

THE COMMISSION ON ADMINISTRATIVE JUSTICE
Office of the Ombudsman



"Hata Mnyonge ana Haki"



CARING FOR THE PROTECTOR

AN INVESTIGATIONS REPORT BY THE OMBUDSMAN-KENYA
ON

THE BARAGOI POLICE OPERATION ON NOVEMBER 10, 2012 AND WELFARE
OF THE VICTIMS OF THE OPERATION

OCTOBER 2014

Serial No. CAJ 15/2014



Foreword

The Commission on Administrative Justice, pursuant to its mandate as stipulated under section 8 of its constitutive Act, undertook investigations into the circumstances surrounding the death, injury and welfare in relation to compensation for Police Officers who were involved in the Baragoi Police Operation on November 10, 2012.

The Commission undertook the investigations *suo motu* prompted by media reports appearing in the local and international Newspapers and TV News which ran between 10th and 13th November 2012.

Pursuant to Section 26 (d) of the CAJ Act, the Commission wrote to the then Commissioner of Police on 30th November, 2012, seeking information regarding the injured officers as well as those who died in the operation. CAJ later wrote to the Inspector General of Police on 14th January, 2013 on the same issue.

Alongside the foregoing, CAJ also wrote to the Director of Pensions and the Director of Occupational and Health Services on 4th February, 2014 and 12th February, 2014 respectively. In the letters, CAJ sought information on the status of the payment of benefits and gratuity to both the injured officers as well as to the next of kin of the deceased Police Officers.

The preparation of this report was informed by the analysis of several documents recovered in the course of investigations, and by interviews with officers from the Police, Pensions Directorate and the Directorate of Occupational Health and Safety Services who were involved in the processing of payment of gratuities and compensation awards for the affected officers.

CAJ is confident that the findings of this inquiry will inform the review and formulation of effective administrative strategies for the allocation and speedy processing of benefits due to public officers especially the police.

Signed this.....day of October, 2014

Cmmr. Otiende Amollo, EBS

Chairperson of the Commission on Administrative Justice

(Office of the Ombudsman)

Preamble

The Commission on Administrative Justice (Office of The Ombudsman) is a Constitutional Commission established under Article 59 (4) and Chapter Fifteen of the Constitution, and the Commission on Administrative Justice Act, 2011.

The Commission on Administrative Justice (CAJ) has a mandate, *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

In addition to Article 252 (1) (a) of the Constitution of Kenya 2010, Sections 26, 27, 28 and 29 of the CAJ Act give the Commission powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue Summons and require that statements be given under oath, adjudicate on matters relating to Administrative Justice, obtain relevant information from any person or Governmental authorities and to compel production of such information.

Under Section 31 of its Act, CAJ has power not limited by other provisions to investigate an administrative action despite a provision in any written law to the effect that the action taken is final or cannot be appealed, challenged, reviewed, questioned or called in question.

After concluding an investigation/inquiry, the Commission is required under Section 42 of its constitutive Act, to make a report to the State organ, public office or organization to which the investigation relates. The report shall include the findings of the investigation, action the Commission considers to be taken and reasons whereof and recommendations the Commission considers appropriate.

CAJ may upon an inquiry into a complaint, undertake such other action as it may deem fit against a concerned person or persons where the inquiry discloses a criminal offence as provided for under Section 41 of the CAJ Act.

Section 8 (g) of the CAJ Act gives the Commission power to recommend compensation or other appropriate remedies against persons or bodies to which the Act applies.

Section 42 (4) states: If there is failure or refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit to the National Assembly a report detailing the failure or refusal to implement its recommendations and the National Assembly shall take the appropriate action.

Further, Article 59(2) (j) of the Constitution of Kenya, 2010 empowers the Commission to report on complaints investigated under paragraph (h) and (i) and take remedial actions.

Section 52 (b) and (d) of the CAJ Act 2011, provides that a person who knowingly submits false or misleading information to a member of staff of the Commission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or both.

The report discusses the welfare of the police officers injured and those who died during the Baragoi Police Operation. The general layout of the report includes the following sections :

- Introduction to the investigations
- Investigations strategy
- Normative framework
- Analysis and findings
- Consequential observations
- Conclusions and Recommendations

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Acronyms

ACP	Assistant Commissioner of Police
AP	Administration Police
ASTU	Anti-stock Theft Police Unit
CAJ	Commission on Administrative Justice
CBD	Central Business District
CBK	Central Bank of Kenya
CID	Criminal Investigation Department
DDP	Deputy Director of Pensions
GSU	General Service Unit
NCOs	Non Commissioned Officers
NIS	National Intelligence Service
OCPD	Officer Commanding Police Division
PFMIS	Pensions Information Management System
PPO	Provincial Police Officer
SDCP	Senior Deputy Commissioner of Police
SOOPS	Staff Officer Operations
SSP	Senior Superintendent of Police
WIBA	Widows Injury Benefits Act

Executive Summary

The Commission on Administrative Justice undertook to investigate an attack against Police Officers who had been deployed in Baragoi on November 10, 2012, to track and recover stolen livestock. This was prompted by media highlights between 10th and 13th November, 2012 and a copy of a letter addressed to the then Permanent Secretary, Internal Security, authored by Ekuru/Kabage/Nyamathwe and Company Advocates lamenting/regretting deeply on the manner in which conflicts between the Samburu and Turkana Communities were mishandled whenever efforts are made to cultivate peaceful resolutions.

CAJ, therefore, decided to investigate the following issues:

- Circumstances surrounding the operation
- The exact number of deceased, injured and missing officers
- Welfare of the injured Police Officers and compensation status for the deceased police officers

Summary of Findings

A contingent of one hundred and seven **(107)** Police Officers and forty six **(46)** Kenya Police Reservists under the command of OCPD Samburu North Police Division, Mr. Chrispinus Makhanu, SSP, was deployed in the operation. The police officers were drawn from the Kenya Police, Administration Police, General Service Unit (GSU), and Anti-Stock Theft Unit (ASTU).

A total of thirty **(30)** Police Officers were slain and fourteen **(14)** injured during the operation. Two **(2)** Kenya Police Constables are still missing. The table below shows the number of Police Officers injured or slain in the Baragoi Police operation on the 20th November, 2012.

Formation	Deceased	Injured	Total
Kenya Police	11	8	19
Administration Police	19	6	24
Total	30	14	44

In addition, eight **(8)** Police Reservists were slain and five **(5)** injured in the Baragoi operation.

There were no female officers involved in the operation.

As of 11th April, 2014, the Pensions Directorate had received only seven **(7)** claims in respect of deceased Kenya Police Officers who were involved in the operation. Six **(6)** of them were approved for payment, while one claim was rejected for incorrect information. In spite of the approval, no payment had been made as of September 2014.

