



A Society Free From Torture and Related Violations

Death, Blood & Tears



“Every Person has a right to Peaceably and
Unarmed to Assemble, to Demonstrate,
to Picket and to Present Petitions...”

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DEFINITIONS, ACRONYMS

AU	African Union
CSO	Civil Society Organisation
CBO	Community Based Organisation
HRD	Human Rights Defender
IMLU	Independent Medico-Legal Unit
IPOA	Independent Policing Oversight Authority
JOOTRH	Jaramogi Oginga Odinga Teaching and Referral Hospital
KHRC	Kenya Human Rights Commission
KIOS	KIOS Foundation
KNCHR	Kenya National Commission on Human Rights
KPLC	Kenya Power & Lighting Company
KWS	Kenya Wildlife Service
MISEREOR	German Catholic Bishops Organisation for Development
MTRH	Migori Teaching and Referral Hospital
NCCCK	National Council of Churches of Kenya
OB	Occurrence Book
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Station
P23	Police Form for Recording Circumstances of Death
P3	Police Form for Recording Injury
TCIDTP	Torture, Cruel, Inhuman and Degrading Treatment or Punishment
TJRC	Truth, Justice and Reconciliation Commission
TRV	Torture Related Violation
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNOCHR	United Nations Office of the Commissioner for Human Rights
UPR	Universal Periodic Review

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ACKNOWLEDGEMENTS

We extend our sincere gratitude to everyone who played a pivotal role in the successful completion of the comprehensive report conducted by the Independent Medico-Legal Unit (IMLU) on gross human rights violations during the January-September 2023 protests. This significant initiative, diligently overseen by IMLU's secretariat, human rights monitors, and professionals, represents a critical endeavor in exposing the multifaceted dimensions of human rights abuses in Kenya's protests.

First and foremost, our heartfelt appreciation goes to the donors—DIAKONIA, MISERIOR, IGAP, KIOS—who, through their generous support, enabled the monitoring, direct service provision, and crafting of this report. Their commitment to advancing human rights and ensuring accountability in the face of gross violations is commendable. The financial backing provided the necessary resources for a thorough examination of the events and their implications.

The Program team, led by Joseph Munyao, played a pivotal role in overseeing the monitoring and response process. Their dedication, expertise, and unwavering commitment significantly contributed to the success of the report. They diligently scrutinized every aspect of the protests, offering valuable insights into the human rights landscape in Kenya during a crisis. Stephen Mugacho, Isabella Obara, Buchichi Roselyn, Omondi William, Emmanuel Yegon, Tony Were, Amos Matirong, Vivian Mwende and Mukoya Stephen; your dedication, courage and passion that you demonstrate every single day at IMLU is appreciated. None of this would have been possible without you.

Likewise, the Finance and administrative staff team, under the leadership of Carolyn Njange, deserves special acknowledgment for their timely financial management and logistical support. Their behind-the-scenes efforts ensured that the team could monitor and respond effectively to the 303 alerts received by IMLU.

Our gratitude extends to a special category of individuals who made the report possible, including IMLU's former Executive Director, Mr. Peter Kiama, for his courage, leadership, and foresight. To the current IMLU Executive Director, we applaud you for steering IMLU towards impactful strategies in a forbidden landscape in Human rights in Kenya. To the IMLU board, we acknowledge your strategic guidance, stewardship, and continuous support towards achieving impactful results.

We also express our gratitude to the victims who trusted IMLU despite facing death, torture, and pain, as well as the families that cooperated with us amid grieving the loss of their loved ones. Special thanks to the victims who sought justice beyond IMLU's direct service provision by going to police stations to obtain OBs despite the loss of trust. We sincerely thank you!

Additionally, we appreciate IMLU's friends whose collective efforts, shared time, and expertise were instrumental in making this report a success. From the consultants and social justice centers to human rights monitors and community champions, each member played a crucial role in the overall success of this endeavor.

We recognize the steadfast dedication and unwavering dedication of the Police Reform Working Group (PRWG-Kenya) organizations in their continuous efforts towards ensuring that human rights remain a fundamental element of Kenya's governance system.

This report would not have been possible without the collective commitment of all involved. As we navigate the findings and recommendations of this report, we remain steadfast in our commitment to promoting and protecting human rights, as envisioned in Article 37 of the Constitution of Kenya, 2010, in the face of ongoing adversity.



Wangechi Grace Kahuria
Executive Director-IMLU

FOREWORD

It is with a profound sense of responsibility and a commitment to the principles of justice, human rights, and societal well-being that I extend my greetings as we present the "**Death, Blood and Tears**" from the Independent Medico-Legal Unit (IMLU). This report encapsulates the dedicated efforts of IMLU in monitoring, documenting, and providing direct services in response to 22 protests that unfolded between January and September 2023.

In the intricate tapestry of a democratic society, the right to peaceful assembly and protest serves as a vital thread, weaving the voices of the people into the fabric of governance. However, this right is not without its challenges and complexities. The "**Death, Blood and Tears**" serves as a lens through which we scrutinize the dynamics surrounding these protests, shedding light on the experiences of those who sought to exercise their rights.

IMLU, as a stalwart in the realms of governance, health, and human rights, has undertaken the arduous task of not only observing and documenting these events but also providing direct services to those affected. This holistic approach is rooted in the belief that advocacy for human rights must extend beyond words on paper; it must manifest in tangible actions that bring about positive change.

As you delve into the pages of this report, you will encounter narratives that echo the struggles, resilience, and aspirations of individuals who participated in these protests. The findings and analysis presented herein serve as a clarion call for the enhancement of legal frameworks that safeguard the right to protest. Moreover, they underscore the need for a robust commitment to upholding human rights principles, even in the face of challenges.

It is our hope that this report stimulates meaningful dialogue, prompts informed action, and contributes to the ongoing discourse on the protection of fundamental rights. Through collective engagement and a shared commitment to justice, we can forge a society where the right to protest is not only recognized but cherished as a cornerstone of democratic expression.

IMLU Board Chairperson,



.....
Christine Kungu

REPORT REVIEW

Three decades ago, the formation of IMLU was a response born out of necessity, driven by the imperative to address human rights violations faced by young Kenyans protesting against the then dictatorial regime.

Operating tactfully within a doctor's practice due to the inherent risks involved in treating victims of torture, IMLU courageously documented their experiences in Nyayo House and remote police cells across Kenya. While significant progress has been made in the past thirty years, marked by the enactment of a progressive constitution, the establishment of a comprehensive bill of rights, and the emergence of various civil society organizations dedicated to human rights and governance, the urgency of IMLU's frontline work remains as critical today as it was in 1993.

Despite these advancements, the distressing reality is that torture, enforced disappearances, and extrajudicial killings persist at an alarming rate, surpassing the levels observed even in the tumultuous 1990s. This disheartening persistence is exacerbated by the perilous state of participating in protests today, echoing the risks faced during the revolutionary days of Saba Saba. The paradox is evident: while circumstances have ostensibly changed, the core challenges persist.

To grasp the gravity of this assertion, one need only delve into IMLU's comprehensive report on the government's response to citizens' demonstrations from March to September, 2023 protesting the

exorbitantly high cost of living. The findings are harrowing, revealing that at least sixty-seven unarmed Kenyans fell victim to state-employed police, whose primary duty is to safeguard all citizens, including protesters. A closer examination of the victims' indicates a pattern of premeditated atrocities with an ominous trend of use of lethal force against women and children. Many of these individuals were subjected to brutality in their own homes and businesses or merely found themselves in the wrong place at the wrong time.

Despite vigorous denials of severe violations, the evidence-based research conducted by IMLU, which includes post-mortems of victims and medical reports from numerous survivors, underscores the urgent need for immediate and collaborative action. Ensuring lasting change requires the establishment of a police service that not only recognizes but actively promotes human rights.

A lethargic, underfunded, and at times compromised media industry failed to adequately document the extent of state violence during this period. Fortunately, IMLU has stepped in to fill this void and provides evidence herein to ensure the nation never forgets these horrific crimes and boldly declares "enough is enough"!!!. The monitoring and documentation in this report aims to address a recognised pattern of violation. It seeks to give a voice to those who now only breathe in memories due to police use of lethal force. The report sheds light on the accepted approach to managing protests by a population yearning for

change to enjoy their associational rights. Its timeliness is underscored by the recent report from the National Task Force on Police Reforms led by retired Chief Justice David Maraga on police reforms, which unequivocally declares a systemic issue within the police service. Urgency is emphasised to overhaul the leadership, ensuring accountability, competence, and adequate funding.

In producing this report, IMLU has rendered an invaluable service to the nation-Thank you! In expressing gratitude, I, express sincere appreciation to the human rights monitors, social justice centers, professionals, medical institutions, and all other pivotal stakeholders who have been unwavering supporters in our endeavors. Your invaluable contributions in monitoring, rapid response, and direct service provision have played a pivotal role in the realization of our mission. This collective effort would not have been possible without your dedicated support,

and for that, we are profoundly thankful. We hope that this collaborative effort inspires coordinated monitoring and reporting of Torture and Related Violations through readily available structures such as the Community Policing Committees.

The findings of this report serves as a compelling appeal for strategic collaborations between crucial security stakeholders and the state, focusing on enhancing the technical capacity of police officers in adhering to internationally recognized human rights standards while managing protests.

It is our sincere hope and prayer that those in positions of authority approach it with humility, respond courageously to the numerous recommendations set forth, and work earnestly towards lasting change.

Fr Gabriel Dolan, ED Haki Yetu.

0. EXECUTIVE SUMMARY

Between January and September 2023, some 67 people were killed by police in the course of managing public demonstrations 51 of them in just five days in July. The 67 deaths are the most extreme outcome of 296 torture and torture-related violations documented in the context of 22 demonstrations monitored and documented by the Independent Medico-Legal Unit over the study period.

The 67 extrajudicial executions accounted for 23 per cent of all cases while 77 per cent (228) were incidents of Torture, Cruel, Inhuman or Degrading Treatment or Punishment; there was also one enforced disappearance. The majority of these violations were committed openly, in the full glare of the public eye – sometimes with media recording, and with total impunity notwithstanding constitutional guarantees of the right to assembly; and the right to freedom from torture, as well as legal prohibitions of torture.

Public demonstrations became a major point of friction in 2023 as citizens, political formations and civil society organisations sought to express a variety of grievances on which the government was not keen. Kenya's Constitution expressly provides for the right for everyone to assemble, demonstrate, picket, and present petitions to authorities. Although this right is not limited, and is only subject to reasonable administrative arrangements, the government influenced and deployed the security services to clamp down on its exercise.

Security services not only failed to protect, respect, and fulfil the constitutional right to protest, but also actively violated it with habitual regularity. Security officials routinely issued public statements banning political demonstrations as soon as they were announced, and swiftly followed their

pronouncements with the increased deployment of police in areas where the opposition enjoys broad support.

Police deployed to ostensibly ensure peaceful demonstrations and protect the people from any harm instead abused their authority and employed excessive force: live ammunition, rubber bullets and teargas were used over and above the need to maintain order. The indiscriminate use of force together with brazen attacks on homes, institutions and businesses – ironically when there had been government assurance of normalcy and calm -- resulted in children and adults being killed or injured by gunshots, rubber bullets or teargas.

Constitutional Provisions for Associational Rights to Assembly, Demonstration, Picketing and Petition

Article 37 of the Constitution of Kenya recognises, promotes and secures the right to Assembly, demonstration, picketing and petition. The demonstrations monitored fall into two broad categories: spontaneous localised protests to express outrage or call attention to a live, grave injustice, on the one hand, and meetings organised by an individual or organisation around a particular cause, who have a responsibility to notify the police three days in advance or not earlier than 14 days, on the other hand.

By their very nature, sporadic demonstrations defy the strictures of the law on notifying the police three days in advance. For the 14 spontaneous protests monitored, there was no engagement over notification between demonstrators and law enforcement officers. Demonstrations organised by political movements and civil society organisations were openly communicated to mobilise public participation. Additionally, the organisers notified the police as required by law, but in

almost all cases, police disallowed them, citing insufficient notice or intelligence of looming violence. Police subsequently deployed heavily to thwart the protests rather than to facilitate them.

This pattern of police conduct set the stage for turning the peaceful exercise of assembly rights into a confrontation with state violence. The legal penumbra between the constitutional right to assembly and the statutory requirements for the management of public order signalled the demonstrations in 2023 as a ripe site for observation.

July 2023 recorded the highest number of violations at 247, with June having only a single incident. An average of 59 torture and torture-related violations occurred per month for the five months IMLU monitored the 22 demonstrations. The monitoring took place in all the 47 counties. Documentation of the violations took place in 15 counties. Numerically, 32 per cent of the counties registered cases of violations while 32 counties while 68 per cent of the counties registered no cases.

Out of the 296 incidents documented and processed, 259 (88%) involved male victims, while 37 (12%) were female. Youth between 18 and 35 years accounted for an overwhelming majority 212 (73%) of the survivors, followed by individuals aged between 36 and 55 years at 50 (17%). Significantly, children aged 17 years or younger constitute 10 per cent (29) of the victim population. Victims aged between 56 and 65 years were four (4), making up 1 per cent, while one (1) victim was over 65 years.

The data show men as constituting the highest proportion of direct victims (primary victims) of state-perpetrated human rights violations during the various demonstrations. Youth residing in poor neighbourhoods in urban centres are the most affected.

Kisumu accounts for the highest number of public order-related violations at 142 cases (48%) followed by Nairobi at 70 (24%).

Poverty is a critical determiner of whether or not one becomes a victim of torture or torture-related violations. Most survivors and victims are residents of informal settlements. The poor are often vulnerable as protestors who can be mobilised around local and national socio-economic and political grievances. They are vulnerable to police brutality and torture as demonstrators, and their residences are susceptible to invasion by security forces.

Medical examination reports from field visits conducted in July 2023 alone show that 24 victims of gunshot wounds were attended to. They were shot by police between July 7 and July 21, leaving them with pain, fractured arms, and limbs, kidney injuries and bullets still lodged in their bodies.

