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# POLITICAL DEMONSTRATION: CAMOUFLAGED CRIME AND HUMAN SECURITY IN KENYA.

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## ABSTRACT

The aim of this paper has two folds: To interrogate the development of Political Demonstration in Kenya and delves into the complex relationship between political demonstrations, crimes within these demonstrations, and their impact on human security. This paper aims to shed light on the multifaceted dynamics that can influence peaceful demonstrations without affecting human security by examining case studies, underlying causes and providing potential remedies. Political demonstrations are a fundamental expression of civil society's engagement with governance and decision-making processes. They serve as a conduit for voicing grievances, advocating for change, and demanding accountability. However, the line between peaceful protests and criminal behaviour can be thin, potentially leading to a deterioration of human security. Though political demonstrations have long been a cornerstone of democracy, providing a platform for citizens to express dissent, advocate for change and participate in the democratic process. They have been witnessed with significant threats to human security.

**Key words:** Crime, Camouflaged crime Political Demonstration, Human Security

## 1. INTRODUCTION

The history of political demonstration in Kenya has its roots in the penetration of capitalism in Africa. Colonialism was a new phenomenon in Kenya from 1895 when Kenya was declared a British protectorate. The Alien penetration into Kenya after the famous Berlin conference led to the destruction of the indigenous structures of control and governance. The coming of the colonialist to Africa was with hidden motives of control and domination which camouflaged in the so-called humanitarian or philanthropic motives. Colonialist tainted in a positive picture in the commerce; Christianity and civilization which came to a halt after the establishment of colonialism. They now concentrated on economics, social and political control, domination and exploitation to their on vested interests.<sup>1</sup>

Colonial Conquest in Kenya after 1895 not only established foreign political domination, but also imposed a new strategy of capitalism penetration. Capitalism penetration in Kenya created new crimes and new modes of punishment. The introduction of this mode of production was the departure point for social cohesion and unity and the beginning of negative ethnicity and racism. The colonial government abolished the pre-colonial structures of governance that maintained peaceful coexistence of Kenyan communities. New crimes were evidence as conflict was established between the colonial government and the Africans.<sup>2</sup>

The process of colonial administration was very brutal as the colonial state used direct (military conquest) and indirect (taxation) coercive power. This process was accomplished through forceful seizure of land, livestock and forceful taxation. Anyone who resisted this was treated as a criminal and had to be isolated from the rest of the society.<sup>3</sup> Kenyan workers began struggling for their economic and political rights as soon as foreign capital came to Kenyan for its resources and labour. The first mass campaigns against colonialism were organised by peasants and were nationality-based. Although they scored valuable victories, they were

<sup>1</sup> S. Kiwanuka, *From colonialism to Independence; A reappraisal of colonial policies and African Reaction*, (Nairobi, 1973), p.16

<sup>2</sup> W.R. Ochieng' and R. Maxon, *An Economic History of Kenya*, (Nairobi, 1992), p.63

<sup>3</sup> *Ibid*, 64

defeated by a better armed colonial force. The lessons of these struggles were not lost on the growing working class who soon took leadership in the anti-colonial movements. Widespread political disobedience began with the advent of the British invasion and subjugation of the country, which commenced with the formal inauguration of the Imperial British East Africa Company rule in 1888, but more officially with the declaration of British East African Protectorate on 1st July, 1895.<sup>4</sup>

The working class began to set up their own organisations - trade unions - and used the strike weapon to achieve their goals. The first strike was organised in the year 1900. The colonial administration tried to divide the working class by preventing the formation of non-racial trade unions. Early trade unions included the Indian Trade Union (Mombasa and Nairobi, 1914), Workers Federation of British East Africa (for European workers) which was formed in 1919 with Lee Mellor as the President, and the Indian Employees Association formed in 1919 under the Hassanali Amershi's Presidency.

Edward Northey issued the forced labour circular which created a crisis in 1919. It was released due to the shortage of labour occasioned by forced labour recruitment for the carrier corps during the First World War and the increasing demand for labour by Europeans settlers coinciding with the famine and diseases. Settlers left their land unattended and needed labour for their plantation. This circular brought women to the limelight with the state. This infamous circular stated:

All government officials in charge of Native areas must exercise every possible lawful influence to induce able-bodied natives to go into the labour fields.<sup>5</sup>

The circular also stated that:

Where farms are situated in the vicinity of native area, women and the children should also be encouraged to go out for such labour as they can perform.