The Government of Kenya facilitated the burial for sixteen **(16)** officers at a cost of Kenya Shillings fifty thousand (KSh. 50,000) per family. However, CAJ noted that the burials for fourteen **(14)** officers were not facilitated by the Government.

There is no policy on compensation of the injured Police Reservists and next of kin of the deceased Police Reservists.

Investigations revealed that the PPO, Mr. Mbijiwe travelled in a Police helicopter together with Mr. Joshua Karianjahi Waiganjo to Samburu for the County Security meetings discussing sensitive security matters relating to the Baragoi operation. It was reported that Mr. Joshua Karianjahi Waiganjo, sat in the security meetings, and that his presence in the meetings as a civilian may have compromised confidentiality of the Operation and exposed officers to imminent danger.

CAJ investigators recovered a letter Ref. No. SEC.POL.2/1/23/Vol. VIII/123 dated 29th May, 2003 written by the then Provincial Police Officer, Mr. Kimanthi appointing Mr. Joshua Waiganjo to the rank of Assistant Commissioner of Police in charge of Police Reservists in Northern Rift especially in Kapenguria in West Pokot, Kitale and Nakuru areas, which indicates that Mr. Waiganjo attended the security meeting in his capacity as the in-charge of the Police Reservists in the Region.

Summary of Conclusions

- A total of one hundred and seven (**107**) Police officers who were drawn from the Kenya Police, Administration Police GSU and ASTU were under the command of the OCPD, Mr. Chrispinus Makhanu.
- The eleven (**11**) Kenya Police Officers who died in the operation included one (**1**) Inspector of police and ten (**10**) Police Constables.
- The nineteen (**19**) deceased Administration Police Officers included one (**1**) Chief Inspector, one (**1**) sergeant, two (**2**) corporals and fifteen (**15**) constables.
- Forty six (**46**) Kenya Police Reservists were involved in the operation.
- There was delay in reporting details of the operation to Police Headquarters.
- The PPO, Mr. Mbijiwe, DCP and Mr. Lugusa, ACP are collectively responsible for the mismanagement of the Baragoi Police Operation on 10th November, 2012.
- As of September 2014, no compensation had been made by the Pension Directorate to the victims of the operation.
- There is no policy regarding compensation for the injured and to the next of kin of the deceased Police Reservists.
- There is poor communication and coordination between the National Police Service, Ministry Interior and Coordination of National Government, Directorate of Occupational Health and Safety Services and the Pensions Directorate causing delay in processing of compensation.
- There is ambiguity as to who between the Directorate of Occupational Health and Safety Services and the Directorate of Pensions should process and pay injury and death claims.
- There was neither compensation nor facilitation of burial expenses in respect of the Kenya Police Reservists involved in the operation.
- The Pensions Directorate lacks sufficient capacity to efficiently manage and pay benefits, gratuity and awards to government employees, in particular, Police Officers, who are injured or slain in the line of duty.

On the basis of the recovered letter, CAJ therefore found no fault on the part of Mr. Mbijiwe, the then PPO, in having travelled in the same helicopter and allowing Mr.

Waiganjo to sit in the County security committee meetings,

CAJ took note of the fact that Mr. Waiganjo is actually under prosecution on various counts of criminality and hence the Commission did not wish to pursue him further on the authenticity of his police reservist status. The Commission could not therefore make conclusions on this matter.

Recommendations

- i. National Government should consider and give awards to officers involved in this Operation including posthumously awards for deceased officers.
- ii. The Government should consider and recover all illegal firearms in the hands of local communities.
- iii. The NCIC should scrutinize ethnic utterances made by political leaders with regard to peace and insecurity.
- iv. CAJ recommends embracing of community policing and the county police authority as is provided for under sections 41 and 42 of the National Police Service Act and the Constitution, Article 244 (e), for areas with high insecurity such as Baragoi and Samburu in general.
- v. National Police Service should overhaul its record management system using modern technology and in particular, regularly update contact information of serving staff and their next of kin. The electronic system will make it easy to retrieve information.
- vi. The Inspector General should establish a unit within the Police Human Resource Department with capacity to internally process benefit claims for Police Officers in an efficient manner.
- vii. The Inspector General of Police and the National Police Service Commission should establish a **modern and specialized hospital** in the likes of Forces' Memorial Hospital for Police Officers and their families.
- viii. The Police Doctor should provide services at such a facility. The facility should provide post event therapeutic programs for affected Police Officers and their families.

- ix. The National Police Service to establish a Police Welfare to cater for the wellbeing of Police Officers in terms of psychological counselling, medical care and burial for Police Officers and their families.
- x. The National Police Service Commission to negotiate for the establishment of a desk at the Pensions and the Occupational Health and Safety Service Directorates for processing claims of Police Officers.
- xi. The Principal Secretary Treasury to develop and implement an integrated electronic platform through which public institutions including the National Police Service, the Directorate of Pensions and the Occupational Health and Safety Services Directorate can access and input employees data necessary for efficient processing and paying of pensions, gratuity and other benefits both at National and County Governments. Such a protocol should enable individual claimants or the respective government departments to access and fill claim forms online.
- xii. Other than the death cases whose gratuity has been approved for payment, the National Police Service, the Pensions Directorate and the Directorate of Occupational Health and Safety Services should fast-track the payment for the injury and death cases.
- xiii. The Principal Secretary Treasury to consider payment of awards to the injured and next of kin of deceased Police Reservists.
- xiv. The Government of Kenya should reimburse funeral expenses to the families of eight **(8)** deceased Kenya Police Officers and four **(4)** Administration Police Officers.
- xv. The role of the National Government should handle security while the National Land Commission should look at issues of boundaries.
- xvi. The Attorney General to fast track payment of death gratuity to widows, children and dependants of deceased officers.
- xvii. The National Police Commission to review deployment and transfer policy to operational areas in consideration to age, length of service in a similar area and health of an individual officer.
- xviii. That further inquiries be undertaken to ascertain whether Mr. Joshua Karianjahi Waiganjo was duly appointed to his police reservist status.

Introduction to the investigations

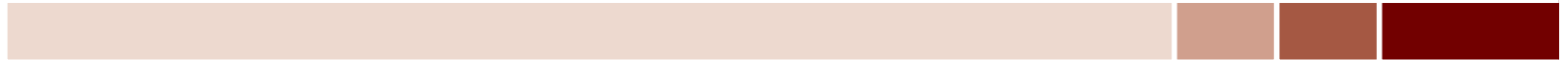
The Commission on Administrative Justice (CAJ) pursuant to Section 8 of its constitutive Act undertook investigations into the 10th November, 2012 Baragoi Police Operation to find out the inherent systems failure that may have led to the death and injury of Police Officers involved in the operation and to determine the rate of compensation to the injured officers as well as to the next of kin of the deceased officers.

