

STATEMENT ON THE RELEASE OF THE MARAGA TASKFORCE

REPORT ON POLICE REFORMS

[1] Two days after political goons were unleashed on Kenyans in Homa Bay, I wrote to President William Ruto and demanded release to the public of the Report of the Taskforce on Police Reforms that had been placed in his hands on **16 November 2023**. Almost three years have passed and the Report, which was paid for by the public, is still locked away. The public has a right to consider and debate its contents and recommendations, especially with the current happenings. I am compelled to release it today.

[2] The report is not merely on uniform, important as uniforms are to the Police. The central finding in the report is not a suggestion, **it is a constitutional command: the National Police Service must be independent. It is a demand to dismantle the colonial police system and end the state capture of the security system.**

[3] **Article 239(3)** of the Constitution is blunt. The National security organs, and every officer serving in any of them, shall not act in a partisan manner; the National security organs shall not further the interest of any political party or cause; and the National security organs shall not prejudice a legitimate political interest. **Article 244** demands respect for human rights, human dignity, competence, integrity, professionalism and discipline. **Article 245** creates an Inspector-General who “shall exercise independent command.” **Article 245(3)** and **Article 246(3)(a)** place recruitment in the National Police Service Commission, not in State House. It is not an accident that national security organs are established independently under **Chapter 14** of the Constitution, separate from the National Executive. **Article 232** requires all appointments and promotions in the public service to be meritorious, transparent and on the basis of fair competition. Police officers are public officers.

[4] Parliament once honoured that design. The National Police Service Act, 2011, Section 12, forced the **National Police Service Commission** to advertise a vacancy in the office of Inspector General, hold public interviews, shortlist at least three names, publish them, and send them to the President who would nominate only from that list. Sections 13 and 30 applied the same obligation to the Deputy Inspectors-General

and the Director of Criminal Investigations. Section 14 bound the entire process to Articles 10, 27 and 232, including gender balance at the top. However, **the Security Laws (Miscellaneous Amendment) Act, 2014** tore those safeguards out. The current Section 12 lets the President to pick a name and send it to Parliament for vetting. The current Sections 13 and 30 put the Deputies and the DCI in the same presidential fist. That is not reform, it is capture.

[5] The Taskforce equally called it so. It called the 2014 amendments unconstitutional. It demanded their repeal and the fresh vetting and appointment of officers from the rank of Senior Superintendent of Police. The recommendation was ignored. Then the law on age was bent. Section 80(1) of the Public Service Commission Act, 2017 retires public officers at 60. Section 80(2) allows a contract after that age only for rare skills the Service cannot otherwise find. In February 2024 the Commission extended then-DIG Douglas Kanja's tenure and that of DCI Mohamed Amin after they had crossed that line. Later that year the President named Kanja, at 61, Inspector-General. What rare skills do they hold that other senior officers do not? Neither was chosen by open competition and the result is that both occupy those offices illegally.

[6] Look at the harvest: organised political violence and partisan policing in Homa Bay, Keumbu and Ol Kalou; blood in churches in Kisumu, Nairobi and Witima, all under the Presidency's watch, and for obvious political benefit. **A partisan police force was a root cause of the slaughter of 2007/2008.** Kenyans should not forget that the 2010 Constitution's independence clauses were written in that blood. We should also not forget that under President Ruto, more deaths, currently at **3958** in four years (an average 990 per year) are as a result of Police brutality, a number far beyond 4035 in 10 years for President Kibaki (who averaged 404 a year), not to mention that these Kibaki's numbers were inclusive of PEV and President Uhuru 4150 in 10 years (an average of 415 a year).

[7] The answer to this malaise is simple. Repeal the 2014 mutilation of Sections 12, 13 and 30 and end the abuse of Section 80(2) of the Public Service Commission Act. Restore competitive recruitment of the Inspector-General, the Deputy Inspectors-General and the Director of Criminal Investigations. Make fresh appointments under

Articles 232, 239, 244, 245 and 246. Kenyans, please remember the old adage: he who pays the piper calls the tune. Fellow Kenyans please hear me. Unless the independence of the National Police Service is restored, we could soon have country.

[8] I have handed a physical copy of the report to the media. A link to a full copy of the report is also available on my X Handle. I chose to release this report to the Public on this International Day of the victims of Enforced disappearances. It is to those Victims who have been abducted and enforced to disappear that I dedicate this report.

Dear Kenyans, read the report, interrogate it, and let us work together to implement its recommendations. Let us work together to restore the independence of the National Security organs, especially the National Police Service in order to guarantee peace and security.

Thank you.

Hon. David K. Maraga, EGH
Chief Justice Emeritus

31st August, 2026.