of fear and pain caused by the tear-gas. Some were worried about the safety of their younger siblings

who were caught up in the chaos. Some of the pupils fainted while others got physically hurt during the fracas and were rushed to hospital. The police went further to threaten them with dogs, this scared some of them. Some pupils were more traumatized when they watched all this happenings on television. They felt bad when they saw their friends crying. The group expressed strong feelings against the police; they felt those police officers should be sacked, punished, jailed, and suspended taken to court etc. The expression of feelings freely was quiet therapeutic and at the end of the session, most of them were feeling psychologically much better. They also felt that legal action should be taken against the person who was trying to grab their playground. The counselor validated their feelings and provided psycho- education.

Group therapy sessions - class 1 Pupil.

The group comprised of both boys and girls between 5 and 7 years of age. Their teacher was included in the group counseling. Therapy took many forms including singing, playing and drawing because of their age and language development. During the session each one of them was able to narrate and or draw what they saw or heard on the 19th January, 2015. Most of them were locked up in their classrooms by the teachers to protect them from the fracas. One or two were caught up in the demonstrations though. While inside the classroom, these pupils were curious to see what was happening outside. They heard the other pupils sing songs such as 'Haki yetu' and they also saw tear gas flames through the windows. There was a lot of noise, crying and commotion. They were terrified. They however reported minimal exposure to the effects of tear gas though they were worried about the safety of their colleagues and other siblings. The drawings explained what the pupils saw, almost all of them could remember to have seen police officers holding guns and others firing tear gas. This definitely affected them psychologically.

Conclusion

The pupils were able to narrate the harrowing experience of getting tear gassed by the police and the disappointment of losing their playground. This was quite therapeutic though I would have recommended more therapy sessions and smaller groups per sessions. The class six groups was quite large since it comprised of 29 pupils which is not ideal for effective group counseling. There is need to undertake individual counseling for those children that had more severe physical and emotional trauma.

ANNEX 2

STATEMENT OF AWK, MOTHER OF ONE OF THE VICTIMS OF THE LANG'ATA ROAD PRIMARY SCHOOL

I AWK state as follows:

I am the mother of “Child A” a class seven pupil at Lang'ata Road Primary School. I had seen the news on TV on Sunday 18th February, 2015 that there may be demonstrations protesting the land grabbing of the playground at my daughters school. I had told my daughter not to go to school on Monday but she refused saying she did not want to lag behind once school had opened. This was because she was afraid of going back to class six since she had missed school in the whole month of December 2014 due to illness.

On Monday she left home at 5.30 a.m. to go to school. I took to the bus stage where she boarded a matatu that would drop her at the school gate.

I was at home looking after my mum when I saw on television that some tear gas had been thrown around Lang'ata Road Primary school. I saw the story on television between 10.00am and 11.00 a.m.

My sister Mary called and asked whether I had seen what was happening at the school and whether I was going to get my daughter from the school. I told her I was dashing there immediately.

No sooner had I ended the call than I got a call from a fellow parent at the school. The lady who called me is called Mama Karima Nyambura, we are former neighbors. She told me to rush to Lang'ata hospital as my daughter had fainted and was blood was oozing from her mouth and nose. I told her I was going to check on my daughter immediately.

John also called me to ask what was happening and I explained what the lady had told me and we agreed that he would follow me to the hospital shortly. I tried to call “Child A's” class teacher but the line could not go through. On my way to the school, the doctor called me and asked me to rush to Lang'ata hospital.

On arrival, I found my daughter in the ward, unconscious getting medication through a drip. I asked whether the class teacher was around but she was not. I saw the OCPD Lang'ata and the headmaster who left shortly afterwards. We did not talk. I instead spoke with the headmaster of Lang'ata

Primary School and disclosed that I was “Child A’s” mother. My daughter’s headmaster called me asking me what had transpired, I told him I would keep him up dated.

Later, I briefed John on what had transpired, I told him that “Child A”, was on drip at Lang’ata Hospital and he disclosed that after calling “Child A’s” class teacher, he had been told that “Child A” had not gone to school that day. When she was asked whether she knew that “Child A” was in hospital, she said she would confirm whether she was in the lot that went to hospital and get back to him. She later called him and confirmed that “Child A” was indeed in hospital.