This circular was also followed by the establishment of Harry Thuku's African Association in the early 1920s that offered a challenge to this paternalistic dynamic. Thuku came into prominence as the head of the Young Kikuyu Association which later became the East African Association. The movement was created because of the issues of land alienation, particularly among the Kikuyu and introduction of the Kipande system. Thuku also addressed the issue of forced labour. Men and women were physically compelled to enlist and by the end of the first world war excessive force was used to coerce them to work for wages. They were forced to earn a living through wage labour. Poor houses in the reserves acted as incentives to compel women to offer labour for wages. Reports from settlers and employers showed that it was difficult to obtain labour that they required. This was discussed by the employers and colonel Ainsworth who had become the Chief Native Commissioner. The problem of shortage of labour force was witnessed in Nairobi.<sup>6</sup>

Thuku travelled to rural areas addressing large gatherings of Kikuyu. He articulated African grievances against the colonial government. He mobilized support and sent their sentiments to the colonial secretary. Thuku observes in his autobiography of how women were recruited as labourers by the chiefs.

It was at the leader, from about 1915, that I first began to think seriously about some of our troubles as Africans especially this question of forced labour. Before then only men had been made to work, but at about that time women and girls too were compelled to go out and work. This was what happened: a settler who wanted labour for his farm would write to the DC (District Commissioner) saying he required thirty young men, women or girls for work on his farm. The DC sent a letter to a chief or headmen to supply such a number, and the chief, in turn, had his tribal retainers to carry out this business. They would simply go to the people's houses very often where there were beautiful women and daughters and point out which were to come to work sometimes they had to work a distance from home, and the number of girls who got pregnant in this way was very great.<sup>7</sup>

On 24 June 1921, Harry Thuku convened a large public meeting at Dagoretti in which the acting Chief Native Commissioner, government officials, missionaries, chiefs, and Kikuyu prominent leaders attended. Thuku and the members of the Young Kikuyu Association attended. A number of issues were raised. Among the grievances raised included, the Kipande, increased taxation and forced labour of women and girls which involved defilement and rape of African employees. They complained of forced labour of girls and women.<sup>8</sup>

Harry Thuku was arrested and detained in Kingsway police station the current Nairobi Central police station on 14 March 1922, the following day the East African Association called a general strike and riot. A mammoth of workers marched to the police station to secure his release. There were 7000-8000 people gathered in the police stations. Sir Charles assured the crowd that Thuku was safe and that the government would give him full hearing after releasing him. This demonstration was recorded and published in papers relating to native disturbances in Kenya. This got international attention such that the governor wrote a letter to the secretary of state dated 11 April 1922. He noted:

The repeated warning and orders to disperse, not only from the government officers but also from their own leaders had been disregarded and the excitations of agitators and the taunts of the women had by then raised the ugliest passions. The attempt to disperse the mob through their own leaders was undoubtedly the wisest and most humane method, though it was

<sup>4</sup> K, Wanyiri. *The Price of Freedom: The Story of Political Resistance in Kenya*. (Nairobi, 2005).p.23

<sup>5</sup> See KNA/CO533/272, PRO London Monarch on Native Affairs in the East African Protectorate 17 May 1921. See also East African Standard on 1 November 1919

<sup>6</sup> KNA Labour 37/557 Vol 5 Letter illustrating the shortage of Labour Ainsworth wrote to the Provincial Commissioner. P C Mombasa on 25/11/1918 also an KNA/PL/NZA/1/1/4

<sup>7</sup> H. Thuku, *An Autobiography* (Nairobi, 1970), p. 12-17

<sup>8</sup> W.M. *Russ Kenya farm within* (London, 1927).p.23

unhappily frustrated by the inflammatory speeches of irresponsible native (one man, in particular, is mentioned) and jeers of the women who are always with African troubles prevented a peaceful termination of the episode.<sup>9</sup>

