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NAIROBI, Kenya, June 24th 2024– The National Police Service must respect the Constitutional Right to Peacefully protest.

Civic Freedoms Forum (CFF) through its members and partners have been closely monitoring the worrying trends in response by the Office of the Inspector General and the National Police Service during protests over the past twelve months and particularly the recent #OccupyBunge protests.

First, we would like to pass our sincere condolences to the families and friends of the late Rex Kanyike and Evans Kiratu who died following injuries caused by the police during the #OccupyBunge protest held on 20th June 2024. The late Mr. Rex Kanyike succumbed to a gunshot wound while Mr. Evans Kiratu was hit by a teargas cannister and died days later while receiving treatment.

The #OccupyBunge protests were held and organized by the citizens of Kenya who have had enough with the tax exploitation designed by the Kenya Kwanza government. The first was held on 18th June while the second was held on 20th June 2024. These protests took place across 19 counties. These include Nairobi, Kisumu, Mombasa, Kilifi, Isiolo, Uasin Gishu, Garissa, Laikipia, Embu, Kakamega, Machakos, Kiambu, Meru, Vihiga, Narok, Nakuru, Migori and Kericho.

We commend Kenyans across the country for holding peaceful protests which were constantly disrupted by the police who used various violent ways to disperse the demonstrating crowds. We witnessed the police using water cannons, teargas and live bullets to disperse the crowds. Despite all these violent tactics used by the police, the protesters remained peaceful in exercising their constitutional right to peacefully protest.

We also noted, with deep concern, the reckless and illegal statement issued by the Nairobi Region Police Commander, Mr. Adamson Bungei, “cancelling” the planned protests and terming them as illegal. We would like to remind the police that the right to peacefully






protest is a constitutional right provided for under article 37 as well as international human rights instruments which Kenya is a party to. Such statements from the leadership of the police are a major contributor to the illegalities caused by the police. In the last two protests, over 100 peaceful protesters were arbitrarily arrested, 200 injured with 50 persons seriously injured and 2 deaths.

The #OccupyBunge protests have proven to be a major event that attract media attention. It is deeply concerning that the police do not even respect the freedom of the press. Several journalists were assaulted and arrested while covering the protests. Joe Muhia and Iddi Ali Juma from the AP Media House were assaulted and arrested then later released. In another incident captured by video, Justice Mwangi who is a video editor with the Standard Media Group was arrested and seen in the video being violently thrown out of the moving police vehicle; an incident that threatened his life and wellbeing. Sammy Kimatu, a reporter with Taifa Leo was also thrown out of a moving police vehicle after being arrested. He sustained injuries during this incident. Maureen Mureithi from the Nation Media Group also sustained injuries when a teargas cannister was thrown at her while covering the protests.

We have also witnessed the arbitral arrest of digital blogger and social media influencer, Billy Simani also known as Crazy Nairobiian. The blogger was arrested from his house on 21st June and detained in an undisclosed location. He was arrested for allegedly threatening a public servant, Wafula Bwire. Another blogger named Stephen Kariuki was also arrested and released on the same grounds in Nakuru on 21st June. The two bloggers were active participants in the ongoing #OccupyBunge protests.

The police have conducted themselves in a very concerning manner during these protests which calls for serious reforms in public order management. Police officers were seen intimidating protesters while wearing plain clothes. Lethal force was forced used thereby causing the deaths of two peaceful protesters and several others injured. It is a shame that the police decide on which protests to disrupt and use violence on. In March this year, the #EndFemicide protests were held peacefully and the police did not interrupt or use violence against any protesters. However, any protests whose purpose is to criticize the government in any way or form, are met with violence and resistance from the security officers. This was clearly demonstrated during the Mathare protests in May 2024 and during the ongoing #OccupyBunge protests.

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This trend shows how the Office of the Inspector General manipulates the law to decide when to interfere or when to “allow” peaceful protests. Despite calls from different stakeholders including civil society organizations, international community and a section of members of parliament, no action has been taken against the police officers who have participated in these violations.

We want to remind the Inspector General that the right to peaceful protest is guaranteed within the Bill of Rights under the 2010 Constitution and that his role is to facilitate the process while protecting those participating. We condemn his selective application of the law to bar others while allowing those that seem favorable to the ruling regime.

In response to these troubling events, we call for the following actions:

1. The release of all the arrested HRDs and all the charges be dropped.
2. The 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 DCI and ODPP should take stern action against police officers who disrupt peaceful protests and unlawfully arrest peaceful protesters.
4. The immediate arrest, prosecution and conviction of the police officers responsible for the deaths of Rex Kanyike and Evans Kiratu.

Signed by

1	ARTICLE 19 Eastern Africa
2	Constitution and Reform Education Consortium - CRECO
3	Defenders Coalition
4	Independent Medico-Legal Unit - IMLU
5	InformAction TV
6	Initiative for Inclusive Empowerment - IIE
7	Kenya Human Rights Commission - KHRC
8	Muslims for Human Rights - MUHURI
9	Partnerships 4 Empowerment and Networking in Kenya (PEN KENYA)