Later, John joined me at the hospital at 3.00 p.m. and stayed with me until 12.00 am when we left the hospital. While at the hospital, many people came from different organizations including The Independent Policing Oversight Authority (IPOA), Society for International Development (SID), Law Society of Kenya (LSK) and media houses including CNN.

The OCPD asked what the child had complained of and I told him that she had chest pain and he suggested that she gets an X-ray and this was done. Later five different doctors asked me separately whether “Child A” had suffered from asthma before, and I kept saying she had never. I asked the one of the doctor whether there was a problem with the girl’s chest but he insisted that there was none. Later one doctors (a lady) told me that “Child A’s” chest was bad and asked whether the other doctors had told me as much. When I said they had not, she laughed and walked away.

The following day many people came to the hospital but we refused any interview with the child except for (Independent Police Oversight Authority) IPOA and Independent Medical Legal Unit (IMLU). They briefly interviewed her but she broke down. I signed statements with IMLU and IPOA.

On the second night, we requested the doctors to remove the Intravenous line on her right hand but the doctors told us that they were giving “Child A” some medication. “Child A” kept complaining of chest pain the whole time. An Indian lady doctor came in to examine “Child A’s” chest and she said that it was bad, she recommended that “Child A” be taken to a different room which was less windy. “Child A” was alone in the room without other patients.

At around 7.00 p.m. the Director of the hospital Dr. Matharu came and ordered everybody out except me and “Child A’s” uncle. He looked at the child and said that he was discharged us immediately. John who is the uncle insisted that the child remain in hospital for observation. Another doctor came into the room and said that the bill had to be redone. He brought water and two Paracetamol tablets for the child. The doctor did not conduct any other tests on her we left at around 11.00 p.m.

The head teacher at Lang'ata Road Primary school called and asked me to send him the hospital bill. He also said that incase “Child A” got any further treatment we should not hesitate to send the medical bill to the school for clearance.

On Wednesday, 21st January 2014, Boniface Mwangi and Eunice Kilonzo who said they were from NTV cleared the hospital bill after I told them my biggest worry was the bill. They gave us a copy of the hospital bill and also paid our fare.

The bill had two stamps one for Lang'ata hospital and another for NTV. We left the hospital with “Child A” at around 5.00pm. I took the copy of the bill to the headmaster and talked to a senior teacher about LN’s current status, she also interviewed “Child A” briefly.

When we got to Ongata Rongai I gave “Child A” some milk and we headed home. At the gate as we were getting home, “Child A” fainted. I conducted first aid on her and called a lady doctor of who lives nearby and she assisted me with the first aid. She came to after 30 minutes. That night she kept crying and complaining of chest pains. She also had nightmares and kept shouting... “ndio hio ndio hio wamenirushia ... unaona hata mapolisi wako na madogi...” (there they are ... there they are... they have thrown it to me ... see the police even have dogs). She fumbled some more and went to sleep again.

The next day at 5.00 a.m. she fainted again as she was going to the toilet. Later that day at around 9.00 p.m. she fainted again and I rushed her to a dispensary about 100 meters away from the house. She was unconscious for about 45 minutes. They advised that I go to Lang'ata hospital since the chest x-ray we were given at Lang'ata hospital didn't have a summary to brief them as is required. They however did some first aid and she regained consciousness.


We went home but she still had the chest and rib pains and a congested chest. That night Boniface and Eunice called me at around 12 noon and advised me to take "Child A" back to hospital but I heisted because of the hospitals prior behavior and the fact that they had not made full disclosure. Nation called me and asked me to take her to Aga Khan Hospital but we met at Lang'ata Hospital where I told them that I needed to get the examined again and get the summary from the hospital. I then met Brenda from NTV and her crew.

My main concern is that my daughter gets well and her education be safe guarded even if it means that she be transferred to a private school. The Good Samaritan who helped me calls often to find out the progress and has offered to pay her school fees for two terms.

