



FOR IMMEDIATE RELEASE

**PRESS RELEASE: OPEN LETTER AND REQUEST FOR INFORMATION ON USE OF QUARANTINE AS A FORM OF PUNISHMENT AND CRIMINALIZATION OF COVID-19 RESPONSE**

Nairobi, Kenya ,27 April 2020 - This morning, KELIN and partners have submitted a letter to the Ministry of Health, requesting information on the use of quarantine as a form of punishment and criminalization of COVID-19 response.

In a strong appeal, Mr. Allan Maleche, Executive Director-KELIN Kenya, representing 27 partner organizations and 27 individuals stated, *“While we acknowledge that the emergence of COVID-19 brings with it unprecedented challenges nationally and globally, we shall not grow weary in advocating for access to justice during and after the COVID-19 Pandemic. Noting His Excellency, the president’s remarks on 25th April 2020 we trust that you shall be guided by sound medical expertise and science in making an informed decision to stop using quarantine as a punitive measure. It is causing harm to the Kenyans you are obliged to protect.”*

This [open letter](#) expresses concern around the criminalization of the COVID-19 response and the inappropriate use of quarantine as punishment. In addition, [requests for information](#) have remained unanswered.

Specific issues brought to the attention of the MOH, CoG and all the relevant actors in the pandemic response include the [WHO](#) guidelines which have been violated, [the Siracusa Principles on the Limitation and Derogation Provisions](#) in the International Covenant on Civil and Political Rights, that Kenya has signed and ratified, that require certain criteria are met when rights are restricted, including the right to freedom of movement, which has not been adequately addressed and the application and increased use of criminal law and punitive measures in the COVID-19 response in Kenya.

Esther Nelima, a community health advocate who has also signed on to the letter, noted that: *“Mandatory quarantine should not be used as a form of punishment. What the government is doing- detaining people, including children, in quarantine facilities is wrong. Police have seized this opportunity to brutalize, extort, and arbitrarily arrest people in the community. COVID-19 is not a crime, let us fight the virus and not people. Let guidelines be implemented in the right way which respects human rights.”*

Instances include the fact [that the government has resorted](#) to using quarantine as a form of detention for people who are alleged to have flouted curfew rules, travel restrictions, directives on wearing of masks, and [social gathering restrictions](#), among others. People who breach curfew are forcefully placed in quarantine centres as seen in Siaya including the [undignified burial of the late James Oyugi in Siaya County](#), other instances in [Uasin Gishu](#), Nakuru, [Nyandarua](#), [Kirinyaga](#), [Isiolo](#), and Murang’a.

The enforcement of the criminal sanctions on people [not wearing masks](#) in public is now being abused by the Police who have brutalized, extorted, and arbitrarily arrested poor, vulnerable, and marginalized people in Kenya. This has included our [health care workers](#) being brutally handled when in the line of duty.

The letter cites examples of the positive approaches of some County Governments, for instance, [Mombasa County](#), where the [Governor has partnered with the police to distribute masks at police road-blocks instead of arresting those without](#).

A list of requests and recommendations have been tabled to The Ministry of Health, The Kenya Medical Practitioners and Dentists Council, The Council of Governors and all the 47 Governors, National Police Service, The Independent Policing Oversight Authority (IPOA), The Kenya National Commission on Human Rights (KNCHR), The Attorney General and The WHO Country Office in Kenya.

In closing, Mr. Maleche echoed the words of António Guterres, the Secretary-General of the United Nations, [in his statement of 23rd April 2020, maintaining that](#) “...the threat is the virus, not people...”.

#### **Note to the Editors:**

This letter was sent to: **Hon. Mutahi Kagwe**, Cabinet Secretary for Health & Chairperson, National Emergency Response Committee on Coronavirus, **Daniel M. Yumbya**, Chief Executive Officer, Kenya Medical Practitioners and Dentists Council, **Hon. Wycliffe Ambetsa Oparanya**, Chairperson, Council of Governors, **Dr. Fred Okengo Matiang’i**, Cabinet Secretary for Interior & Coordination of National Government, **Mr. Hilary Nzioki Mutyambai**, Inspector General, National Police Service, **Paul Kihara Kariuki**, Attorney General of Kenya, **Mr. Maina Njoroge**, CEO, Independent Policing Oversight Authority, **Dr. Bernard Mogesa**, CEO, Kenya National Commission on Human Rights, **Dr Rudi Eggers**, WHO Country Representative – Kenya and **The Chairman**, Council of Governors.

### **OPEN LETTER TO MOH USE OF QUARANTINE AS A FORM OF PUNISHMENT**

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