The investigations were undertaken *suo motu* based on media reports in the local and international Newspapers, and TV News which ran between 10th and 13th November 2012, alleging that forty two (42) Police Officers were slain and several others injured in the operation and later augmented by a copy of a letter authored by Ekuru/Kabage/Nyamathwe and Company advocates, raising related concerns. **(Annexure A1)**

The CAJ investigators explored acts of commission or omissions by the public institutions/officers likely to result in impropriety including delay, unresponsiveness, inefficiency, ineptitude or abuse of power in the processing of compensation for injured or slain Police Officers in the Baragoi operation.

The investigations also sought to confirm the actual number of the deceased and injured officers, and the level of compensation to the injured, and to the next of kin for the deceased officers. Investigations considered the time taken in the processing of payments of benefits by the Directorates of Health and Safety and Pensions respectively with a view to determine whether there is inordinate delay therein.

The Baragoi police operation took place in the Suguta Valley, a conflict area in Samburu County.



The area is known for armed raids between the Samburu and Turkana communities. The two communities often fight for resources besides theft of livestock.

The National Police Service is established by the Constitution of Kenya under Chapter Fourteen, Article 243 (1) and (2). The National Police Service consists of the Kenya Police Service and the Administration Police Service both under the direction of the Inspector General.

The Constitutional functions of the National Police Service as provided under Article 244 are: a) to strive for the highest standards of professionalism and discipline among its members, b) prevent corruption and promote and practice transparency and accountability, c) comply with constitutional standards of human rights and fundamental freedoms, d) train staff to the highest possible standards of competency and integrity and to respect human rights and fundamental freedoms and dignity; and (e) foster and promote relationships with the broader society.

Investigative Strategy

The Commission on Administrative Justice pursuant to section 26 (d) of the CAJ Act, sought information regarding the welfare of the affected officers and the next of kin of the slain officers, from the Kenya Police Force by writing to the Commissioner of Police. **(Annexure A2)**

CAJ investigators formally sought statistical information on the number of police officers slain and those injured in the Baragoi operation and information on compensation and awards for injured and deceased officers as provided for in the Civil Service Group Personal Accident insurance Cover (GPA) and the Pensions Act Cap 189 as read with Caps 190-199 Laws of Kenya.**(see Annexure A3)**

Offices Visited

The investigations team visited the following offices during the investigations:

- Kenya Police Pensions Office at Vigilance House
- Kenya Police Strategic Operations Office at Vigilance House
- Administration Police Operations Office at Jogoo House
- The Pensions Directorate at Bima House, 6th Floor and the Safety and Health Services at Safety House on Commercial Street, Industrial Area.

Interviews Held

The team held interviews with the following:

- Mr. David Kangogo ACP, Officer in Charge Pensions Section, Kenya Police Headquarters
- Mr. Paul G. Kariuki, SSP, Liason Officer Kenya Police Headquarters
- Mr. P. M. Pamba, DCP, Deputy Commandant Administration Police, Chief of Operations at Jogoo house.
- Mr. Kanyeki, SSP, Administration Police, Jogoo House Nairobi
- Mr. Shem Obongo Nyakutu, Deputy Director of Pensions, Bima House, Nairobi.
- Mr. Stanely Mbatha, Ag. Director of Occupational Safety and Health Services, Commercial Street, Nairobi.
- Mr. Chrispinus Makhanu SSP, OCPD Samburu North Police Division
- Mr. Wilberforce Lugusa, ACP, Staff Officer Operations, Rift valley

Issues under Investigations

The issues under investigations are:

- Exact number of deceased, injured and missing officers
- Welfare of the injured Police Officers Compensation status for the deceased Police Officers
- Circumstances surrounding the operation

Documents Recovered

The documents recovered for investigative analysis included:

- copy of a signal BARA/OPS/OUT/VOL.1/126 dated 12th November, 2012 **(marked as annexure A4)**
- Lists of death/injured Police Officers **(marked as annexure A5,A6 and A7)**
- Kenya Police compensation claim report **(marked as annexure A8)**
- AP compensation claim report **(marked as annexure A9)**
- List of burial facilitation/funds **(marked as annexure 10)**
- A letter from the Director of Pensions **(marked as annexure A11)**
- A letter from the Directorate of Occupational Health and Safety Services **(marked as annexure A12)**
- Interview schedule for Mr. Chrispinus Makhanu SSP **(marked as annexure A13)**
- Statement by then PPO Rift Valley Province, Mr. John Kaua Mbijiwe, DCP. **(marked as annexure A14)**
- A letter from CAJ to Mr. Willy Lugusa, ACP. **(marked as annexure A15)**
- A letter from CAJ to Mr. John Kaua Mbijiwe, DCP and his response documents. **(marked as annexure A16)**
- Letter of appointment for Mr. Joshua Karianjahi Waiganjo, ACP in-charge Police Reservists, North Rift. **(marked as annexure A17)**

Normative Framework

Work Injury Benefits Act Chapter 236 2007 [2010]

Section10 (1): *An employee who is involved in an accident resulting in the employee's disablement or death is subject to the provisions of this Act, and entitled to the benefits provided for under this Act.*

(2) *An employer is liable to pay compensation in accordance with the provisions of this Act to an employee injured while at work.*

(3) *An employee is not entitled to compensation if an accident, not resulting in serious disablement or death, is caused by the deliberate and wilful misconduct of the employee.*

(4) For the purposes of this Act, an occupational accident or disease resulting in serious disablement or death of an employee is deemed to have arisen out of and in the course of employment if the accident was due to an act done by the employee for the purpose of, in the interests of or in connection with, the business of the employer despite the fact that the employee was, at the time of the accident acting—

(a) in contravention of any law or any instructions by or on behalf of his employer; or

(b) without any instructions from his employer.

(5) For the purposes of this Act, the conveyance of an employee to or from the employee's place of employment for the purpose of the employee's employment by means of a vehicle provided by the employer for the purpose of conveying employees is deemed to be in the course of the employee's employment.

(6) For the purposes of this section, an injury shall only be deemed to result in serious disablement if the employee suffers a degree of permanent disablement of forty percent or more.

Section 17 (1): If an occupational accident or disease in respect of which compensation is payable, was caused in circumstances resulting in another person other than the employer concerned (in this section referred to as the 'third party') being liable for damages in respect of such accident or disease—

(a) the employee may claim compensation in accordance with this Act and may also institute action for damages in a court against the third party;

The Occupational Safety and Health Act, 2007

Section 21: Written or verbal notice of any accident provided for in section 22 which occurs during employment shall be given by or on behalf of the employee concerned to the employer and a copy of the written notice or a notice of the verbal notice shall be sent to the Director within twenty-four hours of its occurrence in the case of a fatal accident.

Section 26 (1): A claim for compensation in accordance with this Act shall be lodged by or on behalf of the claimant in the prescribed manner within twelve

months after the date of the accident or, in the case of death, within twelve months after the date of death.

