



Kenya National Commission on Human Rights

Press Statement: *For Immediate Release*

Nairobi, Thursday 13th July 2023

Human Rights Violated and Crisis Ignited Unrests With Tragic Consequences: Urgent Action Needed

Under the Kenya Constitution, all Kenyans have the ***right to freedom of expression, assembly and association***, provided that it is exercised within the confines of the law and with respect for the rights of others. The National Police Service Act and the Public Order Management Act establish the parameters for the management of public gatherings, with the aim of ensuring public safety while upholding citizens' constitutional rights.

Yesterday, the country witnessed protests that were organized by three different groups. These were; *Taxi cabs to protest the low payments by their respective digital applications companies, the Passenger Service Vehicles (PSVs) drivers to protest against the National Transport and Safety Authority (NTSA) move to re-test drivers before renewal of their driving licenses and one organized by the Azimio opposition leaders calling for peaceful demonstrations in Nairobi and other towns across the country, in response to the high cost of living in Kenya.* There was however, an unfortunate turn of events, which resulted in the loss of at least **nine (9)** Kenyan lives – **four (4)** in **Mlolongo** and **five (5) others** - one each in **Kitengela, Emali, Sondu, Migori** and **Busia** and numerous injuries among members of the public and law enforcement officers.

Article 26 (1) of Kenya constitution dictates that an individual's right to life must be upheld as sacrosanct. **One life lost** is one **too many**. Every life **lost** represents someone's spouse, child, parent, friend, neighbor or colleague. The Commission extends its deepest condolences to the families who have lost loved ones during these unfortunate incidents. The Commission also stands in solidarity with the injured, both civilians and law enforcement officers, and wish them a swift recovery. Suffice to say, it is our individual and collective responsibility to create an environment where all Kenyans can exercise their rights peacefully, without resulting in death or injury.

It is equally with great regret that the Kenya National Commission on Human Rights (KNCHR) notes the tragic consequences of these protests, which resulted in thuggery being meted on innocent members of the public, looting and destruction of public and private properties, businesses and installations.

The Commission wishes to bring to the fore the incidents that occurred yesterday, emphasizing the violation of constitutional rights, relevant legislation, and the need for a common position among leaders to address pertinent national issues, thus avoiding further deterioration into anarchy.

The Kenya National Commission on Human Rights notes that the demonstrations, were organized within the framework of **Article 37** of the Kenyan Constitution and the right to peaceful assembly. They were intended to voice the concerns of the various protesting groups and indeed the members of the public regarding specific concerns and the escalating cost of living. The legal standing lay down guidelines for the management of public gatherings, outlining the roles and responsibilities of both law enforcement officers and protesters. However, there were recorded cases of excessive force employed by the police in the course of arresting the demonstrators.

Furthermore, the disruption of businesses and normal livelihoods, coupled with the closure of schools, is causing significant harm to the people of Kenya and significantly affecting the **economic and social rights as enshrined in Article 43** of our constitution. The closure of schools for instance, deprives children of their **right to education**, exacerbating the already challenging situation brought about by the high cost of living. It is imperative that the impact on the public, particularly **vulnerable groups** such as; **women, children, persons with disabilities** and the **older persons**, is given due consideration.

Just like other like-minded Kenyans, the Commission is equally abhorred and deeply concerned by the irresponsible and unprovoked lobbing of gas canisters by police officers; with serious health ramifications, meted upon **53 innocent pupils** of **Kihumbuini Primary School** in **Kangemi**. KNCHR hasten to reiterate that the safety and well-being of children should be of utmost importance, and such actions are unacceptable. The use of excessive force, especially in a school setting, undermines the trust between the community and law enforcement officers. It is imperative that a thorough investigation is conducted to hold the responsible police officers accountable for their actions. Measures must be taken to ensure the protection of innocent civilians, especially children, during protests and demonstrations to prevent such incidents from occurring in the future.

The Kenya National Commission on Human Rights strongly condemns the use of excessive force by the police during the arrest of protesters. While maintaining law and order is crucial, it should never come at the expense of human rights and fundamental freedoms of individuals. The government has a responsibility to protect its citizens and uphold their rights, regardless of their political affiliations or viewpoints. The violation and abuse of human rights witnessed during yesterday's demonstrations are deeply concerning.

The **rights to life, liberty and security of person**, as enshrined in the **Universal Declaration of Human Rights**, were tragically violated during yesterday's protests. The Commission calls for the protection of these fundamental human rights and urge all parties involved to respect and uphold them.

The Kenya National Commission on Human Rights therefore observes and makes these recommendations: That;

1. Pockets of protests seem to be spiraling and mushrooming outside the control of the organizers. To remedy this, the Commission reiterates its call to organizers to provide **clear details of dates, times, venues and routes of demonstrations**. This will protect both the protesters and the general public. It is untenable that citizens not involved in the protest continue to suffer as a result of these protests. This will also be useful in identifying thugs and other undesirable elements taking advantage of the protests to cause mayhem.
2. Organizers to embrace alternative non-violent approaches in getting their message across.
3. Organizers, law enforcement officers and other duty bearers collaborate in identifying and singling out agents of mayhem and disorder and ensuring security for protesters, citizens and property.
4. Arrests made during and after the demonstrations should be lawful and those arrested be treated fairly and humanely, in accordance with the law. ***The right to bail or bond and to be produced in court within 24 hours*** must be fully respected in accordance with **Article 49** of the Constitution.
5. Leaders must desist from irresponsible utterances such as those on record calling for **shoot** and **kill**. Such utterances only taunt protesters and has the potential of stirring violence, hate, and unrest. Such utterances must be investigated by the Inspector General of Police and findings made public.

Further, the incidents of thuggery, looting and destruction of public and private properties witnessed during the demonstrations are unacceptable and unlawful. Such actions undermine the peaceful intentions of the protesters and result in immense economic losses for businesses and the country at large. The Commission calls upon the authorities to swiftly investigate these acts of criminality and bring the perpetrators to justice.

In light of the aforementioned events, the Kenya National Commission on Human Rights urgently calls on leaders work in unison for the betterment of all Kenyans. It is imperative that leaders put aside their political differences and contestation and forge ways of working towards addressing the underlying issues that have led to these persistent demonstrations. By embracing constructive engagement, our country can find sustainable solutions to alleviate the burden of the high cost of living and improve the overall welfare of all citizens.

As we endeavor to move forward as a country, the Commission calls upon the government, through the **Inspector General of Police**, to conduct a thorough and prompt investigations of the incidents that transpired during yesterday's demonstrations and ensure that those responsible for human rights violations and abuses are held accountable and justice is served.

Equally, the Commission calls upon the **Independent Policing Oversight Authority (IPOA)** to review and investigate the conduct of the deployed police officers in quelling the demonstrations. KNCHR also urges the government to implement measures that facilitate the peaceful exercise of citizens' constitutional rights, while ensuring the safety and security of all Kenyans.

The Commission would like to go on record once again and cite that; it believes recent events and occurrences, are indicative of a **country teetering on the brink of anarchy**. The loss of lives, injuries and destruction of properties pose a significant threat to the peace and stability of Kenya. It is essential for leaders across the political spectrum to prioritize the interests of the nation and its citizens over partisan interests. A peaceful and prosperous Kenya can only be achieved through unity, collaboration and respect for human rights.

Finally, the Commission calls upon the public to report to us any events of human rights abuses through-: **SMS-22359**, Email- complaint@knchr.org; and Toll-Free Line **0800720 627**.



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Kenya National Commission on Human Rights