

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
CONSTITUTIONAL PETITION NO. E OF 2026

**IN THE MATTER OF ARTICLES 1(1), 2(1), 2(4), 3, 10, 19, 20, 21,
22, 23, 24, 25, 26, 27, 29, 33, 34, 36, 37, 38, 73, 81(E), 88, 91(2)(C), 165,
201, 232, 238, 239, 242, 244, 245, AND 258 OF THE CONSTITUTION
OF KENYA, 2010**

AND

**IN THE MATTER OF THE NATIONAL POLICE SERVICE ACT,
NO. 11A OF 2011, THE NATIONAL INTELLIGENCE SERVICE
ACT, NO. 28 OF 2012, AND THE PUBLIC ORDER ACT (CAP. 56)**

AND

**IN THE MATTER OF THE CORE CONSTITUTIONAL AND
STATUTORY RESPONSIBILITY OF THE RESPONDENTS TO
PROTECT FUNDAMENTAL RIGHTS AND FREEDOMS AND TO
MAINTAIN LAW AND ORDER UNDER ARTICLES 21, 238, 239,
244 AND 245 OF THE CONSTITUTION OF KENYA, 2010,
SECTIONS 10, 24 AND 25 OF THE NATIONAL POLICE SERVICE
ACT, NO. 11A OF 2011, AND SECTION 5 OF THE NATIONAL
INTELLIGENCE SERVICE ACT, NO. 28 OF 2012**

AND

**IN THE MATTER OF THE USE, SPONSORSHIP, FINANCING,
FACILITATION, OR TOLERATION OF ORGANISED
VIOLENCE, TO DISRUPT PUBLIC ASSEMBLIES, RELIGIOUS
GATHERINGS, POLITICAL ACTIVITIES, AND CIVIC
PARTICIPATION, AND THE FAILURE OF THE STATE TO**

**DISCHARGE ITS CONSTITUTIONAL DUTIES TO PREVENT,
INVESTIGATE, AND PROSECUTE SUCH ACTS
BETWEEN**

KENYA HUMAN RIGHTS COMMISSION 1st PETITIONER
KATIBA INSTITUTE.....2nd PETITIONER
INDEPENDENT MEDICO-LEGAL UNIT 3rd PETITIONER
KWAMCHETSI MAKOKHA 4th PETITIONER
MARY KAMBO 5th PETITIONER
ELPHAS OSORO 6th PETITIONER

VERSUS

THE HONOURABLE ATTORNEY-GENERAL 1st RESPONDENT
THE DIRECTOR-GENERAL,
NATIONAL INTELLIGENCE SERVICE 2nd RESPONDENT
THE INSPECTOR-GENERAL OF POLICE 3rd RESPONDENT
THE CABINET SECRETARY, MINISTRY
OF INTERIOR AND NATIONAL
ADMINISTRATION 4th RESPONDENT

AND

INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION 1st INTERESTED PARTY
KENYA NATIONAL COMMISSION
ON HUMAN RIGHTS 2nd INTERESTED PARTY

PETITION

A. INTRODUCTION

1. Democracy rests on citizens' ability to participate freely in public life. Article 38 of the Constitution guarantees every citizen the right to make political choices, including the right to form or participate in forming a political party, to participate in the activities of a political party, and to campaign for a political party or cause. The Constitution also guarantees every person the right to assemble peacefully, associate with others, worship freely, express political views or other opinions, and participate in public affairs. These rights are meaningful only if people can exercise them in practice. Citizens cannot enjoy them if fear, violence, or intimidation deters them. The Constitution therefore places on the State the cardinal responsibility to maintain public order, protect fundamental rights, and enforce the criminal law impartially and effectively.
2. This Petition concerns the Respondents' sustained failure to discharge their constitutional obligations. It is grounded in an escalating and now well-documented pattern of organised attacks on citizens engaged in lawful civic, political, and religious activity, coupled with a persistent and, on the evidence, deliberate failure to prevent, investigate, and prosecute those responsible. The central constitutional question is stark: do the guarantees of the Bill of Rights remain meaningful when organised violence is repeatedly used to suppress their exercise, and when the very institutions charged with protecting them repeatedly fail to act?
3. The Constitution imposes a duty of effective governance, and persistent institutional ineffectiveness becomes constitutionally actionable when it results in the denial or threat of denial of rights.

4. This Petition is, at its core, about Article 38. The Petitioners' case is that the organised violence it describes is directed at, and has the effect of deterring, the exercise of political participation, and that the other rights engaged, including the rights to life, to security of the person, and to freedom of expression, association and assembly, are infringed because violence is the means by which that participation is suppressed. The Petition is therefore pleaded, throughout, with Article 38 first.
5. This Petition therefore addresses not only past harm caused by the attacks but, more importantly, the real threat of future harm to citizens and its effect on electoral democracy and specifically its impact on the 2027 General Election. In addition to harms already experienced and particularised, the Petition seeks to invoke this Court's coercive power to ensure Article 38 rights on political participation are not threatened with violation. The State's due diligence obligations to protect, prevent, investigate and punish are heavily implicated in the Petition, as are the State's obligations during the pre-election period in relation to violence, coercion and intimidation.
6. The constitutional wrong complained of is not exhausted by any individual act of violence. It lies in the existence and persistence of a systemic condition in which citizens exercising constitutionally protected civic, political, religious and expressive freedoms are exposed to a foreseeable risk of organised violence, while the institutions constitutionally responsible for preventing, investigating and prosecuting that violence have failed to establish an effective system to prevent its recurrence.
7. Since early 2025, a series of widely documented incidents has demonstrated a persistent and increasingly lethal pattern of organised violence directed at people exercising their constitutional freedoms. Video footage, contemporaneous media reporting, independent research into the financing of political violence, statements by civil society organisations, and repeated public admissions by senior State officials corroborate those incidents.

Armed individuals have repeatedly disrupted press conferences, religious services, civic forums, and political gatherings, and have assaulted citizens engaged in peaceful activities.

8. In several of these incidents, media footage shows the attackers operating in close proximity to police officers deployed at the scene and, in some instances, retreating towards police lines after the attacks. Viewed alongside the documented evidence and the conduct of State actors during the incidents, the recurrence of these circumstances raises a serious concern that State institutions are tolerating or otherwise permitting violence they are constitutionally obliged to prevent.
9. The incidents particularised in this Petition exhibit recurring methods of operation and repeated targeting of constitutionally protected activities. They are also marked by a failure to provide timely, effective, or impartial law-enforcement intervention capable of preventing the attacks or securing accountability for those responsible.
10. The 1st Petitioner was directly and repeatedly targeted by this pattern. On 6 July 2025, armed assailants forcibly entered the 1st Petitioner's Nairobi offices and violently disrupted a press conference convened by mothers of victims of police brutality on the eve of the Saba Saba commemorations. The 1st Petitioner provided the National Police Service, under OB No. 45/06/07/2025, with CCTV footage and other material evidence that could assist investigations. No meaningful investigative or prosecutorial action has been taken in the fifteen months since. On 12 June 2026, the 1st Petitioner was again targeted at All Saints Cathedral in an attack described in detail below.
11. The 4th Petitioner, a journalist and a member of the 1st Petitioner's Board, was assaulted in the 6 July 2025 attack, and the 5th Petitioner, the 1st Petitioner's Programme Manager in charge of Economic and Social Justice,

was at its offices and saw the attack. The 6th Petitioner lives in Homa Bay Town, where he saw the events that preceded and accompanied the 16 August 2026 attack on the Linda Mwananchi convoy, and he fears for his safety in exercising his political rights.

12. The constitutional freedoms at issue in this Petition are exercised every day, not only during election periods. Citizens must be able to organise politically, assemble peacefully, worship freely, engage in civic discourse, criticise the government, and participate in public affairs without fear of violence or intimidation. These freedoms are also indispensable to the integrity of any electoral process. They cannot be meaningfully protected only on election day if the period preceding it is marked by widespread and lethal violence against activities closely linked to political rights.
13. A general election is imminent, yet the evidence below shows that political rights are being progressively constrained, barely into the formal campaign year. This Petition rests on the Supreme Court's pronouncement that an election 'is not lodged in a single event; it is, in effect, a process set in a plurality of stages' (**In the Matter of the Principle of Gender Representation in the National Assembly and the Senate (Advisory Opinion No. 2 of 2012)**, para 100). Comparative jurisprudence also supports this broad understanding of an election as a continuous process, rather than a single event. As explained in the Judicial Officer's Law Lexicon: 'In the wider sense this word connotes the entire process culminating in a candidate being declared elected. When one talks of elections in a democratic country, the word 'election' bears this wide meaning.' (Justice C.K. Thakker, *Judicial Officer's Law Lexicon*, Vol. 4, Q–Z, 2012, p. 1634).
14. The quality of the electoral environment before and on voting day is an essential determinant of whether an election is free and fair within the meaning of Article 81(e) of the Constitution. As Kenya moves towards the

2027 General Election, the risks stemming from this ongoing failure to protect, prevent and punish are becoming increasingly acute. The events of July, August, and September 2026, detailed below, demonstrate an intensifying pattern of political mobilisation accompanied by violence and intimidation. On the present trajectory, these violations are likely to escalate as political activity increases in the period preceding the elections. The constitutional violations pleaded in this Petition therefore arise independently of the electoral calendar and would remain violations whether or not an election was approaching. The proximity of the 2027 General Election, however, materially heightens the risk of further violations and makes timely judicial intervention necessary to prevent their recurrence and escalation.