(2) If a claim for compensation is not lodged in accordance with subsection (1), the claim for compensation may not be considered under this Act, except where the accident concerned has been reported in accordance with section 21.

(3) If an employer fails to report an accident or to provide information requested by the Director as specified in the request, the

Director may—

(a) conduct an investigation and recover the cost of the investigation from the employer as a debt due from the employer; or

(b) levy a penalty on the employer.

(4) An employer or insurer against whom a claim for compensation is lodged by the Director under this section, shall settle the claim within ninety days of the lodging of the claim.

(5) The Director shall, within thirty days of receipt of the money claimed under subsection (1), pay the money to the employee who made the claim or his dependants.

(6) An employer or an insurer who fails to pay the compensation claimed under this subsection commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Employment Act 2007

Section 34 (1): Subject to subsection (2), an employer shall ensure the provision sufficient and of proper medicine for his employees during illness and if possible, medical attendance during serious illness.(2) An employer shall take all reasonable steps to ensure that he is notified of the illness of an employee as soon as reasonably practicable after the first occurrence of the illness.

(3) It shall be a defence to a prosecution for an offence under subsection (1) if the employer shows that he did not know that the employee was ill and that he took all reasonable steps to ensure that the illness was brought to his notice or that it would have been unreasonable, in all the circumstances of the case, to have required him to know that the employee was ill.

(4) This section shall not apply where—

(a) the illness or injury to the employee was contracted during a period when the employee was absent from his employment without lawful cause or excuse;

(b) the illness or injury is proved to have been self inflicted;

(c) medical treatment is provided free of charge by the Government or under any insurance scheme established under any written law which covers.

Claim for compensation.

Section 26. (1): A claim for compensation in accordance with this Act shall be lodged by or on behalf of the claimant in the prescribed manner within twelve months after the date of the accident or, in the case of death, within twelve months after the date of death.

(2) If a claim for compensation is not lodged in accordance with subsection (1), the claim for compensation may not be considered under this Act, except where the accident concerned has been reported in accordance with section 21.

(3) If an employer fails to report an accident or to provide information requested by the Director as specified in the request, the Director may—

(a) conduct an investigation and recover the cost of the investigation from the employer as a debt due from the employer; or

(b) levy a penalty on the employer.

(4) An employer or insurer against whom a claim for compensation is lodged by the Director under this section, shall settle the claim within ninety days of the lodging of the claim.

(5) The Director shall, within thirty days of receipt of the money claimed under subsection (1), pay the money to the employee who made the claim or his dependants.

(6) An employer or an insurer who fails to pay the compensation claimed under this subsection commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Lapse of right to benefits.

Section 27(1): A right to benefits in accordance with this Act shall lapse if the accident is not reported to the employer within twelve months after the date of such accident.

(2) Notwithstanding the provisions of subsection (1), the failure to report an accident to an employer as required in subsection (1) is not a bar to compensation if it is proved that the employer had knowledge of the accident from any other source.

(3) Subject to section 26, failure to report an accident to an employer as required in subsection (1), or any error or inaccuracy in such a notice, is not a bar to compensation if—

- (a) the employer is not or would not be seriously prejudiced by such failure, error or inaccuracy if notice is then given or the error or inaccuracy is corrected; or
- (b) if such failure, error or inaccuracy was unforeseeable or was caused by the employee's absence from Kenya.

Analysis

Deployment

Information available to CAJ indicates that a contingent of **107** police officers drawn from the Kenya Police, Administration Police, GSU and ASTU took part in the Baragoi Police Operation to track and recover stolen livestock from Samburu North District. The police were, supported by forty six (**46**) Kenya Police Reservists.

CAJ Investigators recovered a copy of a signal BARA/OPS/OUT/VOL.1/126 dated 12th November, 2012 written by Mr. B.M. Makori (SP), on behalf of the Officer in Charge Samburu North Police Division (OCPD). The signal indicated that One hundred and seven (**107**) officers were deployed in the Baragoi Operation on 10th November, 2012. (**Annexure A4**).

It was also noted that the contingent included newly posted graduates from the Administration Police Training College.

The Operation

CAJ confirmed that the Baragoi Police Operation of 10th November, 2012 was organized to track and recover five hundred and one (**501**) livestock stolen from the Samburu Community. The operation followed several peace meetings involving leaders from the Turkana and Samburu communities.

CAJ established that the police at Baragoi formed three Sectors of approximately thirty six (**36**) officers each under the command of Mr. Chrispinus Makhanu a Senior Superintendent of police. CAJ confirmed that the Staff

Officer Operations, Mr. Wilberforce Lugusa, ACP remained at the station for logistical arrangements.



Single file operation move

CAJ confirmed that the contingent was deployed from Baragoi Police Station at 3.00 am to track and recover the stolen cattle. The police pursued the armed cattle rustlers into Suguta Valley where the armed bandits ambushed the officers at Kekredony forest. Thirty **(30)** officers and eight **(8)** Kenya Police Reservists died in the operation. CAJ established that poor communication, bad terrain and weather impeded reinforcement and rescue operations, thus it took police many days to trace and recover dead bodies.

The CAJ team noted that there was a delay of two days in sending the official signal to Police Headquarters, Nairobi on the raid and the rescue operation as a result of power outage and lack of communication equipment.

Injured Police Officers

Fourteen **(14)** officers were injured in the Operation. They included six **(6)** Administration Police officers and eight **(8)** Kenya Police Officers. **(See annexures A5, A6 and A7).**



Injured officers being evacuated

Table No. 1 below shows the details of the injured Administration Police Officers

Table No.1: Injured Administration Police Officers.

S/No	P/NO.	RANK	NAME	DUTY STATION
1	243729	APC	David Kiura Mwithi	DC's Office Baragoi
2	245717	APC	Moses Kariuki	DC's Office W/Pokot
3	246011	APC	Patrick Karinga	DC's Office W/Pokot
4	245517	APC	Meshack Kilumba	DC's Office W/Pokot
5	20060667737	APC	Stephen Githumbo	DC's Office T/Nzoia
6	245505	APC	Martin Cheruiyot	DC's Office Samburu Central

The Eight **(8)** Kenya Police Officers injured in the Baragoi Operation included one **(1)** Senior Superintendent of Police, one **(1)** corporal and six **(6)** Police constables as shown in table No. 2 below.

Table No. 2: Injured Kenya Police Officers

S/No.	F/NO.	RANK	NAME	DUTY STATION
1	230376	SSP	Chrispinus M. Makhanu	Samburu North Division
2	84660	CPL	Thomas Marunga	GSU Nachola Camp
3	96768	PC	Nicholas Mwangola	Baragoi Police Station
4	68623	PC	James Mwathe	Baragoi Police Station
5	96845	PC	Abdullahi Dagane	Baragoi Police Station
6	95221	PC	Geofrey Kiplang'at	ASTU "G" company
7	87851	PC	Lawi Owino	ASTU "G" company
8	90067	PC	Peter Ochawo	ASTU "G" company

Injured Kenya Police Reservists

Five **(5)** Police Reservists were reported injured in the operation as shown in table No. 3 below.

