

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL KEN 3/2025
(Please use this reference in your reply)

5 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of violations against human rights defenders and civil society. In particular we would like to highlight allegations of **attempts to prevent the media from reporting live on the peaceful protests on 25 June 2025, of the arrests and arbitrary detention of Mr. Mark Amiani, Mr. Mulingwa Nzau, Mr. Francis Mutunge Mwangi and Mr Boniface Mwangi in connection with these protests, of the deportation of Mr. Martin Mavunjina, and of attacks against a press conference hosted at the Kenya Human Rights Commission.**

Mr. **Mark Amiani** is a human rights defender and member of the Social Justice Centres Working Group and Kongamano La Mapinduzi Movement. His human rights work focuses on documenting human rights violations carried out by members of the police in Kenya and advocating for social justice.

Mr. **John Mulingwa Nzau** is a human rights defender who focuses on exposing extrajudicial killings, enforced disappearances, and human rights violations committed by the police in Kenya. He is also a member of the Social Justice Centres Working Group, Bunge la Wananchi and the Kongamano La Mapinduzi Movement.

Mr. **Francis Mutunge Mwangi** is a human rights defender who works with the Ruaraka Social Justice Centre documenting incidents of police misconduct and security sector abuses.

Mr. **Boniface Mwangi** is a photojournalist, human rights defender and founder of Pawa 254, a civil society organization based in Nairobi, Kenya, which promotes active civic participation, human rights, livelihood improvement, and employment development for Kenyan youth.

Mr. **Martin Mavunjina** is a Ugandan national, a human rights defender, lawyer, Senior Legal Advisor on Transitional Justice for the Kenya Human Rights Commission (KHRC) and Vice-President of the World Coalition Against the Death Penalty.

Special Procedures mandate holders have previously highlighted to your Excellency's Government allegations of abductions, enforced disappearances and the detention of individuals, including protestors and human rights defenders, in relation to the protests that occurred in June, July and August 2024 ([UA KEN 4/2024](#)). We regret not having received a response from your Excellency's Government to this communication, in particular in light of the below detailed allegations.

According to the information received:

Crackdown on media outlets reporting live from nationwide protests on 25 June 2025

On 25 June 2025, protests against police brutality and Government policies were held nationwide in Kenya, during which sixteen people were killed and hundreds more were injured. The protests marked the one-year anniversary of a national strike which took place in the context of demonstrations held in June, July and August 2024 calling for the repeal of the proposed Finance Bill 2024/2025. These protests were also met with police violence resulting in multiple deaths, abductions and enforced disappearances.

During the protests on 25 June 2025, several major media stations reported having had their transmission centres raided by police and communication officials who switched off their signals, preventing them from broadcasting and reporting on the protests except for on social media platforms. On the same date, the Communications Authority of Kenya introduced a directive instructing Kenyan media houses to cease live broadcasts of the demonstrations and effectively banning them from doing so. Later that same day, this directive was suspended by the High Court sitting in Milimani on until 24 October 2025 when a case, brought by civil society actors to determine the directive's legality, will be heard. In its ruling, the Court found that the directive to be potentially unconstitutional.

The arrests and arbitrary detention of Mr. Mark Amiani, Mr. Mulingwa Nzau, Mr. Francis Mutunge Mwangi and Mr. Boniface Mwangi

On 27 June 2025, two days after the protests, Mr. Mark Amiani, Mr. Mulingwa Nzau, and Mr. Francis Mutunge Mwangi were intercepted on their way to work in Mombasa by police officers from the Directorate of Criminal Investigations (DCI). The three human rights defenders were then reportedly arrested and brought to Muthaiga Police Station where they were detained without having been informed of any formal charges against them.

On 30 June 2025, the three human rights defenders appeared in Court where they were charged with incitement of violence, damage to property, and theft, in connection with violence and destruction of property which took place alongside the nationwide protests on 25 June 2025. The DCI further argued that the human rights defenders were fleeing Nairobi when they were intercepted. The prosecution requested that they be detained for an additional twenty-one days to 'facilitate investigations' but reportedly failed to present the Court with

any credible evidence linking them to the allegations.

On 2 July 2025, the three human rights defenders were released on bail. They are required to report to the investigating officer at Muthaiga police station twice per week to facilitate ongoing investigations.

A hearing was scheduled for 23 July 2025 to determine whether the prosecution's request for the human rights defenders to be detained for a further 21 days should be granted but this was delayed until 21 August 2025 because the DCI had reportedly not completed their forensic investigations.

On 19 July 2025, human rights defender Mr. Boniface Mwangi was also arrested at his home in connection with the protests on 25 June 2025. During the arrest, the human rights defender's home was raided, and the police seized two mobile phones, a laptop, several notebooks, hard drives, two computers, two unused tear gas canisters and a blank firearm cartridge.

