

PRESS RELEASE FOR IMMEDIATE RELEASE

**STATEMENT BY A SECTION OF THE CIVIL SOCIETY¹ ON THE EXCESSIVE USE OF FORCE BY THE POLICE
TO BRUTALLY SCUTTLE THE ANTI-CORRUPTION PROTEST AT FREEDOM CORNER**

4th November, 2016, Nairobi | We, the civil society organisations responsible for organising the anti-corruption protest that took place in Nairobi on 3rd November 2016 are extremely outraged and perturbed by the brutal and savage manner in which the police disrupted the peaceful protest. The protest, which had been organised to express public indignation on the unsettling escalation of grand corruption under the current regime, was viciously scuttled by the police immediately it began. Information reaching us from human rights monitors shows that at least 24 people were arrested in the melee and scores of others brutally beaten up by the police. A colleague in the civil society was hit by a teargas canister on the head forcing her to be quickly rushed to hospital. Additionally, journalists covering the protest were attacked in the process and their equipment damaged. Of great concern is that no charges were preferred against those arrested, a clear indication that the arrests were mere acts of intimidation aimed at ensuring that further protests do not take place.

We regretfully note that Uhuru Park, which was the convening point for the protest, was fully occupied by a large contingent of heavily armed police, both uniformed and plain clothed, with the intention of stopping the commencement of the protest. The heavy infiltration of the protest by the police, some of whom wore protest gear to disguise themselves for purposes of attacking the protesters and journalists, remains unacceptable and unfathomable. Some of those that had disguised themselves have since been clearly captured in media footage liaising with uniformed police and throwing teargas canisters at the protesters.

The excessive violence meted out on civilians taking part in the peaceful protest was completely uncalled for. The brutality witnessed grossly contravenes section 37 of the constitution which provides for the right, peaceably and unarmed, to assemble, demonstrate, picket and present petitions to public authorities. Additionally, the police actions amounted to violation of section 238 of the constitution which spells out the principles of national security.

Even more concerning is the fact that this incident joins a long list of peaceful protests violently dispersed by the police. We still vividly recall the tragic occurrences of the Occupy Playground Protests in Langata which saw protesting children repelled with teargas and the appalling physical assault of a protester by an officer in the full glare of television cameras at the height of the IEBC protests. A common thread in these examples is a lack of accountability that has fostered a culture of impunity in the police service for the flagrant disregard of the constitution in policing of assemblies.

We strongly condemn the indiscriminate and reckless use of tear gas, water cannons and rubber and live bullets on the protesters and journalists. The excessive use of crowd control weapons is completely unacceptable and contravenes internationally accepted standards of crowd control.

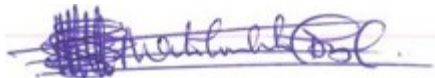
¹ *Kenya Human Rights Commission, Pawa 254, Inter-religious Council of Kenya, Transparency International and Katiba Institute*

It is disappointing and telling that no official statement has been made by the executive publicly condemning the violence and brutal acts by the police. We hereby call upon the Independent Policing Oversight Authority (IPOA) to investigate the police officers involved in these heinous acts and to take grave action on those found culpable. Additionally, we call on the Commission on Administrative Justice (CAJ) to issue an advisory on this matter and call upon the state to act on the recommendations in the CAJ report on the Langata playground protests. We further demand a review of the police standing orders to reflect international standards on the use of force and policing of assemblies.

It is a pity that this arbitrary power being applied by the executive against harmless Kenyans seeking accountability over crimes that the president has confessed inability to address cannot be utilised against the merchants of corruption in the country. We reiterate our commitment to defend the constitution and insist that the president utilize his powers as provided for under the constitution to expediently act on corruption failure to which he ought to resign. **|END**

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Signed on Behalf of civil society Organisations



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