Table No. 3: Injured Kenya Police Reservists

S/NO.	ID NO.	NAME	LOCATION
1	13047832	Lukirenyei Lmasianai	Ngilai El-Barta
2	1245794	Lenagetai Ndirikany Ltemeano	Ngilai El-Barta
3	20401910	Leleruk Musa Kinitae	Ngilai El-Barta
4	4201247	Lonkinei Lesuakeri	Ngilai El-Barta
5	20378566	Lolpusknei Loigutie	Ngilai El-Barta

Slain Police Officers

The thirty **(30)** Police Officers, who died in the Baragoi operation, included nineteen **(19)** Administration Police Officers and eleven **(11)** Kenya Police officers. The 19 deceased Administration Police Officers were one **(1)**, Chief Inspector one **(1)** sergeant, two **(2)** corporals and fifteen **(15)** constables. On the other hand, the Kenya Police lost one **(1)** Inspector of police and ten **(10)** Police

Constables. Eight **(8)** Kenya Police Reservists also died in the operation, bringing the total to thirty eight **(38)** officers. **(See annexure A5, A6, A7)**

Table No. 4, 5 and 6 below shows the number of Administration Police, Kenya Police and Kenya Reservist officers slain in the Baragoi Operation, respectively.

Table No. 4: Details of the deceased Administration Police Officers

S/No	P/NO.	RANK	NAME	DUTY STATION
1.	81060774	C.I.	Daniel Mulyungi	DAP Samburu North
2.	86007624	SGT	Micheal Etyang	DC's Office Samburu Central
3.	91073353	CPL	William Kemei	Nakuru
4.	99013309	CPL	Paul Etyang	West Pokot
5.	242963	APC	Abdinasir Abdi Hassan	West Pokot
6.	245763	APC	Eric Mutwiri	West Pokot
7.	243079	APC	Alex Githinji Kahuho	DC's Office Samburu North
8.	243471	APC	Brian Musyoka Ngume	DC's Office Samburu North
9.	243651	APC	Duncan Odhiambo Omollo	DC's Office Samburu North
10.	243375	APC	Benson W. Kingereto	Samburu North
11.	243231	APC	Anthony Timothy Ouma	West Pokot
12.	243588	APC	Christopher Mwanza Musyoka	DC's Office Samburu North
13.	2007111226	APC	Daniel Kamau	Trans-Nzoia
14.	950049918	APC	Richard Kinyua	Laikipia West
15.	245937	APC	Dancan Javan Okelo	West Pokot
16.	245762	APC	Mutua Munyalo	DC's Office West Pokot
17.	2008053803	APC	Emmanuel Orachi	Samburu North
18.	2007111226	APC	Daniel Kamau Githinji	Trans Nzoia
19.	2011368311	APC	Boaz Okungu Omwenga	DC's Office West Pokot

Table No. 5: Deceased Kenya Police Officers during the Baragoi Operation

S/NO	F/NO	RANK	NAMES	DUTY STATION
1	65076	IP	Mark Kemboi	OC GSU Nachola
2	95772	PC	Josephat Karuku	Baragoi Police Station
3	90208	PC	David Ang'ura Ikireng	GSU Nachola
4	89600	PC	Martin Mutuma	ASTU "G" Company
5	90083	PC	Alfred Memba	ASTU "G" Company
6	88639	PC	Godwin Okoth	Baragoi Police Station
7	90061	PC	Mohamed Abdullahi	ASTU "G" Company
8	95387	PC	Stephen Werunga	Maralal Police Station
9	95878	PC	Abubakar Sissoko	Baragoi Police Station
10	90336	PC	Lucas Mburugu	GSU Nachola
11	90583	PC	Charles Rono	ASTU "G" Company

Deceased Kenya Police Reservists:

A total of eight **(8)** Police Reservists were slain in the Baragoi operation.

Table No. 6: Deceased Kenya Police Reservists during the Baragoi Operation

S/NO.	ID NO	NAME	LOCATION
1	124552979	Leakono Lmajaris	Bendera Baragoi
2	-	Lengeriani Tarina	Ngilai El-Barta
3	-	Leremore Imusalata	Ngilai El-Barta
4	22815459	Lentoimaga Titus	Bendera Baragoi
5	-	Learkolei Loisomal	Latakweny
6	-	Lesirite Lolokulal	Ngilai El-Barta
7	-	Learamo Lbulana	Ngilai El-Barta
8	20297345	Letinina Loitiptip	Ngilai El-Barta

Missing Police Officers

Two **(2)** Police Constables were reported missing in the operation **(see annexure A5)**.



Searching for missing officers

Gender Distribution

There were no female police officers deployed in the operation.

Compensation

The compensation of injured police officers and to the next of kin for those who died in the Baragoi operation was also a key issue under investigations.

Three types of compensation that police officers are entitled to:

Workman Compensation

This is compensation to civil servants injured while in actual performance of duty or who are injured while actively on duty. It is an eight hours cover. It is managed by Ministry of Labour, Social Security and Services.

- A report of injury of an officer is submitted to Police Headquarters by the Officer Commanding Police Station where the officer is serving.
- The Pension Section at Police Headquarters prepares a proforma report on the injury and forwards it to the Ministry of Labour.
- The injured officer upon healing forwards the following documents to the Directorate of Occupational Health and Safety Services, Ministry of Labour:
 - Police Abstract - Form P10A (Revised).
 - Payslip for the month of injury.
 - Discharge summary report from the hospital or medical report.
- The Directorate of Occupational Health and Safety Services convenes a Medical Board to ascertain percentage of injury to an officer. The injured officer pays a fee of KSh.2, 000 for the assessment.

- The Medical Board assessment report is forwarded to Ministry of Labour to enable the processing of the claim.
- Ministry of Labour processes payments through Finance.
- Finance does verification and computation of the awards.
- Payments are made directly to the injured officer's account through Central Bank of Kenya

Group personal accident

This is insurance for civil servant managed by Principal Secretary, Finance. It is a twenty four hours cover. It is paid to civil servant injured when they are not actively on duty.

Death gratuity

This is compensation paid on death of a civil servant by Director of Pensions in Finance to the dependents of the deceased.

Death Gratuity is compensation paid to the dependants of the deceased civil servant by the Director of Pensions. The procedure is as follows;

- Upon death of a police officer, the Officer In Charge of the Police Station where the officer was stationed makes a report to the Inspector General
- The Inspector General requests from the next of kin of the deceased officer the following documents required for processing death gratuity:
 - A death certificate
 - A confirmation letter from the area Chief stating the genuine next of kin, correct name and respective age of the deceased's children
 - A filled declaration form in parts; by the next of kin, the area Chief, County Commissioner, Commissioner of oath and one family member from the husband's side and wife's side whichever is the case.
- Police Headquarter obtains a certificate of clearance from the Income Tax Department.
- Police Headquarter forwards the claims form and supporting documents to the Director of Health and Safety for verification and analysis.
- The documents are then forwarded to the Director of Pensions for computation.

