



## NAKURU COURT USERS COMMITTEE AND PARTNERS

### CONCEPT NOTE

**ACTIVITY: STAKEHOLDERS REFLECTION AND DIALOGUE FORUM, 15<sup>th</sup> July 2022, Nakuru**

**THEME: COMMUNITY AND HUMAN RIGHTS BASED APPROACH TO A SAFER AND SECURE NAKURU CITY**

#### **A. Introduction: About the Nakuru Court Users Committee & Centre for Enhancing Democracy and Good Governance**

**Nakuru Court Users Committee** is a forum that brings together actors in the administration of justice as well as users in the justice system to address problems within the sector by all agencies and stakeholders concerned within the Nakuru Court Station. The Committee also serves to promote accountability and improvement of performance by the Courts and all actors within the justice chain. The Nakuru CUC has incorporated non-state actors who play a critical role in promotion of justice through varied strategies including but not limited to legal aid and education delivery, policy and legislative advocacy and direct support to justice institutions.

**Centre for Enhancing Democracy and Good Governance (CEDGG)** is a non-political civil society organisation that works to empower vulnerable and marginalized citizens to claim their rights in local development and governance processes. CEDGG's work aims at promoting Kenya's National Values and principles of governance as outlined in Article 10 of the Constitution through community organizing and sensitization, civic engagement/social accountability, capacity and coalition building. CEDGG has organized her work into four Key Result areas: **Governance and Devolution, Human Rights and Access to Justice, Climate Governance and Emergency Response and; Organizational Development**. The Organization is an active Member of the Nakuru Court Users Committee and other strategic national Networks.

#### **B. Background**

In a span of two weeks in the Month of June 2022, Mawanga area of Nakuru East Constituency witnessed bizarre killings of three women in their homes. The incidents that have come to be known as Mawanga killings have brought to a sharp focus an insecurity problem that has been festering in the City of Nakuru for a long period. The National Police Service has consistently ranked Nakuru as the 4<sup>th</sup> most crime prone Counties in the Country. For instance, in 2020, the County recorded 3,492 reported cases of

crime against a total of 69,645 nationally<sup>1</sup>. The County recorded 150 homicides against a total of 3111 nationally, coming third after Nairobi (214) and Kiambu (184). Of the 3,412 arrests on drugs and psychotropic substances abuse nationally, 245 were recorded in Nakuru County.

The NPS Annual report, 2020 further indicates that of the 396 members of criminal gangs arrested across the Country, 344 were from Nakuru, making the county the most *prolific* in organized criminal gang activity. Police records acknowledge existence of a number of organized gangs in Nakuru that have

<sup>1</sup> [Crime Statistics - Crime Statistics \(nationalpolice.go.ke\)](https://nationalpolice.go.ke) – 2020 Annual Report

hitherto domiciled in slum areas with recent attempts to make forays into the peri-urban areas of the city. Those cited include, Confirm, Mauki, Gaza, Boston Boys, Jerusalem, WaTZedi, dragon, Msafi Kwanza and Eastlando.

The state response to the crime situation has been predictably hinged on policing and after incident deployment of security operations as manifested in the Mawanga killings. The measures taken by government include *“intensified crackdown on the gangs, employment of drones for surveillance along river banks and banning of night entertainment during weddings because most female victims were found to be from night wedding functions.”*<sup>2</sup>. Often members of the gangs, usually teenagers between the ages of 13 to 21 years, are rounded up, taken to police stations, some are presented in courts where they are bonded or bailed and a few are convicted. In other instances, there are those who simply disappear or are killed. Whereas these measures are sometimes successful, at least in the short term, they have not succeeded in eradicating the gangs. Instead, like the Hydra in Greek mythology, new ones keep coming up; stronger and more emboldened in their numbers and more ruthless.

So, how then do we deal with the current insecurity situation and keep Nakuru city safe from the criminal gangs? This is the question that begs for answers. It is the organizing question for both justice and development actors and stakeholders that should be answered urgently and *accurately*. It is towards this end that the **Nakuru Court Users Committee** has planned a one day stakeholder reflection and dialogue forum. The idea is to come up with strategies that stakeholders will implement towards sustainable safety and security for property and lives in the City and County.

### C. Justification

Inter-sectoral dialogue and collaboration; promotion of trust between the citizens and Security agencies as well as the strengthening response mechanisms are among the key pillars of any program aimed at ending violence and promoting security. The principles of complementarity and subsidiarity are at the core of such programs. Hitherto, there have been concerns that part of the reasons why the problem of criminal gangs continues to escalate in Nakuru is limited, or lack of proper coordination among actors and stakeholders, adoption of reactionary rather than proactive response measures, limited involvement of communities and widening trust gap between communities and security agencies. Any intervention to enhance safety and security and end the activities of the organized criminal gangs in Nakuru should therefore address these concerns and should commence with a deep analysis to understand the factors that drive young people to join and stay in the gangs. Such analysis would determine what needs the young people have that must be met (what rights are at stake,) who has an obligation to address those needs, what capacities exist or do not exist to meet the needs, what does the constitution and relevant laws say; and what would be the role of stakeholders and society generally.