During the protests, IMLU documented instances constituting gross violation of the rights of children. These violations included the deliberate use of non-lethal weapons, specifically rubber bullets and tear gas, on minors within educational institutions and recreational areas. Additionally, IMLU received accounts detailing the arrest, legal prosecution, and confinement of children in the same spaces as adults in contravention of the Constitution, international treaties and domestic laws.

Non-lethal weapons, which include pepper spray, water cannon, batons, rubber bullets, and teargas are intended to provide more effective riot control with less risk of loss of life and serious injury. Their use by trained personnel in a manner that contravenes their training can result in serious injury or even death. In this context, the use of non-lethal weapons resulted in at least three deaths: one by teargas, a second by rubber bullet and a third by beating with a truncheon.

IMLU provided various levels of support in the 296 documented incidents. This included responding to distress calls through urgent action support, legal documentation, recording of critical evidence, autopsies, medical and psychological rehabilitation, advocacy, legal advice, litigation, and representation.

The 2010 Constitution guarantees a broad range of rights around protests, but the Public Order Act does not fully comply with international human rights standards. The law requires advance notification of any protest and criminalises participation in any protest organised without notification. The Public Order Act, enacted in 1950 to regulate the management of public assemblies, has been amended several times but retains many retrogressive provisions carried over from the colonial era.

The Constitution also requires policing to be consistent with upholding the Bill of Rights. It further secures the operational independence of the Inspector-General of Police while ringfencing policing operations with the principles of human rights, professionalism, non-partisanship, and accountability to the public. These guarantees and safeguards were not sufficient to prevent the needless death of 67 people, and the numerous injuries – physical and psychological.

Recommendations

1. The scale and magnitude of violations documented in relation to the exercise of the right to assembly calls for an independent inquiry that would address the systemic, structural, and operational aspects of this epidemic. This is in line with the Kenya Kwanza government's election pledge to establish an inquiry into police excesses.
2. There is a gap in the training of police officers in public order management, which requires urgent remedial action. In

instances where special police officers are gazetted for deployment in managing public assemblies, they must be adequately prepared so that they act within the law.

3. There should be formal, official acknowledgement of the loss of life, physical disabilities, psychological and mental trauma individuals and families suffered, followed by appropriate redress. Police officers who violated the human rights of hundreds of victims should be brought to account.
4. There must be a formal acknowledgement of violations that have occurred by the authorities issuing a formal statement, followed by recording of all the cases and complaints of the violations around the right to protest in police occurrence books and the issuance of P3 forms for recording injuries resulting from assault should be unhindered.
5. All commanding officers under whose jurisdiction violations occurred should be immediately suspended from duty to facilitate impartial investigations.
6. There must be sanctions for the evident breakdown in discipline that was encouraged by the police high command. Some victims made troubling observations about some of the individuals who were involved in perpetrating crimes against them were dressed in plain clothes, sported beards and dreadlocks, or covered their heads with mavin hats, or had masked faces.
7. Police failure to take any of the victims to hospital after they were shot or otherwise injured, contrary to the requirements of the law, needs to be sanctioned. Police did not secure the scenes of crime or collect evidence to aid in criminal investigations. The disinterest police displayed towards

all the victims of killings during the demonstrations is an eloquent statement on their attitude and must be discouraged.

8. Police must be compelled to adhere to the law and report all cases of injury and deaths to the Independent Policing Oversight Authority as required by law to facilitate independent investigations.
9. Police training must embrace new constitutional and legal ethos in policing public assemblies; and officers in service must receive training to align their thinking with the requirements of the Constitution and the law.
10. The anachronistic Public Order Act, 2011, should be urgently reviewed to align with the Constitution and other laws.
11. The classification of some weapons as non-lethal is inappropriate if their use can, and does, result in death. This matter requires urgent review.

12. The Victims Protection Trust Fund, provided for in the Victim Protection Act, 2014, should be operationalised. Survivors and families of victims should be placed in a sustainable livelihood programme, which should be established immediately. Further, the law on support for victims of torture and torture-related violations should be updated to not only provide for compensation for violations, but also to facilitate care and treatment for lifelong effects of the wounds of torture.
13. Social justice centers should maintain a continuous and real-time monitoring and documentation system for violations occurring during protests. Additionally, we recommend that social justice centers to collaborate closely with specialized Civil Society Organizations (CSOs) to enhance community capacity in understanding key obligations during protests, rights and the appropriate channels for reporting instances of abuse.

1. INTRODUCTION

The Independent Medico-Legal Unit (IMLU) is a governance, health, and human rights non-governmental organisation whose vision is 'A Society Free from Torture and Related Violations'. Its work is fostered by a holistic approach that includes litigation, medical and psycho-social rehabilitation, socio-economic empowerment, oversight of government compliance with human rights obligations, and advocacy for political, legal, and institutional reforms that promote accountability, healing, and justice. Over the past three decades, IMLU has supported more than 6,000 victims of torture, cruel, degrading, and inhuman treatment. The organisation has a national presence of over 300 volunteer professionals: doctors, trauma counsellors, lawyers, human rights monitors, and journalists upon whom it relies.

Legal Background

Kenya's Constitution, 2010, recognises and affirms that the right to life is the most fundamental and basic of human rights. Indeed, the right to life is the fountain from which all other human rights flow. In line with all applicable international human rights conventions, Kenyan laws recognise the 'inherent dignity' and the 'equal and inalienable rights of all members of the human family', in line with the United Nations General Assembly standards.

Extrajudicial, summary, or arbitrary execution is the deliberate killing of individuals outside of any legal framework. Such executions include deaths resulting from torture or ill-treatment in prison or detention; deaths resulting from

enforced disappearances, and deaths resulting from the excessive use of force by law-enforcement officials, among others.

The National Coroners Service Act, which provides for the use of forensic medical science in dealing with reportable deaths, was enacted in June 2017 but has not been operationalised.

Torture has a long historical antecedent in Kenya, dating back to the State of Emergency declared by colonial authorities in 1952 in response to the political uprising at the time. It survived through the country's independence years despite a constitutional prohibition.

Kenya ratified the Convention Against Torture in 1997, and the Truth, Justice and Reconciliation Commission Report recommended outlawing torture in 2013. The 2010 Constitution declared freedom from torture to be a non-derogable right. The enactment of the National Police Service Act, 2011, and the Prevention of Torture Act, 2017, give legal expression to the constitutional edict, expressly prohibit torture, and lay down sanctions for when it occurs. Besides being proscribed by international and national law, torture, cruel, inhuman, and degrading punishment, or treatment undermine the rule of law by sowing seeds of distrust in institutions.

Extra-judicial executions and torture overlap because victims are, in both instances, threatened with death or the killing of a third party; torture is so intense that it can result in death; or death is contemplated or accepted as a

¹ <https://www.ohchr.org/en/special-procedures/sr-executions#:~:text=Extrajudicial%2C%20summary%20or%20arbitrary%20executions%20%E2%80%93%20meaning%20the%20deliberate%20killing%20of%20this%20most%20fundamental%20right>

² <http://parliament.go.ke/sites/default/files/2021-11/Report%20on%20Inquiry%20into%20Extrajudicial%20Killings%20and%20Enforced%20Disappearance%20in%20Kenya.pdf>.

³ See Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya*; and David Anderson, *Histories of the Hanged*:

⁴ See Section 74 of the Constitution of Kenya, 1963.

⁵ Article 25 of the Constitution of Kenya, 2010.

consequence of severe torture. Therefore, extrajudicial killing may contain elements the Convention against Torture uses to define torture.

Kenya continues to make periodic reports to the Committee against Torture, but there are other stakeholders who also keep abreast of important developments in the country in efforts to fight the abhorrent practice of summary or arbitrary executions and torture. The Independent Medico-Legal Unit has been a consistent stakeholder, working towards prevention and response to torture, violence, inhumane and degrading treatment. It has documented various types of extrajudicial executions over time.

Political Context

The Kenya Kwanza alliance campaigned on the commitment to uphold the rule of law. It also pledged to end police abuse, especially against urban youth, by enhancing police oversight through the Independent Policing Oversight Authority and the National Police Service Commission. It pledged to create an ombudsman to monitor human rights violations; and all forms of extra-judicial executions by security services as well as to establish the Coroner General's Office. It also promised to establish a Special Tribunal for Gross Human Rights Violations and Enforced Disappearances, and to ratify and domesticate the International Convention for the Protection of All Persons from Enforced Disappearances.

Within a month of taking office in 2022, President William Ruto ordered the disbandment of the police Special Services Unit, which had been accused of extrajudicial executions and enforced disappearances, politically signalling a return to the rule of law. His administration would, however, be soon challenged by political unrest, expressed

through public demonstrations and protests, which characterised most of 2023.

Kenya's Constitution, 2010, expressly provides for the right for everyone to assemble, demonstrate, picket, and present petitions to authorities. This right is not limited, and only subject to reasonable administrative arrangements, which include notifying the police of intent to hold a demonstration to enable them to provide security.

Demonstrations became a major point of political friction in 2023 as the government influenced and deployed the security services to clamp down on the exercise of the right to protest.

The Constitution requires policing to be consistent with upholding the Bill of Rights. It goes further by securing the operational independence of the Inspector-General of Police while ringfencing policing operations with the principles of human rights, professionalism, non-partisanship, and accountability to the public.

The Public Order Act, enacted in 1950 to regulate the management of public assemblies, has been amended several times but retains many colonial carryovers of retrogressive provisions. While the 2010 Constitution guarantees a broad range of rights around protests, the Public Order Act does not fully comply with international human rights standards. This law requires advance notification of any protest and criminalises participation in any protest organised without notification.

During the January 2020 Universal Periodic Review (UPR) of Kenya's human rights record, the state received 319 recommendations. Kenya supported 263 of these recommendations, key among them being that the state agreed to take measures to guarantee freedom of association

⁶ <https://www.ohchr.org/Documents/Countries/AF/2021report/2021-Torture-Public-Report.pdf>

⁷ <https://www.omct.org/en/resources/blog/the-committee-against-tortures-approach-to-extrajudicial-killing>

⁸ The Kenya Kwanza Plan: The Bottom-Up Economic Transformation Agenda 2022 – 2027, pp. 58-59

⁹ See Article 37, Constitution of Kenya.

and assembly. This was also reflected in its 2021-2025 UPR implementation plan, in which the Kenyan Government committed to review the Public Order Act and to finalise the development of guidelines on the use of force, firearms and public order management. However, to date, this has not occurred. Organisers of public meetings and processions are required to notify the police at least three days in advance, and no more than two weeks prior to the event. The logic of the law is to enable the police to provide security for those taking part, but in practice, this provision has been used to proscribe demonstrations and, therefore, circumscribe the right to protest.

During public demonstrations and protests, police have an obligation to ensure safety and the protection of life and property. The law severely limits the use of force by instructing all officers to “always attempt to use non-violent means first” and employ force only when non-violent means are ineffective or have no promise of achieving the intended result. Further, the Service Standing Orders allow the use of force to disperse a riotous mob. They allow for the use of warning shots and firearms to prevent a suspect from escaping – regardless of the nature of the offence.

Goal and Scope of the Study

Police have a duty to facilitate peaceful public gatherings and assemblies, but the violations recorded during demonstrations show a pattern of the service as acting only to infringe on and violate constitutionally protected rights. Extrajudicial executions and torture documented within the 22 monitored demonstrations have a detrimental impact on the entrenchment and advancement of fundamental human rights in Kenya.

IMLU commissioned this study to comprehensively examine the reported cases

related to the management of public protests. It aims to shed light on the state of public order management in the country. Specifically, the study has the following objectives:

1. Analyse Kenya's legal framework and context surrounding public order management.
2. Assess the use of force during public order management, particularly in political contexts.
3. Evaluate the extent to which both the police and political parties adhere to the provisions of the Public Order Act.
4. Analyse specific instances of violations that have occurred in different regions of the country in the course of public order management.
5. Identify and understand the key challenges faced by stakeholders involved in the implementation of the Public Order Act and to provide immediate policy recommendations for reforms based on the study findings.

This exploratory study sought to examine the challenges encountered during the management of demonstrations in Kenya between January 1 and September 30, 2023 in relation to the exercise of the fundamental right to assembly. The goal of this study is to provide a comprehensive understanding of the impact of punitive policing in the context of public order management in Kenya. By examining the political, constitutional, and social dimensions of the issue, the study seeks to shed light on the implications of these practices on citizens' rights, state authority, and general public safety. Ultimately, the findings will serve as a basis for informed policy recommendations and reforms in public order management, with the goal of ensuring a balanced and just approach that upholds individual freedoms and state responsibilities.

¹⁰ See 'Right to Protest in Kenya', 2019, Article XIX Eastern Africa.

¹¹ See Duncan Onyango and Petronila Otuya, 2019, 'Police Perceptions, Attitude and Preparedness in Managing Public Assemblies' in M. Ruteere and P. Mutahi (eds), *Policing Protests in Kenya*, CHRIPS

¹² See Schedule 6 -- 61 (2) on Use of Force, National Police Service Act, 2013

This study faced significant limitations including time constraints and the potential influence of surveillance, which may have detracted from the depth and scope of the findings.

Methodology

The research primarily focused on the policing tactics employed in the context of the exercise of protest rights, with a particular emphasis on the use of force by law enforcement officers, various violations of human rights, medico-legal reports arising from incidents, and the broader impact of punitive policing practices within the Kenyan context and its implications for the right to assembly. The study employed a mix of methods to investigate policing during public order management. These included: -

1. Document review of the relevant legislation concerning freedom of assembly in Kenya.
2. Other critical literature on the status of torture and related violations in Kenya and statistics was consulted for contextual analysis.
3. Medico-legal reports, including post-mortem examination reports, psychological assessment reports, witness, and victim statements as well as mission reports were reviewed.
4. Critical content analysis of all the preliminary reports and alerts received while monitoring demonstrations were analysed to establish the trends in policing of various countries during protests and to underscore the applicable rules of public order management.
5. IMLU conducted family visits to facilitate key informant interviews with both victims and experts. Additionally, this approach was reinforced by the analysis of media reports and general documentation.