- The Director of Pensions pays the next of Kin through the Office of the Public Trustee. **(see Annexure A3)**

In following up the process of compensation, the investigations team visited relevant offices which play a key role in the processing of compensation claims for injured and deceased Police Officers.

Below are the offices and roles they have played in relation to the processing of compensation claims for both injured and deceased police officers who took part in Baragoi Police Operation:

Kenya Police Headquarters

Police Headquarters had finalised the putting together of documents for seven out of eleven claims of the deceased Kenya Police Officers who died in the Baragoi operation as at 1st November 2013. Four of the claims were still pending receipt of documents from next of kin as at 11th April, 2014. Among these four pending cases, one case is reported to have family dispute over the next of kin. **(See annexure A8).**

It is noted that Kenya Police Pension Section does not have phone contacts for most of the next of kin to the officers to expedite collection of required documents from them.

In regard to injured police officers, Kenya Police Headquarters confirmed from their records that they received only one injury compensation claim on 15th January 2013. Additionally, the Pensions Section at Kenya Police Headquarters reported to the investigators that processing of injury benefit claims is pursued by individual officers.

Administration Police Headquarters

The Commission was unable to obtain information from Administration Police Headquarters regarding the number of claims received in respect of compensation for the injured and the next of kin to the deceased officers.



Searching for surviving officers

Directorate of Occupational Health and Safety Services

The Director, Occupational Health and Safety Services, in his response letter Ref: ML/DOSH/AFA/10/34.VOL. IV (122) dated 10th March 2013 stated that the Directorate had received sixteen **(16)** claims, four **(4)** for injured and twelve **(12)** for the deceased police officers who took part in Baragoi Police Operation. **(See annexure A12)**

Out of the sixteen **(16)** claims, eleven **(11)** were approved for payment and five **(5)** rejected because of missing documents which included certified copies of last two pay slips, police abstract on the incidences, filled DOSHI-1 Form, 2 certified copies of National Identity Card, certified copy of wife's national Identity cards among others. The 11 approved cases included 8 claims for deceased officers while 3 were for injured officers.

The following table indicates the statistics of the 16 claims which were processed by the Directorate:

Table No. 7: Compensation claims for deceased and injured officers

Claims	Administration Police	Kenya Police	Total
Approved claims for deceased Officers	3	5	8
Approved claims for Injured Officers	1	2	3
Rejected claims for deceased officers	1	3	4
Rejected claims for injured officers	Nil	1	1
Total	5	11	16

The eight processed compensation claims for deceased officers included five **(5)** for Kenya Police Officers and three **(3)** Administration Police Officers. Three **(3)** injury compensation claims were approved for payment whereas two **(2)** were for Kenya Police Officers and one **(1)** for an Administration Police Officer.

Four **(4)** death compensation claims were rejected due to missing documents, three **(3)** were for Kenya Police officers while one **(1)** was for an Administration Police officer.

CAJ noted inordinate delay in the processing of the compensation claims for the police officers. It is worth noting that two **(2)** years after the Baragoi Police operation, the Directorate of Occupational Safety and Health Services had only approved payment for eight **(8)** out of thirty **(30)** (26.7%) death compensation claims as of 15th April 2014. **(See annexure A11 and A12).**

National Treasury, Pensions Directorate

The Pensions Directorate receives claims from Ministries, Departments and Parastatals. It pays Group Personal Injury benefits to Police Officers injured while in the line of duty. Compensation awards are paid according to Cap 189 governing payment of various awards to a State or Public Officer.

The Directorate confirmed that it had received only seven **(7)** claims in relation to deceased Kenya Police Officers, who were involved in the Baragoi operation as at 15th April, 2014. Six **(6)** of the claims were approved for payment, while one claim was rejected for insufficient information. **(See annexure A11 and A12).**

Despite the fact that the above six **(6)** compensation claims had been approved for payment, investigations revealed that none of the Baragoi injury claimants had been paid by September 2014. Likewise, no payment of death gratuity had been made to widows or next of kin of the deceased officers involved in the Baragoi operation. **(See Annexure A11)**

The Pensions Directorate also confirmed in writing that by 17th October, 2014 it had received six **(6)** compensation claims from Administration Police Officers. Two **(2)** of the claims were fully settled and payments released on 08th November, 2013 and 10th December, 2013 through Public Trustee. Three **(3)** other claims were paid in part (death gratuity only) on 14th November, 2013, 29th October, 2013 and 6th December, 2013 but beneficiaries are yet to be paid entitled pensions, respectively. One **(1)** claim, has not been paid despite that the Directorate indicates that it shall be paid to the Assistant Public Trustee in Eldoret **(see annexure A 17)**.

The National Police Service

Officers at the Police Pension Section at Vigilance House reported long delays by Station Commanders in submitting the necessary information to Police Headquarters for onward transmission to the Ministry of Labour. They stated that Police Officers do not provide sufficient information regarding beneficiaries and/or their next of kin in the event of death.

Findings

- CAJ confirmed that the Baragoi Police operation took place on the 10th November, 2012 at Kekredony forest, Suguta Valley, within Nachola Location.
- That a contingent of one hundred and seven **(107)** Police Officers drawn from Kenya Police, Administration Police, GSU and ASTU were deployed to track and recover five hundred and one **(501)** livestock stolen from the Samburu Community. **(See annexure A13)**
- CAJ also confirmed that a total of forty-six **(46)** Kenya Police Reservists took part in the operation. **(See annexure A13)**
- Among the one hundred and seven **(107)** officers, eleven **(11)** were Administration Police Officers who had recently graduated from Embakasi Administration Police Training College.

