

# STATEMENT CONDEMNING THE USE OF EXCESSIVE FORCE AND VANDALISM DURING THE PROTESTS HELD ON 12 JULY 2023.

14<sup>TH</sup> JULY 2023

On Wednesday, 12 July 2023, the Kenyan Section of the International Commission of Jurists (ICJ Kenya) undertook to monitor the country-wide demonstrations organised by Azimio la Umoja-One Kenya Coalition. As a body of Jurists, we continue to be deeply concerned about the alarming increase in severe human rights violations, the denial of rights guaranteed by the Constitution, and the endangerment of fundamental democratic values.

## **As Jurists, we firmly assert the following:**

ICJ Kenya strongly condemns the tragic and unjustifiable killing of 9 protestors during the demonstrations that took place on 12 July 2023. Individuals have the right to peacefully assemble and express their opinions without facing lethal force.<sup>1</sup> Deploying excessive force and violence resulting in loss of life during protests is a grave violation of human rights and an affront to democratic principles. These incidents demonstrate an apparent disregard for the sanctity of human life<sup>2</sup> and the duty of law enforcement to protect and serve the community<sup>3</sup>.

We call for a thorough and impartial investigation into each case, ensuring those responsible are accountable for their actions. We firmly believe in the need for law enforcement agencies to be held accountable for any misconduct and for thorough investigations to take place when allegations of police brutality arise. Establishing transparent processes that promote justice and ensure that those responsible for abusive actions are held accountable is crucial.<sup>4</sup>

ICJ Kenya vehemently condemns the instances of police brutality and the excessive use of force during protests<sup>5</sup>. The police must uphold and protect the rights of individuals to peacefully assemble and express their grievances without fear of unwarranted violence or mistreatment.

1. Article 37 of the Constitution, every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.
2. Article 26(3) of the Constitution, stipulates that a person shall not be deprived of life intentionally.
3. Article 244 1 (d) of the Constitution provides, The National Police Service shall: Train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity.
4. The Independent Police Oversight Authority (IPOA) is an independent authority established under IPOA act in 2011 to provide for a robust civilian accountability mechanism that promotes public trust and confidence in the National Police Service.
5. National Police Service Act, Sixth Schedule: A police officer shall always attempt to use non-violent means first and force may only be employed when non-violent means are ineffective or without any promise of achieving the intended result.

Excessive force violates these fundamental rights and undermines the trust between law enforcement and the communities they serve, as was established in *Law Society of Kenya v. Inspector General National Police Service* (2020)<sup>6</sup>.

ICJ Kenya further strongly condemns the acts of vandalism by some citizens during the protests. Such destructive actions undermine the peaceful nature of demonstrations and detract from the legitimate concerns being raised. At ICJ Kenya, we believe in the power of peaceful expression and respect for public and private property<sup>7</sup>. Vandalism only creates division, harms communities, and hinders progress toward meaningful dialogue and change. We urge all citizens involved in protests to exercise their rights responsibly and peacefully, ensuring that the focus remains on the issues rather than engaging in destructive conduct. We call for expeditious investigations of the persons who engaged in criminal behavior and for those persons to be presented before courts of law. As a Commission of Jurists, we condemn those who took advantage of the peaceful assembly to engage in criminal and destructive conduct.

ICJ Kenya calls upon the state to prioritise de-escalation techniques, non-violent approaches, and respect for human rights during protests. As a body of Jurists, we urge leaders to dialogue with protestors, listen to their concerns, and work towards peaceful resolutions.

In conclusion, ICJ Kenya stands in solidarity with those advocating for justice, adherence to the rule of law, equality, and systemic reforms, and we will continue to support efforts to address police brutality and excessive use of force, striving for a society where everyone feels safe, heard, and treated with dignity during protests or any other interactions with law enforcement.

Signed,



Mr. Protas Saende  
ICJ Kenya Chairman

### **About ICJ Kenya.**

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and member-based organisation. Established in 1959, ICJ Kenya is a premier Human Rights organisation whose Vision is to promote a just, free, and equitable society.<sup>8</sup>

**For media inquiries or further information, please contact ICJ Kenya via [info@icj-kenya.org](mailto:info@icj-kenya.org)**

6. Petition 120 of 2020 can be accessed on <http://kenyalaw.org/caselaw>

7. Article 40 of the Constitution of Kenya provides for Protection of right to property.

8. <https://icj-kenya.org/>