SIGNED BY: AWK

DATED 24/1/2015

Annex 2(a)



LAW SOCIETY OF KENYA
CONSENT FORM



I, Agnes Wanjiru Kiriga of ID No. 27244130 being a Kenyan citizen and an adult of sound mind aver that I am the mother of Lucy Njeri a class seven pupil at Lang'ata Road Primary School.

I am unable to meet the cost of my daughter's treatment. I give consent to the Law Society of Kenya (LSK) to fundraise on my behalf funds towards facilitating my daughter's medical treatment as a result of physical and psychological trauma following the events at Lang'ata Road Primary School on 19th January, 2015.

I also give the Law Society of Kenya access to all the medical records and reports of my daughter's treatment in so far as the same may be used for filing a suit on my/my daughter's behalf.

I authorize the Law Society of Kenya to act on my behalf and that of my daughter in any legal proceedings that may arise.

Signature: .....
Date: 24/1/2015.....

Witnessed by:
Name: .....
ID No. 214515433.....
Signature:  24/1/2015.....

ANNEX 3

STATEMENT OF JK UNCLE TO ONE OF THE VICTIMS OF THE LANG'ATA ROAD PRIMARY SCHOOL

It was on Monday 19/01/15 at around 10.00 a.m. when I was working in my workshop and heard the news about Lang'ata Road Primary School. It caught my attention knowing that my niece goes to school there. In that confusion, a lady walked into my workshop, she looked worried and she asked me for Agnes's number. I tried to ask what had happened but she told me to just give her the number and that she would explain later.

A few minutes later I called Mama "Child A" and asked her what was going on and she informed me that "Child A" had been injured in the chaos and had been admitted at Lang'ata Hospital. I called the school, specifically the class teacher to confirm "Child A's" condition and she informed me that everything was okay. That there had been a small confusion and that everything was back to normal. I asked her about "Child A's" condition and she told me she was not sure though if I gave her time, she would find out and let me know. After consulting with other teachers she called and informed me that "Child A" had been admitted to Lang'ata Hospital. When she got to the hospital she called me and told me that it is true "Child A" was in hospital and that she had stabilized.

I left my workshop at around 2.00 p.m. in the afternoon and got to the hospital at 3.00 p.m. I found "Child A" on the bed, and her mother was besides her. She was also on intravenous medication. When she saw me she woke up and hugged me crying and telling me what had happened. I sat with her and tried to encourage her until she calmed down.

She started to narrate to me that, it was eight in the morning when the bell rung, all the students left their classes and assembled at the assembly ground from where they proceeded to the gate, from where they proceeded to what used to be there playing field. They keep shouting "haki yetu". After the song she said she climbed over to get a clear view on what was happening, it is at this point when she heard "a bomb explosion" and then everything tuned foggy. After this she felt a sharp pain in the chest followed by stinging in the eyes and the next place she found herself was in a hospital bed.

I contacted the doctors to know what her condition was and they informed me that they had x-rayed her chest and had found that everything was okay. They told me that they had administered to her an intravenous line insertion and

also given her some pain killers but she had to remain under their observation for some time. I agreed with them and then proceeded to “Child A’s” bed.

I stayed with her up to around 12.30 a.m. and went back to Rongai together with her mother who was meant to take care of her own mother. The following morning we went back to the hospital with the mother and found “Child A” better although she kept complaining of sharp chest pains and dizziness. I called the doctor and after she checked her chest, she confirmed that it was clear and that maybe the pain was due to the straining the previous day.

I sat with “Child A” the whole day and many organizations came to interview her, these include IPOA, IMLU among other. At around six in the evening the doctor came and told us that her chest was okay and that she was ready to go home.

He insisted that she be discharged but I wanted her to remain because I was not convinced that she was completely okay. They agreed to let her remain for the night but transferred her to a more private room. The following morning the mother went to the hospital and confirmed to me that she had been discharged and that the bill had been cleared by NTV. They left the hospital and proceeded to the school to forward a copy of the bill then they finally left.

The following morning I was told by the mother that the child had collapsed at night and also in the morning. She had also complained that her chest was stuffy but she was also hallucinating. I then called the hospital and they told me to take her back.