15. Violence aimed at suppressing civic and political activity threatens not only the individual rights of participants but also the constitutional conditions on which democratic participation depends. Left unchecked, it will normalise intimidation as an instrument of political contestation, erode public confidence in the rule of law, and hollow out the constitutional framework within which the sovereign will of the people is meant to be freely expressed through elections.
16. Commentators, faith leaders, and even the Respondents' own officials have now openly warned that today's disposable 'goon' risks becoming tomorrow's standing political militia, with the danger that every convoy will be accompanied by organised muscle and every political rally could become a site of violence. The Constitution was enacted to prevent precisely such a normalisation of political violence and intimidation, and this Honourable Court is the institution entrusted by the Constitution with upholding and enforcing those guarantees.
17. This Petition therefore raises two interrelated constitutional questions: first, whether the Respondents' failure to prevent, investigate, and prosecute

organised violence directed at the exercise of the rights pleaded above violates the Constitution; and second, what declaratory, conservatory, and structural relief is necessary to secure effective institutional compliance with the Constitution going forward, including during the period preceding the 2027 General Election and with respect to specific and imminent public gatherings.

18. For these reasons, the Petitioners respectfully and urgently invoke the jurisdiction of this Honourable Court.

B. DESCRIPTION OF THE PARTIES

I. The Petitioners

19. The 1st Petitioner, the Kenya Human Rights Commission ('KHRC'), is a non-governmental organisation registered in Kenya with a mandate to promote and protect human rights and constitutionalism. It brings this Petition in its own interest and in the public interest under Articles 22(2) and 258(2) of the Constitution, and was also directly and adversely affected on two separate occasions by the matters complained of.
20. The 2nd Petitioner, Katiba Institute ('KI'), is a non-governmental organisation registered in Kenya with a mandate to promote knowledge of, and respect for, the Constitution and constitutionalism, including through research, public education and public interest litigation. It brings this Petition in the public interest under Articles 22(2)(c) and 258(2)(c) of the Constitution.
21. The 3rd Petitioner, the Independent Medico-Legal Unit ('IMLU'), is a non-governmental organisation registered in Kenya that works to prevent torture and organised violence and to secure accountability and redress for survivors, including through the medical and legal documentation of

injuries. It brings this Petition in the public interest under Articles 22(2)(c) and 258(2)(c) of the Constitution.

22. The 4th Petitioner, Kwamchetsi Makokha, is a Kenyan citizen, a journalist and communication consultant, and a member of the Board of the 1st Petitioner. He was at the 1st Petitioner's offices on 6 July 2025 when the attack described in paragraph 38 took place. He went out to negotiate with the attackers in order to protect the women who had come to the briefing, and was assaulted by them. He brings this Petition in his own interest, as a journalist whose freedoms under Articles 33 and 34 of the Constitution were infringed, and in the public interest, under Articles 22(1) and 22(2)(c) and 258(1) and 258(2)(c) of the Constitution.
23. The 5th Petitioner, Mary Kambo, is a Kenyan citizen and the 1st Petitioner's Programme Manager in charge of Economic and Social Justice. She was at the 1st Petitioner's offices on 6 July 2025, helping to convene the media briefing, when the attack described in paragraph 38 took place. She saw the attackers storm the compound and attack the 4th Petitioner and journalists, and she has lived in fear since. She brings this Petition in her own interest, as a person whose rights to security of the person and to assemble under Articles 29 and 37 of the Constitution were infringed by the attack, and in the public interest, under Articles 22(1) and 22(2)(c) and 258(1) and 258(2)(c) of the Constitution.
24. The 6th Petitioner, Elphas Osoro, is a Kenyan citizen, a native and resident of Homa Bay Town, who holds political views critical of the local political leadership. He saw some of the events in Homa Bay Town that preceded and accompanied the attack described in paragraph 51, and he has not reported what he saw to the police because he fears reprisals. He brings this Petition in his own interest, as a citizen whose right under Article 38 of the Constitution to make political choices and to take part in political activity is

threatened, and in the public interest, under Articles 22(1) and 22(2)(c) and 258(1) and 258(2)(c) of the Constitution.

II. The Respondents

25. The 1st Respondent is the Honourable Attorney-General, an office established under Article 156 of the Constitution as the Government's principal legal adviser. The office is currently held by Dorcas Oduor. The Attorney-General also serves as the national government's representative in legal proceedings under the Government Proceedings Act (Cap. 40).
26. The 2nd Respondent is the Director-General of the National Intelligence Service, an office established under Article 242 of the Constitution and the National Intelligence Service Act No. 28 of 2012. Under section 5 of the Act, the National Intelligence Service is mandated to detect and identify threats, or potential threats, to national security and to advise the President and the Government accordingly. The office is currently held by Noordin Haji.
27. The 3rd Respondent is the Inspector-General of the National Police Service, an office established under Article 245 of the Constitution and the National Police Service Act No. 11A of 2011. The Inspector-General exercises independent command of the National Police Service and, under Article 244 of the Constitution, is responsible for maintaining law and order, preserving peace, protecting life and property, and preventing and detecting crime. The office is currently held by Douglas Kanja.
28. The 4th Respondent is the Cabinet Secretary of the Ministry of Interior and National Administration, an office established under Article 152 of the Constitution. The Cabinet Secretary bears policy responsibility for internal security, the National Police Service, and national government administration. The office is currently held by Kipchumba Murkomen.

III. The Interested Parties

29. The 1st Interested Party is the Independent Electoral and Boundaries Commission ('IEBC'), established under Article 88 of the Constitution and the Independent Electoral and Boundaries Commission Act, No. 9 of 2011. Under Article 88(4) of the Constitution, the IEBC is responsible for conducting and supervising elections and for developing a code of conduct for candidates and parties contesting elections. It has published the notice of the 2027 General Election pleaded below, and the Petitioners' case directly engages its mandate under Article 81(e) of the Constitution.
30. The 2nd Interested Party is the Kenya National Commission on Human Rights ('KNCHR'), established under Article 59 of the Constitution and the Kenya National Commission on Human Rights Act, Cap. 71, Laws of Kenya. Under Article 59 of the Constitution and section 8(c) of the Act, the KNCHR is responsible for monitoring, investigating, and reporting on the observance of human rights across all spheres of life in the Republic, including by the national security organs. The Petitioners' case directly engages the KNCHR's mandate under these provisions.

C. STATEMENT OF STANDING AND JURISDICTION

31. The Petitioners bring this Petition under Article 3(1) of the Constitution, which imposes on every person the obligation to respect, uphold, and defend the Constitution of Kenya, 2010.
32. Each Petitioner is a person envisaged under Articles 22(1) and 22(2)(c), and 258(1) and 258(2)(c) of the Constitution, which entitle every person, including in the public interest, to institute court proceedings to claim that a right or fundamental freedom in the Bill of Rights has been denied, violated, infringed, or threatened, or that the Constitution has been contravened or is threatened with contravention. The 4th, 5th and 6th Petitioners also bring

this Petition in their own interest, as persons whose rights have been infringed or threatened.

33. Under Article 165(3)(b) of the Constitution, this Honourable Court has jurisdiction to determine whether a right or fundamental freedom in the Bill of Rights has been denied, violated, infringed, or threatened. Under Article 165(3)(d), the Court further has jurisdiction to hear any question regarding the interpretation of the Constitution, including whether anything done or omitted under the authority of the Constitution or any law is inconsistent with or in contravention of the Constitution.
34. Under Articles 23(1) and (3) of the Constitution, this Court has jurisdiction to grant appropriate relief in proceedings alleging a denial, violation, or infringement of, or a threat to, a right or fundamental freedom, including declarations of rights, injunctions, conservatory orders, orders for compensation, and structural orders necessary to secure compliance with the Constitution.

D. BACKGROUND TO THE PETITION

i. Emergence of Organised Attacks on Public Participation (facts stated in the following paragraphs shall be supported by the Affidavit Supporting the Petition)

35. Since early 2025, organised armed groups of young men, popularly and now referred to as ‘goons’, have disrupted public gatherings associated with civil society actors, human rights defenders, journalists, the clergy, and political actors, in a documented and escalating pattern.
36. These groups typically travel by motorbike and are armed with crude weapons. They target events that promote good governance and accountability in the use of State power and resources, as well as gatherings, whether in church or elsewhere, where political views are expressed.

ii. Pattern of Violent Disruption of Public Gatherings

37. On 17 June 2025, groups of men on motorcycles, armed with whips and clubs, attacked a peaceful demonstration against police brutality in Nairobi's central business district. Media reports indicated that some attackers appeared to operate near police officers, and some retreated towards police lines after the attack.
38. On 6 July 2025, on the eve of the annual Saba Saba commemorations, the 1st Petitioner was hosting at its offices at 849 Amboseli Road, off Gitanga Road, Nairobi, a media briefing by mothers whose children had been killed, injured, arrested or disappeared in the context of public protests, including victims of police brutality and enforced disappearances. At about 2:08 pm, a group of men, a number of them on motorcycles, some masked and some carrying clubs, forced their way through the gate, overpowered the private security personnel, entered the compound and disrupted the briefing. The attackers demanded that the briefing not proceed and that no demonstrations be planned from the premises. Journalists and members of the public were assaulted or intimidated, including the 4th Petitioner, who was wrestled to the ground and whose spectacles were taken, and property, including laptops and mobile phones, was stolen. The attack lasted about forty minutes. Requests for police assistance were made while it was in progress, but no police officer arrived before it ended. The attack was recorded on the 1st Petitioner's CCTV system, and footage in which some of the attackers are visible was publicly shared with an appeal for help in identifying them. A formal complaint was lodged with the police under Occurrence Book No. 45/06/07/2025. To date, no one has been arrested or prosecuted.
39. On 11 November 2025, a roadside opposition rally in Gilgil, Nakuru County, led by Rigathi Gachagua and attended by other opposition leaders, including Kalonzo Musyoka and Eugene Wamalwa, was violently disrupted when a group of youths charged the gathering, attacked attendees, and

hurled stones and other objects at the crowd, forcing residents to flee and abruptly ending the rally. Opposition leaders publicly said the attack was orchestrated by political actors allied with the Government.