The IMLU team monitored, received, recorded, documented, and processed torture and related violations committed during the demonstration by law enforcement officers. IMLU monitored state officers' conduct through reports submitted by victims, families

of victims, partner organisations and networks of professionals as well as the print and electronic media.

Additionally, IMLU carried out four medico-legal field visits and conducted one medico-legal circuit.

Key informant interviews were conducted to deepen perspectives into the nature of the reported incidents and the various impacts of the cases. Interviews were conducted among select respondents such as human rights monitors, advocates of the High Court, pathologists, and medical doctors. Other interviews were conducted with representatives of state agencies such as the Kenya National Commission on Human Rights and the Independent Policing Oversight Authority. The identities of potential witnesses have been redacted in line with best practices in human rights reporting.

Data from the observation and monitoring was collated, while witness statements were summarised into qualitative narratives, corroborated, and triangulated with post-mortem examination reports and psychological evaluations and assessments. Claims were corroborated and backchecked through randomised key informant interviews, then synthesised.

Structure of the Report

The introduction to this report lays out the legal and political context as the backdrop to the findings and also describes the methodology employed to collect and analyse data. The second section presents the findings, which include descriptions of the patterns of torture while the third provides qualitative data on violations during the period under study, organised around recurrent patterns. The subsequent and final section discusses the impact of torture and related violations on victims, while the last section contains conclusions and recommendations.

¹³ See IMLU's Jan 1, 2023 -- Aug 31, 2023 report on the Status of Torture and Related Violations in Kenya

2. FINDINGS

Legal Penumbra between Constitution and Law

Everyone has the right under the Constitution of Kenya, peaceably and unarmed, to assemble, demonstrate, picket and present petitions to public authorities. The Public Order Act, which predates the 2010 Constitution, but was modified to align with this right, restricts assembly. It defines a public gathering as “a public meeting, a public procession, and any other meeting, gathering or concourse of 10 or more persons in any public place”.

Demonstrations monitored fall into two broad categories: the first consists of spontaneous localised protests to express outrage or call attention to a live, grave injustice, such as an unlawful killing, poor service delivery or unfair treatment of a section of society. By its very sporadic nature, for example, responding to an action such as a child being run over by a vehicle, the first category defies the strictures of the law on notifying the police three days before its occurrence. The second category consists of

meetings organised by an individual or organisation around a particular cause, who have a responsibility to notify the police three days in advance but not earlier than 14 days.

For the 14 spontaneous protests monitored, there was no engagement over notification between demonstrators and law enforcement officers. In some instances, the police or other security agencies were being petitioned over a manifest injustice in which they had played an active role or neglected to perform their duty. It would not be reasonable to expect the police to “allow” protests against their own conduct.

The second category of protests, organised by political movements and civil society organisations, were openly communicated to mobilise public participation. Additionally, the organisers notified the police as required by law, but in almost all instances, they were informed that the demonstrations would not be allowed. Although the President appeared to deescalate the looming confrontation during the March demonstrations when he asked the opposition to coordinate with police, the

¹⁴ <https://www.theeastafrican.co.ke/tea/news/east-africa/tear-gas-arrests-as-kenya-opposition-stages-protests-4165492>

¹⁵ <https://www.standardmedia.co.ke/counties/article/2001473750/four-shot-dead-in-isebania-as-protests-over-insecurity-turn-ugly>

¹⁶ <https://www.the-star.co.ke/news/2023-07-07-saba-saba-protests-gain-momentum-as-demos-start-countrywide/>

¹⁷ <https://www.youtube.com/watch?v=M0Hyln8s4Gc>

¹⁸ <https://www.youtube.com/watch?v=uDxNq3ejPJQ>

¹⁹ <https://www.youtube.com/watch?v=spgVD6nFj6k>

²⁰ <https://www.the-star.co.ke/news/2023-06-05-student-shot-dead-in-protests-over-power-blackouts-in-wajir/>

²¹ <https://www.youtube.com/watch?v=fjfyUzNTMFk>

²² <https://www.youtube.com/watch?v=avVglcwbU34>

²³ <https://www.the-star.co.ke/in-pictures/2023-05-26-photos-kawangware-traders-protest-over-demolitions/>

²⁴ https://www.youtube.com/watch?v=GRt7_cFnEto

²⁵ <https://www.facebook.com/KTNNewsKenya/videos/one-person-shot-dead-in-nambale-busia-county-following-a-protest-by-residents-ov/162314480138880/>

²⁶ <https://ntvkenya.co.ke/news/video-students-and-parents-affected-by-finland-saga-pledge-to-hold-daily-demos/>

²⁷ <https://www.the-star.co.ke/news/realtime/2023-08-28-youths-protest-in-eldoret-over-recruitment-agency-foreign-jobs-fiasco/>

²⁸ <https://nation.africa/kenya/counties/tharaka-nithi/student-found-dead-after-night-of-running-battles-with-police-4315162>

security leadership declined to cooperate as anticipated by law, citing insufficient notice or intelligence of looming violence. Having disallowed the protests and placed them into the category of unlawful assemblies, police thereafter deployed heavily to thwart them.

In May, despite organisers issuing advance notice of their planned demonstrations, the Inspector-General of Police not only declared that there would be no demonstrations, but also ordered the withdrawal of statutory police security assigned to protect opposition politicians, including Members of Parliament.

Again, in July, police adopted a similar posture, declaring the opposition-organised protests against the rise in the cost of living as unlawful, and deploying heavily to thwart them. Similarly, the Kenya Human Rights Commission and social justice centres across the country notified police of their intention to hold commemorative demonstrations on July 7 and August 8 to mark historic protests that ushered in critical legal and constitutional change: police declared both protests to be disallowed and deployed heavily before and during the protests.

The foregoing pattern of police conduct therefore set the stage for turning the peaceful exercise of assembly rights into a confrontation with state authority. The legal penumbra between the constitutional right to assembly and the statutory requirements for the management of public order signalled the demonstrations this year as a ripe site for observation.

Observations from Monitoring Protests and Demonstrations

In the period between January 1 and September 30, 2023, IMLU monitored 22 demonstrations across 47 counties in Kenya. IMLU received and recorded 303 alerts of violations, torture, and related violations from its network of volunteer professionals, media, partner organizations,

phone calls through a toll-free number, and human rights defenders (HRDs). Out of these reports, the following recorded cases of police use of lethal force against demonstrators;

1. Azimio-organised demonstrations (Phase 1) -- (March 20, 27 & 30) across 47 counties
2. Isebania protest (Migori County)
3. Saba Saba (July 7) demonstrations -- across 47 counties
4. Azimio-organised demonstrations (Phase 2) -- (July 12, 19, 20 & 21) across 47 counties
5. Chuka Town boda-boda protest -- (Tharaka Nithi County)
6. Wajir Town protest against killings by KWS (Wajir County)
7. Wajir Town protest against repeated power outages (KPLC) -- (Wajir County)
8. Kisumu Jua Kali area protest against traffic police inspection (Kisumu County)
9. Meru University demonstration (Meru County)
10. Kawangware demonstrations against demolition of shops -- May 26 (Nairobi County)
11. Nambale protest against police vehicle knocking down a pupil (Busia County)
12. Protest over land grabbing and eviction in Kazamoyo -- July 27 (Kwale County)
13. N a n e N a n e (A u g u s t 8)) demonstrations — across 47 counties.

No.	Protests monitored	Alerts received	Violations documented
1.	Phase 1 -- March Azimio-organised protests	249	249
2.	Phase 2 -- July Azimio-organised protests		
3.	Saba Saba organised by Azimio, CSOs and human rights CBOs e.g., SJC	24	24
4.	Isebania protest	6	5
5.	Meru University students protest	4	4
6.	Kisumu Jua kali protest against traffic operations	4	4
7.	Kericho protest against tea plucking machines	2	0
8.	Nambale protest over police vehicle running over a boy	2	2
9.	Nane Nane CSOs and human rights CBOs	4	2
10.	Protests against land grabbing and forcible eviction in Kazamoyo	2	1
11.	Wajir protest against KWS killings	2	2
12.	Chuka boda boda operators protest	1	1
13.	Wajir protest against power blackout	1	1
14.	Kawangware protest against forcible eviction	1	1
15.	Youth protest against recruitment agency over foreign jobs fiasco in Eldoret	0	0
16.	Demonstration over Finland scholarships saga in Eldoret, Uasin Gishu County	0	0
17.	Student protests at Kajiunduthi High School	1	0
	TOTAL	303	296

Table 1: Alerts received from protests monitored by IMLU (IMLU 2023)

A total of 303 alerts were received in the context of policing of demonstrations and protests. IMLU was able to respond to, document and process 296 of these alerts, a success rate of 98 per cent.

Out of the 296 incidents documented and processed, 259 (88%) male and 37 (12%) female victims were identified, all torture and torture-related violations committed during the public order policing by law enforcement officers. From this data, men constituted the highest proportion of direct victims (primary) of state-perpetrated human rights violations during the various protests.

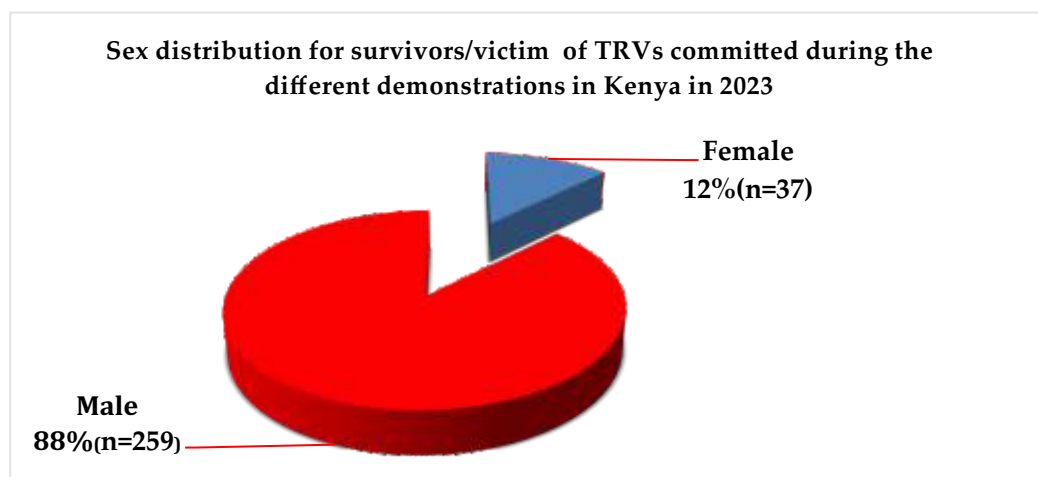


Figure 1 Sex distribution of victims

Types of violations

Out of the 296 torture and related violations documented during the various demonstrations, 228 (77%) were Torture, Cruel, Inhumane, or Degrading Treatment or Punishment (TCIDT); 67 (23%) were extrajudicial, summary, and arbitrary executions (EJE); and one (1) was an enforced disappearance (ED) as illustrated in Figure 2.

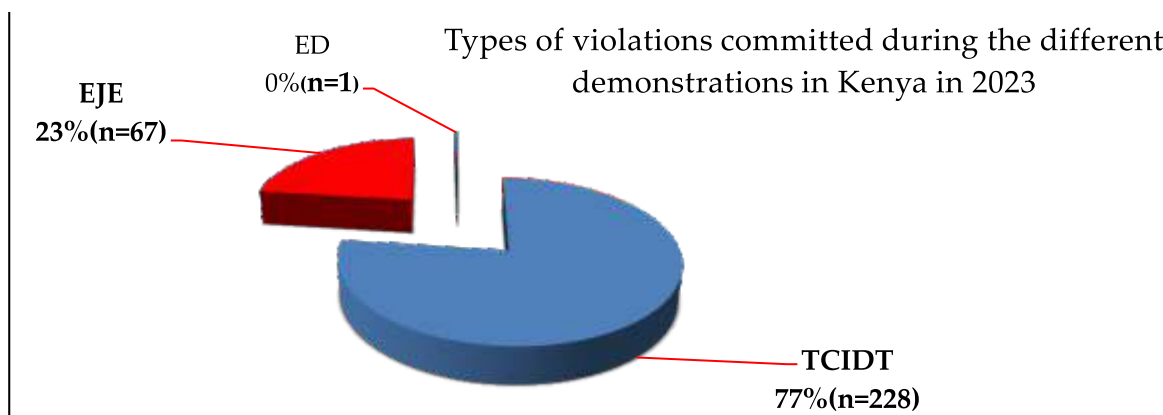


Figure 2 Types of torture and related violations.

Age of the victims

Youth aged between 18 and 35 years accounted for an overwhelming majority 212 (73%) of the survivors, followed by individuals aged between 36 and 55 years at 50 (17%). Significantly, children aged 17 years or younger constitute 10 per cent (29) of the victim population. Victims aged between 56 and 65 years were four (4), making up 1 per cent, while one (1) victim was over 65 years.

Youth residing in poor neighbourhoods in urban centres are the most affected.

The youngest victim was three (3) -years-old, the oldest was 72 years old and the average age of victims was 28 years. The highest number of victims/survivors were youth (18 -35 years) as shown in Figure 3.

SEX	0-17	18-35	36-55	56-65	>65	TOTAL
Male	19	194	42	4	0	259
Female	10	18	8	0	1	37

Table 2: Age representation of the victims.

