

STATEMENT CONDEMNING THE USE OF FORCE AND ARREST OF HUMAN RIGHTS DEFENDERS DURING THE SABA SABA PEACEFUL ASSEMBLY, PROTESTS AND PICKETING.

7TH JULY 2023

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) and other civil society organisations actively participated in the nationwide Sabasaba March. These peaceful marches aimed to commemorate the significant democratic gains made since the first Sabasaba was held 33 years ago. Additionally, the protests and peaceful assemblies served as platforms to voice the citizens' concerns regarding the disregard for court orders by the Executive and the soaring cost of living, which has plunged many Kenyans into desperation and hopelessness.

Regrettably, ICJ Kenya observed and documented numerous human rights violations perpetrated against Human Rights Defenders participating in the assemblies and exercising their democratic rights.

ICJ Kenya strongly condemns the use of excessive force by the National Police Service (NPS) and the unwarranted arrest of the Human Rights Defenders during the march. We are increasingly concerned about violating the rights to freedom of expression, peaceful assembly, and association, as enshrined in the Kenyan Constitution's¹ regional and International Human Rights Instruments².

Peaceful assemblies play a vital role in a democratic society, allowing citizens to express their grievances, advocate for their rights, and engage in public discourse. The state's responsible for ensuring that these rights are protected and that individuals can exercise their freedoms without fear of violence or reprisals. ICJ Kenya witnessed the excessive force used by security officials, including tear gas, water canisters, and batons against peaceful Kenyans. Such actions not only infringe on the rights of individuals but also undermine the democratic values and principles upon which Kenya is built.

Furthermore, the arbitrary arrest and detention of Human Rights Defenders peacefully exercising their right to assemble violates their fundamental rights. We call for their immediate and unconditional release and further remind the National Police Service that access to Bail and Bond is a right under the Constitution of Kenya³.

1. Article 37 of the constitution 2010, every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.
2. Article 19 of the International Covenant on Civil and Political Rights.
3. Article 49 of the Constitution of Kenya.

As a Commission Of Jurists, we urge the Independent Policing Oversight Authority (IPOA) to take immediate action to investigate these incidents of excessive use of force and hold those responsible accountable. Law enforcement agencies must be trained on the principles of proportionality and respect for human rights to ensure the protection of citizens during assemblies.

ICJ Kenya calls upon the state to respect and uphold the rights of all individuals to peacefully assemble, express their opinions, and engage in advocacy. The government should create an enabling environment for open dialogue, constructive engagement, and the free flow of information, which is essential for developing and strengthening a democratic society.

As a Commission Of Jurists, we stand in solidarity with the Human Rights Defenders, affected individuals, and their families, who relentlessly defend and promote human rights and social justice. We will continue to monitor the situation closely and advocate for protecting human rights and freedom of expression in Kenya.

In conclusion, ICJ Kenya calls on the international community, civil society organisations, and human rights defenders worldwide to join us in solidarity to condemn these acts of violence and urge the Kenyan government to uphold its obligations under international human rights law and respect the rights of its citizens.

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.⁴

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