40. On 30 November 2025, armed youths attacked PCEA Berea Parish in Kariobangi North, Nairobi, at the conclusion of a thanksgiving service attended by former Deputy President Rigathi Gachagua. The assailants, armed with knives and crude weapons, stoned the church, damaged property, and injured several congregants, who were taken to hospital. Police dispersed the attackers with tear gas; media reports also cited the use of live ammunition during the incident. The National Police Service stated that the incident appeared planned and premeditated, and police later arrested seven suspects. The Petitioners are not aware that any organiser or financier has been charged.
41. On 25 January 2026, a convoy linked to former Deputy President Rigathi Gachagua was attacked in Othaya, Nyeri County, and tear gas was discharged into a church service at Witima ACK Church that he was attending. The Cabinet Secretary for Interior ordered an investigation. Public reporting indicates that similar attacks have occurred repeatedly at political events and at locations associated with him.
42. On 15 February 2026, a political rally in Kitengela, Kajiado County, led by Nairobi Senator Edwin Sifuna's faction, was disrupted by violent clashes between police officers and groups of youths. Police fired tear gas during the incident, which resulted in the death of at least one person and injuries to many others. The Independent Policing Oversight Authority (IPOA) announced investigations into the conduct of police officers deployed at the rally. Opposition leaders stated that the violence was orchestrated through the deployment of police officers and hired groups.

43. On 8 April 2026, Vihiga Senator Godfrey Osotsi was attacked by a group of armed assailants at a restaurant in Kisumu shortly after meeting members of the public. According to his office, the assailants questioned him about his political affiliation before physically assaulting him. CCTV footage of the attack was widely circulated by the media, and his injuries required an airlift to Nairobi for specialised medical treatment. The 4th Respondent later told a parliamentary committee that 14 of the 21 suspects identified had fled the country.
44. On 12 June 2026, at about 9 am, armed youths on motorcycles stormed All Saints Cathedral in Nairobi and violently disrupted a public forum on the 2026/2027 national budget, convened by the 1st Petitioner together with other civil society organisations and attended by civil society organisations, faith leaders, lawyers, and members of the public. Although police officers were present at the scene and initially repelled an attempt by the attackers to enter the cathedral compound, the attackers later returned, gained access to the premises, robbed people who were fleeing, and disrupted the meeting. CCTV footage captured police officers attempting to intervene before being overwhelmed by the attackers. Police reported the arrest of two suspects, and the Provost of the cathedral was reported to have said that one of them was released. The incident prompted widespread condemnation from civil society organisations, religious leaders, and professional bodies. The Petitioners are not aware that any organiser or financier has been charged.
45. On 23 June 2026, the Chairman of the Kenya Conference of Catholic Bishops, Archbishop Maurice Muhatia Makumba, publicly condemned the growing phenomenon of ‘goonism’, stating that it appeared to enjoy official tolerance or support because attackers acted with apparent impunity despite the visible presence of police officers. The bishops called on the Inspector-General of Police to conduct thorough investigations, identify those responsible, and ensure that they are prosecuted.

46. On 3 July 2026, a Linda Mwananchi convoy was attacked at Keumbu Market in Kisii County by youths armed with stones and clubs. A supporter died and others were injured. Opposition leaders said that police officers present watched the attack without intervening. Seven suspects were arrested but were reported to have been released after being presented in court without an investigating officer or a prosecutor.
47. On 8 July 2026, at a public participation exercise convened by the Kenya Forest Service in Meru County to gather community views on a proposed airstrip inside Imenti Forest, dozens of hired youths confronted attendees opposed to the project, including environmental activist and musician Kamanu M'Tuamwari, who had presented a petition against the proposal. Subsequent investigative reporting indicates that the youths were engaged to violently assault and threaten sexual violence against demonstrators.
48. On 12 July 2026, suspected goons, some armed with bows and arrows and other crude weapons, attacked St Stephen's Anglican Cathedral in Kisumu during a Sunday service attended by opposition leaders, attempted to force their way into the church compound, and blocked the leaders from leaving, continuing the pattern of attacks on religious gatherings beyond Nairobi. Police used tear gas. Violence between rival groups near the cathedral left two people dead. The same day, a Linda Mwananchi rally in Nyahururu was attacked by youths throwing stones, and persons were injured. Police arrested 14 suspects in connection with the two incidents.
49. On 16 July 2026, the Ol Kalou Constituency by-election in Nyandarua County was held amid violence and intimidation. On polling day, hooded men, some of them armed, fired tear gas and shots and clashed with crowds at polling stations including Ol Kalou Comprehensive School and AC Primary School. They travelled in unmarked vehicles, among them five sport utility vehicles at Ol Kalou Comprehensive School. Journalists were assaulted and their cameras confiscated. One journalist was injured while

police officers were reported to be watching from outside the school, and multiple people were injured. The Media Council of Kenya condemned the assaults on journalists. The 1st Petitioner deployed election monitors to Ol Kalou and documented these incidents, and the Kenya National Commission on Human Rights documented them in its report, *Perilous Politics: Human Rights Compliance Analysis of the 16th July 2026 Ol Kalou Constituency By-Election*.

50. On 15 August 2026, a convoy belonging to Democracy for Citizens Party leader Rigathi Gachagua came under a sustained hail of stones while travelling through Nakuru County on the return leg of a rally tour, further repeating the pattern of attacks on his movements first particularised at paragraphs 39 and 41 above.
51. On 16 August 2026, a Linda Mwananchi political convoy travelling from Sindo to Homa Bay was attacked at Koduogo, Homa Bay County. Rival groups of youths engaged in violence; a hotel and a church were vandalised; six vehicles were torched; journalists were attacked, and their equipment was stolen; and, according to police and contemporaneous media reports, at least two people, including a police officer, were killed, with subsequent reporting indicating the eventual death toll rose to four. Arrests were made in the aftermath, but the Petitioners are not aware of any resulting prosecutions or convictions to date.
52. The 6th Petitioner, who lives in Homa Bay Town, saw groups of youths running through the streets of the town near the market overnight before the rally, and saw, on the morning of 16 August 2026, market stalls and stones being placed across roads, including the road leading to the police headquarters. He saw two vehicles burning near the SDA church at Lala on the Homa Bay–Mbita road that afternoon, and saw more than ten injured people in hospital afterwards.

53. Investigative reporting on the 16 August 2026 Homa Bay attack, corroborated by a study by the Nairobi-based research firm Odipo Dev in partnership with Tribeless Youth, confirms that the youths involved in these attacks are recruited and paid according to an identifiable financial structure: reports indicate that participants in the Homa Bay attack were recruited days in advance and paid between KES 2,000 and KES 4,000 each to obstruct a rival political formation. The broader Odipo Dev/Tribeless Youth research documented a functioning ‘rate card’ for political violence, ranging from KES 500 to attend a rally to as much as KES 5,000 for more dangerous assignments. Recruiters control and distribute sums running into hundreds of thousands of shillings through neighbourhood coordinators who insulate the ultimate financiers from direct exposure. This shows a pattern of resourced, organised, and commercially structured enterprise, precisely the kind of financed, coordinated violence that Article 91(2)(c) of the Constitution prohibits.
54. On 13 August 2026, in the National Assembly, West Mugirango MP Stephen Mogaka requested a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the rising incidents of political violence and insecurity across the country, stating that the violence had exposed mourners to fear and undermined the constitutional rights to security, peaceful assembly and freedom of association (National Assembly Official Report, 13 August 2026, Vol. V No. 74, pp. 14–15). On 20 August 2026, Gilgil MP Martha Wangari, of the governing party, requested a further statement on the rise of violence in political rallies. She told the House that incidents initially dismissed as isolated had escalated into full-blown violence characterised by the explicit use of crude weapons, that despite their recurrence decisive action had yet to be taken to bring the perpetrators to account, and that the relevant State agencies had yet to report on the status of investigations. Members from across the political divide supported the request. Suba North MP Millie

Odhiambo-Mabona said that deaths in Homa Bay were under-reported and that not fewer than twelve people had died. Samburu West MP Naisula Lesuuda said that people were now carrying pangas in public. Funyula MP Ojiambo Oundo described what he saw in Homa Bay as premeditated terrorism and said that police officers who stood by had committed a dereliction of duty and a breach of the Constitution. Marsabit Woman Representative Naomi Waqo said that those behind the attacks should be put in jail. Teso South MP Mary Emaase warned that, without action, the country risked degenerating into anarchy. Eldas MP Adan Keynan called on investigators to arrest the perpetrators regardless of their status or position. The Chairperson of the Committee, Gabriel Tongoyo, told the House that the President, the Inspector-General and the 4th Respondent had on several occasions pronounced themselves on the issue, and undertook to prioritise it when the 4th Respondent appeared before the Committee (National Assembly Official Report, 20 August 2026, Vol. V No. 78, pp. 11–16). Separately, a Linda Mwananchi county coordinator publicly stated that individuals known to rally organisers had mobilised an attack on their offices after the rally had been duly notified to the authorities.