When we went to the hospital, we met with more organizations including LSK, NTV and KNCHR. We spoke to the Organizations and then took the child for another checkup. The doctor examined her and said she was okay but only prescribed some stronger pain killers and an anti-allergic drug plus another drug. At this point we requested for a more detailed discharge summary, and they were very hesitant to avail it. In fact it was never given to us.

The NTV interviewed the mother and the doctor and then left, we also left shortly after realizing that the hospital administration was not willing to give us the summary yet they were planning to re admit her.

Signed by: JK

Date: 24/1/2015

ANNEX 4

STATEMENT OF LN (A PUPIL AT LANG'ATA ROAD PRIMARY SCHOOL) GIVEN ON 26TH JANUARY 2015

My name is “Child A”.

On that Monday, 19th January, 2015 I woke up at 5:00 a.m. prepared for school, had my breakfast and thereafter my mum escorted me to the bus stop where I took a matatu that dropped me outside the school gate.

When I got to school I went to my former class that is class 6G. Not many of my classmates were present on that day. In my estimation we were about half the class. I was seated in class with Faith, Alice and Millicent. Alice is our class prefect.

The bell rang and we went to the parade at 8:00 a.m. At the parade we sang a Christian song led by three class eight girls then Mrs. Ouma (a teacher) led in the prayer. The flag was raised by scouts. The Head Teacher, Mr. Mugo and the Deputy Head Teacher, Mrs. Waweru were not in the parade. There were many teachers at the school parade including; Mrs Ouma, Ms. Sorora, Ms. Mganyai and Ms. Ondicho. I do not remember the other teachers present. At the school parade, Faith and Millicent were next to me and next to them were my fellow classmates Alice, Sofi, Doreen and Margaret.

All teachers told us to go and fight for our rights. They said ‘Endeni mkaitishe haki yetu’. They told us to go and play and so we went and found a wall erected and couldn’t access the field from inside the school. Some students went to the staffroom and were given some papers teachers. I saw two pupils, a boy and girl. They looked like they were in upper primary. The teacher got into the staffroom with one boy and two girls. The boy was given a loud speaker.

My friend got twigs and carried them. The teacher told us to go chanting “haki yetu.” And to go say that we want our playground.” My friend Anthony (Class 7N) carried the manila paper. He got it from one of the teachers.

I didn’t read what was written on the big manila paper. I was at the front of the crowd; I didn’t see the teacher behind. I saw other people join us. One man stood and joined us saying “haki yetu”. We then went round on along the road outside the school. There were police officers all over our gate and on the road. I had seen some police officers outside our school around the

flyover when I got into the school in the morning. The police were four at the gate and we went singing "Haki yetu" which means our rights. I climbed up on the flyover to see better. Some students were pushing the gate. First I climbed up a few stairs. Some pupils were pushing the wall some were just looking. The police then threw teargas at the middle of the crowd where the children were around the gate.

I saw one boy carrying a loud speaker but I don't know his name. He is going to class 5. I saw him at the gate in the field. Some police had dogs and guns and helmets covering their heads. There were also some photographers with phones and cameras. There were also some students behind me. I just saw smoke near the flyover. The 2nd teargas fell just below the staircase. I fell down and couldn't breathe. I woke up and found myself in hospital. I was in Lang'ata hospital; I saw that a drip had been attached to my right hand. I didn't get an injection.

Many people came to see me including the headmaster and deputy and the people at NTV were asking me questions. I took painkillers in the morning and evening. I had the doctor say that my rib was swollen.

They said they will re-admit me to the hospital to find out why I was fainting. I first fainted on the road near our home gate and the 2nd time I also fainted in the morning as I was going to the latrine.

My friend Joyce also saw the doctor at Lang'ata hospital. One of the small girls was also given painkillers. My clothes were changed at the hospital from the school uniform to hospital clothes. My chest gets blocked at night and I also get rib pains. Yesterday my left side had pain and still had the pain when the doctor pressed on my ribs.

I saw the field had been grabbed on television a few days before we went to school.

I want to be treated so that I get better. I don't want to go back to school because the children may laugh at me as I may faint in school and I was admitted in hospital.

