



AFRICA'S CIVIL SOCIETY STATEMENT ON THE KENYA'S GOVERNMENT REACTION TO ONGOING PROTESTS

The Civic Space Network Africa (CSNA), the African Centre for Democracy and Human Rights Studies (ACDHR), the Thulani Maseko Foundation (TMF), and civil society groups and individuals listed below are deeply concerned about the way the police and law enforcement agents have used and continue to use force to try and contain the ongoing protests in Kenya against the Finance Bill 2024. We are equally concerned that the disproportionate reaction to peaceful protests has triggered the peaceful protests to turn violent and result in serious damage to property and injuries and fatalities to people. So far, 39 deaths, including the deaths of minors, have been confirmed and verified by the Kenya National Human Rights Commission and the Kenyan civil society as of 2nd July 2024. There has also been a lot of destruction of property and injuries to scores of people, and the country is currently experiencing high levels of instability and a threat to peace. The right to protest is not only legal but also a crucial aspect of democratic engagement. This is especially so in Kenya, where the proposed bill sought to raise taxes significantly, thereby increasing the cost of living and further burdening an already struggling populace.

The disproportionate use of force, including wanton use of live ammunition by the police against protesters, leading to severe injuries and the deliberate and unprovoked killings of peaceful protesters, is alarming coming from a country that is a beacon of democracy and peaceful transfer of power following democratic elections in Africa. The use of live ammunition to target protesters is unjust and a blatant violation of the rights to life, freedom of assembly, association, and expression. Credible civil society groups in Kenya, notably the [Police Reforms Working Group](#), have raised alarm about enforced disappearances and abductions of social media activists and other human rights defenders, as well as cases of arbitrary arrests, detentions, and torture of protesters. The situation was aggravated by the seeming irregular deployment of the army by the Kenyan authorities to deal with unarmed civilians engaged in peaceful protest. The military should not routinely be involved in law enforcement. These actions are wrongful and illegal under international human rights law obligations binding on Kenya. Everyone's right to freedom from torture and cruel, inhuman, or degrading punishment and treatment must be guaranteed.

It is also an issue of grave concern that there have been reports of internet shutdowns or slowdowns during these protests. An internet shutdown is a violation of digital rights and freedom of expression. It also impedes the ability of international media and civil society to effectively monitor the situation, creating fertile ground for further violations and for impunity to prevail. Digital rights are human rights, and Kenyans should always be able to access information efficiently and promptly.

We call on the Government of Kenya and its security agencies to cease these violations immediately. We demand that the government of Kenya must immediately account for all cases of enforced disappearances, extra-judicial killings, torture, and inhuman and degrading treatment that is happening as a response to the protests and bring the

perpetrators to justice. The government must adhere to international and regional instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, which explicitly prohibit arbitrary arrests, detentions, and enforced disappearances and require that all detained individuals be treated with dignity and respect and be afforded their right to a fair trial and to justice.

In their decision-making, the Kenyan authorities must adhere to international standards on the use of force in law enforcement that are legally binding on them. In particular, we expect the authorities to strictly adhere to the core principles applicable in the use of force, that is, legality, precaution, non-discrimination, necessity, and proportionality. All these principles appear to have been violated in Kenya.

We urge the Kenyan government, led by His Excellency President Dr. William Samoei Ruto, to listen to the voices of the Kenyan people. Protests are often the language of the unheard, a means for citizens to express their dissatisfaction and demand accountability. Suppressing these voices through violence and repression is not the solution. Instead, constructive dialogue and genuine efforts to address the underlying issues are essential.

We call on the government to respect and uphold the constitutional and internationally recognized rights of its citizens to cease the use of excessive force against unarmed civilians involved in peaceful protests. A just and democratic society must honor the voices of its people, protect their rights, and foster an environment where peaceful protest can lead to meaningful change. We stand in solidarity with the Kenyan Civil Society, all peaceful protesters, and all Kenyans fighting for their rights.

Coordinated by Civic Space Network Africa, the Africa Centre for Democracy and Human Rights Studies, the Thulani Maseko Foundation and signed by the following organisations and people

ORGANISATIONS

1. Civic Space Network Africa (CSNA)
2. African Centre for Democracy and Human Rights Studies (ACDHRS)
3. Thulani Maseko Foundation (TMF)
4. African Initiative of Women Human Rights Defenders (WHRD Initiative)
5. SouthernDefenders
6. Network of the independent Commission for Human rights in North Africa (CIDH AFRICA)
7. Save Our Sacred Lands
8. Africa Centre for Open Governance (AfriCOG)
9. Lawyers for Democratic Reform Swaziland (LAW-DERSWA)
10. Protection International Africa
11. Chapter 4 Zimbabwe
12. National Coalition of Human Rights Defenders Uganda (NCHRD-U)
13. Burundian HRD Coalition
14. Human Rights Defenders Network-Sierra Leone
15. La Coalition Burkinabè des Défenseurs des Droits Humains (CBDDH)
16. Réseau Nigerien des Défenseurs des Droits Humains RNDDH
17. Coalition Togolaise des Défenseurs des Droits Humains (CTDDH)
18. Institut des Médias pour la Démocratie et les Droits de l'Homme (IM2DH)
19. Tanzania Human Rights Defenders Coalition-THRDC
20. Chapter One Foundation- Zambia
21. Zimbabwe Lawyers for Human Rights
22. DITSHWANELO -The Botswana Centre for Human Rights

23. Access Justice Point -Uganda

INDIVIDUALS

1. Tanele Maseko - Eswatini
2. Hannah Foster - Banjul
3. Simphiwe Sidu – South Africa
4. Arnold Tsunga - Zimbabwe
5. Tito Magoti - Tanzania
6. David Mburu - Kenya
7. Mary Pais Da Silva - Eswatini
8. Constance Vimbai Mukarati - Zimbabwe
9. Sheila Nhancale - Mozambique
10. Norman Tjombe - Namibia
11. Blessing Gorejena - Zimbabwe
12. Deprose Muchena - Zimbabwe
13. Washington Katema - Zimbabwe
14. Tauriq Jenkins – South Africa
15. Sithembile Dingake – Botswana
16. Maxwell Nkambule - Eswatini
17. Francis Ndegwa - Kenya
18. Clemence Manyukwe _ Zimbabwe
19. Bob R. Kirenga - Kenya
20. Charles C Chimedza - Zimbabwe
21. Ndifuna Mohammed – Uganda

Memorandum Addressees

This memorandum has been sent to the following office bearers in their official capacity H. E the President of Kenya, Cabinet Secretary for Interior & National Administration, Cabinet Secretary Defence, The Inspector General of Police, Director General National Intelligence Service, The National Police Service Commission, The Independent Policing Oversight Authority, The Kenya National Human Rights Commission.

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- feedback@interior.go.ke – Ministry of Interior
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For any follow up action contact the following coordinators of this initiative

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