55. On 12 September 2026, at Nembure Stadium in Embu County, youths disrupted a delegates' meeting of the United Democratic Alliance presided over by the Deputy President, and vehicles were set ablaze. The Deputy President condemned the violence, and heavily armed police officers were reported the following day to have camped outside the home of the Manyatta Member of Parliament, whom they were reportedly waiting to arrest. The Petitioners are not aware of comparable police action against the organisers of the incidents pleaded above.
56. The conduct highlighted in this section constitutes grave abuse of human rights, intended to curtail public participation processes guaranteed by the

Constitution, and is the conduct this Petition asks the Court to compel the Respondents to investigate fully and redress.

iii. Public Acknowledgement by the State

57. On 1 December 2025, during the graduation of chiefs and assistant chiefs at the National Police College, Embakasi ‘A’ Campus, Nairobi, the President publicly condemned the growing use of organised groups of youths to commit violence and disrupt public gatherings. He directed the Inspector-General of Police to identify and take firm legal action against politicians and others responsible for mobilising, financing, or deploying such groups. At the same event, the Cabinet Secretary for Interior and National Administration described the mobilisation of armed youths to attend and disrupt political gatherings as an unacceptable and growing phenomenon and announced a nationwide crackdown against those responsible.
58. On 21 April 2026, while appearing before the National Assembly Departmental Committee on Administration and Internal Security, the 4th Respondent stated that national security agencies had identified more than one hundred organised gangs operating across the country. He further stated that these groups had evolved from loosely organised street formations into sophisticated, adaptive criminal enterprises operating through decentralised networks. He also acknowledged that, in some instances, corruption and information leaks had compromised law enforcement efforts against such groups.
59. Following the 12 June 2026 attack at All Saints Cathedral, the 4th Respondent again publicly warned that those found culpable of disrupting public events and political rallies would face consequences, stating that goonism perpetrated by actors across the political divide continues to pose a challenge, as witnessed in the incident at All Saints Cathedral, and that

several suspects had been arrested. No prosecution of any organiser or financier has followed that warning either.

60. On 22 August 2026, the 4th Respondent said publicly that Kenya was safe and that those who described a national crisis because of goons were misleading the public. In the same week, he stated that if politicians knew that someone had organised goons in Homa Bay and the police had told them so, they should not go there, and he ordered the National Police Service and the Directorate of Criminal Investigations to act on intelligence to arrest suspected facilitators before they reach rallies rather than wait until the goons are at a rally. These statements show that the 4th Respondent holds intelligence identifying those who organise the gangs and that preventive arrests were and are within the State's power; no organiser of the Homa Bay attack has, to the Petitioners' knowledge, been charged.
61. On 5 September 2026, the National Police Service issued a public statement to political leaders, supporters, and other stakeholders ahead of the 2027 electioneering period, expressly acknowledging ongoing incidents of 'political intolerance, violence and thuggery' across the country and warning that such conduct 'undermines public order, threatens national cohesion, and infringes upon the constitutional rights of citizens'. This is the latest in a series of public admissions by the Respondents, dating back to December 2025, that the problem exists, is serious, and is growing. These admissions have not been matched by sustained prosecutions of organisers or financiers.
62. On 30 September 2026, in response to Mr Mogaka's request, the Chairperson of the Departmental Committee on Administration and Internal Security tabled in the National Assembly a response signed by the 4th Respondent. The response listed the measures the Government says it takes, namely collecting and analysing information on planned meetings, deploying police according to the assessed threat, coordinating with

organisers, handling reported cases promptly, dismantling criminal gangs, and conducting intelligence-led operations in communities. It also stated that a convener of a political meeting must notify the police, who are then required to provide security under the Public Order Act, and that burials, church events and weddings do not require notification, so that the local Officer Commanding Station is supposed to take cognisance of them and provide adequate security. The response as recorded dealt with two funeral disruptions in Nyamira and Kisii and did not account for any of the incidents pleaded in this Petition. Mr Mogaka told the House that it was fatally defective and that no one had been arrested for the disruption of the funeral at West Mugirango, which took place in the presence of police officers. Ms Odhiambo-Mabona told the House that, unless goonism and disruption of public events are taken seriously, the country will face extremely violent elections, and that a young man killed during the Linda Mwananchi visit to Homa Bay was to be buried that week. The presiding Temporary Speaker said that the monopoly of violence should be held exclusively by the State and that militias created by politicians threaten the existence of the country (National Assembly Official Report, 30 September 2026, Vol. V No. 85, pp. 23–27).

63. Taken together, these repeated, high-level, and increasingly specific admissions by the very Respondents charged with preventing this violence establish that the Respondents have had actual and repeated notice of a known, foreseeable, and escalating risk to constitutional rights. Yet for more than a year the Respondents have failed to convert that knowledge into action to prevent and punish the criminality.

iv. Selectivity and Pattern Concerns

64. The incidents set out above reveal a stark and consistent pattern in target selection. The material available to the Petitioners shows that gatherings associated with the governing administration have generally proceeded

without comparable disruption, whereas numerous gatherings involving opposition political leaders, human rights defenders, civil society organisations, and religious institutions have been repeatedly and violently attacked or disrupted, including the most recent incidents in August 2026. The Petitioners acknowledge that gatherings associated with the governing party have also, on occasion, been disrupted, as at Embu on 12 September 2026 (paragraph 55). Where that has happened, the reported response of the State has been swift and visible, in contrast to the response to the incidents particularised above.

65. The Petitioners further rely on contemporaneous media reporting and audiovisual evidence from several incidents, showing that, in some instances, police officers were present at or near the scene of the attacks but did not intervene promptly or effectively, and that, in certain cases, attackers operated in close proximity to police officers. These facts form the basis on which the Petitioners invite the Court to assess whether the Respondents have discharged their constitutional obligations to equally protect fundamental rights and to prevent, investigate, and prosecute criminal conduct.

v. Risk of Escalation

66. Under Article 88(4) of the Constitution, the Elections Act (Cap. 7), and the Elections (General) Regulations, 2012, the Independent Electoral and Boundaries Commission has published a Notice of the General Election scheduled for Tuesday, 10 August 2027, together with the respective election and campaign-financing timelines, in Kenya Gazette Notice Numbers 13497–13503 (Kenya Gazette Vol. CXXVIII, No. 144, published 20 August 2026) and Kenya Gazette Notice No. 13771 (Kenya Gazette Vol. CXXVIII, No. 150, published 26 August 2026). The electoral process for the 2027 General Election has therefore formally commenced. As Kenya approaches the 2027 General Election, the risk that this pattern will intensify

is no longer speculative. An assessment by the Kofi Annan Foundation has placed the risk of election-related violence in Kenya's 2027 General Election at more than 84 per cent. Read against the sustained fifteen-month record of violence particularised in this Petition, that figure is a chilling forecast of what will happen to the exercise of political and other constitutional rights in this country unless this Honourable Court intervenes now.

E. LEGAL BASIS FOR THE PETITION

(a) The Constitution of Kenya, 2010

i. Constitutional Supremacy and Foundational Principles

67. The Preamble affirms the aspirations of the people of Kenya for a government grounded in human rights, equality, freedom, democracy, social justice, and the rule of law.
68. Article 2(1) provides that the Constitution is the supreme law of the Republic and binds all persons and State organs alike.
69. Article 1(1) vests all sovereign power in the people of Kenya, to be exercised only in accordance with the Constitution. Articles 2(1) and 2(4) provide that the Constitution binds all persons and that any act or omission inconsistent with it is invalid. Article 3(1) obligates every person to respect, uphold, and defend the Constitution.
70. Article 10 binds all State organs, State officers, and public officers to the national values and principles of governance whenever they apply or interpret the Constitution or the law, or make or implement public policy. These values include the rule of law, democracy, human rights, good governance, transparency, and accountability.

ii. Nature and Protection of Fundamental Rights

71. Article 19 provides that the Bill of Rights is an integral part of Kenya's democratic State, serves as the framework for social, economic, and cultural policies, and aims to preserve human dignity and promote social justice.
72. Article 20(1) provides that the Bill of Rights applies to all law and binds all State organs and all persons. Read together with Article 21, it imposes both negative and positive obligations on the State, including the duty to take reasonable and effective measures to protect individuals against third-party violations of their rights.
73. Article 21(1) expressly requires the State and every State organ to respect, protect, promote, and fulfil the rights and fundamental freedoms set out in the Bill of Rights. The obligation to 'protect' includes taking reasonable steps to prevent foreseeable violations of rights, to investigate such violations when they occur, and to ensure accountability for perpetrators.

iii. Rights Implicated by the Facts of this Petition

74. The facts pleaded in this Petition implicate, among other rights under the Bill of Rights, the following rights:
 - a) Article 38 guarantees political rights, including the right to make political choices, to form or participate in forming a political party, to participate in the activities of a political party, to campaign for a political party or cause, and to free, fair and regular elections. Article 81(e) guarantees a free, fair and violence-free election.
 - b) Article 33 guarantees freedom of expression, including the freedom to seek, receive or impart information or ideas. Article 34 guarantees the freedom and independence of the media and bars State interference with those engaged in producing or circulating information.

