

Kenya's tax protests: State must be accountable and provide reparations for the atrocities

June 27, 2024, Nairobi, Kenya—The Finance Bill, 2024, aimed to raise taxes on various items and services, sparking significant opposition due to its punitive nature. Various sectors presented their objections to the Finance and National Planning Committee, but government-allied MPs dismissed these concerns, insisting the bill would pass unchanged.

As public outrage intensified, some proposed taxes were removed from the bill. Young Kenyans turned to social media to organize efforts to prevent the bill from becoming law. This online movement quickly evolved into large, peaceful street protests nationwide, starting on June 18, urging MPs to reject the bill.

Subsequent protests increased the pressure on the regime to abandon the bill. Nevertheless, MPs passed it on June 25. The determined Kenyan youth continued pushing President William Ruto to veto the bill or resign. Police responded with lethal force, killing dozens and injuring hundreds. Initially, Ruto was defiant, but on June 26, he announced from the State House that he would not sign the bill.

Deaths

During this address, Ruto alleged that "six people lost their lives". Ruto's statement was intended to downplay the tragedy that struck the nation when police opened fire and killed innocent and peaceful protesters opposing the bill.

The Police Reforms Working Group-Kenya (PRWG-K) reported a nationwide death toll of 23 due to police shootings as of the evening of June 25. These deaths occurred this week alone, excluding the two fatalities recorded last week. Similarly, the Kenya National Commission on Human Rights (KNCHR), a state body, reported that police killed 22 people nationwide.

Injuries

Ruto further claimed that only 214 people were injured during the tax protests. However, PRWG-K and KNCHR data indicate that the police injured 300 protesters, 86 more than Ruto's figure.

Arrests

Still, Ruto did not disclose the number of protesters arrested by the police during protests, merely stating that "all were processed and released" to avoid backlash over the regime's misconduct. The Independent Medical Legal Unit (IMLU) reported that police unlawfully



arrested 98 people. Of these, 56 were bailed out by the Kenya Human Rights Commission (KHRC), the Law Society of Kenya (LSK), and the Defenders Coalition, while the police released the rest unconditionally. During last week's protests, police arrested 385 people, who were later released unconditionally.

Enforced disappearances

Between June 21 and June 25, security agencies abducted 22 people, according to PRWG. Ruto omitted the number of abductions in his speech. The number of abductees could be higher, as PRWG-K is verifying two more possible abductions reported after Ruto's address. According to LSK President Faith Odhiambo, on June 26 and 27, respectively, Nyamweya Oginga and Regis Wanjala were abducted, reportedly connected to the tax protests.

Ruto underreported the number of deaths and injuries and failed to provide accurate figures on arrests and enforced disappearances. This is tantamount to avoiding accountability for the actions of the security agencies.

Illegal KDF deployment

When Ruto spoke, he did not announce the Kenya Defense Forces (KDF) withdrawal from the streets despite their illegal deployment. The law requires National Assembly approval for such deployments, but Defense Cabinet Secretary Aden Duale deployed the military on June 25 and sought MPs' approval a day later.

Even if Duale had followed the law, deploying the KDF to harm Kenyans is immoral, unacceptable, and unnecessary. This misuse of the military follows a pattern; Duale deployed the KDF on February 15, 2023, to fight banditry in the North Rift without parliament's approval.

Access to information

In violation of Article 35 of the Kenyan constitution, the regime responded to these peaceful protests with misinformation, false accusations, and limited access to public information about the casualties.

'Withdrawal' of Finance Bill, 2024

The Finance Bill, 2024 and its subsequent passage fueled protests. Ruto, however, failed to follow Article 115 of Kenya's constitution when he announced that he and government-allied MPs had "agreed to withdraw the bill." Ruto's statement usurped the legislative process.

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Despite claiming to have withdrawn the bill, Ruto was the first to thank MPs for passing it, indicating a lack of commitment to listening to Kenyans' concerns.

We, therefore, demand the following:

1. Ruto must take political responsibility for all the atrocities committed under his leadership during the protests.
2. The regime must ensure police atrocities that have caused deaths and injuries cease.
3. Those accountable for the atrocities against peaceful protesters, including Inspector-General of Police Japhet Koome, Director of Criminal Investigation Mohamed Amin, former Nairobi Police Commander Adamson Bungei, and all police commanders in areas where atrocities took place, must face prosecution. Individual police officers involved must also be held accountable under the law.
4. The regime must uphold freedom of expression and assembly, ensuring that Kenyans can protest peacefully without facing police brutality, as Article 37 of the Kenyan Constitution guarantees.
5. The regime must cover medical expenses and psychosocial support for injured protesters. It should also bear the burial costs for those who lost their lives during the protests.
6. Any protesters still in unlawful police custody due to arrest or abduction must be released.
7. MPs must reject the Finance Bill, 2024, per Article 115 of the constitution.
8. The regime must provide full redress to all individuals harmed by police violence during the protests, in line with the UN guiding basic principles and guidelines on the right to remedy and reparations.
9. KDF must immediately return to the barracks, and arbitrary deployments must cease. CS Duale must be relieved of public duty for violating the law.
10. The Commission and Administrative Justice must ensure unfettered access to information. KNCHR should continue to document and respond to human rights abuses.
11. To ensure a guarantee of non-repeat, the regime must adhere to Article 4 (2) of the Constitution, affirming Kenya as a multi-party democratic state founded on national values and principles of governance in Article 10.

Signed

I. PRWG-K

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