- A total of thirty **(30)** Officers (nineteen **(19)** Administration Police and eleven **(11)** Kenya Police Officers) died in the Operation. Eight **(8)** Kenya Police Reservists also died in the Operation.
- A total of fourteen **(14)** police officers and five **(5)** Kenya Police Reservists were injured in the Operation.
- Two **(2)** Kenya Police Officers have since been missing.
- There was delay in relaying information on the Operation to Police Headquarters.
- CAJ finds the then PPO, Mr. Mbijiwe, DCP, culpable of delay in responding to the attack, of which he was informed in the afternoon of Saturday, 10th November, 2012 but responded on Monday, 12th November, 2012.
- CAJ noted dereliction of duty on the part of the PPO in putting pressure on officers to mount the Operation while he failed to provide the necessary logistical support.
- Investigations revealed that the PPO, Mr. Mbijiwe travelled in a Police helicopter together with Mr. Joshua Karianjahi Waiganjo to Samburu for the County Security meetings discussing sensitive security matters relating to the Baragoi operation.
- It was reported that Mr. Joshua Karianjahi Waiganjo, sat in the security meetings, and that his presence in the meetings as a civilian may have compromised confidentiality of the Operation and exposed officers to imminent danger.
- CAJ investigators recovered a letter Ref. No. SEC.POL.2/1/23/Vol. VIII/123 dated 29th May, 2003 written by the then Provincial Police Officer, Mr. Kimanthi appointing Mr. Joshua Waiganjo to the rank of Assistant Commissioner of Police in charge of Police Reservists in Northern Rift especially in Kapenguria in West Pokot, Kitale and Nakuru areas, which indicates that Mr. Waiganjo attended the security meeting in his capacity as the in-charge of the Police Reservists in the Region. **(See annexure A17)**
- On the basis of the above recovered letter, CAJ therefore found no fault on the part of Mr. Mbijiwe, the then PPO, in having travelled in the same

helicopter and allowing Mr. Waiganjo to sit in the County security committee meetings. **(See annexure A16)**

- CAJ took note of the fact that Mr. Waiganjo is actually under prosecution on various counts of criminality and hence the Commission did not wish to pursue him further on the authenticity of his police reservist status. The Commission could not therefore make conclusions on this matter. The Commission However, recommends further inquiries to be undertaken to ascertain whether he was duly appointed to his police status. **(See annexure A16)**
- CAJ finds the PPO responsible for the death of the thirty officers and eight Reservists.
- CAJ finds Mr. Lugusa and Mr. Makhanu had collective responsibility for failing to draft or monitor the sending of a signal detailing the Operation and reporting the attack to Police Headquarters. However CAJ notes that the officers operated under poor conditions and a lot of pressure.
- The officers operated without an Operational Order (plan/strategy) which they were supposed to draft/send three days before an operation commences.
- The Government of Kenya deployed KDF who used helicopters to Baragoi, but due to the non-existence of an Operational Order, they were unable to proceed with the Operation.
- It was noted that the Operation to recover the stolen livestock was cut short by the ambush.
- The Government of Kenya met the burial expenses for sixteen **(16)** (three **(3)** Kenya Police and fourteen **(14)** Administration Police) officers at a cost of KSh. 50,000 per family. The facilitation of burials for the remaining twelve **(12)** (eight **(8)** Kenya Police and four **(4)** Administration Police deceased officers) is not clear. **(See Annexure A10)**
- Notably police officers and their dependents have low awareness/knowledge of the requirements for and the process of compensation in the event of injury or death of an officer.

- Poor communication and coordination between the National Police Service, Interior and Coordination of National Government, Directorate of Occupational Health and Safety Services and the Pensions Directorate is apparently another cause of the delay.
- There is ambiguity as to who between the Directorate of Occupational Health and Safety Services and the Directorate of Pensions should process and pay injury and death claims.
- There was neither compensation nor facilitation of burial expenses in respect of the Kenya Police Reservists involved in the Operation.
- WIBA (Act no.13, 2007), CAP 189 and the National Police Service Act have no provisions for compensation for Kenya Police Reservists.
- There is lack of awareness through public education regarding the procedures for making a claim by injured Police Officers and the next of kin of deceased officers.
- There is a backlog of compensation claims being processed and those approved but not yet paid due to lack of sufficient funds.
- The Pensions Directorate lacks sufficient capacity to efficiently manage and pay benefits, gratuities and awards to government employees, in particular, Police Officers, who are injured and slain in line of duty.

Conclusion

- Investigations revealed that a total of one hundred and seven **(107)** Police officers drawn from the Kenya Police, GSU, ASTU and Administration Police were deployed in the Baragoi Police Operation.
- In addition, forty six **(46)** Kenya Police Reservists also took part in the Operation.
- There were no female police officers deployed in the Operation.
- It was confirmed that thirty **(30)** Police Officers and eight **(8)** Kenya Police Reservists died in the Baragoi operation.
- Fourteen **(14)** Police Officers were injured in the Baragoi Operation.
- Five **(5)** Kenya Police Reservists were injured.
- Two **(2)** Kenya Police Constables are still missing to date.

- As at September, 2014 none of the compensation claims for the injured and to the next of kin of the deceased has been paid.
- There was two days delay in informing the Police Headquarters about deployment of one hundred and seven police officers in the Baragoi Operation.

Consequential Observations

1. The operation was biased and there was a focused aggression against the Turkana community, based on the following:
 - Several months prior to the attack, the Samburu stole six hundred (600) goats from the Turkana and when the Government intervened they returned only sixty (60).
 - The Samburu also stole fifty-six (56) camels from the Turkana just before the operation.
 - The Turkana stole five hundred and one (501) head of cattle from the Samburu. Following peace meetings they returned twelve (12) and requested that the Samburu return the stolen camels and goats which was never done.
 - When the Government launched the Operation, they targeted only the Turkana which made it obvious to the Turkana that the Government supported the Samburu.
 - Only the Samburu Police Reservists were involved in the Operation. Turkana Police Reservists declined to be involved.
 - CAJ faults the District County Security Committee chaired by the County Commissioner and the PPO Rift Valley and his team for this skewed operation.
2. CAJ noted failure on the part of National Intelligence Service (NIS) to provide relevant information to inform the Operation, including lack of intelligence on the planned ambush and slaying of police officers.
3. The County Security Committee and the PPO blatantly ignored the advice of the then Staff Officer Operations (SOOPS), Rift Valley, Mr.

Lugusa who advised the Committee against mounting the Operation for the following reasons:

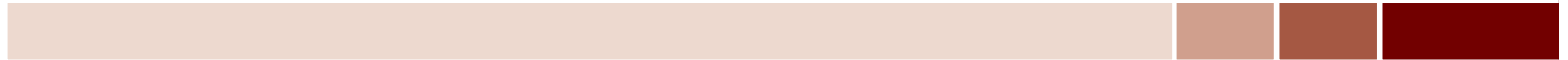
- The Turkana had argued that in June, 2012 the Samburu had stolen six hundred (600) goats but had only returned sixty (60) goats and this theft had not been addressed.
 - If there was to be an Operation mounted against the Turkana it would be biased as they also had issues.
 - Mounting an operation against the Turkana would be catastrophic as it would mean passing through an area heavily inhabited by the Turkana where the possibility of being waylaid was high.
 - If there was to be an operation conducted in the area it had to be simultaneous to the two communities and there had to be a big force capable of undertaking operations.
4. There is a significant presence of illegal firearms and ammunition in Baragoi, including AK 47s, G3s and HK-21s among the local communities. This is a serious breach of security in itself and which to date has not been addressed by the Government.
 5. It was noted that there are a number of Kenya Police Reservists whose management and control appeared wanting. It was also noted that the OCPD did not know the exact number of Kenya Police Reservists within his control nor did he know the exact number of firearms. During interviews with CAJ, the OCPD noted that the firearms issued to Kenya Police Reservists became family property and passed on from one family member to another for the protection of livestock and police had no control or regulations on the same.
 6. Several Police Officers who were involved in the Operation are still serving in Baragoi two years down the line and other than post-traumatic counselling offered by the Red Cross, there seems to have been nothing organized to rehabilitate the officers.
 7. After the Operation there was no debrief done in order to establish the number of officers who had returned for the purposes of organising a rescue operation for the remaining officers in Kekredony Forest.

