

FOR IMMEDIATE PRESS RELEASE

TWO STEPS FORWARD, THREE STEPS BACK: THE BACKTRACKING OF DEMOCRATIC FREEDOMS IN THE RIGHT TO PROTEST, DEMONSTRATE AND PICKET.

NAIROBI, Kenya, July 11th, 2023 – On 7th July, we commemorated 33 years since Kenyans took to the streets to express their displeasure with dictatorship, bad governance, human rights violations, and state repression. This was a historic statement of defiance against an authoritarian state that was using the police to kill, maim and oppress the people.

It is very unfortunate that 33 years later, when Kenya was celebrating democracy, we witnessed the return of a police state where the police brutalised unarmed, peaceful Kenyans exercising their constitutionally guaranteed freedom of assembly as they expressed their dissatisfaction with the state of the economy, over-taxation, *Njaa*, disregard of the law in political appointments and unresponsive executive and legislature.

Just like our Saba Saba heroes of the 1990s, including Martin Shikuku, Rev. Timothy Njoya, James Orenge, Gitobu Imanyara and many others who paid the price for our hard-won democratic freedoms, different groups under #NjaaRevolution, #Saba Saba March for our lives, #Okoa Uchumi and political opposition went to the streets to commemorate this historic day and to express themselves as active citizens.

Unfortunately, Kenyans (2 in Migori, 2 in Kisumu and 3 in Kisii) have paid the ultimate price while in contrast over 70 Kenyans were arrested and several others injured as a section of the police expressed the highest level of brutality, cruelty and torture.

As a result, we saw reckless use of tools of policing including the misuse of firearms and teargas. We denounce the emerging trend of intimidation of police officers including punitive transfers of those who embrace non-violent approaches in the spirit of community policing and respect for citizens' right to assemble, to free expression and to participate in public discourse. We wish to commend all officers who are defending the rule of law, and freedom of assembly and right to protest. We encourage them to continue acting within their service standing orders.

We condemn continued political harassment of media houses and intimidation of journalists, a trend that is increasingly threatening freedom of expression and free media. We urge the media to remain steadfast in defending our hard-won democracy.

Additionally, citizens who were held in police custody were denied medical treatment, dignity kits, food, legal assistance, and bail as required by law. Whilst attempting to safeguard the rights of the arrested persons, several lawyers and civil society leaders were chased out of Central Police Station. Most shocking, was the teargassing of the former Chief Justice Hon. Dr. Willy Mutunga at Central Police Station when he was carrying out his role as a respected elder, Former Chief Justice of the Judiciary and Advocate of the High Court of Kenya.

In Kisii, Migori, Kisumu and Mombasa Counties, the police disrupted the protests by using live bullets, throwing tear gas and in other instances, stones at the crowds contrary to the second schedule of the National Police Service Act. In Kisumu, police followed suit by throwing tear gas to the protesters which created tension in the CBD leading to businesses being shut down. In Vihiga County, 8 human rights defenders were arrested and detained in Mbale Police Station as they marched to present their petition to the relevant state agencies. Police in Lodwar town, Turkana County arrested three protesters who were taking part in the Saba Saba Day protests as they demanded the government lower food commodity prices.

We wish to condemn the systemic use of excessive, unlawful and unnecessary use of force and firearms by the police in the management of public assemblies and demonstrations. The actions we have seen in the recent past including on Friday amount to total disregard of the National Police Service Standing Orders and the police code of conduct, and must be legally investigated by relevant oversight bodies.

We denounce increasing political interference and increasing breakdown of the chain of command in the National Police Service with regards to policing assemblies and demonstrations. The return of “orders-from-above” at police stations level is not only scary but is a grave threat to our democracy. It is incumbent upon the Inspector General of Police to take full command responsibility as is required under the Constitution. Failure of which, his continued occupation of the office of Inspector General is becoming increasingly untenable.

CALL TO ACTION

1. Inspector General of the National Police Service (NPS) to take full political and command responsibility over the NPS.

2. Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) should investigate cases of arbitrary arrests, mistreatment and all atrocities committed by the NPS.
3. The legal profession at the Bench and the Bar should stand with their colleagues and demand the dignity and respect of their office. They must call for an investigation into the conduct of the Police at Central Police Station for detonating a teargas canister at the former Chief Justice and other legal counsel who were defending the Constitution and human rights.
4. Independent Offices and Commissions such as the Kenya National Commission on Human Rights (KNCHR) and the Office of the Director of Public Prosecutions (ODPP) jealously guard and protect their mandates. We appreciate the courage of the ODPP for upholding their mandate by refusing to charge the over 70 persons arrested and detained for over 36 hours for exercising their constitutional right of peaceful assembly.
5. Lastly, we urge all Kenyans to stand firm in defending the Constitution relentlessly and protect democracy, human rights, and dignity.

Signed by

1.	Kenya Human Rights Commission - KHRC	12.	Muslims for Human Rights - MUHURI
2.	Independent Medico-Legal Unit - IMLU	13.	Defenders Coalition
3.	Article 19 Eastern Africa	14.	Poverty Eradication Network – PEN
4.	Constitution and Reform Education Consortium - CRECO	15.	Inform Action
5.	Initiative for Inclusive Empowerment - IIE	16.	Inuka Kenya Ni Sisi!
6.	Amnesty International Kenya	17.	Transparency International Kenya
7.	SOWED Kenya	18.	FIDA Kenya
8.	Kariobangi Para-Legal Network	19.	Social Justice Centres Working Group
9.	Haki Afrika	20.	The Kenyan Section of International Commission of Jurists -Kenya (ICJ)
10.	Women Empowerment Link (WEL)	21.	Wangu Kanja Foundation
11.	Usalama Reforms Network	22.	Shield for Justice
12.	International Justice Mission	23.	Katiba Institute
13.	Social Welfare Develop Program	24.	International Centre for Transitional Justice

14.	Uzalama Reforms Forum	25	Shield For Justice
15.	Peace brigades International	26	Kenya's for Peace, Truth and justice