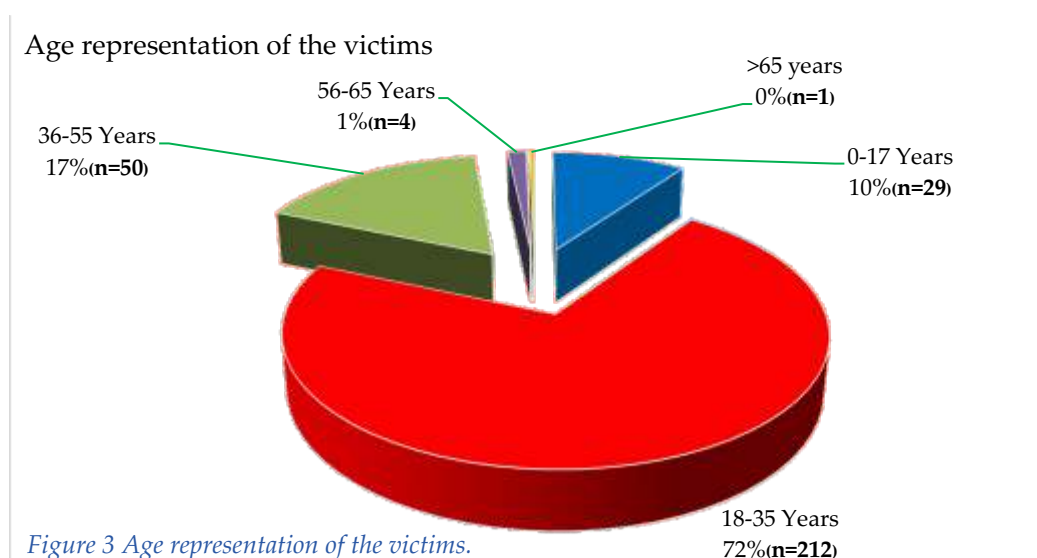


Figure 3 Age representation of the victims.

Violations by month of occurrence

Majority of violations were committed in July 2023, which accounted for 247, with June recording the lowest at one (1) violation. An average of 59 torture and torture-related violations occurred per month in the five months monitored in 2023.

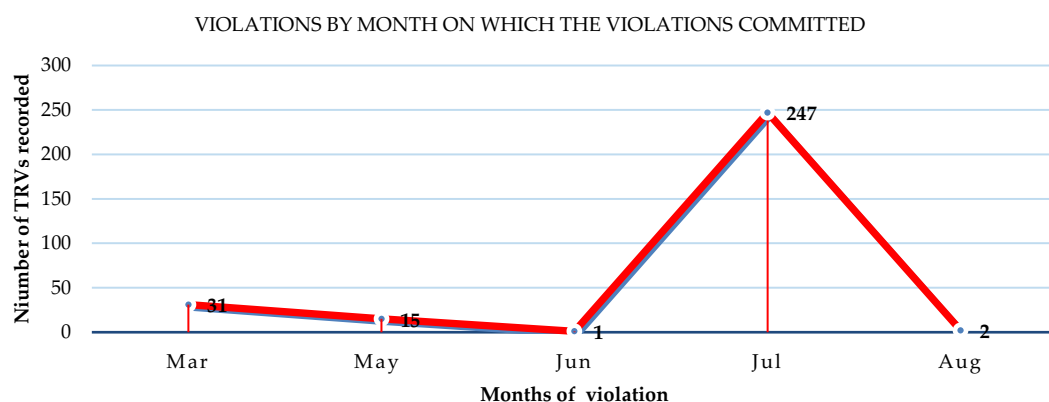


Figure 4 Violations by Month on which the violations committed

Violations by intake month

As shown in figure 5 below some violations were documented a month after they occurred. It is possible that there may be many violations which were not documented as the victim did not report.

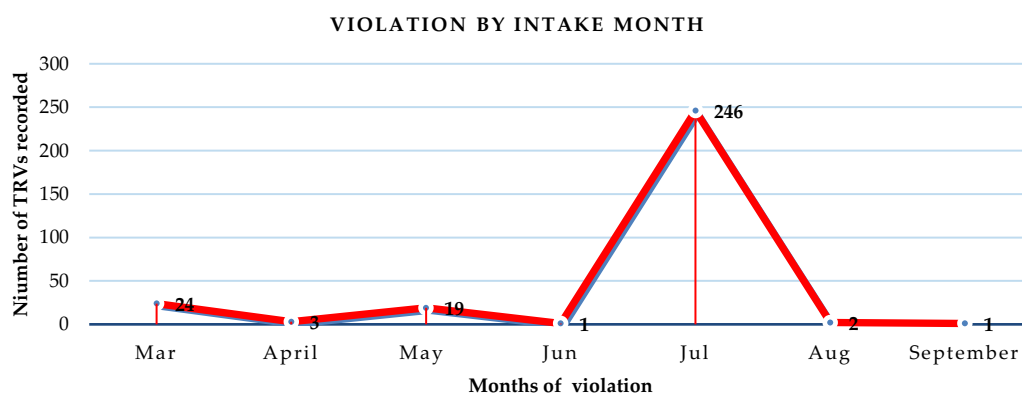


Figure 5 Violations by intake Month

Counties where TRVs were committed during demonstrations

IMLU received, documented, and processed violations related to public protests from 15 out of 47 counties (32%) while 32 counties (68%) registered no cases.

Kisumu accounts for the highest number of these public order-related violations at 142 cases (48%) followed by Nairobi at 70 (24%) as shown in Figure 6, which presents counties that recorded 10 violations and over. This finding is significant when correlated with the spike in the incidence of violations.



Figure 6 Counties where violations were recorded.

Station to which alleged perpetrator is attached

Data for January 1, 2023 – to September 30, 2023, indicate a systemic problem, which is widespread across 16 counties and 39 police stations as illustrated in Table 3. It is important to note that most public order-related violations occurred in counties and police station jurisdictions where the population mainly supported the opposition in the 2022 General Election, with Kisumu leading at 136, Nairobi at 70 and Migori at 23.

No.	Police Stations	Violations	Counties
1.	Nyalenda Police Station	73	Kisumu -- 136
2.	Nyamasaria Police Station	20	
3.	Kondele Police Station	16	
4.	Kasagam Police Station	9	
5.	Kisumu Central Police Station	6	
6.	Ahero Police Station	5	
7.	Manyatta Police Station	5	
8.	Maseno Police Station	2	
9.	Kibra Police Station	16	Nairobi -- 70
10.	Nairobi Central Police Station	12	
11.	Huruma Police Station	8	
12.	Embakasi Police Station	6	
13.	Makadara Police Station	4	
14.	Dandora Police Station	3	

No.	Police Stations	Violations	Counties
14.	Dandora Police Station	3	
15.	Satellite Police Station	2	
16.	Ruaraka Police Station	2	
17.	Huruma Police Station	5	
18.	Muthangari Police Station		
19.	Villa Police Station	1	
20.	Soweto Police Station	1	
21.	Muthurwa Police Station	2	
22.	Busia Police Station	6	Busia -- 8
23.	Nambale Police Station	2	
24.	Homa Bay Police Station	6	Homa Bay
25.	Kitengela Police Station	11	Kajiado
26.	Sondu Police Station	6	Kericho
27.	Kisii Police Station	2	Kisii
28.	Taru Police Station	1	Kwale
29.	Mlolongo Police Station	10	Machakos
30.	Emali Police Station	1	Makueni -- 2
31.	Wote Police Station	1	
32.	Nchiru Police Station	4	Meru
33.	Migori Police Station	16	Migori -- 23
34.	Isebania Police Station	5	
35.	Rongo Police Station	2	
36.	Kaptembwa Police Station	10	Nakuru
37.	Bondo Police Station	2	Siaya
38.	Chuka Police Station	1	Tharaka Nithi
39.	Wajir Police Station	3	Wajir

Table 3: Police Station and county where alleged perpetrator is attached.

³⁰ Busia 8, Homabay 6, Meru 4, Wajir 3, Kisii 3, Siaya 2, Makueni 2, Kwale 1, and Tharaka Nithi 1.

IMLU Responses and Support to the Survivors and Families of Victims

IMLU provided various levels of support in the 296 documented incidents. This included responding to distress calls through urgent action support, legal documentation, recording of critical evidence, autopsies, medical and psychological rehabilitation, advocacy, legal advice, litigation, and representation as illustrated in Figure 7.

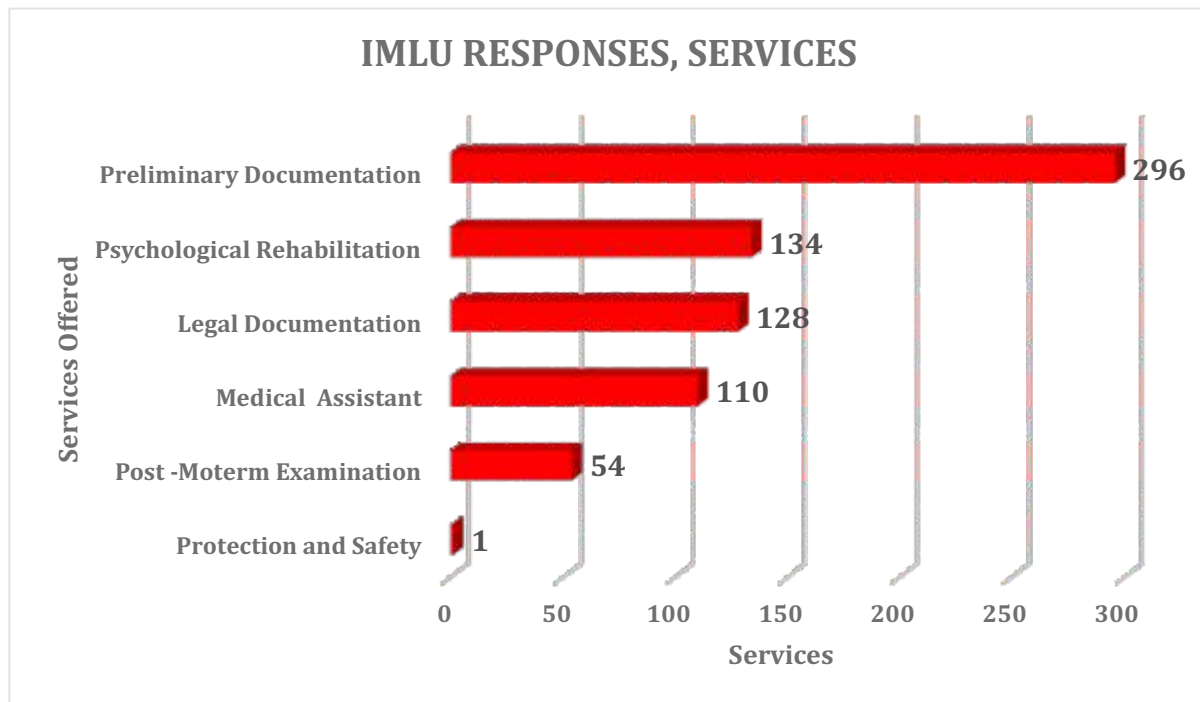


Figure 7 Services offered by IMLU.

3. PROFILES OF TORTURE FROM PUBLIC PROTESTS

Extra-judicial Killings

Extra-judicial, summary, or arbitrary execution refers to the deliberate killing of individuals without the legal authority granted by a judicial proceeding. It violates the most fundamental human right – the right to life. Deaths recorded during the demonstrations fall within this category, as the select cases from various locations show.

A total of 67 persons were killed by police in public order policing between January and September 2023. Out of these, 51 were killed in five days in July.

No.	Name of the Victim	Sex	Month of Killing	Age	County of Incident
1.	William M*	Male	March	20	Kisumu
2.	Julius O*	Male	March	42	Nairobi
3.	Emmanuel K*	Male	March	27	Nairobi
4.	Kelvin M*	Male	March	20	Nairobi
5.	Ashiraf A*	Male	March	19	Nairobi
6.	Elijah O*	Male	March	38	Nairobi
7.	Willis K*	Male	March	37	Tharaka Nithi
8.	Abdishukri M*	Male	May	20	Wajir
9.	Jecinta A*	Female	May	19	Kisumu
10.	Duncan O*	Male	May	33	Busia
11.	Stephen O*	Male	March	26	Nairobi
12.	Elias M*	Male	May	26	Migori
13.	Yohana S*	Male	May	29	Migori
14.	Julius M*	Male	May	40	Migori
15.	Munasar A*	Male	June	20	Wajir
16.	Reagan O*	Male	July	21	Migori
17.	Fredrick O*	Male	July	54	Migori
18.	Duncan Simiyu O*	Male	July	30	Kisumu
19.	Derrick A*	Male	July	21	Kisumu
20.	Ruth F*	Female	July	20	Machakos
21.	Denis M*	Male	July	36	Machakos
22.	Alex M*	Male	July	23	Machakos
23.	Hillary L*	Male	July	20	Machakos
24.	Harris O*	Male	July	23	Kajiado
25.	Edward W*	Male	July	33	Machakos
26.	John O*	Male	July	27	Kisumu

27.	George A*	Male	July	27	Kisumu
28.	John O*	Male	July	26	Kisumu
29.	Erick A*	Male	July	38	Kisumu
30.	Frank O*	Male	July	28	Kisumu
31.	Edwin O*	Male	July	25	Siaya
32.	David O*	Male	July	26	Siaya
33.	Felix O*	Male	July	19	Busia
34.	Walter O*	Male	July	20	Kisumu
35.	Pascal O*	Male	July	31	Busia
36.	Eliam M*	Male	July	22	Kisumu
37.	Peter O*	Male	July	35	Kisumu
38.	Benjamin I*	Male	July	32	Nakuru
39.	John O*	Male	July	31	Nakuru
40.	Brian O*	Male	July	22	Kisumu
41.	William A*	Male	July	24	Kisumu
42.	Charles O*	Male	July	25	Machakos
43.	Benjamin A*	Male	July	27	Kisumu
44.	Jeremiah M*	Male	July	16	Nairobi
45.	Brian M*	Male	July	19	Makueni
46.	Peter N*	Male	July	25	Makueni
47.	Eucabeth M*	Male	July	21	Machakos
48.	Samuel N*	Male	July	34	Machakos
49.	Patrick M*	Male	July	34	Kisii
50.	Evans M*	Male	July	34	Kisii
51.	Eunice M*	Female	July	22	Kisii
52.	Jack O*	Male	July	31	Nakuru
53.	Dougloous K*	Male	July	27	Nairobi
54.	Steve O*	Male	July	19	Migori
55.	Benson O*	Male	July	19	Migori
56.	Peter W*	Male	July	31	Kajiado
57.	Fanuel O*	Male	July	18	Kisumu
58.	William O*	Male	July	27	Kisumu
59.	Christopher M*	Male	July	31	Kisumu
60.	David O*	Male	July	26	Kisumu
61.	Elly O*	Male	July	19	Nairobi
62.	Richard M*	Male	July	28	Nairobi
63.	Benard O*	Male	July	43	Kisumu
64.	Joseph O*	Male	July	18	Kajiado
65.	Ronaldhinyo O*	Male	July	27	Kisumu
66.	David O*	Male	July	32	Nairobi
67.	Joshua L*	Male	July	16	Kisumu

The case examples hereunder illustrate the typical circumstances of these deaths.