On 21 June 2025, Mr. Mwangi was brought before the Kahawa Law Courts by the DCI and charged with unlawful possession of ammunition. On the same date, he was released on bail. He is currently awaiting trial. His next hearing is scheduled to take place on 21 August 2025.

Prior to his detention, Mr. Mwangi has been arrested multiple times in Kenya. Additionally, he was subjected to an enforced disappearance reportedly by Tanzanian security forces between 19 and 22 May 2025, when he was found dumped in the Kenyan town of Ukunda.

The deportation of human rights defender Mr. Martin Mavunjina

On 5 July 2025, Ugandan citizen Mr. Mavunjina was returning from South Africa to Nairobi, Kenya, where he holds valid legal status to work and reside with his partner and two children who are all Kenyan citizens. Upon arrival at the Jomo Kenyatta International Airport (JKIA) in Nairobi, the human rights defender was allowed to pass through customs where his passport was stamped. Directly after, however, immigration officers reversed this decision, and the human rights defender was escorted to an immigration office. At the immigration office, Mr. Mavunjina's passport was confiscated, and he was led to a holding facility where he was temporarily detained until, after approximately thirty minutes, an immigration officer and five plain-clothes officers believed to be from the National Intelligence Service (NIS) escorted him to the Kenya Airways desk. Here, a ticket was issued for him to Kampala, Uganda, his passport was marked with an exit stamp, and his phone was temporarily confiscated. At no point was he informed of the legal basis or reason for his deportation, nor was he given access to a legal representative.

Attacks against the Kenya Human Rights Commission (KHRC)

The following day, on 6 July 2025, the KHRC and its civil society partners were hosting a press conference at their premises for a group of mothers, widows, and woman human rights defenders seeking an end to arbitrary arrests, enforced

disappearances and extrajudicial killings in Kenya. During the event, at approximately 1.30 p.m., unidentified armed individuals allegedly entered the offices, violently disrupting the press conference, destroying and stealing the equipment of several journalists, and accusing the women of ‘organising protests.’ The attacks were reported to the police but according to the information received, no investigation has been initiated.

Without prejudging the accuracy of the information received, we express serious concern at the arrest and detention of human rights defenders Mr. Mark Amiani, Mr. Mulingwa Nzau and Mr. Francis Mutunge Mwangi. We are particularly concerned about the apparent lack of due process employed in the arrests and the fact that the human rights defenders were held in pre-trial detention for three days before their trial and a further two days before they were released on bail. We are also seriously concerned about the arrest and detention of human rights defender Mr. Boniface Mwangi, and his judicial prosecution on alleged trumped-up charges. If confirmed, the alleged facts would appear to contravene, among other norms, with articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Kenya on 1 May 1972, which guarantee the rights not to be arbitrarily deprived of liberty, the right to a fair trial, as well as the rights to freedom of opinion and expression, peaceful assembly and freedom association.

We are further concerned by the deportation of human rights defender Mr. Martin Mavunjina who holds valid legal status to work and reside in Kenya with his partner and two children, all three of whom are Kenyan citizens. It is particularly worrying that Mr. Mavunjina was temporarily detained and then deported shortly after without being informed of the legal basis or reason for his deportation and without access to a legal representative. We express our concern at what appears to be an emerging pattern of criminalization and harassment of human rights defenders in Kenya in response to their legitimate and important human rights activities which we fear will create a hostile environment, generate fear, and prevent them from carrying out this work.

Equally concerning are the allegations of armed individuals violently disrupting the press conference hosted by KHRC and civil society partners at their offices, as well as attempts to introduce a directive preventing media outlets from broadcasting live at anti-government protests held on 25 June 2025. Such attempts to silence journalists and media outlets constitute blatant violations of article 19 of the ICCPR which refers to the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any medium they wish. The allegations above appear to be in direct breach of the freedom of the press and the right to access information. Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR and must be construed narrowly so as never to impair the essence of the right to freedom of opinion and expression itself. The restrictions allegedly imposed do not appear to meet these requirements established under international human rights law. States must refrain from unduly interfering with the right to freedom of expression to enable media to fulfil their role and watchdog function in a democratic society.¹ Furthermore, States must respect and support the work of NHRIs, like the KHRC, and protect them from attacks in

¹ <https://www.ohchr.org/sites/default/files/documents/issues/expression/activities/2023-JD-Media-Freedom-and-Democracy.pdf>

relation to the exercise of their role.

