

29 June 2024

Anne Makori
The Chairperson
Independent Policing Oversight Authority (IPOA)
ACK Garden Annex, 1St Ngong Ave,
Nairobi

Dear Madam Chairperson,

URGENT APPEAL TO INVESTIGATE POLICE VIOLATIONS DURING THE ANTI-FINANCE BILL PROTESTS

We, the Police Reforms Working Group (PRWG-K), wish to bring to your attention the ongoing commission of gross violations of human rights perpetrated by the officers of the National Police Service (NPS).

As you are aware, the situation in Kenya is rapidly deteriorating following the sustained countrywide civilian protests opposing the proposed Finance Bill and other important issues affecting the nation. The nationwide dissent has been particularly vocal since mid-May 2024, with the latest protest taking place on 27 June 2024.

We write to convey our deepest concerns about the recent use of deadly force by law enforcement against peaceful protestors. Other violations documented include extra-judicial killings, enforced disappearances, corporal punishment, and the use of unlawful force and firearms, among others. **So far, we have documented 23 deaths, 34 enforced disappearances/abductions and 271 injuries.** In addition to being against international human rights instruments, these acts subvert democratic ideals and the rule of law.

With the deployment of Defence Forces following the approval by Parliament on 26 June 2024, we are apprehensive that the situation could worsen.

The Civilian attacks by Kenya's security agencies are against international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR), to which Kenya is a signatory, and the Kenyan Constitution.

Article 21 of the ICCPR and Article 37 of the Kenyan Constitution safeguard the basic right to peaceful assembly. It is unfortunate that law officers used excessive force, inflicting injuries and even killing peaceful protestors rather than defending this right. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that lethal force should only be used in extreme cases and when necessary to defend life. Such acts constitute a clear breach of this principle.

We thus implore the Independent Police Oversight Authority (IPOA) to investigate these instances expeditiously and in great detail. Individuals in charge of approving and executing the use of fatal force, making arbitrary arrests, kidnappings, and forced disappearances must be held accountable and prosecuted. The legitimacy of Kenya's commitment to human rights and the rule of law depends on timely and open investigations.

Further, IPOA must carry out its mission to impartially monitor and investigate police behaviour and guarantee that such flagrant breaches of human rights never happen again. A just and democratic society must uphold the rights to nonviolent assembly, protection from arbitrary arrest, and the avoidance of forced disappearances.

In the spirit of the right to information, we look forward to your prompt action and updates on the progress of the investigations within seven days.

Sincerely:

1. Amnesty International Kenya,
2. Constitution and Reform Education Consortium (CRECO)
3. Defenders Coalition,
4. Federation of Women Lawyers (FIDA- Kenya)
5. HAKI Africa
6. Independent Medical Legal Unit (IMLU)
7. International Centre for Transitional Justice (ICTJ) - Kenya)
8. International Justice Mission (IJM-K)
9. Kariobangi Paralegal Network
10. Katiba Institute
11. Kenya Human Rights Commission (KHRC)
12. Kenyans for Peace, Truth and Justice (KPTJ)
13. Shield For Justice Foundation
14. Social Justice Centres Working Group (SJCW)
15. Social Welfare Development Program (SOWED)
16. The Kenyan Section of the International Commission of Jurists (ICJ Kenya)
17. Transparency International Kenya
18. Usalama Reforms Forum
19. Wangu Kanja Foundation
20. Women Empowerment Link