Extra-judicial executions in Mlolongo

Charles Ochieng Ngere, 27, went out to look for food when protests were under way in Mlolongo on July 12, 2023. The post-mortem examination report shows that he was shot in the **back**: the bullet tore a square centimetre through his white T-shirt, travelled from the right side above the buttock through to his left chest wall, rupturing his pelvic bone, his diaphragm and his sixth rib. The gunshot crushed his vertebrae bones.

Edward Wekesa Wanjala, 27, was walking home from work on July 12, 2023, dressed in his blue jeans and white and blue checked shirt when he was shot in the back of the **head**. The report of the autopsy conducted on July 17, 2023, says: "There is a gaping wound on the upper forward part of the head on the right side around the right parietal region ... This is the exit wound."

Eucabeth Mukei Kyalo was shot in the **chest** during demonstrations on July 12, 2023. She was taken to Machakos Level 5 Hospital for treatment, where medical intervention failed to save her. The gunshot wound fractured her tenth and eleventh ribs on exit, causing severe bleeding in the chest and abdomen. No defence injuries were noted.

Peter Ngolaine Mutunga, 25, a water vendor was going about his usual business on July 19 along Mwaani Road, Opposite Green Park, Wote Town. Officers from Kalawa Police Station had barricaded the road adjacent to the Gaza Express Bar and Restaurant using a police lorry. Police attempted to disperse a peaceful demonstration in progress at around 12.30 pm. Loud gunshots rang out around Mavindini gas refilling shop, and some 40 metres away, Ngolanie fell to the ground next to Agrovot shop directly opposite the Green Park gate. A bullet had cut between two ribs of the left side

and exited at the left side above the pelvic girdle.

He was lying in a pool of blood with the police watching. Members of the public came to his rescue and took him to Makueni County Referral Hospital on a motorcycle taxi. Makueni Civil Society Network members who followed him to the hospital to ascertain his status were denied entry. Peter Ngolanie was pronounced dead upon arrival at the hospital.

The gunshot fractured his ninth rib, rupturing his **liver** and **kidney**. No defence injuries were noted.

Peter Wanjala Wanyama, 31, died at Machakos Level 5 Hospital after being referred from Kitengela Sub-County Hospital. He was treated for injuries to the **left upper limb** and **pelvis** as well as a gunshot wound on the chin suffered during the August 8, 2023, demonstrations. The autopsy report concludes that he died from injuries caused by blunt force trauma. He had been shot in the face, then beaten.

Samuel Njulu Mwashighadi, 34, was shot in the **chest** during protests on July 12, 2023. The bullet travelled from the right side and exited on the left, fracturing his fourth rib, and crashing through the scapula. His lungs were perforated.

Extra-judicial executions in Kisumu

Erick Omondi Abok, 39, was shot in the **head** during demonstrations in the Kondele area of Kisumu July 20, 2023. His body was transferred to JOOTRH mortuary. The pathologist concludes in the autopsy report that the bullet came from a high-calibre firearm, fired in the distant range.

David Ochieng Ouma, 28, was shot dead on July 19, 2023, during demonstrations in Kisumu. His body was transferred to JOOTRH mortuary. He had a gaping bullet entry wound on the **right hip bone** region; abrasion on the

mid forehead and evidence of recent medical intervention: three gauze packs within the bowel loops. He died of internal bleeding secondary to gunshot wounds.

George Odhiambo Anyama, 27, was shot dead on July 21, 2023, during demonstrations in Kisumu. The bullet entered his **chest** from the back at the level of the eight ribs, cut through the diaphragm, bruised the right lung base, and ruptured the hepatic blood vessels and the liver. The autopsy concludes that the case of death was “massive internal bleeding secondary to penetrating abdominal injury following gunshot wounds”.

Jecinter Achieng Ochieng, 19, was shot leaving her home in Lolwe Estate in Kisumu on the morning of May 9, 2023, to report to school. She was caught up in the area around the Central Bus Terminus and was shot. She was rushed to Aga Khan hospital where she died before emergency care could be administered. Her body was transferred to Kisumu County Hospital mortuary. The autopsy established that there were **three bullet wounds**: an entry wound on the right **scapular** region, and two exit wounds below the right shoulder. The second, third and fourth ribs were fractured, and the bullet had cut a hole through the right lung. She died from internal bleeding in the chest.

Eliakim Michael Oduor, 22, was shot dead in Nyamasaria area of Kisumu July 19, 2023. His body was transferred to Kisumu County Referral Hospital mortuary. During the post-mortem examination, there was a gaping bullet entry wound on the right hip bone region, severed blood vessels near the intestines, as well as bruising of the bladder. He died from **internal bleeding secondary to gunshot wounds**. A plastic casting and four rubber pellets were retrieved.

Extra-judicial execution, followed by cover-up attempts

Reagan Otieno Adero, 22, died after police shot him during a demonstration in Migori. His body was transferred to the mortuary at St Joseph Mission Hospital, Omba mortuary. During the post-mortem examination, it was noted that there were two stitched lacerations on the **head**, which were the presumed bullet wounds. The stitching was after death had occurred. A bullet entered into the **right upper forehead**, near the eyebrow, drilling a hole through the brain and fracturing the skull. The head injury from the single gunshot wound is the cause of death.

The pathologist observes that: “.... the cause of death is clearly noted as the gunshot wound.

Extra-judicial executions in Migori

Stephen Okinyi Ochieng', 19, was shot in the left **buttock** during demonstrations in Migori and was first rushed to Oruba Nursing Home before transfer to Lifecare Hospital and later referred to Migori County Referral Hospital (MCRH) where he died. The autopsy concluded that the bullet cut major blood vessels, which caused severe bleeding leading to death.

Benson Otieno Ouma, 18, was shot during demonstrations near Total Petrol Station in Migori Town on July 21, 2023. The post-mortem examination shows that a single bullet entered the right side of his **chest**, tore through the liver, kidney, and chest on exit. He bled to death.

Non-lethal Weapons?

Non-lethal weapons are defined as “weapons that are explicitly designed and primarily employed so as to incapacitate persons, while minimising fatalities, permanent injury to personnel, and undesired damage to property and the environment”. They include pepper spray, water cannon, batons, rubber bullets, and teargas.

For example, a rubber bullet is made from a metal ball coated with rubber. It is intended to injure people rather than kill them. The United Nations High Commissioner for Human Rights cautions that “less-lethal weapons and related equipment may also kill or inflict serious injury, especially when they are not used by trained personnel in accordance with the specifications, with general principles on the use of force, or with international human rights law”.

In addition, extrajudicial killings and acts of torture or other forms of cruel, inhuman or degrading treatment or punishment — serious violations of international law — have been perpetrated using non-lethal weapons and certain forms of related equipment.

In the context of the demonstration monitored in Kenya in 2023, non-lethal weapons resulted in at least three deaths: one by teargas, one by rubber bullet and a third by beating with a truncheon. Therefore, is it misleading to label weapons as “non-lethal” in Kenya given that the law enforcement officers wielding these arms have often caused severe injuries and fatalities? From the conduct of the law enforcement officers, the incongruity between the classification of weapons and the actual outcomes of their actions while using the weapons undermines the accuracy of such terminology.

Suffocated in teargas

Fredrick O,* 55, suffocated after inhaling teargas.

“The deceased seemed to have been overwhelmed by suffocation due to inhalation of the teargas chemicals causing him to aspirate the contents of his stomach into the lungs. This led to an acute respiratory distress syndrome which rapidly led to death,” reads the July 11, 2023, autopsy report conducted on the body at the Migori County Teaching and Referral Hospital mortuary.

Akama, a matatu driver and conductor, had taken refuge inside a restaurant in Migori with

his friends as protests raged through the town. Police lobbed teargas into the establishment, causing him to suffocate. He was taken to Oroba Nursing Home, and his brother Emmanuel Joshua Akama was alerted about the incident around 4 pm. He did not think it was serious, but at around 8 pm, he received another phone call from Mama Nyagoro that his condition had grown worse. Another acquaintance, Fadhe Opiyo, called Emmanuel's wife to inform her Omogo had died. When Emmanuel reached the hospital, he found that his brother had been transferred to the morgue. He returned to identify the body the following day before it was transferred to MTRH for a post-mortem examination.

Bludgeoned to death by police batons

On Friday, July 21, 2023, at around 3 pm, Janet Muchura,* 45, a resident of Nyalenda Western, heard her neighbour, Evelyne Lucy, shouting and causing great commotion. She rushed outside her house to check. She saw that a mother was kneeling pleading with the police not to harm her children and joined her with Evelyne in loudly calling on police to let the youth go. The police lobbed teargas at them, and they were forced to hide indoors.

Their mother was kneeling as she pleaded with the police not to harm her sons, William, and Brian, but one officer pushed her to the ground using his gun. One policeman then told his colleagues to leave. Brian had collapsed, while William was seriously injured.

Zara Abich,* 22, also a resident of Nyalenda Western, recalls hearing the voices of policemen outside her gate at around 3 pm on that day. The police banged on her gate, but because it was locked, they moved to the next, where Brian and William were. The police dragged the two outside, beating them with guns and batons.

“When I stepped outside after the police had left, I saw that Brian and William had been severely beaten.”

The young men were taken to Hovic Hospital before being transferred to Jaramogi Oginga Odinga Referral Hospital. Janet would be informed through a WhatsApp message on July 26 that Brian had **died** while William was in intensive care. William later died July 29, 2023.

Brian and William succumbed to complications related to *diffuse axonal injuries* as a result of blunt force trauma following the reported assault.

Walter Odoyo Awuonda had breakfast at his parents' house in Oyola, Kisumu East, before leaving for football training on July 20, 2023. Although there were protests in the town, the student of Dr Aloo Gumbi Secondary School did not seem to give them much thought. At around 8 pm that day, a motorcyclist, Frederick Juma, rode up to the family home carrying Awuonda's body.

His brothers, Jared, and Boniface Otieno took the body to JOOTRH, and made a report at the Kasagam Police Station on July 25. The post-mortem examination showed that he had died of blunt force trauma.

Peter Otieno Adongo, 35, was beaten by police in Kisumu during protests on July 12, 2023, taken to JOOTRH, and died the following day. He had abrasions on the right forehead, all four limbs, posterior trunk: extensive swellings on both arms, hands, legs, and feet. His chest and lungs were bruised. The soft tissue injuries collapsed his blood circulation.

Torture

The term 'torture' refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by a public official or other person acting in an official capacity for a purpose such as obtaining information or as confession, punishment, intimidation or for any reason based on discrimination of any kind. Shooting people with live ammunition or rubber bullets,

clubbing them with truncheons, and suffocating them in teargas are all forms of torture. Some select cases illustrate the widespread use of torture during the management of public demonstrations and protests.

Beaten unconscious

Habakkuk Vincent Odhiambo,* 29, an employee of the Migori County Government, had gone to work on July 7, 2023, to submit a report at 8 am. He stayed on until 5 pm, when he decided to head home. At Posta Grounds, he encountered a group of 15 police officers dressed in jungle green fatigues and red berets. They were armed with firearms and truncheons. He approached them with his hands raised in surrender to inform them that he was only heading home from work. They signalled that he was free to pass. He passed the first three officers without incident, then a fourth officer clubbed him as he passed him. The others set upon him with clubs and beat him for over 10 minutes. They lobbed teargas around him so that nobody could come to his rescue. He was bleeding from his head and from his right leg. A woman officer **clubbed** him on the lower abdomen, and he lost consciousness.

Sympathisers took him to St Joseph's Ombo Mission Hospital where he regained consciousness. He still has pain in the lower abdomen where the woman police officer clubbed him. He has not been able to return to work.

Sarah Atieno,* 21, was inside her house at Nyalenda Western finishing up on chores while her friends Buda and Ken sat outside. They ran into the house when they heard the voices of policemen approaching.

Seven policemen stood outside hitting the door and the walls with truncheons and ordering the young men to step outside. Atieno stepped out and saw seven policemen. They gave her an

ultimatum to produce the two young men or they would start shooting.

Two policemen barged into the house, dragged Buda outside as they hit him with truncheons. They left him on the roadside, his legs having given way. Atieno's neighbours used pieces of cloth to hold his legs in place and help was sought, but even the ambulance workers were afraid to help. Ken summoned Buda's relations, who took him to Hovic Hospital, from where he was transferred to JOOTRH.

Laura Obunga* was sitting outside her house with her husband, John Onyango Olinda on July 19, 2023, when police officers arrived, grabbed him, and began beating him. They beat him until he was unconscious before they moved off. With the help of neighbours, Laura moved her husband to Kisumu County Hospital before transferring him to JOOTRH. When she arrived at JOOTRH all she was told is "He is being treated but he is unconscious."