Thuku in his autobiography noted,

On the next morning, I could see the Norfolk (adjacent to the hotel) through my cell and I noticed that a large crowd was building up. People were pressing nearer and nearer to the police lines and one woman, Mary Nyanjiru began to shout that they should get their leader free. The police opened fire from the front and I heard that some of the settlers who had gathered on the Norfolk hotel shot at the Africans from behind. Many Africans were killed or wounded and the death of the woman Mary showed that women were at the forefront of Kenya's fight for freedom.<sup>10</sup>

The advance of women in the Thuku demonstration towards the soldiers, culminating in the death of twenty-one people demonstrated the tensions that existed and the urgent need for a revolution. Hurry Thuku was detained in Kismayu. Formation of early political movements and trade Unions were formed to agitate for African grievances. African Workers in Mombasa organised the Trade Union Committee of Mombasa in 1931 at a mass meeting of artisans, masons, and workers, while in Nairobi, the railway artisans formed the Kenya Indian Labour Trade Union in 1934. But by April 1935, it was decided to make the Union non-racial and to change the name to the Labour Trade Union of Kenya. This was a significant development for the working class in Kenya as it brought together workers of all races. It was also to prove an important development for publishing in Kenya. In the early period of worker organisations, their newspapers and publishing as a whole helped to give publicity to worker meetings and news about strikes. They informed workers throughout the country about worker actions in one town or in one industry.<sup>11</sup>

The Union led the workers out on strike in April 1937 for an 8-hour day and 25% wage increase, the Indian Contractors and Builders' Association brought out a handbill printed by the Colonial Printing Works, trying to deny some of the facts mentioned in Union handbills. The workers just ignored such propaganda. The strike for an 8-hour day and wage increases finally came to a successful end after 62 days and ended on June 3, 1937. The Union brought out another handbill informing workers about the success of the strike. All Nairobi employers agreed to an 8 hour day, and gave between 15- 22% increases in wages and recognised the workers' right to be represented by their Unions. All workers dismissed during the strike were reinstated. The Union announced a demonstration to celebrate the Nairobi workers victory.<sup>12</sup>

In February 1946, the African nationalist organisation, the Kenya African Study Union changed its name to Kenya African Union (KAU). There was a close co-operation between the trade unions and the KAU with many trade union officials being active in the political organisations. The year 1947 saw the struggle of the squatters from Kijabe, Kiambu and other areas culminating in the squatters' demonstration on the lawn of the Government House in Nairobi. Similarly, the struggle of workers was gathering strength. This was shown clearly by the General Strike in Mombasa from 13-25 January, 1947. The strike led by Chege Kibachia was an important achievement for the working class in Kenya. It set the scene for the intensifying struggles of the people of Kenya in the following period.<sup>13</sup>

The 1948-63 to which we now turn, was in many ways the most dynamic and revolutionary period in the history of Kenya. Many forces that had been preparing the people for active resistance to colonialism were in place by the end of 1947. A long history of struggle at different levels had been leading to one conclusion: that there could not be any meaningful change for the majority of people without an armed struggle.<sup>14</sup>

The Kikuyu ethnic group, which was affected by the British land grabs the most, started their protests against colonialization peacefully. However, by the mid-1950s they became more radical and decided they could not achieve independence through peaceful means. Members who joined the Mau Mau movement, whether or not they were actually from the Kikuyu tribe, were required to take an oath of allegiance. As resistance grew so did repression and the situation became violent on both sides. The Kikuyu resorted to guerilla warfare and the British used propaganda to convince Western powers and other ethnic tribes in Kenya that the Mau Mau were fanatical, secretive, and the common enemy of both the British and the rest of the indigenous Kenyans. At the core of the Mau Mau movement was access to basic rights: higher wages, increased educational opportunities, return of alienated lands, and African self-determination. The movement was eventually defeated by the extreme measures taken by the British. During this period oath-taking criminalized. The state of emergency criminalized any activity that the Africans did. The powers of the emergency were "extraordinary" in that the tribes of Kenya were punished for the sins of one or more of its members.<sup>15</sup> Although the Mau Mau rebellion was eventually put down, Kenya's eventual independence in 1963 was undoubtedly a result of the political and economic pressures created by the Mau Mau.

