

JOINT STATEMENT ON THE INVESTIGATION INTO THE MURDER OF EDWIN 'CHILOBA' KIPROTICH KIPTOO

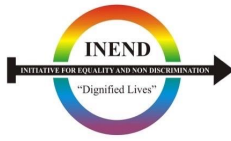
10TH JANUARY 2023

The above-listed organisations commend the Directorate of Criminal Investigations (DCI) for the swift investigations into the brutal murder of Edwin Kiprotich Chiloba. The investigations have resulted in a confession, the arrest of five suspects and their arraignment at the Eldoret Law Courts. We laud their efforts to ensure that perpetrators of this heinous act are brought to justice. We pledge our unwavering support to the investigators and prosecutors in this matter and call upon the LGBTQ+ community and the general public to do the same.

We call on the DCI and the Judiciary to replicate this determination and enthusiasm and act to close other pending cases, such as Sheila Lumumba, who was raped and killed in Karatina, Nyeri County. Joash Mosoti, a young gay male peer educator, was attacked and killed in his house in Mombasa County. Chrifton "Trinidad" Atuhwera, a gay refugee and human rights activist succumbed to burns injuries sustained in an arson attack at the Kakuma refugee camp. Rose Mbesa, a 50-year-old intersex person who was raped and killed and her lifeless body dumped on the roadside in Kachibora, Trans Nzoia County, among many others.

Articles 26, 27, and 28 of the Constitution of Kenya (2010) guarantee the right to life, equal protection and equal benefit of the law to all persons, and the right to dignity for all, including sexual and gender minorities. However, in reality, this has not been the case, as seen in the laxity in prosecution in the murder cases of persons of the LGBTQ+ community.

The killing of Edwin Chiloba exposes the rise in Sexual and Gender-based Violence (SGBV), and Intimate Partner Violence (IPV) experienced in Kenya. These incidents can be attributed to the absence of strong preventions, weak protection mechanisms for survivors, evasive prosecution of SGBV cases, and an uncoordinated and often reluctant response to SGBV from State and non-state actors. The existing legal landscape makes it near impossible for sexual and gender minorities to report cases of IPV, fearing arrest, self-incrimination and further harm. We call on the Government to honour its pledge to align Kenya's legislative and legal environment with international and regional standards on SGBV. We further stress the importance of developing favourable social norms, attitudes, and behaviors at institutional, community, and individual levels to prevent and respond to SGBV. We additionally call on the



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National and County Governments to improve the quality of essential SGBV services for all its constituents without prejudice.

It is imperative that our leaders and media exercise restraint in their language and actions. Homophobic and hate based rhetoric by leaders and media sensationalization of Edwin Chiloba's murder only serves to incite violence against queer Kenyans. Online cyber-bullying using religion and culture raises the level of intolerance, hatred and violence against LGBTQ+ individuals. We reiterate the call to #Repeal162 and 165 of the penal code that indirectly criminalises consensual relations by LGBTQ+ persons creating an environment for violence to thrive and go unpunished.

It is time for our society to come together and stand up for the rights and safety of all people, regardless of their sexual orientation or gender identity.

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Background:

- On 5th January 2023, news broke of the brutal murder of Edwin Kiprotich Kiptoo Chiloba in Eldoret, Kenya.
- Chiloba was discovered dead on 3rd January 2023 under unknown circumstances.
- On 6th January 2023, family, friends and allies, including Human Rights Organisations in Eldoret, visited Langas Police Station in Kapseret, where the DCIO is leading the investigation, as well as Moi Teaching and Referral Hospital, where the body has been preserved pending postmortem examination.

For emergency and legal representation, please contact The National Gay and Lesbian Human Rights Commission at **+254 700 010574, +254 700010637,+254 700010743**

For therapy sessions, kindly reach out to:

galck+ through: galck.org/book

Wazi Therapy Online Platform LGBTQ+ category app.wazi.io/

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