Rubber bullet to the head

Evans Onyango,* 39, was on his motorcycle taxi between the Shell and Total petrol station at Sagero in Migori County on July 19, 2023, at around 3 pm. He was taking a sip of water when helmeted police officers dressed in jungle green fatigues, armed with guns and truncheons, and carrying teargas canisters stopped where he was. One policeman clubbed Onyango, and he collapsed; then the other came at him with a truncheon. He was barely conscious when they picked him and tried to lift him into the police vehicle but he could not get in. His left arm was hit with a teargas canister, and a rubber bullet was shot at his head. He heard the police shout, "We have finished this one!" They then hit him with the butt of a gun and left him for dead. "After they hit me, I lost consciousness," he says.

Child Victims of Executions, Torture

During the course of the protests, IMLU documented instances constituting gross violations against the rights of children. These violations included the deliberate application of non-lethal weaponry, specifically rubber bullets and tear gas, on minors. The targeted use of force occurred within educational institutions and recreational areas.

Additionally, IMLU received accounts detailing the apprehension, legal prosecution, and confinement of children in the same spaces as adults, thereby manifestly contravening the protective measures delineated in the Children Act, Article 53 of the Constitution, and Article 30 of the African Charter. Some cases highlighted hereunder provide illustration of this claim:

On July 12, 2023, between 9.30 am to 10 am, during the protests against the high cost of living throughout the country, police were deployed to Kangemi estate in Nairobi County to manage the protests. The police officers lobbed teargas canisters at protesters who were outside the Kihumbuini Primary School and New Kihumbuini Primary School. A teargas canister landed in the New Kihumbuini Primary School compound causing commotion, confusion, and shock among pupils in Kihumbuini Primary School and New Kihumbuini Primary School. The pupils inhaled teargas and had breathing problems. Some 51 (47 girls and 4 boys) pupils who were affected were taken to Eagles Nursing Home in Kangemi.

Dedan Kibaara,* 3, was playing outside his home in Lindi, Kibra, on July 7, 2023, at around 12 pm when he was hit by a teargas canister shot by police. Particles from the canister injured his face and body leading to bleeding. His father, who tried to help him, was also hit by another canister in the stomach. Dedan's mother was struggling to breathe inside their one-roomed house because of suffocating teargas lobbed inside.

The three family members were rushed to the Kibera Medical Centre to seek treatment. While at the medical centre, Dedan's mother was informed that a teargas canister had exploded in their house, starting off a fire. She rushed back and was helped by neighbours to put it out. Metal fragments were retrieved from Dedan's body as well as from his father. His father went to report the matter at the Kibra Police Station, but the officers refused to receive his report or give him an Occurrence Book number.

Lorraine Auma,* 14, a Class 7 pupil at Bolo Primary School in Kisumu County was out playing with her neighbours at Nyalenda Western at around 3 pm on July 21, 2023, when one of the children ran back to her guardian's house to inform him that she had been injured by a teargas canister thrown at her by a uniformed police officer.

When her father reached Hovic Hospital at 3.30 pm, he was informed that the canister might have fractured Lorraine's skull near the ear and the only assistance she could receive was first aid to stop the bleeding. Lorraine was transferred to JOOTRH where her wounds were stitched, and since the injury was diagnosed to have only impaired her hearing, her father elected to have her discharged the following day since the wards were full. He did not make a report to the police for fear of reprisals.

On July 20, 2023, at around 6.30 pm, Hilda Anyango* was informed that her shop in Nyalenda was about to be vandalised. She sent her 17-year-old son, John Mungu*, to check on it. He met with a crowd fleeing from police who were in pursuit of them. In the melee, John was shot by rubber bullets and was injured on the left arm and the right jaw. He collapsed and lost consciousness. His mother did not know what happened to him and went to check if he was at Central Police Station, but he was not. He had been taken to Hovic Hospital before being

transferred to JOOTRH where he was admitted for treatment.

Michael Okumu, * 13, a Class 8 pupil at Oruba Primary School in Migori left school for home at 9 am on Friday, July 7, 2023, after his teacher released him together with the other pupils. The Ministry of Education had earlier announced that schooling would continue as usual, but once the teachers became aware of the chaos quickly engulfing the county, they released the children to go home.

Police threw a teargas canister at him. When he attempted to block it with his hand, it exploded into flames, burning him. He fell, unconscious and was bleeding. His schoolmates ran to his home to inform his father, Bob Job Owino*. Owino, a carpenter, rushed to the scene and established that his son had suffered a broken bone. He took him to Oruba Nursing and Maternity Hospital where he was admitted for surgery, care, and treatment over four days. He was discharged thereafter.

The young Obiero cannot understand why police threw **teargas** at him when he was only heading home, dressed in his school uniform and in the company of his mates. Apollo's attempts to report the matter to the police station were frustrated by officers' refusal to take a statement from him or issue him with a P3 form, the police documentation for injuries resulting from assault. They asked him how he could dare to complain about the police to the police. Obiero has resumed school, but he is not able to sleep and cannot assist his parents with any chores at home.

Henry Ojwang,* 17, a Form Four student at Kasagam Secondary School was lounging with friends outside his Nyalenda A home where he lives with his parents. Suddenly, police sirens were blaring, and several residents ran towards their compound shouting, "Wanakuja! [They are coming!]" Some of the men hid in the pit latrine that served the compound while others entered the houses whose doors were still open.

Before Henry could get indoors, all the doors were shut. Four police officers in green uniform and jungle fatigues arrived, armed with rifles as well as anti-riot shields and truncheons. The officers broke down the gate, shouting: "Surrender!"

Henry and the two boys lifted their arms, and that is when the police started shooting. He suddenly felt weak and collapsed. The police ordered him to get up and walk to the Land Cruiser. He stood up but could not see their vehicle. He felt a shot in his back.

He gained consciousness at the Jaramogi Oginga Odinga Referral Hospital, where he learnt that his grandfather had collapsed and died of shock from the events that had occurred. He missed his second term examinations because he was in hospital..

Lethal Force

Medical examination reports from field visits conducted in July alone show that 24 gunshot victims were attended to. They were shot by police between July 7 and July 21, leaving survivors with pain, fractured arms, and limbs, kidney injuries and bullets still lodged in their bodies.

Gunshot wounds

Argwings Mumma's* father, James Opiyo,* had sent him out on July 12, 2023, at 4 pm to buy food in Marachi, Busia. On his way back, he was shot in the leg. Sympathisers put on a motorcycle, which transported him to New Busia Nursing Home where the bleeding was stopped, and an x-ray performed. The bullet had penetrated the thigh and stopped short of reaching the femur. He was hospitalised until July 14 when he was discharged.

James Oguttu,* 28, a resident of Manyatta B Estate in Kisumu went to fetch water at around 1 pm on July 21, 2023. Three men who were not in uniform arrived on a motorcycle, disembarked, and **shot** him in the leg.

Charles Juma,* 28, had gone to buy medicine for his father at Nyaora Pharmacy in Nyalenda, Kisumu, at around 3 pm on July 19, 2023. As he was waiting to be served, he saw people running from the direction of Kachok, and the sound of gunfire. He began to flee to safety but was hit by a **bullet** on the left leg, which went through and lodged in his right leg. He was taken to Nyaora Pharmacy before being transferred to JOOTRH.

On July 21, 2023, Miriam Ouma* was sitting with her neighbours in their compound at Shauri Yako estate of Homa Bay adjacent to the road. At around 4 pm, they saw several boys running in different directions past their estate, with armed uniformed police on motorcycles and in a Land Cruiser in hot pursuit.

Gertrude Akelo* was also sitting outside her house in Shauri Yako estate in Homa Bay, while her neighbour, Irene Atieno* was plaiting a client's hair. Two police officers dressed in uniform and jungle green fatigue jackets arrived on motorcycle, followed by a police Land Cruiser. They shot at the gate, and started beating people indiscriminately, forcing Gertrude and Irene to take refuge in Gertrude's house.

Miriam and Irene say the police officers knocked on kicked on the doors in case they did not open quickly. When Grace heard a knock on her door, she went to open it while holding her child. Upon opening and inspecting, the police moved on to the next house.

Irene's husband John Obela* next door with his five children, watching television. The women could hear Irene's children screaming and begging their father to shut the door. The police became aware that there was a man in the house and went to drag him outside. All the while, they were hitting him with clubs and truncheons.

"We could see everything as our houses are adjacent to each other," says Gertrude.

Irene recalls that the police dragged Irene's husband out of his house and beat him severely. After the police had left, Gertrude and Irene noticed that he was injured and lying in a pool of blood. He had been shot in the left leg. When the man saw his wife and Gertrude, he said, "These people have killed me." An ambulance took him to the police, and later to the Homa Bay District Hospital.

Bernard Wanyanga* was riding pillion on July 19, 2023, at around 11 am from Kibuye Market, where he sells groceries to his house in Nyamasaria, Kisumu, when the motorcycle carrying him ran into riot police pursuing demonstrators around the Mowlem area. Gunshots rang out but the cyclist continued to ride through. Wanyanga suddenly felt dizzy and fell to the ground. He was in a great deal of pain and was bleeding. When he looked around, he realised that the cyclist was also on the ground and was silent. He was taken to hospital by well-wishers but is not aware of the motorcyclist's whereabouts.

Sympathisers took him to JOOTRH where one bullet was removed from his right leg after surgery but was informed that he also had a bullet lodged on the right side of his torso which could only be removed at the Kenyatta National Hospital. He has not reported the incident to the police or resumed work.

Arif Okello*, a porter at Kibuye Market in Kisumu, was busy at work on July 12, 2023, as demonstrations were ongoing. At around 12 pm, there were confrontations between police and demonstrators, forcing all traders to close down their business. After 20 minutes, everybody was running to safety as Arif fled to his home. As he was getting home, the same Police in anti-riot gear disembarking from their vehicle. When he was about to get to the door, he felt a sudden heaviness behind his left knee. He sat down to check and realised he was

bleeding. He had been shot! He called for help and was taken to Nightingale Hospital in Kondele before transferring to JOOTRH due to the complexity of the case. A **bullet** was retrieved from the rear end of his leg, and he was kept in hospital until July 26, 2023.

Julius Mboya*, a fruit vendor in Oruba, Migori, had visited Kogenya health centre on July 19, 2023, at 11 to seek treatment for a headache. He met a youngster on the way who warned him against venturing in the direction he was going because of confrontations police were having with protestors. While he was still conversing with the young man, he noticed that blood was gushing from his left limb, just above the knee. Suddenly, he could not walk. He had seen some four policemen some 200 metres away. They were armed with guns and truncheons. He had been **shot**.

Attacks on Social Justice Centres

The Nyando Social Justice Centre was burnt to the ground. George Bush* remembers that he was sitting inside the corrugated iron structure inside the social justice centre's compound with a female colleague and a man only known to him as Juju at around 11 am on July 19 as demonstrations were under way in the town. They had just returned from finding rabbit feeds for the duck and rabbit project they run to sustain the centre, and elected to remain indoors, away from the tense confrontations between police officers and demonstrators around the bridge. They never experienced any trouble during protests.

Suddenly, there was commotion outside as police lobbed teargas inside the compound. Bush and his friend went outside to check while Beatrice remained indoors. Two teargas canisters were smouldering, and the smoke was beginning to choke them. As they stepped outside the compound and into safety, a policeman known to Bush as Benja alias Olekube, and another one known as Newton, aimed teargas canisters at him but one

exploded on the corrugated iron sheet with a loud bang. As Bush fled the scene, he looked back and saw that the whole structure was on fire. He returned with some well-wishers to try to salvage the centre but the police kept repelling them by firing teargas and live bullets at them.

Millicent Ngesa,*-a human rights defender who lives in Ahero in Kisumu near the police station, heard the sound of gunfire at 11 am on July 19, 2023, and people screaming. From chats in her WhatsApp group, she learnt that the social justice centre where she worked was on fire. It was difficult to access the office because of confrontations between the police and demonstrators, and gunshots could be heard from the police station. The entire stock of second-hand clothes the centre kept as part of its income-generating activities was destroyed.

Mary Joseph*, 35, had gone to her salon but realising that work was low, decided to return home at around 11 am. At Nyando Social Justice Centre, she noticed that it was clouded in smoke but police continued to lob teargas into the building despite people screaming and calling for help. The smoke was dark, and the flames rose into the air. She noticed a female police officer kept shooting in the air.

Margaret Odipo,* 26, a gender officer at the Nyando Social justice Centre in Kisumu was at his home near Ahero Girls School at 11.30 am when he smelled smoke. Someone came to his compound and said, *"Ile kibanda iko kwa polisi imechomeka."* [The structure next to the police station has been razed by fire.]

Later, when Bush and Juju returned to the scene, the police still repelled them, shouting, *"Tutawamaliza!"* [We will finish you].

They retreated but came back around 2pm with David Ochieng alias Ponge to salvage the iron sheets and any other valuables. They heard three gunshots and dropped to the ground. When Bush looked to check on his friends, he

saw that David Ochieng had been shot. His intestines were hanging out of his abdomen, and he could not talk. Bush and Juju carried him to hospital under a hail of gunfire.

Bush then asked someone to lend him a phone so he could call for help. He telephoned the social justice centres coordinator, who cautioned him against getting any closer to the police officers since the police were not on good terms with them.

"I fear for my life since I know the perpetrators of the attack on the social justice centre. I have suffered psychologically, and lost a lot of my property, including my school certificates, household, and personal belongings," Bush says.

"I went to report in order to obtain an abstract from police records to enable me to apply for new identity documents, but the police are unhelpful and keep harassing me," he says. The project for raising rabbits, poultry and ducks at Nyando Social justice centre was destroyed.

On July 25, 2023, several interviews scheduled with various victims were postponed due to capacity issues. For instance, the interviews with Bill Alipo and Emma Opandi* did not proceed as scheduled because they were not in a suitable frame of mind. Benson Nyamisi* could also not be interviewed because he was being prepared for surgery to remove a bullet lodged in his body.*

4. IMPACT ON VICTIMS

Torture violates human dignity, rips communities apart and destroys democratic institutions and the rule of law. It leaves indelible marks on survivors, their families, and the community. Torture survivors battle with Post Traumatic Stress Disorder, anxiety, depression, low self-esteem, anger, adjustment problems and other social issues, and therefore, require rehabilitation.