- c) Article 36 guarantees freedom of association, including the right to form and join associations. Article 37 guarantees the right to gather publicly (assemble) and to express, promote or defend shared views.
- d) Article 26 guarantees the right to life, and the State is under a constitutional obligation to protect it.
- e) Article 25 guarantees freedom from torture and from cruel, inhuman or degrading treatment. Article 29 guarantees the right to freedom and security of the person, including the right not to be subjected to violence from public or private sources, and not to be subjected to torture, whether physical or psychological.
- f) Article 27 guarantees equality before the law and equal protection and benefit of the law.

iv. Constitutional Framework for National Security and Policing

- 75. Article 238(2)(b) provides that national security shall be pursued in accordance with the law and with the utmost respect for the rule of law, democracy, human rights, and fundamental freedoms.
- 76. Article 239 establishes the national security organs, which include the National Police Service and the National Intelligence Service, and requires them to act in accordance with the Constitution and the law.
- 77. Article 242 establishes the National Intelligence Service and requires that it operate within the Constitution and national legislation.
- 78. Article 244 requires the National Police Service to uphold professionalism, transparency, and accountability and to perform its functions, including the protection of life and property, the maintenance of law and order, and the prevention and detection of crime.

79. Article 245 vests the Inspector-General with independent command of the National Police Service, subject to the Constitution and the law.

(b) Statutory framework

80. Section 5 of the National Intelligence Service Act, No. 28 of 2012, mandates that the 2nd Respondent detect and identify threats or potential threats to national security, advise the President and Government accordingly, and support law enforcement agencies in preventing serious crime and other threats to national security.
81. Sections 10, 24, and 25 of the National Police Service Act, No. 11A of 2011, vest the National Police Service with functions that include maintaining law and order, protecting life and property, and preventing and detecting crime. These functions extend to policing and securing public assemblies, meetings, and processions, and to protecting persons lawfully participating in such gatherings.
82. The Public Order Act (Cap. 56) regulates public meetings and processions and imposes a duty on the police to facilitate lawful assemblies, maintain public order at such gatherings, and ensure that lawful demonstrations and meetings proceed without unlawful interference.
83. The conduct described in this Petition, including the financing and organisation of disruptions to public assemblies, assaults on participants, destruction of property, and coordinated attacks on gatherings, may constitute serious criminal offences under the Penal Code (Cap. 63), including riot, assault, robbery with violence, malicious damage to property, manslaughter, and murder. The Petitioners aver that, despite these statutory frameworks and the availability of evidence in several of the pleaded incidents, the Respondents have conducted no effective investigation, arrest, or prosecution of the perpetrators, organisers, or financiers of the conduct.

(c) International and regional human rights law

i. The International Covenant on Civil and Political Rights

84. Kenya is a State Party to the International Covenant on Civil and Political Rights (ICCPR), having acceded to the Covenant on 1 May 1972. The ICCPR guarantees, among other rights, the right to life, liberty, and security of the person; freedom from torture and from cruel, inhuman, or degrading treatment; freedom of expression; and the rights to peaceful assembly and association, as well as the right to take part in the conduct of public affairs. Under Article 2(6) of the Constitution, treaties and conventions ratified by Kenya form part of Kenyan law.
85. The Human Rights Committee has recognised that the obligations under the ICCPR include positive duties to protect individuals from reasonably foreseeable violations by private persons and entities, and, where appropriate, to prevent, investigate, punish, and remedy such violations. The scope of those positive obligations varies with the right at stake and the circumstances of the case.

ii. UN standards on the right to life, peaceful assembly and political participation

86. In General Comment No. 36 (2018) on the right to life under Article 6 of the ICCPR, the Human Rights Committee confirmed that States parties are under a due diligence obligation to take reasonable positive measures in response to reasonably foreseeable threats to life arising from private persons and entities whose conduct is not directly attributable to the State, including threats posed by criminals, organised crime, and militia and other armed groups. The Committee further confirmed that States parties should disband irregular armed groups, including private armies and vigilante groups, responsible for deprivations of life.

87. In General Comment No. 37 (2020) on the right to peaceful assembly under Article 21 of the ICCPR, the Human Rights Committee confirmed that States bear a positive duty to ‘promote an enabling environment for the exercise of the right of peaceful assembly without discrimination, and put in place a legal and institutional framework within which the right can be exercised effectively’. The Committee further confirmed that, where necessary, States must protect participants in an assembly from interference or violence by non-State actors, including other members of the public, counter-demonstrators, and private security providers.
88. In General Comment No. 25 (1996) on the right to participate in public affairs under Article 25 of the ICCPR, the Human Rights Committee confirmed that citizens must be able to participate in public affairs and exercise their political rights free from violence, threats, coercion, or other forms of undue influence that distort or inhibit the free expression of their will. The Committee further affirmed that voters must be able to form and express their political choices freely and independently, without violence or the threat of violence, compulsion, inducement, or any manipulative interference. It also affirmed that citizens must be free to support or oppose the government without undue influence or coercion that distorts or inhibits the free expression of their will.

iii. Protection of human rights defenders and civil society under international and regional law

89. The Petitioners, together with the other civil society organisations, clergy, journalists, and civic actors particularised in this Petition, are human rights defenders within the meaning of the 1998 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (‘the UN Declaration on Human Rights Defenders’), because they act to promote and protect universally recognised

human rights and fundamental freedoms. Article 12(2) of the UN Declaration calls upon the State to take all necessary measures to ensure the protection of everyone, individually and in association with others, against violence, threats, retaliation, discrimination, pressure, and any other arbitrary action resulting from their legitimate exercise of the rights referred to in the Declaration.

90. The United Nations Special Rapporteur on the situation of human rights defenders has identified the key elements of a safe and enabling environment for human rights defenders, including effective legal and practical protection against violence and threats, access to justice and effective remedies, and prompt, independent, and impartial investigation of violations against defenders and the prosecution of those responsible (A/HRC/25/55, paras 74, 85, and 131).
91. At the regional level, the African Commission on Human and Peoples' Rights, exercising its mandate under Article 45 of the African Charter on Human and Peoples' Rights ('the African Charter'), adopted its Guidelines on Freedom of Association and Assembly in Africa in 2017. These guidelines provide States with guidance on measures necessary to create a conducive environment for the effective enjoyment of the rights to freedom of association and peaceful assembly, including for civil society organisations and human rights defenders. More recently, in Resolution ACHPR/Res.663(LXXXVII)2026, adopted on 20 May 2026, the African Commission recalled States Parties' obligations under Article 1 of the African Charter, including the obligation to guarantee the safety of persons within their territories, and expressed concern about the shrinking of civic space and factors undermining the enabling environment for human rights defenders, particularly in the run-up to presidential elections. The Commission called upon States to take all necessary measures to ensure the

full enjoyment of the rights to freedom of association and peaceful assembly and to adopt specific laws to protect human rights defenders.

iv. Regional standards on political tolerance and the electoral environment

92. Kenya is also a State Party to the African Charter on Human and Peoples' Rights, which, among other things, guarantees the rights to life and security of the person, as well as freedom of expression, freedom of association, freedom of assembly, and participation in government. Article 1 of the African Charter requires States Parties to recognise the rights, duties, and freedoms enshrined in the Charter and to adopt legislative or other measures to give effect to them. The African Commission has interpreted this obligation as encompassing positive measures to protect persons exercising their rights. These protections reinforce the constitutional guarantees under the Bill of Rights and inform their interpretation, under Articles 2(5) and (6) of the Constitution.
93. Kenya signed the African Charter on Democracy, Elections and Governance on 28 June 2008, ratified it on 7 January 2021, and deposited its instrument of ratification on 4 February 2022. Kenya is therefore a State Party to the Charter and bound by its obligations. The Charter requires States Parties to promote and respect democratic principles, human rights, and the rule of law; to ensure effective citizen participation in democratic and development processes and in the governance of public affairs; to strengthen political pluralism and recognise the role, rights, and responsibilities of legally constituted political parties, including opposition parties; and to ensure that citizens enjoy fundamental freedoms and human rights. These commitments are further articulated in the African Commission's Resolution on Elections in Africa in 2026, ACHPR/Res.655(LXXXVI)2026, and its Resolution on Strengthening Electoral Integrity in Africa, ACHPR/Res.648(LXXXV)2025. Both resolutions call upon States to

prevent, investigate, and prosecute human rights violations occurring before, during, and after electoral periods and to protect the ability of political and civic actors to participate freely in electoral processes.

v. State responsibility for violence by private and non-State actors: the due diligence standard

94. The African Commission has held that human rights standards impose positive obligations on States to prevent and sanction violations committed by private persons, and that conduct by a private individual, though not directly imputable to the State, may nonetheless engage State responsibility where the State has failed to exercise due diligence to prevent the violation or to take the necessary steps to provide victims with redress.
95. The international and regional human rights framework set out above demonstrates that the Respondents' obligation to protect the Petitioners and other civic and political actors from the violence particularised in this Petition does not depend on proof that the State itself sponsored or directed that violence. Where violence by private or non-State actors is reasonably foreseeable, the State must exercise due diligence by taking reasonable measures to prevent such violations, investigate and prosecute those responsible, provide effective remedies to victims, and maintain conditions in which democratic and civic rights can be exercised safely and effectively. The Respondents' failure to discharge those obligations, in the circumstances particularised in this Petition, therefore engages their constitutional and international human rights obligations.

F. PARTICULARS OF CONSTITUTIONAL VIOLATIONS

96. The violations are particularised in the order that reflects the Petitioners' case. The right principally targeted by the conduct complained of is the right to political participation under Article 38, and the freedoms of expression,

media, association and assembly are the means by which that participation is exercised. The rights to life and to security of the person are not secondary: they are the rights most gravely violated because violence is the instrument by which political participation is suppressed.