Our history is replete with experiences of how policing and or military interventions as the primary and only responses to criminal gangs yield to undesirable by-products that have, sometimes, threatened the very foundations of our country – human rights violations including extra-judicial killings and

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<sup>2</sup> Ibid

enforced disappearances, torture, destruction of property, overcrowding of police and prison cells anarchy and general state of lawlessness. The lessons from history demand for application of community and human rights based approaches to dealing with criminal activity including those of proscribed gangs. This will involve application of the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law in security interventions. The proposed forum shall therefore provide an opportunity of targeted stakeholders to formulate a HRBA compliant intervention to the issue of criminal gangs in Nakuru County and beyond. As a justice platform for justice actors, the CUC has a duty to contribute to and support initiatives to end crime and promote public safety and security.

#### **D. Objectives for the Forum**

The broad objective of the forum **is to enhance safety and security in Nakuru County through inter-sectoral collaboration and a multi-dimensional approach to violence prevention.**

Specifically the forum shall seek to:

- i. To promote application of HRBA to sustainably reduce organized violence;
- ii. To rebuild community trust in the security agencies and criminal justice system;
- iii. To strengthen mutual accountability mechanisms for criminal justice institutions as regards organized criminal gangs

#### **E. Outputs**

- A road map towards a HRBA strategy to dealing with organized criminal gangs in Nakuru City
- A road map to a community based strategy to ending activities of organized criminal gangs in Nakuru County

#### **F. Target Stakeholders**

The forum shall target up to sixty Participants drawn from the following strategic groups.

- a. Nakuru Court Users Committee – Up to 30 selected strategic members
- b. Local CSOs/CBOs/FBOs – Up to 15 carefully selected participants
- c. National CSOS/KNCHR/DC/OHCHR – Up to 15 participants

#### **G. Methodology**

The forum shall be a safe space for dialogue. It will be an invitee only space for candid conversations on what needs to be done at the individual, institutional and collective level to end the menace. There shall be a mix of presentations and guided discussions that will evolve into a documented road map.

#### **H. Date and Venue**

15th July 2022, Nakuru

## Annexures

### 1. Program

Time	Session	Session content	Responsibility
8.00-8.30 am	Arrival and Registration		Mwangi Muraya
8.30 – 8.45 am	Prayer and introduction of participants	Participants introduce themselves	Wilkister Akinyi, Program Officer, CEDGG
8.45 – 9.00 am	Welcome Remarks and climate setting, sharing	Welcome participants, brief introduction of CEDGG’s work to promote access to justice and share forum objectives	Cornelius Oduor, CEO, CEDGG
9.00 – 9.30 am	Opening Remarks	What does the escalation of criminal gangs and urban crime mean to the administration of Justice? What is the duty of actors in the criminal justice system with regard to criminal gangs and urban violence?	Justice Prof. Joel Ngugi, Nakuru CUC Chairperson
9.30 – 10.20 am	Trends in criminal gangs and urban violence/crime ; prevention and response measures	Identify trends, factors and effects of criminal gangs on human rights; Share proposals on effective prevention and response measures	Crime si Poa and Midrift Human Rights Network, Egerton University, Missing Voices
10.20 -10. 40 am	Reactions	Rejoinder by Actors, Q&A	
10.40 – 11.00	<b>Health Break</b>		
11.00 -12.00 Noon	Human Rights Based Approach to crime prevention	Discussion on the core elements of HRBA and practical ways of applying HRBA to crime prevention and response	Kenya National Commission on Human Rights
12.00 -1.00 PM	Group work	In what ways are actors in the justice system applying HRBA?	KNCHR & CUC
1.00 – 2.00 PM	<b>Lunch Break</b>		
2.00 – 3.00 PM	Plenary	Presentations and rejoinders	KNCHR & CUC
3.00 – 3.30 PM	The Case for	Discuss the concept of	Happy Olal, Coordinator

	Community Social Justice Centres	community Social Justice Centres as a preventive mechanism for criminal organized crime and promoting access to justice to justice	SJCWG
3.30 – 4.30	Plenary on Next steps/actions	Suggestions and discussions on how stakeholders can work together towards community based and human rights compliant prevention and response to organized crime,	Hon. Justice Prof. Joel Ngugi
3.45 – 4.00 PM	Closing Ceremony	Closing Remarks from Hon. Justice Prof. Joel Ngugi – Key action Points  Vote of thanks- Wilkister Akinyi	Cornelius Oduor
4.00– 4.30 -	<b>Tea/coffee/Administrative issues and Departure</b>		