IMLU documents torture cases based on the Istanbul Protocol, which serves as a global standard tool on the delivery of expert legal, medical, and psychological evidence in forensic investigation and documentation of torture.

Psychological Assessment

Between July 31 and August 2, 2023, three psychologists assessed victims at various sites in Kisumu. One psychologist assessed nine male victims aged between 15 years and 35 years, and one who was 63 years. Six came from Nyalenda and three from Manyatta in Kisumu. Eight were out of formal schooling and were engaged in some income generating activities which were hampered after the effects of demonstrations, while one was a student. All of them reported experiencing pain from physical injuries. Three had gunshot wounds while six had soft tissue injuries, and one had a fractured forearm. They all said that these injuries were caused by the police.

Another psychologist assessed eight people, seven men and a woman, all victims of violence from the protests held between July 19 and 21, 2023. The victims had gunshot injuries and some were still patients at Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu.

Yet another psychologist saw victims aged between 20 and 34 years -- all of whom spoke mostly three languages namely English, Kiswahili and Dholuo. Generally, the clients encounter violence and torture on different

days, location, and times. However, their experiences were all perpetrated by uniformed and non-uniformed police officers during nationwide demonstrations called at the time. Some of the clients took part in the demonstrations, while others did not. The latter category was attacked in their businesses or their houses while others were caught up in the confrontations on their way home from work or shopping.

During the first meeting, every client was informed of the purpose of the assessment and the limits of confidentiality. Every client was also informed that the psychological assessment report would include personal information and the question guides were meant to help in establishing relevant psychological impressions that would lead to treatment. The clients were encouraged to ask questions regarding the assessment and release of information process prior to consent. They all gave their consent.

Findings

The assessed victims had broken and swollen hands and legs; some had bruises, some cuts on heads and different parts of their bodies and were still bandaged. Most also had problems moving and required support to walk; others could not eat properly as their jaws were paining from beatings received. Most clients had been shot in the hands and legs using live bullets and they all had had the bullets removed. They presented the bullets as evidence. They were still bandaged and were in pain. There were those who were attacked by the policemen in their homes, bludgeoned with truncheons and other blunt objects, and were still nursing swollen limbs. Others were tortured psychologically, tossed up and about, their possessions destroyed in their homes, witnessed bullets being fired in the air and onto hard surfaces, and made to lie down and say their final prayers, and later being told not to scream. They were left when terrified.

Some of the victims bled from the injuries they suffered, were confused, and could not speak about their experience since their attackers were police officers.

Remarkably, all victims reported being rushed to theatres for emergency operations to remove bullets or taken to different hospitals by sympathisers or relatives. Some were admitted to hospital wards, and yet others were treated and discharged to go back home and return for observation. The attackers issued threats and intimidation ranging from telling them not to question the government, that the police officers were used to carrying dead bodies and that they would kill many of them. None of the Nyalenda clients got an opportunity to report to any police station for fear of reprisals, and also because they were bitter over the fact that those who were meant to protect them were the very ones who had harmed them.

Victims had physical pain manifestations: they were limping, had plasters and could not go to work in search of livelihoods yet almost all of them depend on casual jobs to feed, pay bills for and support their families.

Most of the victims were affected behaviourally. They had difficulties engaging in income generating activities and performing activities they previously used to enjoy. They could not perform domestic tasks, attend church, or visit friends. The clients need therapy to work through their traumatic experiences to be able to cope with what happened to them. Although all the victims were well oriented to time and space, and were conscious, they showed signs of anxiety, and depression. Victims with gunshot injuries displayed a higher level of anxiety and melancholy.

The victims were adjudged to need support so that they can become active again and return to their full activity. They require time to talk more about what happened to prevent post-traumatic stress disorder.

They appeared to experience intense worry, fear, and nervousness. They reported suffering episodes of insomnia, sadness, and lack of energy. They also exhibited feelings of worthlessness and hopelessness.

They were extra-alert and on guard most of the time. They avoided places, activities and people who reminded them of their traumatic experiences, which is symptomatic of posttraumatic stress disorder.

The psychologists did not score post-traumatic stress disorder since scientifically, clients start experiencing these symptoms from a month after the event. The psychological assessment, support and documentation was conducted a week after the episode. Victims were reassured that some of their feelings were normal for someone who has undergone a traumatic experience.

The victims are traumatised and need support through therapy to help them process their trauma. During the assessment, most victims sounded bitter, others seemed scared and yet others were hyper-vigilant about their surroundings. Some had questions about the organisation conducting the assessment. The intensity and frequency of symptoms of depression, anxiety, physical distress, and posttraumatic stress were evident while few presented with signs of substance use perhaps as a coping mechanism. The victims still experienced intrusive thoughts of the events they had experienced and all of them still live within the areas where the attacks took place. They did not want anything to do with police officers, and felt very unsafe whenever they saw police officers. Some clients confirmed their resentment by saying that given an opportunity they would harm any police officer they met.

Some reported reduced coordination when they tried to pick objects or when walking, while others mentioned sleep disturbance and reduced appetite. Others reported decreased

attention spans, the loss of track in performing tasks, and disorganisation. Some of the victims became more withdrawn and, in addition, some experienced headaches several times a day, as well as neck pains. Most had resorted to traditional herbs and physical therapy to treat their neck and head pains because of lack of finances or support from any reliable source.

All the assessed clients had the onset of the mentioned symptoms and problems experienced from the time of torture, which impacted negatively on their daily functioning, including work, studies, domestic life, and handling of other daily chores. There was a change in lifestyle habits and functionality for all of them. They experienced detachment in relationships with significant others, had physical complaints, and some had cognitive difficulties, limitations, or incapacities.

Further counselling

Most of the clients were evidently still traumatised and only at the assessment time would they begin to come to terms with reality upon listening to the questions asked. Breaking down was observed in between the periods of expressing a harboured bitterness. Distress was evident through the pain as mixed with episodes of losing focus at some moments. Hopelessness was also evident as most clients felt lonely and had no good support. Some felt neglected and had withdrawn into themselves. Very few clients, however, reported depending on religious institutions for strength and spiritual nourishment.

It was the recommendation of all the psychologists that the victims receive a minimum of three more counselling sessions to help them deal with the many exhibited symptoms that are consistent with anxiety, depression, physical pain, post-traumatic stress, and some behavioural problems.

“All the clients assessed and supported emotionally were broken and felt powerless. They will need therapy to reclaim their lives and identities and transform trauma to a future of hope and realise the opportunities each one of them has while challenging any stereotypes,” recommended one counsellor.

Loss and grief counselling was also recommended for secondary survivors who lost their loved ones. Support should be provided for victims to access medication. Those who need further tests or medical procedures should be supported accordingly.

Victims with evidence and reliable witnesses need assistance to process their issues through available legal means since most of them come from low-income areas and cannot afford to represent themselves in court.

5. VISUAL EVIDENCE OF DEATH AND INJURY FROM PUBLIC PROTESTS IN KENYA, 2023

WARNING: VIEWER DISCRETION IS STRONGLY ADVISED



Figure 8: Joseph Mulindwa, writhes in pain from a fractured left toe caused by blunt force trauma resulting from beatings he suffered at home in Nyalenda, Kisumu County. One of his toes was later amputated. PHOTO | IMLU 2023*



Figure 9: Brevilian Ndula, shot at close range on the ribs in Kangemi, Nairobi County. PHOTO | IMLU.



Figure 10: The body of Munasar Adow Ahmed, who was shot in Wajir County during the autopsy. PHOTO | IMLU



Figure 11: A man's left foot ruptured by a teargas canister shot at close range on July 19, 2023 in Migori.



Figure 12: A man bleeds from a gunshot wound.



Figure 13: A 14-year-old, D.O, was shot at close range by a teargas canister at a playing field in Nyalenda, Kisumu. The shooting led to her loss of speech and hearing. PHOTO | IMLU*



Figure 14: Tear-gassed and unconscious pupils of Kihumbuini Primary School in Kangemi, Nairobi



Figure 15: Preliminary documentation of the tear-gassed pupils from Kihumbuini Primary School in Kangemi, Nairobi.



Figure 16: A man shot on the thigh in Kisumu.
PHOTO | IMLU



Figure 17: Post mortem examination of a man who was fatally shot in Kisumu.
PHOTO | IMLU



Figure 18: Close range bullet shot. PHOTO | IMLU



Figure 19: A boda boda rider shot by a rubber bullet at close range as police officers dispersed protesters. PHOTO | IMLU

6. CONCLUSION AND RECOMMENDATIONS

Deductions from the Findings

Authorities not only failed to protect, respect, and fulfil the constitutional right to protest, but they also actively violated it with habitual regularity. Public statements banning political demonstrations as soon as they were announced were swiftly followed by heavy deployment of police in areas where the opposition enjoys broad support.

It is incongruous that the police would abuse the responsibility they bear to protect lives as the very cover to end the lives of 67 people in the course of policing the right to protest, a tenth of them children.

Police deployed to ostensibly ensure peaceful demonstrations and protect the people from any harm used their authority and arms excessively, causing a great deal of injury, both physical and mental. Reports from monitors and the media clearly show that the police management of public protests, especially in July, employed excessive use of force: live ammunition, rubber bullets and teargas were used over and above the need to maintain order. The indiscriminate use of force resulted in children and adults being killed, injured by gunshots, rubber bullets or teargas.

From the victims' accounts of their encounters with the police, as well as from media reportage of the demonstrations, there is no evidence that non-violent means were employed in the management of protests. Numerous reports corroborate claims that days before the demonstrations, police moved from door to door in areas such as Nyalenda in Kisumu dragging out men from their houses and assaulting them with clubs and truncheons. Women who tried to protest against this trespass on their homes and to defend their men and boys from brutality were themselves tortured through assault, battery, and threats.

Residents of these areas felt helpless because they could not defend themselves against armed government officials. The intrusion of armed government officials into homes left families feeling violated and vulnerable. Residents also understood this tactic as a method to silence them and keep them away from participating in protests, which is their right as citizens.

On the days when protests were held, the deaths recorded were deliberate executions. Victims' witness statements and post-mortem reports bear out this conclusion. Victims were shot in the head, in the back or in the chest. Post-mortem examinations conducted on the victims' bodies established that there were no defence injuries, meaning that the victims were not in a situation that warranted the use of firearms against them. Witness statements also indicate that those killed were out on their usual routines following the assurance of normalcy from government and security authorities – they were students heading to educational institutions, traders at their business, or employees heading to work.

An inordinate number of victims suffered gunshot wounds, itself evidence of the widespread use of live ammunition in policing protests. Witness statements indicate that the victims were shot while riding as pillion passengers on motorcycles in Migori, Kisumu and Nairobi, or walking to shops or to fetch water in Kisumu's Nyalenda A and B areas. The regulations on the use of force specifically injunct police officers against using force, except as a last resort. There is not a single incident where victims of shooting were warned about the imminent use of firearms as is required by law: in several instances, the shock of gunshot numbed them before they realised what had happened from loss of mobility and profuse bleeding.

The use of rubber bullets, teargas and truncheons resulted in at least one death each, and numerous life-changing injuries for many victims. Numerous other injuries were recorded as resulting from the use of these so-called *non-lethal* weapons. The classification of rubber bullets, teargas and truncheons as *non-lethal* weapons in policing protests is, therefore, invalidated by these outcomes.

The invoice of deaths and injuries from Mlolongo in Nairobi, Nyalenda in Kisumu, as well as Migori and Homa Bay portray a deliberate policy of employing punitive policing tactics in managing protests. Residents of certain low-income estates in Kisumu, Homa Bay and Migori were tortured by police. Not only is such a policing policy discriminatory, but it also indicates profiling and targeting of communities, which approaches the threshold for violation of international criminal law.

Duty of Care and Police Accountability

The loss of life, physical disabilities, psychological and mental trauma individuals and families suffered require formal acknowledgement and redress. Police officers who violated the human rights of hundreds of victims – from torture and extra-judicial executions to intrusion into homes -- should be held to account. Expeditious investigations and justice are what the law promises victims, and is their entitlement.

There was an evident breakdown in discipline that was encouraged by the police high command. Some victims indicated that some of those involved in perpetrating crimes against them were dressed in plain clothes, sported beards and dreadlocks, or covered their heads with marvin hats, or had black masks on their faces. These observations are troubling because they suggest that individuals who are not in the employ of the police service might have been contracted to commit human rights violations with the approval of law enforcement.

The police did not take any of the victims to hospital after they were shot or otherwise injured, contrary to the requirements of the law. They did not secure the scenes of crime or collect evidence to aid in criminal investigations. The glaring absence of P23 forms from mortuaries, which police are required to fill out to indicate the identity of the body and circumstances at the crime scene, and the lack of OB numbers, is also unusual and irregular.

None of the post-mortem examinations conducted indicate that the police were present, even though the presence of other witnesses is recorded. The disinterest police displayed towards all the victims of killings during the demonstrations is an eloquent statement on their attitude.

The National Police Service's regulations on the use of force state:

“Any use of force that leads to death, serious injury and other grave consequences is required to be reported immediately by the officer in charge or another direct superior of the person who caused the death or injury, to the Independent Police Oversight Authority who shall investigate the case.

“A police officer who makes a report to the Independent Police Oversight Authority shall—(a) secure the scene of the act for purposes of investigations; and (b) notify the next of kin, their relative or friend of the death or injury.”

It is also a requirement of the law that a police officer who uses any form of force shall immediately report to their superior, explaining the circumstances that necessitated the use of force; and the supervisor shall judge the rightfulness of the use of force and decide on the next step.

The National Police Act lays out, under Schedule Six, the circumstances under which the use of force is justified. It provides that a

police officer shall always attempt to use non-violent means first, and force may only be employed when non-violent means are ineffective or have no chance of achieving the intended result.