The attainment of Kenya's independence in 1963 was without doubt a historic moment. Kenya's new dispensation and its future were thrust upon the new leadership. Jomo Kenyatta became the first president of the republic. There was hope that the distribution of resources would no longer be skewed like in colonial times and the resources like land which was the core of the Mau Mau war would be redistributed to the majority of Kenyans who were poor and had suffered under the impoverishing and dehumanizing yoke of colonialism. Jomo Kenyatta of KANU rallied Kenyans to "forgive and forget". Bildad Kaggia of KADU was a

<sup>9</sup> KNA/Kenya Colony and protectorate 922-p7

<sup>10</sup> H. Thuku, *An Autobiography* (Nairobi, 1970), p. 33

<sup>11</sup> Fairplay February 14, 1931, quoted in Singh, Makhan (1969), pp. 41-42

<sup>12</sup> Singh, Makhan History of Kenya's trade union movement to 1952. (Nairobi, 1969), pp.23-27

<sup>13</sup> Singh, Makhan (1980): Kenya's Trade Unions, 1952-1956 (Cover title: 1952-56 Crucial Years of Kenya Trade Unions). (Nairobi, 1980), pp.12-17

<sup>14</sup> Ibid,

<sup>15</sup> KNA/AG/115 The Emergency Ordinance 1938

proponent of the ideology of against “forgive and forget” policy. From 1963 he and others had continued opposing Kenyatta’s ideologies.<sup>16</sup>

The rivalry between the two dominant political parties, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) intensified, mainly around the issue of the distribution of land. KANU advocated for a strong central government, while KADU canvassed for a federal government.<sup>17</sup> Kenyatta’s KANU government initiated a series of constitutional amendments that concentrated power in the hands of the central government at the expense of the eight federal governments. These amendments produced a strong provincial administration, which became an instrument of central control. Second, under Kenyatta, KANU initiated amendments which produced a hybrid constitution, in which the inherited parliamentary system of governance was replaced by a strong executive presidency without the checks and balances expected from separation of powers.<sup>18</sup>

In the late 1960s, violent civil disobedience was seen in the rivalry between Jomo Kenyatta’s party, KANU, and Oginga Odinga’s Kenya People’s Union (KPU). During Kenyatta’s visit to Kisumu in October 1969, just three months after the assassination of Thomas Joseph Mboya, the charismatic Minister for Planning, a large crowd of Luos reportedly threatened Kenyatta’s security, and was fired on by Kenyatta’s guards in what later came to be known as the “Kisumu massacre”, resulting in the death of Forty-three people. In an explanatory statement, the government accused Oginga Odinga’s Kenya People’s Union (KPU) of being subversive, intentionally stirring up inter-ethnic strife, and of accepting foreign money to promote anti-national activities. Soon after this incident, the Attorney-General Charles Njonjo banned “Kenya Peoples Union and all its branches and sub-branches” under Legal Notice No.239 of 30th October 1969, and Kenya became a de facto one party state. Several KPU leaders and MPs were also immediately apprehended and detained.<sup>19</sup>

In 1975, there were student demonstrations to protest the assassination of the popular Member of Parliament for Nyandarua North, Josiah Mwangi Kariuki. Academics also wrote fictional and non-fictional pieces protesting rampant corruption and political intolerance, and had to endure various forms of reprisals for their actions. Jomo Kenyatta died in 1978, he was succeeded by President Danie Toroitich Arap Moi.

In the Moi era, there were numerous instances of both non-violent and violent civil disobedience. Furthermore, the year 1990 was critical in the construction of alliances that brought the debate about political pluralism to the streets of Nairobi for the first time since the Odinga-led opposition Kenya Peoples Union (KPU) was banned by the Kenyatta regime in 1969. A number of forces were marshalled against Moi’s single-party regime. Among these were the original radical tradition of dissent sustained by Oginga Odinga for three decades, opposition from several religious leaders, a tradition of protest sustained by groups of intellectuals and students at university campuses since the 1960s, a group of reformist constitutional lawyers, and Western bilateral and multilateral financiers.<sup>20</sup>