I. Violation of political rights: Article 38

97. Article 38(1) guarantees every citizen the freedom to make political choices, which includes the right to form, or participate in forming, a political party, to participate in the activities of, or recruit members for, a political party, and to campaign for a political party or cause. Article 38(2) guarantees free, fair and regular elections based on universal suffrage and the free expression of the will of the electors, and Article 38(3) guarantees every adult citizen the right, without unreasonable restrictions, to be registered as a voter, to vote by secret ballot, and to be a candidate for public office or for office within a political party.
98. The incidents particularised in this Petition are directed at those who exercise these rights. Opposition rallies, convoys and services attended by opposition leaders were attacked at Gilgil, Kariobangi, Othaya, Kitengela, Keumbu, Kisumu, Nyahururu, Nakuru and Homa Bay; an elected Senator was assaulted after being questioned about his political affiliation; voters, journalists and monitors were attacked at the Ol Kalou by-election; and civic forums at which citizens engage on matters of public affairs, including the 1st Petitioner's budget forum, were stormed. The effect is to deter citizens from attending, organising and speaking at political and civic gatherings, which is the very conduct Article 38 protects.
99. The Human Rights Committee, in General Comment No. 25, requires that citizens be able to take part in public affairs free from violence, threats and coercion (paragraph 88 above). The 6th Petitioner brings this claim as a

citizen exercising these rights, and the Respondents' failure to prevent, investigate and prosecute that violence is a failure to protect the right.

100. The violation is continuing and imminent. Article 38 applies throughout the electoral process and not only on polling day, and with the General Election gazetted for 10 August 2027, the pattern pleaded threatens the exercise of every right in Article 38(1) to (3) in the months ahead.

II. Violation of freedoms of expression, the media, association and assembly: Articles 33, 34, 36 and 37

101. Articles 33, 36 and 37 guarantee the freedom to seek, receive and impart information and ideas, the right to associate, and the right to assemble and to express, promote and defend shared views. The gatherings particularised in this Petition, including civic forums, religious assemblies, press conferences and political rallies, were prima facie lawful exercises of these rights.
102. Their violent disruption by organised groups, coupled with the Respondents' failure to prevent, effectively respond to, or ensure accountability for such conduct, infringes Articles 33, 36 and 37. It also has a chilling effect on the future exercise of these rights, particularly as political mobilisation intensifies ahead of the 2027 General Election.
103. Journalists have been directly targeted. At the 1st Petitioner's offices on 6 July 2025, journalists were assaulted and robbed of equipment, and the 4th Petitioner, a journalist, was assaulted. At the Ol Kalou by-election on 16 July 2026 and at the Homa Bay attack on 16 August 2026, journalists were assaulted and their equipment was taken or burnt. Article 34 guarantees the freedom and independence of the media and bars State interference with those who produce or circulate information. The Respondents' failure to protect journalists, and to investigate and prosecute those who attack them, infringes Articles 33 and 34.

III. Violation of the right to life: Article 26

104. The incidents particularised in this Petition reveal a pattern of violence resulting in death and serious injury, including fatalities and injuries arising from attacks on public gatherings at Kariobangi (paragraph 40), Kitengela (paragraph 42), Kisumu (paragraphs 43 and 48), Keumbu (paragraph 46) and Homa Bay (paragraph 51). These events demonstrate that the violence complained of is not merely disruptive of public order but poses a foreseeable, real, and repeatedly realised risk to life.
105. Article 26 imposes on the State both a negative obligation not to unlawfully deprive any person of life and a positive obligation to take reasonable and effective measures to protect life where there is a known or reasonably foreseeable risk posed by the acts of third parties. The Respondents' failure to prevent recurrence, despite repeated incidents, fatalities, and public acknowledgement of the phenomenon, violates Article 26.
106. This construction of Article 26 is reinforced by the Human Rights Committee's General Comment No. 36 (2018) on Article 6 of the ICCPR, which confirms that States are obliged to take adequate preventive measures to protect individuals against reasonably foreseeable threats of being killed by organised crime or militia groups, and should disband irregular armed groups, including private armies and vigilante groups, responsible for deprivations of life. The organised, financed and recurring violence particularised in this Petition, capable of constituting a militia within the meaning of Article 91(2)(c) of the Constitution, falls squarely within this description.

IV. Freedom from violence and torture: Articles 25 and 29

107. Article 29 guarantees every person the right not to be subjected to any form of violence from either public or private sources, not to be subjected to torture in any manner, whether physical or psychological, and not to be

treated in a cruel, inhuman or degrading manner. Under Article 25(a), freedom from torture and from cruel, inhuman or degrading treatment may not be limited.

108. The victims of the incidents, including journalists, clergy, congregants, civil society actors, environmental campaigners and ordinary citizens, were subjected to physical assault, intimidation, threats of sexual violence and property damage, intended to instil fear and suppress lawful civic and political activity. Such treatment constitutes violence within the meaning of Article 29(c), physical and psychological torture within the meaning of Articles 25(a) and 29(d), and cruel, inhuman or degrading treatment within the meaning of Articles 25(a) and 29(f). It engages the State's duty under Article 21 to prevent its recurrence and to punish the perpetrators.
109. The State's responsibility for torture does not depend on proof that its officers inflicted the harm. Section 4 of the Prevention of Torture Act, No. 12 of 2017, and Article 1(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, 1465 UNTS 85) define torture to include severe pain or suffering, physical or mental, intentionally inflicted to intimidate or coerce a person, where it is inflicted with the consent or acquiescence of a public officer. Kenya acceded to the Convention on 21 February 1997. The Committee against Torture has confirmed that where State authorities know or have reasonable grounds to believe that non-State actors are committing torture or ill-treatment, and fail to exercise due diligence to prevent, investigate, prosecute and punish them, the State bears responsibility and its officials are to be considered complicit or otherwise responsible for consenting to or acquiescing in those acts (Committee against Torture, General Comment No. 2 (2008), CAT/C/GC/2, para 18).
110. That standard is met here. Police officers were present at several of the attacks and failed to intervene, or to intervene effectively, and attackers

operated close to police lines (paragraphs 37, 44, 45, 46 and 49 above). The attacks were intended to intimidate participants into abandoning lawful civic and political activity. The Respondents have publicly acknowledged the phenomenon since December 2025, yet no organiser or financier has been prosecuted (paragraphs 57 to 62 above). That knowledge, joined to a sustained failure to act, amounts to acquiescence within the meaning of section 4 of the Prevention of Torture Act.

V. Violation of Article 91(2)(c): the prohibition on political parties maintaining a militia

111. Article 91(2)(c) of the Constitution prohibits a political party from establishing or maintaining a paramilitary force, militia or similar organisation. The violence particularised in this Petition is organised, armed, financed and coordinated. It is deployed with a documented method and a documented rate card, and it disproportionately targets government critics, opposition actors and civil society. Media reports and independent research indicate that political figures may be behind the financing and deployment of these groups. Together, this evidence discloses a real and direct violation of Article 91(2)(c), and a pressing risk that it has been, and continues to be, contravened.
112. The prohibition in Article 91(2)(c) of the Constitution against political parties maintaining a paramilitary force, militia, or similar organisation must be understood against the backdrop of Kenya's history of politically sponsored violence. It reflects a constitutional response to the experience of organised political violence that accompanied the transition to multiparty politics in the 1990s and culminated, most catastrophically, in the post-election violence of 2007–2008. The provision was shaped by a broader constitutional reform process, including the work of the Constitution of Kenya Review Commission, chaired by Professor Yash Pal Ghai, and the National Constitutional Conference held at Bomas of Kenya. That process

confronted the dangers posed by politically organised violence as part of the project of reconstructing Kenya's constitutional order.

113. The constitutional reform process drew on Kenya's experience, which shows that armed groups operating with the tolerance or sponsorship of political actors can fundamentally distort political participation. Such groups do not merely pose a conventional law-and-order problem; they can intimidate citizens, constrain freedom of association and assembly, and undermine the conditions necessary for free and credible elections. The prohibition in Article 91(2)(c) therefore reflects a broader constitutional commitment to ensuring that political competition is conducted through lawful political organisation rather than organised force.
114. The Report of the Constitution of Kenya Review Commission, Volume One: The Main Report (2003), diagnosed this tendency, recording among the defects afflicting Kenya's political parties that 'many parties are alleged to have militias and are not averse to using violence' (CKRC, The Main Report, 2003, Chapter 9, Part 9.4 at p. 142). It recommended that political parties be expressly barred by law from establishing or maintaining a paramilitary militia or any such organisation, and from engaging in or encouraging violence or intimidation of members, supporters, or opponents (CKRC, The Main Report, 2003, Chapter 9, Part 9.4 at pp. 142–151). That recommendation is the direct textual precursor to Article 91(2)(c) of the Constitution of Kenya, 2010. The events particularised in this Petition are a recurrence of precisely the phenomenon the constitutional settlement was designed to prevent, engaging the same 'never again' commitment invoked throughout this Petition.

VI. Violation of equal protection of the law: Article 27

115. The material before the Court reveals a stark and consistent pattern in which gatherings associated with civil society, religious institutions, human rights

defenders and opposition political actors have been repeatedly targeted, while other political gatherings have proceeded without comparable disruption. The Respondents must explain this pattern; otherwise, it demonstrates selective enforcement of the law, which constitutes indirect discrimination based on political opinion contrary to Article 27(4) and a denial of equal protection of the law under Article 27(1).