The regulations on the use of force also state that “the force used shall be proportional to the objective to be achieved, the seriousness of the offence, and the resistance of the person against whom it is used, and only to the extent necessary while adhering to the provisions of the law and the Standing Orders”.

There are numerous instances where post-mortem examination reports show that victims were shot in the back, in the head and in the chest at close range. Statements recount chilling encounters where people were ordered to lift their arms in surrender and shot. Others were pulled out of their houses and assaulted -- motorcycle operators and passengers, people coming from shops, or from fetching water were shot at point blank range.

The Service Standing Orders lay down the procedure to be followed in the event that a police officer kills a person. Police are required by law to provide medical assistance when the use of force results in injuries. In none of the 296 cases recorded in this report did the police offer assistance to the victims. Good Samaritans and neighbours are routinely cited as the first responders in all the instances where assistance was required. It is a criminal offence for the police to fail to take injured people to hospital, especially when they are the cause of that injury.

Additionally, police are required to notify relatives or close friends of the injured or affected person. None of the relatives interviewed said they were notified by the police of the injury or death of their loved ones.

There are other red flags in the story of torture around demonstrations: the attempt to cover up a gunshot by stitching the entry and exit wound after death is telling.

Remarkably, all the post-mortem examinations conducted on victims of police killings in Migori, Homa Bay and Kisumu show that there were no police Occurrence Book numbers., and the pathologists instead note the burial permit numbers.

The testimony of one advocate demonstrates police indifference, evasiveness, and obstruction of attempts to document occurrences related to deaths and injuries resulting from public protests and demonstrations. Kennedy Lugano Odhialo, an advocate of the High Court of Kenya based in Kisumu, accompanied an IMLU official to Nyalenda Police Station on August 23, 2023 at 10 am to support victims of torture and other violations to report what had happened to them and obtain official documentation. The team spoke to the Officer Commanding Station about the need for victims, whom they had accompanied, to make reports about violations and obtain Occurrence Book numbers. The officer declined to receive the reports and instead directed them to the Officer Commanding Police Division, despite being advised on the legal requirement for him to receive the reports.

The two advocates were thereafter joined by one more lawyer and a reparations officer, both from IMLU, to visit Kasagam Police Station. The officer in charge again declined to receive or book the complaints, arguing that a long period of time had elapsed since the incidents took place. When it was pointed out to him that there was no time limit on reporting criminal offences, he then changed his excuse to argue that the complainants did not come from his jurisdiction, a claim that was disproved. Finally, he decided that the complainants were “too many”, and he could not take down their complaints all together but preferred that they return one by one from Monday, August 28, 2023. He thereafter abruptly left the office, claiming that he had to attend to an emergency.

The Inspector-General of Police has power to investigate killings, notwithstanding any other investigation such as by the Independent Policing and Oversight Authority. The statements issued by the IG so far, denying that police killed people, do not support the expectation that any investigations were carried out, or ever would be.

General Principles for Police Use of Force and Firearms

As indicated earlier in this report the excessive use of force and firearms in managing public order in Kenya during the period under review fails to meet the general principles on the use of force and firearms. No evidence was found to show that the use of force and firearms met the principles of justiciability, proportionality, necessity or legality. The motive seems largely to be punitive, akin to regime policing, where the objective is to protect the political interests of the regime in power as opposed to democratic policing where the goal is to maintain the rule of law.

This is the more reason why this report recommends the establishment of a commission of inquiry to investigate police conduct and the violations meted against the populace. The nation must be told what reason police had to brutalise, break into homes, and execute 51 young persons in a record five days in July 2023!

Recommendations

The scale and magnitude of violations documented in relation to demonstrations calls for an independent inquiry that would address the systemic, structural, and operational aspects of this epidemic. This is in line with the State's initial commitment to establish an inquiry into police excesses.

Poverty is a critical determiner of whether or not one becomes a victim of torture or torture-related violations. Most survivors and victims are residents of informal settlements in Kisumu (Nyalenda, Nyamasaria and Obunga); Homa

Bay (Shauri Yako); and Nairobi (Kibera, Mathare, and Kawangware). The poor are thus vulnerable as protestors who can be mobilised around local and national socio-economic and political grievances. They subsequently become vulnerable to police brutality and torture as demonstrators and are vulnerable to invasion of their residences by security forces. Survivors and families of victims should be placed in a sustainable livelihood programme, which should be established immediately.

Executive

Given the unprecedented and alarming rise in torture and torture-related violations observed in 2023, the executive arm of the government must undertake immediate and robust measures to address this pressing issue. Urgent actions, such as implementing enhanced oversight, accountability mechanisms, and comprehensive training programs for state officers, are essential to curb the persistence of egregious human rights violations.

Other measures include:-

Implementing enhanced oversight, accountability, and comprehensive training for state officers to counter the surge in torture and related violations in 2023. Prioritise adherence to legal provisions, ensuring accountability for torture to rebuild trust in law enforcement. The Executive must formally acknowledge violations, recording all cases transparently through police occurrence books and unhindered P3 form issuance.

Immediately reviewing the outdated Public Order Act of 2011 to align it with the Constitution of Kenya, 2010, ensuring justice and legality in the legal framework.

Reassessing the classification of weapons as non-lethal due to police misuse. There is need to acknowledge their potential lethality, conduct a comprehensive review of weapon categorisation, and implement robust training for responsible force use to prevent harm and loss of life.

ODPP

The Office of the Director of Public Prosecutions should immediately review the submitted IPOA reports and evidence gathered during investigations into reported police misconduct during the period. This includes assessing whether there is sufficient evidence to support criminal charges.

Once the ODPP makes the decision to charge, the prosecution should commence. This is a necessary step for making substantive legal arguments and securing precedent setting convictions that further cement adherence of human rights during protests.

Where need be, the ODPP should monitor the conduct of investigations to ensure the admissibility of evidence, and adherence to due process. Through this, the office will maintain the integrity of the legal system in the midst of a crisis of accountability.

The ODPP should provide continuous legal guidance and advice to investigative agencies such as IPOA and the police Internal Affairs Unit to ensure that investigations are conducted within the law, and the overall legal process is strengthened in pursuing prosecutions.

Office of the Attorney General

The Attorney General's office is urged to revise existing legislation regarding assistance for victims of torture and torture-related violations. This revision should not only include provisions for compensation but also encompass special prosecution of offenders and comprehensive care and treatment addressing the lasting impacts of torture-induced injuries. Some of these legislations include the Prevention of Torture Act, 2017, Victims Protection Act *et al.*

A strategic initiative should be undertaken to activate the Victims Protection Trust Fund, as stipulated in the Victim Protection Act of 2014. Simultaneously, efforts should be directed towards establishing the necessary

infrastructure and framework for a reparations system to further enhance support for victims of torture.

The establishment of the Coroner's General office is imperative to ensure thorough investigations into cases of extra-judicial executions. This crucial step contributes to reinforcing legal mechanisms for addressing the consequences of torture while enhancing overall support for victims through effective judicial oversight.

National Police Service

The NPS should immediately conduct impartial and thorough investigations into allegations of police violations, including cases of excessive use of force, torture, unlawful detention, or any other actions that infringed upon individuals' human rights during protests.

In cases where there is credible evidence of police misconduct, the National Police Service should take appropriate disciplinary actions. This may involve suspending officers involved in the alleged violations during the investigation to ensure the integrity of the process and prevent interference.

The National Police Service should collaborate with IPOA as well as the human rights commissions. This cooperation may involve providing necessary information, facilitating investigations, and adhering to recommendations made by these oversight bodies to ensure transparency and accountability.

In future, the NPS should ensure compliance with legal provisions mandating the reporting of all cases of injuries and deaths to relevant oversight bodies. For example, the National Police Service should be compelled to report such incidents to an independent body like the Independent Policing Oversight Authority (IPOA) to enable independent investigations and oversight.

IAU

The Internal Affairs Unit should play the crucial role of thoroughly investigating complaints, towards identifying and addressing reported instances of misconduct, ensuring that officers are held to account for their actions. This should be geared towards building trust between law enforcement and the community.

Based on the findings of their investigations, the Internal Affairs Unit should recommend appropriate disciplinary measures for officers found culpable for misconduct. This may include issuing warnings, suspensions, or even recommending criminal charges depending on the severity of the transgression.

IPOA

It is recommended that IPOA conducts comprehensive and impartial investigations into incidents of excessive use of force during protests. This entails the thorough gathering of evidence, systematic interviewing of witnesses, and meticulous scrutiny of the actions taken by involved police officers. Emphasising a commitment to a thorough and unbiased investigative process is crucial for holding accountable those responsible for any misuse of force.

IPOA should place a high premium on transparency in its findings and actions. This involves advocating and implementing practices such as publicly sharing investigation outcomes, providing regular updates on ongoing investigations, and holding police officers accountable for any identified misconduct. The promotion of transparency serves to foster public trust and confidence in the oversight process, highlighting a commitment to accountability for instances of excessive use of force.

In addition to addressing individual cases, the report suggests that IPOA actively advocates systemic changes in police policies and training programmes. This advocacy should include

engagement with relevant authorities to review and update policies pertaining to the use of force during protests. Furthermore, the report recommends advocating enhanced training for law enforcement officers, specifically focusing on crowd control and non-lethal methods. These recommendations aim to prevent future instances of excessive use of force, and ensure a rights-respecting approach in the handling of public protests.

Witness Protection Agency

The Witness Protection Agency should support the accountability process by ensuring the safety of witnesses who may be crucial in investigations and prosecutions related to all the reported police misconduct cases. This includes providing secure locations, identity protection, and other measures to safeguard witnesses from potential harm or intimidation.

The WPA, in collaboration with other agencies, should encourage witnesses to come forward and cooperate with investigations into the reported cases. By providing assurances of protection and utmost confidentiality, the agency will allay potential fears or concerns that witnesses may have about retaliation or harm, thereby facilitating their willingness to testify.

The WPA should offer ongoing support to witnesses throughout the legal proceedings. This includes accompanying witnesses during court appearances, providing counselling services, and addressing any additional needs to ensure their well-being and cooperation throughout the investigative and legal processes.

Civil Society

Kenyan civil society organisations should engage in advocacy efforts to raise awareness about police violations of human rights. This includes organising campaigns, seminars, and workshops to educate the public on their rights, encouraging transparency, and fostering a culture of accountability. By keeping the issue in

the public consciousness, civil society organisations can put pressure on authorities to address and rectify human rights abuses.

Civil society organisations should actively monitor and document cases of police misconduct and human rights violations. This involves gathering evidence, documenting incidents, and maintaining a record of patterns and trends. Such documentation serves as a valuable resource for advocacy, legal action, and engaging with relevant authorities to demand accountability.

Civil society should provide legal advocacy and support for victims of police violations. This may include offering legal representation, assisting with filing complaints, and supporting legal actions against perpetrators. By facilitating access to justice, civil society organisations contribute to holding to account those responsible for human rights abuses within law enforcement agencies.

Civil society organisations should collaborate with independent oversight bodies, such as KNCHR and IPOA to strengthen external scrutiny of police conduct. This collaboration may involve sharing information, providing expertise, and advocating reforms based on the findings of independent investigations. Engaging with oversight bodies reinforces the checks and balances needed to ensure accountability.

Development partners

Development partners should support programmes that enhance the capacity and training of law enforcement agencies in human rights principles and practices. This includes providing resources for training on ethical conduct, community policing, and respecting human rights standards. By investing in the professional development of police officers, development partners contribute to preventing human rights violations.

Further, the partners should allocate funds to support civil society organisations working on human rights issues and police accountability. This assistance can empower these organisations to conduct independent investigations, advocate policy reforms, and provide legal assistance to victims. By supporting civil society initiatives, development partners strengthen the external mechanisms that hold law enforcement to account.

In the same vein, development partners should allocate resources to strengthen independent oversight bodies responsible for monitoring and investigating police conduct. This includes supporting human rights commissions, ombudsman offices, or other independent bodies tasked with overseeing law enforcement activities. Adequate funding ensures these bodies have the resources and independence needed to effectively carry out their mandates.

IMLU's Commitment

IMLU's core mission is to prevent and respond to instances of torture and related violations. This commitment is reiterated in this crisis towards recognising and promoting the rights to protests in two key ways.

First, on prevention, IMLU pledges to actively pursue and implement the recommendations herein. Additionally, IMLU is dedicated to collaborating with state and non-state entities to enhance the capacity of state officers. This includes the continuous sensitisation of state officers on crucial legal principles for fostering a better environment for the protection of protest rights.

IMLU remains dedicated to serving as the convener of the Police Reforms Working Group (PRWG), fostering ongoing efforts for comprehensive police reforms. This collective includes diverse NGOs with specific expertise, all committed to addressing crucial aspects of

police reforms with a focus on upholding the rule of law and promoting the enjoyment of human rights.

Further, IMLU is dedicated to continue the support in ongoing civic education, aiming to empower individuals with the knowledge and capacity to understand their obligations and rights concerning protest rights. This effort aligns with Article 37 of the Constitution of Kenya and general principles of public order.

On the responsive front, IMLU is committed to providing swift support and direct services to victims of torture. This commitment extends to facilitating reparations and ensuring the long-term rehabilitation of victims.

IMLU remains steadfast in its commitment to enhancing community policing committees, emphasising their pivotal role in nurturing communication and trust between law enforcement agencies and the community.

Recognising the fundamental duty of these spaces to facilitate open dialogue, build trust, and establish positive relationships, IMLU will actively contribute to the collaborative approach in addressing local safety concerns, ensuring the inclusion of community voices in decision-making.

Additionally, IMLU is devoted to supporting community policing committees in their vital role of problem-solving and crime prevention, engaging in collaborative efforts with law enforcement and community members to identify challenges, devise effective strategies, and implement preventive measures. This commitment, coupled with the promotion of community empowerment and education, aims to foster knowledge and active participation, contributing to a secure environment and the overall well-being of the community.

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