One of the instances of violent civil disobedience during Moi’s reign involved the agitation for the restoration of multiparty politics. On 4th July, 1990, three days before a proposed rally in Nairobi to pressure the Moi regime to allow for multiparty politics, police arrested and detained Charles Rubia, Kenneth Matiba, several lawyers and other political leaders. The crackdown on these opposition figures provoked large-scale violence all over the country. The riots began on 7th July 1990, and lasted about five days. The centers of violence were in and around Nairobi, and in the main towns of the Central Province such as Nyeri, Murang’a and Thika. Kisumu was a center of violence in Nyanza. Students from all university campuses also demonstrated in favour of a multi-party system. According to government sources, twenty-seven people were killed during the Saba Saba events (as they were later known). However, unofficial estimates claim that there were over one hundred fatalities and hundreds of injured (not to mention the burned houses and stolen property).<sup>21</sup>

On the other hand, the non-violent strategy of the Release Political Prisoners (RPP) lobby in the early 1990s also met with force from the Moi regime. In support of the demand for the release of political prisoners, a mothers' hunger strike was launched on 28th February, 1992. The mothers, relatives and friends of political prisoners delivered a petition to the Attorney General demanding their release. Fourteen women then began their hunger strike in Uhuru Park in Nairobi to await the government's response. On the fourth day, a peaceful demonstration in solidarity with the women was attacked by heavily armed police, resulting in the injuring of scores of people. The following day all the women were detained, as were their supporters in the Release Political Prisoners who were present. Anti-government riots erupted in Nairobi, but were violently put down by police. Following their release, the women regrouped at the All Saints Cathedral in Nairobi. On 7th March 1992, a group of women began another hunger strike in Mombasa.<sup>22</sup> The Moi regime was eventually compelled to release all political prisoners.

There was a lot of chaos, street fighting between the police and people in many towns across the country. Hundreds of people were arrested and held in police stations and prisons. The Moi government decided to reintroduce detention without trial and arrested

<sup>16</sup> W. R. Ochieng. “Structural and political changes in B. A. Ogot and W. R. Ochieng. *Decolonization and Independence in Kenya 1940-1993*. (London, 1987-1988.)

<sup>17</sup> S.N Ndegwa. “Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics”. *American Political Science Review*, 1997 Vol.91 No.3, pp.599-616.

<sup>18</sup> Badejo, Babafemi A. *Raila Odinga: An Enigma in Kenyan Politics*. (Lagos,2006), p.2

<sup>19</sup> Wanyiri, Kihoro, p.24

<sup>20</sup> E.S. Atieno-Odhiambo, *Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya*. 2002 African Studies, Vol.61 No.2, pp.223- 249

<sup>21</sup> Sabar-Friedman, Galia. “The Mau Mau Myth: Kenyan Political Discourse in Search of Democracy”. *Cahiers d'Études Africaines*, Vol.35, 1995. 137, pp.101-131.

<sup>22</sup> Dixon, Norm. 1992. “Campaign for Kenyan political prisoners”. *Green Left Weekly*, Wednesday, 8th April, 1992. [www.greenleft.org.au/node/4052](http://www.greenleft.org.au/node/4052) See also J.N.Kungu Gender, Crime And Punishment Kenya: A Study of Langata Maximum Women Prison, 1960 To 2010, PhD thesis 2021



six Kenyans who were seen by the Moi regime to be at the center of multiparty activism. These detentions put Kenya on the verge of civil war that was followed by an outcry both in Kenya and abroad.<sup>23</sup>

Year 2002 was seen as an year of demise of dictatorship and an end of an authoritarian KANU government that had ruled for 40 years. It was a year of political transitions that would lead to a wholistic change in Kenya's society's social-political and economic landscape. This is what Kenyan expected after the Euphoria that accompanied the 2002 elections. The Kibaki regime marked the third presidency since independence. The previous regimes were characterized by continuities of colonial relics in both leadership and policies of government. This continuity contributed to limited transitions as these Presidencies each made room for its successor. It was a regime that Kenyans expected would bring beneficial transition in governance and service delivery. The year 2002 was a culmination of the struggle for multiparty democracy. The period between 2002 and 2010 was no doubt, a watershed in Kenya's political history. It was a defining moment because the government supported by the civil society had ascended into power. A moment in which a number of human rights NGOs were engaged in collaborative projects with the government while a number of NGO luminaries had joined government.<sup>24</sup>