When I see policemen, I start fearing because I remember how they threw teargas at me. Why did the police boss go to school to apologies in my absence and yet I was the one most injured on Monday? The Lang'ata hospital is not good as they only learnt of my rib injuries later.

When I was discharged, the headmaster said that we pass by school. We went with mum. We sat at the Deputy Head teacher's office. The Deputy Head teacher, Mrs. Waweru came and called two teacher- Ms. Orora and another teacher. They told me not to tell anyone that the teachers told us to go and say 'haki yetu.' I don't want to lie to you. Both teachers said that if they hear I have disclosed this information to anyone, they will beat me. After they told me this, they told me if I was asked not to say that anyone told me. When I went home, my grandmother asked me and I told her the truth and she advised me to tell the truth everywhere because when I had lied to her I wasn't able to sleep.

All teachers told us to go and fight for our rights, "Endeni mutetee haki yenu!" They called the pupils and gave them manila paper. When I went to school they asked whether any teacher followed us as we went to push the wall down and I said no. I was told that if anyone asked I should say that the teachers followed us. We went shouting and the teachers were in the staffroom.

One man stood and joined us saying "haki yetu" and then teargas was thrown.

Annex 4

LAW SOCIETY OF KENYA

PARENTAL CONSENT FORM

I, FRANCES WAMBUI WAGWANI being an adult of sane mind and of ID No. 23230152 guardian of LAUREN MURU a minor and a pupil of Langata Road Primary School consent to my child giving testimony of the events that occurred on 19th January, 2015. I give this consent also for the statements collected to be used as evidence in Court. I give this consent out of my own volition.

Signed: FRANCES WAMBUI WAGWANI

Date: 26/1/2015

SUMMARY OF INTERVIEWS CONDUCTED TO LANG'ATA ROAD PRIMARY SCHOOL

Pupils Interviewed:

1. MN - Class 4
2. HB - Class 6
3. JS - Class 8
4. KK - Class 6
5. QE - Class 6

School administration;

1. JW – Deputy Head Teacher

Synopsis

From the students interviewed it is not clear what who exactly organized the demonstrations. The pupils tried to access their playing field but found a wall erected from the school compound. They then proceeded to access the field from outside the gate where they met adults who helped them access the field by pushing the wall down. They then saw teargas canisters lobbed at them by the police and started running away. Some of the students missed a few days of school in the days following the incident due to the effects of the teargas.

On police conduct/ action

The interviewed students felt that the police acted in an inhumane and harsh manner when they lobbed teargas canisters at the children. The children opined that if the police officers had asked them to return to class they would have obliged. One pupil stated that the presence of police dogs traumatized them as one of the dogs almost bit a fellow pupil.

One of the pupils narrated how he was in class – class 5M on the morning of 19th January, 2015, when he heard a lot of commotion outside and on looking outside the window all he could see was smoke and his fellow pupils running away from the smoke. He says that as he was getting out of the class he saw a policeman throwing a teargas canister at the assembly ground

which was near his class. He added that the same policeman threw a teargas canister into the classroom class 5M where he was. He added that he had to break the glass window to escape. He added that a male adult helped him get off the window and washed his face to clear the effects of the tear gas.

Injuries and Hospitalization

A few of the students injured missed school to recuperate from the effects of teargas. Some pupils explained the effects of the teargas as irritation in the eyes and chest congestion which gets worse at the Physical Education class.

Of the interviewed students two sought medical attention at Lang'ata Hospital and Amref Kibira after they suffered from difficulty in breathing and eye and nasal irritation. They still complained of suffering from the effects of teargas to date. The pupils request for a thorough medical check-up to give them a clean bill of health as they live in fear of their health. Most pupils indicated that they come from poor households and their parents could not afford to take them for the desired medical examination. One pupil was particularly concerned because one of her fellow pupil LN who is in class seven had not reported to school since the she was admitted at Lang'ata Hospital.

The pupils also requested an apology from the Inspector General for the harm suffered.

