

## **Government Statement**

The National Security Advisory Committee (NSAC) held a meeting today, 7<sup>th</sup> October 2020, to consider the current political activities in the country and their implications on national security.

NSAC noted that the country is experiencing growing political tension that is creating division and pitting sections of politicians and their supporters against perceived opponents. This situation is increasingly polarizing the country along ethno-political lines, and therefore undermining national cohesion, peace and security and derailing our transformative economic agenda.

The unchecked utterances and political weaponization of public gatherings continue to undermine law and order within the country. This disregard of the law has triggered violent confrontations among different groupings, thus threatening national security.

In the recent past, the country has witnessed the following:

- a) Speeches and utterances that incite and cause hatred, resentment and create tension within our social fabric;

- b) Utterances that fuel ethnic or group violence;
- c) Use of abusive, negative and insulting language;
- d) Publication in media of pictures which could lead to ethnic, religious, or racial discrimination.

The foregoing has created a situation of fear, despondency and political uncertainty.

It is in this context that NSAC has met to discuss the situation in the country with a view to maintaining peace and security and promoting the rule of law. In its deliberations, NSAC also observed the following situations:

- (a) That the country is only now recovering from the ravages of the Covid-19 pandemic which has led to tragic loss of life; severe economic contraction; disruption of our way of life; pain and suffering in families and loss of livelihoods;
- (b) Sadly, some individuals are taking advantage of the vulnerabilities in our

population occasioned by the socio-economic shocks of Covid-19. In pursuit of cheap publicity, these individuals, in attempts to further their selfish political agenda, are inciting the youth who are fearful of their future. They are attempting to radicalize the youth to the point where they have fought and in one tragic incident, killed each other.

Being fully seized of the foregoing, and conscious of the freedoms and liberties enshrined in our Constitution and other laws of the Republic of Kenya, now therefore, NSAC, at its sitting today, resolved to remind Kenyans of the existing legal obligations and sanctions and issued the following directives:

- 1. That All Public Meetings and Public Processions Shall Be Held in Strict Compliance with Section 5 of the Public Order Act, Cap. 56 Laws of Kenya. The convenor or any person intending to hold a Public Meeting or a Public Procession**

**shall:**

- a) Notify the Officer Commanding Station (OCS) of such intent at least three days but not more than fourteen days before the proposed date of the public meeting or procession.
- b) Be present throughout the meeting or procession and shall assist the police in the maintenance of peace and order at the meeting or procession.
- c) Obey all Orders given to him or her by the OCS or any police officer of or above the rank of inspector.
- d) At all times bind themselves to be peaceful and non-violent and shall keep to the designated places of public meetings or public processions.

**2. That Any Person Who So Elects to Attend or Participate in a Public Meeting and or Procession Shall, Pursuant to the Law and in Particular, Section 5 of the Public Order Act:**

- a) Exercise a high sense of civic duty and responsibility and not to be in possession

of any weapon.

- b) At all times bind themselves to be peaceful and non-violent and shall keep to the designated places of public meetings or public processions.
- c) Report to the relevant authority incidents of hate speech, incitement to violence, ethnic contempt or any other offence;
- d) Respect the freedom of expression of other people;
- e) Not abuse, exclude, demean, stereotype or profile other people;
- f) Not propagate insurgency and socio-economic hostility among and between Kenyans;
- g) Maintain strict observance of the law for the safety and well-being of everyone present.

**3. That All Persons Who Elect to Address Any Public Meeting and Procession Shall Be Bound By the Legal**

**Penalties and Obligations Set Out In Sections 13 and 62 of the National Cohesion and Integration Act, Which Provisions Bar Speeches, Utterances and Messages that Contain:**

- a) Offensive, abusive, insulting, misleading, confusing, obscene or profane language.
- b) Inciting, threatening or discriminatory language that may or is intended to expose an individual or group of individuals to violence, hatred, hostility, discrimination or ridicule on the basis of ethnicity, tribe, race, color, religion, gender, disability or otherwise.
- c) Attacks on personal rights that trigger discrimination on the basis of their ethnic background, economic status, race, religion or associations.

**4. That All Media Outlets Shall Be Held Responsible for All the Content that they Publish and or Broadcast Pursuant to Section 62 of the National Cohesion and Integration Act as read together with the Guidelines for Monitoring Hate Speech in the Electronic Media issued by the National Cohesion and Integration**

**Commission. Accordingly, the media shall:**

- a) Not publish words intended to incite feelings of contempt, hatred, hostility, violence or discrimination against any person, group or community on the basis of ethnicity or race.
- b) Desist from providing platform to hate mongers, inciters and tribalists.
- c) Practice responsible and conflict sensitive reporting.
- d) Endeavor to air programs that promote respect, national unity and cohesion.

**5. That All Social Media Users Shall be Held Individually Liable for All Content on their Social Media Profile Pursuant to the National Cohesion and Integration Act as read together with the Guidelines on Prevention of Dissemination of Undesirable, Bulk and Premium Rate Political Messages and Political Social Media Content via Electronic Communication Network. In That**

## **Regard, Every Social Media User Shall Ensure that:**

- a) All their content is written in a language that avoids a tone and words that constitute hate speech, ethnic contempt, and incitement to violence, harassment, abuse, defamation or intimidation.
- b) Before forwarding and or sharing any messages, authenticate and validate the source and truthfulness of their content so as to limit information that might spread rumors, mislead or is not supported by facts.
- c) Administrators of social media platforms are duty bound to moderate and control undesirable content and discussions that have been brought to their attention on their platforms.

In this regard, NSAC hereby directs the relevant security organs to enforce these directives without fear or favour to the offenders, regardless of their economic standing, ethnicity, religion and political association and status.

NSAC further urges all Kenyans to exercise

restraint and to remain each other's keeper by strictly adhering to these directives in respect and honour to our shared duty as one people in order to promote peaceful coexistence and security in our beloved country.

Dated and issued at the Office of the President, Harambee House, Nairobi, on this 7<sup>th</sup> day of October 2020

DR. JOSEPH K. KINYUA, EGH  
HEAD OF THE PUBLIC SERVICE AND  
CHAIRPERSON OF THE NATIONAL SECURITY  
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