## 2. READY TO LOOT, READY TO SHOOT: CAMOUFLAGED CRIMES

People take to the streets for several reasons. Advancing their demands to the authorities is an obvious one, Political demonstrations, ranging from protests and rallies to marches and sit-ins are essential components of democratic societies as they serve as catalyst for change in given society. These events provide an avenue for citizens to exercise their right to freedom of expression and assembly, demanding social justice, policy changes, and accountability from authorities. When conducted peacefully, demonstrations can promote dialogue, foster awareness, and strengthen civic engagement. Though political demonstrations have long been a cornerstone of democracy, providing a platform for citizens to express dissent, advocate for change, and participate in the democratic process. They have been witnessed pose significant threats to human security.<sup>25</sup>

Political Protest policing is increasingly characterized by an escalation in the use of preventive measures, reflected in the global diffusion of a cluster of tactics that are geared toward enhancing police control over protest. Demonstrations have the potential to escalate into violent conflicts, jeopardizing the safety and well-being of participants, bystanders, and law enforcement personnel alike. Tensions can quickly escalate as emotions run high, leading to clashes between demonstrators and counter-demonstrators or confrontations with authorities who retaliate with lethal force. In such situations, the risk of physical harm, injury, and even loss of life increases dramatically, creating an environment of fear and uncertainty.<sup>26</sup>

Such a form of protests is associated with mass movement, intended to cause a total shutdown of economic activities and often results in coercion, violence, and damage to both public and private properties. Road blockades, sit-ins, and protests at key locations such as government buildings or transportation hubs can impede the flow of traffic, disrupt public services, and hinder access to vital resources such as healthcare and education. These disruptions not only inconvenience citizens but can also have far-reaching consequences for their safety and well-being, particularly for vulnerable populations who rely on these services for their survival.<sup>27</sup>

Moreover, political demonstrations can exacerbate social divisions and foster a climate of intolerance and hostility. When demonstrations devolve into violence or promote divisive rhetoric, they can deepen existing cleavages within society, fueling animosity between different groups and undermining social cohesion. This polarization can create an environment where marginalized communities feel increasingly vulnerable and marginalized, heightening their sense of insecurity and alienation.<sup>28</sup>

Additionally, political demonstrations can be exploited by extremist groups or individuals seeking to advance their own agendas through violence and intimidation. Infiltration by extremist elements can transform peaceful protests into breeding grounds for radicalization and extremism, posing a grave threat to the safety and security of participants and the broader community. Moreover, the proliferation of hate speech and incitement to violence during demonstrations can contribute to a climate of fear and intimidation, silencing dissenting voices and undermining democratic principles.<sup>29</sup>

Several factors contribute to the camouflaging of political demonstration crime. Social media's influence on mobilizing protesters and disseminating information can inadvertently be exploited to incite violence. Additionally, economic disparities, political polarization, and systemic grievances can create a fertile ground for radicalization within demonstration settings. The anonymity of large crowds and the adrenaline of collective action can lead to individuals engaging in criminal acts they would not undertake in isolation.<sup>30</sup>

<sup>23</sup> M. Kenyatti, *History of Resistance in Kenya 1884-2002* (Nairobi, 2008), pp.448-458

<sup>24</sup> K. Ombati, *The contribution of self organizing civil society to Kenya's political Transition 2002-2009* in O.Kombo (ed) *civil society and government in Kenya since 2002: Between Transition and crisis* (Nairobi, 2010) African Research and Resources kriman pp. 57-92

<sup>25</sup> C. Jesus. "The power of demonstrations." *Social movement studies* 5, no. 1 (2006): 45-60.

<sup>26</sup> Smith, William. "Policing, protest, and rights." *Public Affairs Quarterly* 32, no. 3 (2018): 185-204.

<sup>27</sup> Abu S. SHONCHOY\* and Kenmei TSUBOTA. *Economic Impact of Political Protests (Strikes) on Manufacturing Firms: Evidence from Bangladesh* (2015)

<sup>28</sup> Alpaugh, Micah. "The politics of escalation in French Revolutionary protest: political demonstrations, non-violence and violence in the grandes journées of 1789." *French History* 23, no. 3 (2009): 336-359.