VII. Breach of the State's positive obligation to protect: Article 21

116. The pleaded violations arise not only from direct acts of violence but also from omissions by the Respondents. In particular, the Respondents have failed to take reasonable and effective measures under Article 21(1), read together with Articles 238, 239, 242, 244 and 245, to prevent, investigate and prosecute a known and recurring pattern of organised, financed violence targeting the constitutional rights of a particular group of people.
117. The National Intelligence Service and the National Police Service are constitutionally mandated to detect threats, prevent crime, maintain law and order, and protect life and property. The Respondents' failure to respond effectively to repeated incidents, despite public notice, published financing research, and repeated official acknowledgement of the phenomenon, discloses a systemic failure to discharge these obligations under the law.
118. The due diligence standard holds a State responsible for violence committed by non-State actors, including party-affiliated groups, when it fails to exercise due diligence to prevent, investigate and provide redress for that violence, irrespective of whether the violence is shown to have been directly sponsored or directed by the State. The Petitioners' case under Article 21 does not depend on proof of State sponsorship of the violence particularised herein; it rests on the Respondents' failure to exercise the due diligence that Article 21, read with Kenya's international and regional obligations, requires.

VIII. Violation of Article 10 on public participation

119. The violent disruption of civic forums, including the 1st Petitioner's multi-stakeholder budget forum at All Saints Cathedral (paragraph 44) and a statutory public participation exercise regarding the Imenti Forest airstrip proposal, undermines the national values set out in Article 10, particularly public participation, the rule of law and accountability, which are essential to constitutional governance.
120. The budget forum was itself an exercise of public participation in the process by which the national budget is prepared. Article 10(2)(a) names the participation of the people as a national value, and Article 201(a) requires openness and accountability, including public participation in financial matters. By storming the forum, the attackers obstructed the participation of the people in the budget process, and the Respondents' failure to prevent that attack, or to secure accountability for it, is a violation of Article 10.

IX. Violation and the Threat of Violation of Article 81(e): Implications for the 2027 General Election

121. Article 81(e) of the Constitution, read together with Article 38, requires elections to be free and fair, setting out five distinct qualitative requirements: elections must be (i) by secret ballot; (ii) free from violence, intimidation, improper influence or corruption; (iii) conducted by an independent body; (iv) transparent; and (v) administered in an impartial, neutral, efficient, accurate and accountable manner. Article 81(e)(ii) (freedom from violence, intimidation, improper influence or corruption) is thus a distinct constitutional requirement in its own right, textually independent of Article 81(d)'s concern with the equality and fairness of the vote itself. Critically, it carries no textual qualification requiring proof of any effect on a numerical result.

122. The requirement that elections be free from violence and intimidation underpins the qualitative aspects of the electoral process that assess the entire process before and on the day of voting. Qualitative requirements evaluate whether the environment in which the election was conducted was free and fair within the meaning of Article 81(e) of the Constitution. Politically targeted violence continues to escalate, as pleaded above and as independently assessed by the Kofi Annan Foundation, which places the risk of election-related violence in 2027 above 84 per cent. That escalation raises grave and immediate constitutional concern about the integrity of the pre-election environment and the ability to guarantee free and fair political participation unless effective remedial measures are taken now.
123. Because the electoral process for the 2027 General Election formally commenced by Gazette Notice on 20 August 2026 (see paragraph 66 above), the qualitative requirements of Article 81(e) apply now, not prospectively. Any malpractices that seriously impeach the process also impeach the results that will arise from that process. In a qualitative assessment, the legitimacy of an election's outcome cannot be separated from the legitimacy of the process that produced it.
124. Article 81(e) and Article 86 address distinct dimensions of an election. ‘An election should be conducted substantially in accordance with the principles of the Constitution, as set out in Article 81(e)’, while ‘voting is to be conducted in accordance with the principles set out in Article 86’: the former governing the conduct of the election as a whole, the latter the mechanics of voting itself. This textual architecture confirms that Article 81(e) is not simply a restatement of the result-focused inquiry that governs voting under Article 86, but a freestanding constitutional standard addressed to the process by which an election is conducted.
125. The applicable standard is that an election is ‘a process set in a plurality of stages’, not a single event, and that Article 81(e) guarantees a free, fair, and

violence-free election. The Petitioners claim that the electoral environment has been degraded by organised, foreseeable, and recurring violence to a degree inconsistent with Article 81(e)'s guarantee, irrespective of whether any single election's numerical result will later be shown to have been affected. On the evidence particularised in Part D, that standard is already met: the incidents pleaded herein disclose not an isolated episode but an organised, recurring, and escalating pattern of the same character across successive electoral contests, which the Respondents, despite notice, have failed to prevent, investigate, or prosecute.

126. The pattern particularised in this Petition demonstrates that the harm lies in the degradation of the electoral environment, both ahead of and independent of any single contest. An after-the-fact election petition is structurally incapable of addressing the harm this Petition seeks to cure.
127. This Petition seeks to address the grievance that an election conducted amid sustained and widespread pre-election violence, or under attack, as in the Ol Kalou by-election, meets the standard of 'not free from violence, intimidation, improper influence or corruption' under Article 81(e)(ii), irrespective of its effect on the tally.
128. The Petition asserts that organised pre-electoral violence causes demonstrable harm and must attract legal consequences. To the extent that the Respondents have allowed this pattern of violence to continue unchecked, there is a real risk that the pattern particularised herein will recur at the 2027 General Election, and that risk constitutes a violation of Article 81(e).

X. Breach of the State's obligation to establish a safe and enabling environment for civic and political participation under Article 21(1)

129. Beyond the specific breaches particularised above, the cumulative pattern of events set out in this Petition discloses a broader, freestanding failure by

the Respondents to establish and maintain a safe and enabling environment in which civic, political and religious activity can be freely and safely conducted. That obligation arises under Articles 10, 21, 29, 33, 36, 37 and 38 of the Constitution, read together with Kenya's international and regional human rights obligations set out in section E(c) above.

130. That obligation goes beyond the mere absence of direct State violence. It requires the Respondents to take reasonable and effective measures, including investigation, prosecution, and disruption of the underlying financing and recruitment networks, to ensure that citizens, human rights defenders, civil society organisations, clergy, and political actors are not deterred from exercising their constitutional freedoms by fear of organised violence. The Petition demonstrates that a safe and enabling environment does not presently exist, and its continued absence threatens the free and fair conduct of the 2027 General Election.
131. The Constitution does not contemplate a government that merely exists in form, but one that effectively discharges the constitutional functions entrusted to it. The Constitution does not expressly formulate a standalone 'right to effective government'. That obligation is, however, embedded in four sets of provisions: the national values and principles of governance under Article 10; the State's obligation under Article 21 to respect, protect, promote and fulfil rights; the leadership and integrity obligations under Article 73; and the constitutional requirements of an efficient, effective, transparent and accountable public service under Article 232. Read together with Articles 238–245, these provisions require State institutions to perform their constitutional mandates effectively, coherently, accountably, and in a manner capable of securing the rights they are established to protect.
132. Effective government, in this context, means government capable of translating constitutional duties into effective protection in practice. It requires more than the mere existence of laws, institutions, intelligence,

police deployments or public statements. Where the State repeatedly receives intelligence and complaints about organised violence, publicly acknowledges the threat, possesses investigative and enforcement institutions, yet fails to prevent recurrence, identify organisers and financiers, prosecute perpetrators, coordinate its institutions or learn from previous incidents, the failure is institutional rather than merely operational. Such persistent institutional failure undermines the constitutional guarantees that those institutions are required to secure.

133. The pleaded facts demonstrate precisely such a failure of effective government. The Respondents have repeatedly been placed on notice of the threat. State institutions possess express mandates to detect threats, prevent crime, protect life and property, maintain public order and enforce the law. Yet the Petition discloses continuing violence, inadequate accountability, weak intelligence-to-action mechanisms, fragmented institutional responses and the absence of an effective system capable of preventing recurrence. The resulting constitutional injury is therefore not confined to the violation of individual rights in particular incidents. It includes the denial of effective constitutional governance itself and constitutes an unconstitutional state of affairs requiring structural relief.

G. CONCLUSION

134. This Honourable Court is vested with jurisdiction under Article 23(3) of the Constitution to grant appropriate relief for the enforcement of the Bill of Rights, including declaratory, conservatory, and structural relief, as the circumstances require. The Petitioners seek such relief as is necessary to secure compliance with constitutional obligations.
135. The Petitioners invite this Court to determine whether the Respondents have complied with the constitutional duty under Article 21(1) to take reasonable and effective measures to prevent, investigate, and prosecute a pattern of

organised, financed violence that affects the exercise of fundamental rights, in circumstances where the phenomenon is known, recurring, escalating, and repeatedly and publicly acknowledged by the Respondents themselves.

136. The 2010 Constitution was adopted against a backdrop of pre- and post-election violence, with a constitutional commitment that such conditions must not become the price of civic and political participation in Kenya. The incidents particularised in this Petition, from Nairobi to Kariobangi, Kisumu, Gilgil, Kitengela, Keumbu, Meru, Ol Kalou, Homa Bay, and Embu, therefore present more than a series of isolated acts of violence. Taken together, they call into question whether citizens can meaningfully enjoy the constitutional guarantees of civic participation, political association, and assembly when they face the threat of organised violence for exercising them. On the record before this Honourable Court, that constitutional commitment is under serious strain. The Petitioners accordingly urge the Court to grant the declaratory, conservatory, and structural relief sought below, including relief capable of securing the conditions necessary for civic and political gatherings that Kenyans will continue to hold in the lead-up to the 2027 General Election.