The school administration through the Deputy Head Teacher confirmed the events of the 19th January 2015. She confirmed that indeed she witnessed the happening since was in school on that day. She denied allegations that Teachers were involved in the demonstration and or incited the school children into the demonstration.

She refused to provide documents and or any information relating to the school land ownership and or the dispute.

She provided to us copies of the pupils attendance register but did not provide a register for the teachers in attendance from the 19th January to the 30th January 2015 as demanded.

Annex 5

Law Society of Kenya

BY HAND DELIVERY

Prof. Jacob Kaimenyi
Cabinet Secretary
Ministry of Education, Science & Technology
Ngara House II, Harambee
P.O. BOX 10060-01000
NAIROBI

Dear **Prb?**
RE: VISIT TO THE LANGATA ROAD PRIMARY SCHOOL.

The Law Society of Kenya is the premier bar association established as a statutory body under the Law Society of Kenya Act, Cap 18 Laws of Kenya one of its mandates is to inter alia protect and assist the public in Kenya in all matters touching, ancillary or incidental to the law.

Council of the Law Society of Kenya has formed a committee of eleven (11) Advocates following the events of the 19th January 2015 at Langata Primary School where the police openly used force and teargas on primary school children. The Committee led by Mr. Gertrude Angole, Council Member and Chief Executive Officer of Kiisu Cha Shamba terms of reference include considering the violation of children rights, record statements from the children and the management. The police action is in affront to the fundamental rights of Children to care and protection, security and education as enshrined in its Constitution and International.

We wish to express our dissatisfaction in the manner in which the Committee has been treated by the school administration and the Ministry of Science, Education & Technology while undertaking its terms of reference.

The committee visited the school on the 20th January 2015 with a view to executing its mandate by collecting statements from the children and the school management. The school management declined to allow the committee to talk to the school children and requested that the committee seeks approval from the District Education Officers.

Eric Mutua (Chairman), Lilian Omendi (Vice-Chairperson),
Grace Oluoma (Coast Representative), Geoffrey Njiru (Up-Country Representative),
Caroline Rhono Wanyonyi (Up-Country Representative), James Mwangi, Alan Githika, Gertrude Angole, Jennifer Shamba Allan Kang'ya, Eric Theor, Dennis Moseka

Law Society of Kenya

Leng'eta, opp Valley Arcade, Kilnaga Road
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Contact: 011-254-20-287664, 28203374,
200-0000000, 0999-000000
Fax: +254 20 88 8044
Website: www.lsk.or.ke


Our Ref: MS
Your Ref: Y.R.A
Date: 21st January, 2015

On the 20th and 21st January 2015, the Committee visited the Offices of Langata District Education and that of the Deputy Director Basic Education at the Ministry of Education Headquarters respectively with a view to obtaining the necessary approvals as requested by the School Head Teacher but the said request has not been granted. This is a clear violation of right to access to information as provided for under Article 35 of the Constitution.

This is therefore to request that you intervene in the matter and give a written authorization from your office to enable the Law Society of Kenya access the school in order to do the following:

- undertake thorough audit regarding the events of the 19th January 2015.
- interview and/or obtain statements from the management, teachers and pupils of the school.
- obtain evidence in the nature of copies of any document containing any information that forms part of or is relevant to the said.
- do any other lawful thing within the terms of reference of the said committee.

Kindly note that the subject matter of this letter is extremely urgent and request for an expeditious response within the next two (2) days.

Yours faithfully,

APOLLO MVOYA
SECRETARY/CCO

CC: 1. The Principal Secretary, Ministry of Education
2. The Country Director of Education, Nairobi City County
3. The Head Teacher, Langata Road Primary School

Eric Mutua (Chairman), Lilian Omendi (Vice-Chairperson),
Grace Oluoma (Coast Representative), Geoffrey Njiru (Up-Country Representative),
Caroline Rhono Wanyonyi (Up-Country Representative), James Mwangi, Alan Githika, Gertrude Angole, Jennifer Shamba Allan Kang'ya, Eric Theor, Dennis Moseka

Annex 6

Law Society of Kenya

BY HAND DELIVERY

Mr. Samuel Mwangi Anabibis
Ag. Inspector General of Police
Vigilance House
Police Headquarters
P.O. Box 30083-01000
NAIROBI

Dear **Samuel**
RE: INVESTIGATIONS REGARDING THE CONDUCT OF POLICE OFFICERS AT LANGATA ROAD PRIMARY SCHOOL ON 19/01/2015

The Law Society of Kenya is the premier bar association established as a statutory body under the Law Society of Kenya Act, Cap 18 Laws of Kenya one of its mandates is to inter alia protect and assist the public in Kenya in all matters touching, ancillary or incidental to the law.

