



FOR IMMEDIATE RELEASE

NAIROBI, KENYA, JUNE 26th, 2024 – THE STATE MUST UPHOLD THE CONSTITUTION

Civil Society Organizations through Civic Freedoms Forum (CFF) express great concern about the brutal and fatal use of force by the National Police Service during the #OccupyBunge protests which have been witnessed in most parts of the country including the political strongholds of the President and his deputy. These responses have resulted into the deaths of tens of Kenyans and injuries of hundreds of peaceful protestors. The ongoing #OccupyBunge protests are being held and organized by the citizens of Kenya in the context of high taxation, corruption, poor governance and lack of political accountability by the Kenya Kwanza Government. Article 37 of the Constitution of Kenya 2010 provides for the freedom of citizens to assemble, demonstrate, picket and present petitions to public authorities peacefully and unarmed. The right can only be limited by law to the extent that the limitation is reasonable and justifiable for democracy. While Public Order Act gives broad powers to the police to disperse protestors if there is a clear imminent danger of a breach of the peace or public order, the Constitution, the National Police Service Act, and the Standing Orders require the police officers to conduct themselves in a manner that respects the rights and freedoms of all people.

We are also deeply concerned with the attack on the journalists doing their jobs and threats against media houses. Several journalists were assaulted and arrested while covering the protests. Media houses like KTN have been threatened with a shutdown because of their active airing of the protests. During the June 25th protests, one journalist suffered gunshot injury while tens of others were targeted by police who were dispersing protestors. Police have an obligation to protect journalists under international law and the Constitution of Kenya.

The Government has also designed tactics to curtail the right to protest on online platforms like X. On June 25th, Kenyans witnessed the #RejectFinanceBill2024 hashtag being suppressed and muted across the country thereby interfering with trending topics on the platform. We must reiterate the freedom of expression is guaranteed by the Article 33 of the Constitution which provides that every person has the right to freedom of expression including freedom to seek, receive or impart information or ideas.

Our attention has also been drawn to statements by a section of political leaders calling for crackdown against civil society organizations supporting citizens and human rights defenders participating in the ongoing protests. A call by Senator Cherargei to have the National Intelligence Service reign on the CSOs is not only uncalled for but also unconstitutional. Civil Society Organizations have the right to support protection of the Constitution to ensure that civil liberties and freedoms are protected. The CSOs have and will continue to support arrested HRDs with all necessary services to ensure that their constitutional rights are upheld.





We would like to remind the president and the security apparatus that pursuant to the constitution, their authority is derived from the people and must be exercised in their interest.

We, therefore, demand the following:

1. The President of the Republic of Kenya not to assent to the Finance Bill 2024 which has been at the centre of the demand of the protestors.
2. Personal responsibility and resignation of the Inspector General
3. Relevant state agencies to refrain from any potential attacks against the civil society organizations.
4. The Communications Authority to desist from interfering with the freedom of the Media
5. The Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) to investigate cases of arbitrary arrests, extra-judicial killings, torture, and all atrocities committed by the NPS.
6. The DCI and ODPP to take stern action against police officers who disrupt peaceful protests and unlawfully arrest peaceful protesters.