We are further concerned by the alleged highly disproportionate use of force against those present at the protests held on 25 June 2025 which reportedly led to the deaths of sixteen individuals and the injury of hundreds more. If confirmed, this would violate articles 21 and 22 of the ICCPR which guarantee the rights to freedom of peaceful assembly and association. Similarly to restrictions on the right to freedom of expression, any restriction on the right to freedom of peaceful assembly, which includes peaceful protests, can be subjected to restrictions only as narrowly defined by the ICCPR. Further, there must be a 'pressing social need' for the interference in the enjoyment of these rights (A/HCR/20/27), and States have an obligation to ensure that any restrictive measures fall within the limit of what is acceptable in a "democratic society".

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the arrest, detention and judicial prosecution of human right defenders Mr. Mark Amiani, Mr. Mulingwa Nzau, Mr. Francis Mutunge Mwangi, and Mr. Boniface Mwangi, and the deportation of human rights defender Mr. Martin Mavunjina. Further, please provide information on how these are compatible with international standards related to the right to liberty and security of the person, the rights to freedom of opinion and expression, and peaceful assembly and association.
3. Please indicate in detail which decisive and effective measures the Government of Kenya has taken, or intends to take, with a view to terminate the continued pattern of targeting human rights defenders and others protesting against government policies, police brutality, extrajudicial killings, and enforced disappearances. Please also indicate in detail which decisive and effective measures the Government of Kenya has taken, or intends to take, with a view to terminate any incidents of intimidation or harassment to journalists in relation to their work, as well as any undue or excessive restrictions on freedom of the press, broadcasting and reporting, and to investigate and sanction such practices.
4. Please provide the details of any investigation, and judicial or other inquiries which may have been carried out in relation to allegations of human rights violations during the protests held in 2024 and on 25 June 2025, as well as the press conference held by KHRC on 6 July 2025. If

no inquiries have taken place, or if they have been inconclusive, please explain why. Please also indicate any measures taken by your Excellency's Government to ensure that the victims of alleged violations have access to an effective remedy.

5. Please provide detailed information about the legal provisions in place for facilitating peaceful protests in the country. Please include details about protocols in place for the use of force by law enforcement, as well as the processes for ensuring accountability, justice, reparation and guarantees of non-recurrence for the human right violations committed in the action of police and other law enforcement officials in the context of protests.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that a copy of this letter has been shared with the Government of Uganda and the Government of the United Republic of Tanzania.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Kenya on 1 May 1972.

We would like to refer to the International Covenant on Civil and Political Rights (ICCPR), in particular to articles 6, 9, 19, 21 and 22 which establish the rights to life, liberty and security of the person, the right to freedom of expression, and the right to peaceful assembly and association.

We wish to recall article 6 of the ICCPR which provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In general comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted. Moreover, in general comment No. 31 the Committee has observed that there is a positive obligation on States Parties to ensure the protection of Covenant rights of individuals against violations by their own security forces.

The right to security of person refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or private actor. As the Human Rights Committee has emphasized in its general comment No. 35, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders (CCPR/C/GC/35, para. 9). Similarly, in its General Comment No. 36 on the right to life enshrined in article 6 of the ICCPR, the Human Rights Committee found that the duty to protect the right to life requires States Parties to adopt special measures of protection for persons in vulnerable situations whose lives are at particular risk due to pre-existing patterns of violence. This includes, of course, human rights defenders (CCPR/G/GC/36, paragraphs 23 and 53).

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

Article 19 of the ICCPR refers to the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any medium they wish. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The

Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed and that restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by in articles 21 and 22 of the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HCR/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”. We would also like to refer to the general comment No. 37 of the Human Rights Committee on the right of peaceful assembly (CCPR/C/GC/37), which stressed that “the possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly. [...] States are obliged to take all reasonable measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner”.

“States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights.

It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

The Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests (A/HRC/55/60) includes detailed protocols for the action of law enforcement prior, during and after protests. Among others, the Protocol indicates that when facilitating protests, law enforcers need to ensure that containment tactics, such as “kettling”, or any other similar tactic (including creating barriers around encampments) “are used only when it is necessary and proportionate to do so to address actual violence or an imminent threat, while avoiding the disproportionate restriction of protestors’ rights” (para. 75)

We would also like to refer to articles 4, 5, 6 and 7 of the African Charter on Human and Peoples’ Rights (African Charter), ratified by Kenya on 27 June 1981, which guarantee respectively that every human being shall be entitled to respect for his life and the integrity of his person, all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited, shall have the right to liberty and to the security of his person and shall have the right to have his cause heard.

We would also like to bring your Excellency’s Government’s attention to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Finally, we would like to draw particular attention to the following provisions of the Declaration:

- article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;

- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.