



KENYA: INCLEO members condemn the illegal use of live ammunition by police against protesters. We urge authorities to immediately put an end to the repression and guarantee freedom of assembly

July 25, 2023

The undersigned INCLEO members denounce the use of live ammunition against demonstrators and bystanders in the latest nationwide wave of protests in Kenya over the rise of the cost of living and controversial tax hikes. The illegal use of live ammunition combined with the excessive and disproportionate use of crowd-control weapons have led to the deaths of as many as [23 demonstrators and dozens of injured protesters](#).

All international and regional human rights standards prohibit the use of firearms in protest settings. [General Comment 37](#) on the right of peaceful assembly (Article 21) by the UN Human Rights Committee stipulates that “Firearms are not an appropriate tool for the policing of assemblies. They must never be used simply to disperse an assembly.” The regional guidelines emitted by the African Commission on Human and Peoples’ Rights concur: “Firearms are not an appropriate tactical tool for the policing of assemblies. Firearms must never be used to disperse an assembly. The indiscriminate discharge of firearms into a crowd is a violation of the right to life.” In accordance with all international law and its own national constitution, the State of Kenya is responsible for ensuring freedom of expression and peaceful assembly and protecting those exercising these rights.

Our most recent report, [Lethal in Disguise 2](#) –co-written by INCLEO and Physicians for Human Rights– provides up-to-date and medically reviewed evidence of the dangers of crowd-control weapons. This research clearly demonstrates that firearms should never be used in the context of protests and that crowd-control weapons can lead to serious injuries, permanent disabilities and even death.

Echoing the recent concern expressed by the INCLEO member organizations, the [Kenyan Human Rights Commission](#), as well as the [UN Human Rights Office](#), we call for an immediate end to these episodes of institutional violence and call for effective measures to prevent further victims.

Specifically, we call upon the Kenyan government to:

- Immediately stop the use of live ammunition and disproportionate use of crowd-control weapons - including tear gas, batons and water cannons - by Kenyan law enforcement.
- Mandate an independent body to conduct urgent and transparent investigations into the deaths and unlawful use of force, with a view to establishing responsibilities and accountability, including the various levels of law enforcement command structure in charge during the incident.
- Take all steps necessary to ensure the rights to freedom of expression, peaceful assembly and association as guaranteed by the Kenyan Constitution and international human rights law.

Signatories:

Agora - Russia

Association for Civil Rights in Israel (ACRI) - Israel

Canadian Civil Liberties Association (CCLA) - Canada

Centro de Estudios Legales y Sociales (CELS) - Argentina

Dejusticia - Colombia

Egyptian Initiative for Personal Rights (EIPR) - Egypt

Human Rights Law Center (HRLC) - Australia

Human Rights Law Network (HRLN) - India

Hungarian Civil Liberties Union (HCLU) - Hungary

Irish Council of Civil Liberties (ICCL)- Ireland

Kenya Human Rights Commission (KHRC) - Kenya

KontraS - Indonesia

Legal Resource Centre - South Africa