The Council of the Law Society of Kenya formed a committee of eleven (11) Advocates following the events of the 19th January 2015 at Langata Primary School, where the police engaged in an operation and openly used force and teargas against on primary school children. The Committee is led by Mr. Gertrude Angole Council Member and Chief Executive Officer of Kiisu Cha Shamba. The terms of reference include considering the violation of children rights, recording statements from the children and the management.


The use of force to disperse the children and the public generally by the police is in affront to the fundamental rights of Children to care and protection, security and education as enshrined in its Constitution and International Law.

To enable the committee undertake its mandate we request that you provide us with the following:

Eric Mutua (Chairman), Lilian Omendi (Vice-Chairperson),
Grace Oluoma (Coast Representative), Geoffrey Njiru (Up-Country Representative),
Caroline Rhono Wanyonyi (Up-Country Representative), James Mwangi, Alan Githika, Gertrude Angole,
Jennifer Shamba Allan Kang'ya, Eric Theor, Dennis Moseka

- Copy of the operation order guiding the operation.
- Copy of the register of the officers deployed to undertake the operation.
- Name of the commander of the operation.
- Copy of the letter tendering Eight Mwangi, OCHO Langata Police Station.
- Details of the police officers authorized to handle the following during the operation:
 - Teargas Cartridges.
 - Firearms.
- Details, name and brand description of the tear gas used during the operation.
- Copies of relevant statements obtained by the police in regard to the events before, during and after the operation.
- Any other information on any disciplinary action taken against any of the officers responsible for violation of Human Rights before, during and after the operation.
- Copy of the Choumou Book entries reflecting reports made to the police in relation to the events that took place on the said date.

We look forward to hearing from you to facilitate timely and expeditious justice to the victim.

Yours faithfully,

APOLLO MVOYA
HCC SECRETARY/CCO

CC:
Mr. Keniko Tobiko Esq.,
Director Public Prosecution
Office of the Director of Public Prosecution
Naf Building, 19th Floor, Kilnaga Road,
P.O. Box 82705-01000, NAIROBI
Tel: 020-2773290
NAIROBI

Mr. Mwachira Njiru
Chairman
Independent Policing Oversight Authority
iAO Garden Jambani, 1st Ng'ang' Avenue
P.O. Box 21035-01000
NAIROBI

Eric Mutua (Chairman), Lilian Omendi (Vice-Chairperson),
Grace Oluoma (Coast Representative), Geoffrey Njiru (Up-Country Representative),
Caroline Rhono Wanyonyi (Up-Country Representative), James Mwangi, Alan Githika, Gertrude Angole,
Jennifer Shamba Allan Kang'ya, Eric Theor, Dennis Moseka

Mr. Patrick Nyumani
Secretary to the Commission
Kenya National Commission on Human Rights (KNCHR)
CIVIL Plaza 1st Floor, Kasulu Lane, off Lenana Road
P.O. Box: 74519/01000
NAIROBI

Mr. Johnston Kavululu, BSc, HCC
Chairman National Police Service Commission
P.O. Box 47161 - 01010
Sky Parklands, 5th Floor,
Waterside,
NAIROBI.

Eric Mutua (Chairman), Lilian Omendi (Vice-Chairperson),
Grace Oluoma (Coast Representative), Geoffrey Njiru (Up-Country Representative),
Caroline Rhono Wanyonyi (Up-Country Representative), James Mwangi, Alan Githika, Gertrude Angole,
Jennifer Shamba Allan Kang'ya, Eric Theor, Dennis Moseka

Annex 7



One of the teargas canisters that was thrown at the pupils