<sup>29</sup> Campbell, Andrew A. "The politically motivated demonstration: implications for law enforcement." *Australian & New Zealand Journal of Criminology* 11, no. 2 (1978): 95-105.

<sup>30</sup> Jost, John T., Pablo Barberá, Richard Bonneau, Melanie Langer, Megan Metzger, Jonathan Nagler, Joanna Sterling, and Joshua A. Tucker. "How social media facilitates political protest: Information, motivation, and social networks." *Political psychology* 39 (2018): 85-118.

For many people, today's world is an insecure place, full of threats on many fronts. Natural disasters, violent conflicts, chronic and persistent poverty, health pandemics, international terrorism, and sudden economic and financial downturns impose significant hardships and undercut prospects for sustainable development, peace and stability. Such crises are complex, entailing multiple forms of human insecurity. When insecurities overlap, they can grow exponentially, spilling into all aspects of people's lives, destroying entire communities and crossing national borders.

Human security encompasses the well-being, dignity, and safety of individuals within a society. The intertwining of political demonstrations with criminal activities can have far-reaching effects on human security.<sup>31</sup> The adoption of General Assembly resolution 66/290 on 10 September 2012 was a significant milestone for the application of human security. In paragraph 3 of the resolution, the General Assembly agreed by consensus that Human Security approach assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people. Such threat includes but not limited to camouflaged political demonstration crimes.<sup>32</sup>

Contrary to the UN General Assembly resolutions, these well researched and stated themes surrounding human security and camouflaged crimes during political demonstrations continue to be witnessed in Kenya. Instances of violence where individuals witness physical harm, looting and sometimes even death resulting from confrontation between protesters and security forces. For example, in the aftermath of the disputed 2017 presidential election, there were reports of police firing tear gas and live ammunition at demonstrators, leading to injuries and fatalities. Instances of battle between police and demonstrators have resulted in physical harm to protestors and other individuals who suffer wrongly inflicted accident injuries and fatalities. The highly contested death and fatalities in Kenya include:

1. Baby Pendo (Samantha Pendo): As mentioned earlier, Baby Pendo was a six-month-old baby who died from injuries sustained during a police raid on her home in Kisumu during post-election protests in 2017. Her death symbolized the innocent lives lost and the tragic consequences of camouflaged crime in lieu of exercising political demonstrations right.<sup>33</sup>
2. Stephanie Moraa Nyarangi: In November 2017, Stephanie Moraa Nyarangi, a seven-year-old girl, was killed by a stray bullet during post-election protests in Mathare, Nairobi. Her death sparked outrage and renewed calls for an end to violence and impunity during political demonstration in Kenya.<sup>34</sup>
3. Willie Kimani, Josephat Mwenda, and Joseph Muiruri: In 2016, human rights lawyer Willie Kimani, his client Josephat Mwenda, and their taxi driver Joseph Muiruri were abducted and murdered after filing a complaint against a police officer for excessive use of force. Their bodies were found in a river, sparking outrage and protests against police brutality and impunity.<sup>35</sup>
4. George Mbugua: In 2017, George Mbugua, a student at Meru University, was killed during protests over a disputed student election. He was allegedly shot by police during clashes with demonstrators, highlighting the dangers faced by protesters and bystanders during political demonstration.<sup>36</sup> These cases illustrate the human cost of political unrest in Kenya and the need for accountability, justice, and reforms to prevent further violence and loss of life during demonstrations.
5. Use of tear gas and Water Cannons: Security forces often use tear gas and water cannons to disperse crowds during political demonstrations. Exposure to tear gas can cause respiratory distress, eye irritation, and skin burns. A good example in 5 March 2024 during protests over Kenyan medics internship placement there were reports that in effort to disperse medics protestor tear gas canister hit and exploded on one the protester head resulting into injuries to the demonstrator and other protestors. Political demonstrations may also escalate into instances of mob violence, where individuals are targeted by angry mobs. This was witnessed In 2007-2008, and 2022-2023 following the disputed presidential election, violence erupted in parts of Kenya, resulting in widespread physical harm, including injuries and fatalities, destruction of properties due to vandalism, arson and looting.<sup>37</sup>

Economic disruption and destruction of infrastructure has also been witnessed as Protesters often block and destroy roads and highways during demonstrations, leading to traffic disruptions and potential accidents. In 2017 and 2023 during protests in Nairobi over electoral issues, roads were barricaded by demonstrators while express way was vandalized resulting taxpayer loss. Additionally, confrontation with police and disruptions to public transportation, potentially put the member of public at risk of physical harm as they went to their places of work.<sup>38</sup> Political demonstration crimes causes some fear and uncertainty which is generated by violent demonstrations causing social divisions and human right violation. This can have lasting psychological effects on those directly affected and the broader community, eroding a sense of security.