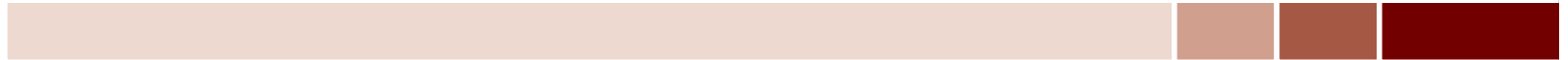
8. There was no rescue operation organized and the only assistance brought in was in the form of helicopters whose only role was the continuation of the pursuit and recovery of the missing animals, rather than the rescue of dead and injured officers.
9. There is need for serious interrogation of the philosophy behind cattle-rustling.
10. There is need to interrogate the expansion of territory by communities in terms of land resources including natural and mineral resources.
11. There is no policy on the recruitment, control and management of the Kenya Police Reservists in terms of numbers, uniform, age, identification and training.
12. Investigations noted that after the operation, eleven **(11)** Administration Police officers who died in the operation were confirmed in their appointments posthumously.
13. CAJ noted that Mr. B.M. Makori (SP) wrote a signal, and the submitted list did not include two **(2)** Police Officers and forty-six **(46)** Police Reservists equally deployed in the same operation.
14. Section 110 of National Police Service Act No. 11 of 2011 provides for the appointment of police Reservists by the Inspector General but there is no clear policy on the engagement of Police Reservists in the National Police Service.
15. There was no standby party or immediate medevac operation to save lives or recover dead bodies from the battlefield.
16. Most officers interviewed indicated little or no knowledge of the requirements for compensation.
17. The CAJ investigators noted that the Pensions Directorate has no complaints desk.
18. The Pensions Directorate attends to members of public in the morning hours only. Claimants travelling to Nairobi from distant Counties have to spend a night in Nairobi to find audience with Pensions Staff the next morning. The claimants end up spending more resources including monies they spent to hasten the processing of their claims.

19. The Pensions Directorate has staff shortage leading to backlogs.
20. The Pensions Act, Cap 189 and Cap 195 discriminates payment of death gratuity to widowers after death of their wives who were state/public officers.
21. The Government of Kenya facilitated burials for three **(3)** Kenya Police officers and twelve **(12)** Administration officers at a cost of Kenya Shillings fifty thousand (KSh. 50,000) each, while burials for eight **(8)** Kenya Police and five **(5)** Administration deceased officers were not facilitated.
22. It was noted that the Government did not facilitate the burial of the eight **(8)** slain Kenya Police Reservists
23. The PPO, Mr. Mbijiwe, DCP and Mr. Lugusa, ACP were informed in writing of CAJs findings on the matter and while the PPO gave his feedback, Mr. Lugusa has since not responded.
24. The PPO, Mr. Mbijiwe, DCP, in his response, stated that the entire operation was under the management of Mr. Lugusa, ACP, who was working under him. However, the investigations still finds both of them responsible for the mismanagement of the Baragoi Operation on 10th November, 2012.
25. On the basis of the recovered letter, CAJ therefore found no fault on the part of Mr. Mbijiwe, the then PPO, in having travelled in the same helicopter and allowing Mr. Waiganjo to sit in the County security committee meetings,
26. CAJ took note of the fact that Mr. Waiganjo is actually under prosecution on various counts of criminality and hence the Commission did not wish to pursue him further on the authenticity of his police reservist status. The Commission could not therefore make conclusions on this matter.

Recommendations

- I. National Government should consider and give awards to officers involved in this Operation including posthumously awards for deceased officers.

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- II. The Government should urgently and decisively consider and recover all illegal firearms in the hands of unauthorised individuals and local communities.
 - III. The NCIC should scrutinize ethnic utterances made by political leaders with regard to peace and insecurity.
 - IV. The National Police Service to totally embrace community policing and the county police authority as is provided for under sections 41 and 42 of the National Police Service Act and the Constitution, Article 244 (e), for areas with high insecurity such as Baragoi and Samburu in general.
 - V. National Police Service should overhaul its record management system and adopt modern technology, and in particular, regularly update contact information of serving staff and their next of kin. The electronic system will make it easy to retrieve information.
 - VI. The Inspector General should establish a unit within the Police Human Resource Department with capacity to internally process benefit claims for Police Officers in an efficient manner.
 - VII. The Inspector General of Police and the National Police Service Commission should establish a **modern and specialized hospital** in the likes of the KDF (Forces') Memorial Hospital for Police Officers and their families.
 - VIII. The Police Doctor should provide services at such **modern and specialized** facility. The facility should provide post event therapeutic programs for affected Police Officers and their families.

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- IX. The National Police Service to establish a Police Welfare to cater for the wellbeing of Police Officers in terms of psychological counselling, medical care and burial for Police Officers and their families.
 - X. The National Police Service Commission to negotiate for the establishment of a desk at the Pensions and the Occupational Health and Safety Service Directorates for speedy processing of claims of Police Officers.
 - XI. The Principal Secretary Treasury to develop and implement an integrated electronic platform through which public institutions including the National Police Service, the Directorate of Pensions and the Occupational Health and Safety Services Directorate can access and input employees data necessary for efficient processing and paying of pensions, gratuity and other benefits both at National and County Governments. Such a protocol should enable individual claimants or the respective government departments to access and fill claim forms online.
 - XII. Other than the death cases whose gratuity has been approved for payment, the National Police Service, the Pensions Directorate and the Directorate of Occupational Health and Safety Services should fast-track the compensation payment in respect of the injured and deceased officers.
 - XIII. The Principal Secretary Interior and Coordination to consider payment of compensation awards to the injured and next of kin of deceased Police Reservists.
 - XIV. The Government of Kenya should reimburse funeral expenses to the families of eight **(8)** deceased Kenya Police Officers and four **(4)** Administration Police Officers.
 - XV. The Attorney General to fast track payment of death gratuity to widows, children and dependants of deceased officers.

- XVI. The National Police Commission to review deployment and transfer policy to operational areas putting in consideration the age, length of service in a similar area and the health of an individual officer.
- XVII. That further inquiries be undertaken to ascertain whether Mr. Joshua Karianjahi Waiganjo was duly appointed to his police reservist status.



