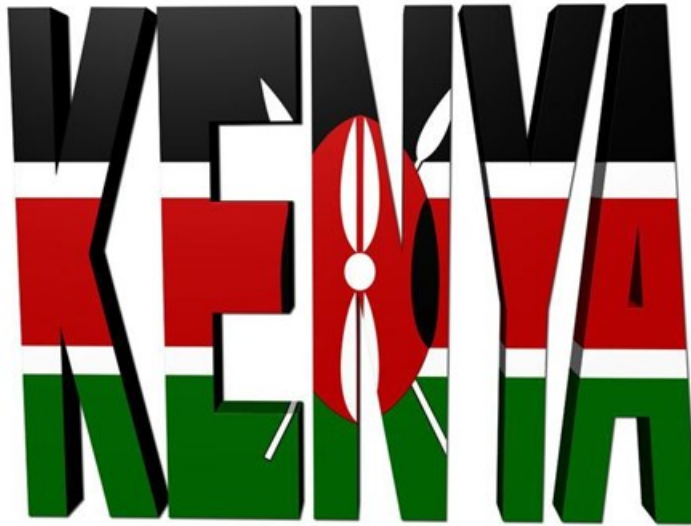


Freedom of expression urged in Kenya

Kenya must lift protest ban and end pattern of police brutality ahead of poll, UN experts warn. The experts denounced fake information being circulated on social media seeking to denigrate human rights organisations, including members of the Kura Yangu Sauti Yangu initiative which works for free and fair elections.



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Kenya must lift its newly-imposed ban on protests in key cities, end police brutality during demonstrations, and halt attacks on the judiciary and civil society in the tense run-up to presidential elections on 26 October, the group has urged.

“It is precisely when political tensions are high that governments should do their utmost to let people express their grievances and to protect their rights. Participants in peaceful protests are exercising and defending their legitimate right to voice their demands and express dissent,” the experts said.

“Even before this ban was imposed, we were witnessing a pattern of police brutality and excessive use of force against protesters, as well as consistent harassment of judges and threats to civil society,” the experts added. “Any unnecessary, excessive or otherwise arbitrary use of force by law enforcement officials is incompatible with the absolute prohibition of cruel, inhuman or degrading treatment.”

Protest ban

The ban means no protests can be held in parts of Kenya’s three largest cities - Nairobi, Mombasa and Kisumu - until further notice. Kenya’s Interior Minister cited “imminent danger” of breaches of the peace and public order issues, and warned that under existing laws, all other protests elsewhere in the country needed prior police permission, adding that organisers would be held criminally liable for any offence by any participant.

The experts noted that some previous protests had been marred by violent incidents, but urged the government to lift the ban without delay as it is under current circumstances neither necessary nor proportional, and – when responding to any violence - to ensure that security forces prioritized dialogue and non-violent responses.

“Kenya is facing a choice. We urge it to choose to uphold its constitution and pursue strengthening of its democracy, to avoid deepening political divisions and exacerbating tensions,” the experts said.

“Once that choice is made, it can say no to violence, repression, and impunity and a resounding yes to building trust – in institutions and processes and between citizens.”

The experts said there was currently an alleged climate of impunity for law enforcement officers despite the launching of several investigations, including one into the violence that followed the 8 August general election, when dozens of people were killed and dozens injured as a result of police action.

“The apparent gap in accountability is often caused by a lack of cooperation from the Kenya Police Service,” the experts noted.

They highlighted an incident on 28 September, when 27 students and staff at the University of Nairobi were reportedly injured when police used tear gas, beat them with wooden clubs, robbed them and threatened them with sexual violence.

A few days later, on 2 October, police reportedly used tear gas in a nursery in Nyalenda, injuring at least three children, while protests in some other parts of the country were also met with a heavy-handed response by security forces.

“We call for a prompt, independent and thorough investigation into all allegations of police brutality,” the experts said.

“Impunity fosters a culture of violence and mistrust, the opposite of what Kenya needs as it prepares for a repeat of the presidential elections,” the experts added.

They commended Kenyan individuals and parties for addressing grievances through relevant judicial mechanisms, but expressed serious concern over repeated attacks against individual judges and the judiciary in general and attempts to limit the courts’ role in hearing election-related petitions.

Rule of law

The experts also expressed concern over reports that the government had suspended, or was considering suspending, the activities of the International Development Law Organisation, an intergovernmental body which has been providing vital non-partisan support to the judiciary and other parts of the Government to promote the rule of law.

“Preserving the independence of the judiciary and constitutionally mandated institutions is of paramount importance as Kenya works towards delivering free, peaceful and fair presidential elections,” the experts stressed.

“Preserving the role of civil society is equally important. Robust checks and balances are the prerogative of every democracy. It is therefore imperative that Kenya implement the 2013 Public Benefits Organizations Act as soon as possible.”

Fake news

The experts denounced fake information being circulated on social media seeking to denigrate human rights organisations,

including members of the Kura Yangu Sauti Yangu initiative which works for free and fair elections.

"This is unacceptable and must immediately stop," the experts said. "Over the years, we have repeatedly raised concerns with the Government of Kenya about shrinking civil society space and attacks on individual human rights defenders.

"There has been no response from the Kenyan Government to at least 18 communications in the last three years. The Government now seems to have embarked on an effort to constrain even further freedoms of association, expression and opinion."

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