### 3. CONCLUSION

Political demonstrations play a pivotal role in democratic societies, serving as a platform for citizens to voice their concerns and advocate for change. However, when demonstrations take a criminal turn, the effects on human security can be dire, impacting

<sup>31</sup> Kaldor, Mary. *Human security*. Polity, 2007.

<sup>32</sup> Assembly, UN General. *Resolution 66/290 on Human Security*. A/RES/66/290, <https://undocs.org> (accessed 28 January 2023), 2012.

<sup>33</sup> Daily Nation "The Tragic Death of Baby Pendo" Daily Nation August 15 2017.

<sup>34</sup> Makokha, E., and M. M. Muthinja. "Influence of Police Reforms on Maintenance of law and order in Kenya: A Case Study of Nakuru County." *Public Administration and Governance Research Journal*, 3 (2), 144-168 (2021).

<sup>35</sup> Daily Nation. Willy kimani, Josephat Mwenda & Joseph Muiruri Victims of Extra Judicial Killing in Kenya June 2016.

<sup>36</sup> Daily Nation "Death of George Mbugua during student protest at Meru University, Kenya" daily nation 2017

<sup>37</sup> Daily Nation Probe Attack on Doctor During Peaceful Protest" Daily Nation March 2 2024

<sup>38</sup> Mutahi, Patrick, and Mutuma Ruteere. "Violence, security and the policing of Kenya's 2017 elections." *Journal of Eastern African Studies* 13, no. 2 (2019): 253-271.

physical safety, psychological well-being, and broader societal cohesion. Understanding the underlying causes of criminal activities within demonstrations and addressing these issues through proactive measures can mitigate the potential for violence and enhance human security. Balancing the right to protest with the need for order and security remains a complex challenge that requires collaborative efforts between governments, civil society, and international organizations. By fostering environments where peaceful expression is respected and grievances are addressed, societies can navigate the delicate balance between political activism and maintaining human security. Addressing camouflaged crimes during political demonstrations requires a multifaceted approach such as fostering dialogue and engagement between government authorities, political stakeholders, and civil society is crucial for addressing the underlying grievances and tensions that often fuel political unrest. By promoting inclusive and participatory processes for resolving disputes and addressing grievances, governments can help prevent conflicts from escalating into violence and create space for peaceful expression and dissent. Such unresolved Grievances can emerge from deep-rooted societal grievances that have not been adequately addressed through proper channels, leading to frustration and potential radicalization. Additionally, Political polarization and marginalization of certain groups can create a fertile ground for unrest, as marginalized populations may feel that peaceful avenues for change are inaccessible.

Furthermore, efforts to address camouflaged crimes should also focus on empowering civil society organizations, human rights defenders, and community leaders to monitor and document incidents of violence and abuse. Providing support to victims and their families, including access to legal assistance and psychosocial support, is also essential in ensuring accountability and promoting healing and reconciliation within affected communities. Moreover, it is essential to strengthen institutions and promote a culture of respect for the rule of law and human rights among law enforcement agencies. This can be achieved through comprehensive training programs that emphasize the principles of proportionality, non-violence, and respect for freedom of assembly and expression. Additionally, there should be clear guidelines and protocols governing the use of force by security forces during demonstrations, with strict consequences for those who violate these rules. Finally, there must be robust mechanisms in place to hold perpetrators of political demonstration crimes accountable for their actions. This involves conducting thorough and impartial investigations into alleged crimes, including those committed by security forces, and ensuring that those responsible are brought to justice through fair trials. Independent oversight bodies, such as human rights commissions or special investigation units, can play a crucial role in this process by monitoring and reporting on incidents of violence and abuse.

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