



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Challenges in Investigation and Prosecution of Homicide Cases During COVID-19

The ODPP's Homicide Division conducted a workshop to thresh out the challenges faced by criminal justice actors in handling homicide cases, particularly during the COVID-19 period. Through the Head of Homicide Division, Gikui Gichuki, the ODPP wants the actors to forge a way forward on how to enhance effective investigation, prosecution and determination of such cases. Key participants at the workshop were prosecutors from ODPP stations countrywide who prosecute homicide cases, representatives from the Judiciary, DCI and the Government Chemist.

Hon. Lady Justice Hedwig Ong'udi said that COVID-19 period has registered an all time high number of homicide cases, particularly murder. She added that containment measures such as lockdown may have tampered with homicide cases due to witness interference, case backlog as courts adjusted to online hearings, decisions on bail and bond and numerous applications causing delay.



ODPP Homicide Division staff Workshop.

Participants also heard from the Head of Forensic Science at the Government Chemist, Dr. John Mungai who said that there is need for enhanced training of officers to ensure proper management of crime scenes. He emphasized the fact that physical evidence can easily link a suspect to a crime scene, exonerate a suspect from a crime scene, corroborate other evidences and that it is more reliable than eye witness testimony. Dr. Mungai added that first responder to a crime scene determines the direction in which a crime investigation will take.

Mr. Maxwell Otieno from DCI said that hurried burials deny investigators the time to conduct postmortems, especially during COVID-19. Some cultures resist exhumation of bodies in instances where investigators must conduct a postmortem. Mr. Otieno added that witnesses at times fail to cooperate when they have already been compromised by the suspects.

Prosecution relies on the evidence brought in by investigative agencies. Hence, the decision to charge a homicide suspect is determined by the quality of the evidence presented. The ODPP is planning trainings for its staff and stakeholders such as judicial officers, the police, NGOs and civil society organizations on homicide cases. It will also conduct sensitization forums for members of the public on key issues concerning such cases.