H. RELIEFS SOUGHT

137. The Petitioners therefore pray for judgment against the Respondents, jointly and severally, and for the following reliefs:

Interim and Conservatory Relief

- a) Pending the hearing and determination of this Petition, conservatory orders issue: (i) directing the Respondents and the Interested Parties to preserve, and not to destroy, alter, conceal, overwrite or otherwise interfere with, all documentary, digital, audiovisual, CCTV, Occurrence Book, deployment, communication and investigative records relating to

the incidents particularised in this Petition, including Occurrence Book entries, witness statements, CCTV and other video footage, photographs, intelligence reports, investigation files, and communications and deployment records, and directing the 2nd and 3rd Respondents to file in this Honourable Court, within fourteen (14) days, an inventory of the evidence so preserved; and (ii) directing the 3rd Respondent to deploy adequate and professional security at every lawful public gathering notified under section 5 of the Public Order Act (Cap. 56), and at every other lawful gathering, including religious services, funerals, civic forums and press conferences, of which the police have notice or ought reasonably to be aware, to take reasonable measures to prevent attacks on those gatherings and to arrest those who carry them out, and to keep a record, for each such gathering, of the security deployed and of any incident reported.

Declarations

- b) A declaration that the organised violence particularised in this Petition, and the Respondents' failure to prevent, investigate and prosecute it, violate and threaten to violate the right to political participation guaranteed by Article 38 of the Constitution.
- c) A declaration that the acts and omissions of the Respondents, as particularised in this Petition, violate the Petitioners' and the public's rights under Articles 38, 33, 34, 36, 37, 26, 25 and 29 of the Constitution.
- d) A declaration that the Respondents' failure to take reasonable, effective, and adequate measures to prevent, investigate, and prosecute the organised attacks particularised in this Petition, including the 6 July 2025 attack on the 1st Petitioner's offices and the 12 June 2026 attack at All Saints Cathedral, is inconsistent with and violates Article 21(1) of the Constitution.

- e) A declaration that the apparent selective protection of and differential response to politically targeted violence, as between gatherings associated with the governing administration and those associated with human rights defenders, civil society, the clergy, and opposition political actors, is inconsistent with Article 27 of the Constitution.
- f) A declaration that Article 91(2)(c) of the Constitution prohibits a political party, whether directly or through its officials, agents or intermediaries, from sponsoring, financing, recruiting or maintaining organised armed groups of the kind particularised in this Petition, including through a rate-card financing structure, and that the Respondents are under a duty to investigate and act on credible evidence of such conduct.
- g) A declaration that the Respondents have failed to discharge their obligation, under Articles 10, 21(1), 33, 36, 37, and 38 of the Constitution, read together with Kenya's obligations under international and regional human rights law, to establish and maintain a safe and enabling environment for the exercise of civic, political, and religious rights.
- h) A declaration that the pattern of organised political violence particularised in this Petition is inconsistent with, and threatens to violate, Article 81(e) of the Constitution, in that it degrades the quality of the electoral environment ahead of the 2027 General Election, independently of any effect on the numerical result of any specific or future election.
- i) A declaration that the Respondents' failure, individually and collectively, to establish and maintain an effective institutional framework capable of preventing foreseeable organised political violence, identifying and disrupting its financing and recruitment

networks, investigating its organisers and financiers, and securing appropriate accountability, constitutes a violation of Articles 10, 21, 73 and 232 of the Constitution.

Orders

- j) An order of mandamus, or such other appropriate order, compelling the 2nd and 3rd Respondents to investigate the incidents particularised in this Petition, including the underlying financing and recruitment networks, not only the individuals physically present at each attack, and to preserve all evidence relating to those incidents, including Occurrence Book entries, CCTV footage and communications records, and to forward the resulting investigation files to the Director of Public Prosecutions for a decision on whether to charge; and requiring the 2nd and 3rd Respondents to file a joint report before this Honourable Court within sixty (60) days, or such other period as the Court may direct, on the progress and outcomes of the investigations and of the files forwarded.
- k) An order directing the 2nd and 3rd Respondents to investigate and report to this Honourable Court, within the same sixty (60)-day period, on whether any political party or its officials have sponsored, financed, or facilitated the armed groups specifically identified in this Petition, contrary to Article 91(2)(c) of the Constitution.
- l) A structural order directing the 1st, 3rd and 4th Respondents to establish, within thirty (30) days, a dedicated, adequately resourced, multi-agency task force, drawing on the National Police Service and the Directorate of Criminal Investigations, and liaising with the Director of Public Prosecutions, with a specific mandate to monitor, investigate, and prosecute the organisation and financing of politically motivated gang violence, and to file periodic public reports before this Honourable Court, in a manner and frequency to be determined by the Court, on

measures taken to prevent, detect, investigate, and prosecute such violence ahead of the 2027 General Election, this Honourable Court retaining jurisdiction to supervise compliance.

- m) A structural order directing the Respondents, within thirty (30) days, to formulate and file in this Honourable Court, for its approval, a coordinated national framework for the prevention, investigation and prosecution of organised political and civic violence. The framework shall define institutional responsibilities, reporting obligations, escalation mechanisms, intelligence-sharing protocols, and victim-protection mechanisms, and shall establish an effective, accountable mechanism for translating intelligence, complaints and information into timely prevention, investigation, prosecution and victim protection, together with measures for institutional learning and corrective action. The Respondents shall implement the approved framework within the period prescribed by the Court and report on its implementation until the Court is satisfied that the unconstitutional state of affairs has been effectively addressed, the Court retaining supervisory jurisdiction.
- n) An order directing the Respondents to file quarterly reports before this Honourable Court, for a period of six months or such other period as the Court considers appropriate, setting out the measures taken to prevent organised political and civic violence, the investigations commenced, the prosecutions instituted, the institutional coordination undertaken, and the measures adopted to protect lawful civic and political gatherings. Each report shall address, at a minimum, the matters in the Schedule to this Petition, and shall include all incidents of violence relating to or affecting the exercise of Article 38 rights recorded across the country, the efforts made to investigate them, the names of persons charged with the offences, and the status of the respective cases.

- o) A structural order directing the 1st and 2nd Interested Parties to monitor and/or observe public gatherings of a religious, civic or political nature, in line with their respective mandates, and to file separate periodic public reports before this Honourable Court on the state of the electoral environment and on Kenya's compliance with its obligations under the Constitution and under international and regional human rights law, so that the Court is not dependent on a single account of what has occurred during the reporting period, thereby establishing and maintaining a safe and enabling environment for the exercise of civic, political and religious rights.
- p) An order directing the 3rd Respondent to take reasonable and non-discriminatory measures, consistent with Articles 27, 37 and 238 of the Constitution, to provide adequate security for all lawful public gatherings, including political rallies, religious services, civic forums and press conferences, whether duly notified under the Public Order Act or otherwise known to the police, and to publicly report, within ninety (90) days, on the outcome of the nationwide crackdown against organisers and financiers announced by the 4th Respondent in December 2025 and referenced again in April, August and September 2026.

Other reliefs

- q) General and aggravated damages for the violation of the 1st Petitioner's constitutional rights arising from the 6 July 2025 and 12 June 2026 attacks, the latter aggravated by its occurrence despite the Respondents' repeated public acknowledgement of the high risk that materialised, and for the violation of the 4th and 5th Petitioners' constitutional rights arising from the 6 July 2025 attack.
- r) Costs of this Petition.

- s) Any other or further relief that this Honourable Court may deem just and appropriate to grant.

Dated this _____ day of October 2026, in Nairobi.

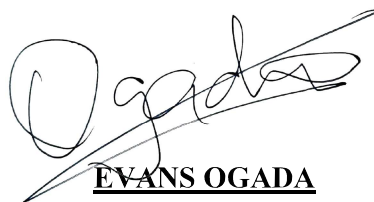
SCHEDULE: MINIMUM CONTENT OF THE RESPONDENTS'

REPORTS

1. Every incident of violence or disruption affecting a public gathering (political, religious, civic or press) recorded in the reporting period, with date, place, organiser of the gathering, nature of the violence, deaths, injuries and property loss.
2. For each notified gathering: the notification received under section 5 of the Public Order Act, the risk assessment made, the intelligence received on any planned disruption, the preventive measures taken, and the number, rank and units of officers deployed.
3. For each incident: the time the first request for help was received, the time the first officer arrived, the actions taken at the scene, the arrests made at the scene, and any use of force.
4. For each incident: the Occurrence Book number, the investigating officer, the evidence collected (including CCTV and other footage, telephone and communications records, motorcycle and vehicle registration records, and financial records), the suspects identified, arrested and charged, and the status of the investigation.
5. The recruitment, payment and financing networks identified, the financial intelligence and asset-tracing steps taken, and the persons or entities identified as organisers or financiers.
6. The weapons, motorcycles and vehicles recovered or traced.
7. Every investigation file forwarded to the Director of Public Prosecutions, the decision communicated on it, and, for every prosecution instituted, the accused (including any organiser or financier), the charges, the court and case number, the status and the

outcome, including any conviction and sentence, and the reasons for any decision not to prosecute.

8. The complaints received by any oversight body concerning police conduct at notified gatherings, and the action taken on them.
9. The measures taken to protect victims and witnesses, including referrals to witness-protection programmes.
10. The institutional coordination undertaken among the National Intelligence Service, the National Police Service, the Directorate of Criminal Investigations, the Office of the Director of Public Prosecutions and the Independent Electoral and Boundaries Commission, and the lessons identified and corrective measures adopted.
11. The hotspots and early-warning indicators identified for the period leading to the 2027 General Election, and the plan to address each.
12. Compliance with the preservation order and with every other order of this Honourable Court.



EVANS OGADA

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4. The Cabinet Secretary

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5. The Independent Electoral and Boundaries Commission

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