

General allegation

112th session (8-17 May 2017)

Kenya

1. The Working Group received information from credible sources alleging obstacles encountered to implement the Declaration on the Protection of All Persons from Enforced Disappearance in Kenya.
2. According to such sources, 24 Kenyan citizens were arrested by Kenyan police officers between 2012 and November 2016 in the Coastal region of Kenya. Since then, their whereabouts remain unknown, which would show a pattern of enforced disappearances in Kenya.
3. The sources reported that available evidence on extrajudicial killings and enforced disappearances on the Kenyan Coast suggests that the vast majority of the alleged perpetrators are officers from counterterrorism or other specialized police units. In particular, the Kenyan Antiterrorism Police Unit (ATPU), a unit that reportedly operates outside regular police command hierarchies, is allegedly involved.
4. It was reported that these enforced disappearances of alleged terror suspects are targeting in particular Muslims and vulnerable groups within Kenyan society. In other cases, Kenyan authorities were reportedly failing to provide families with a reason for the arrest or the criminal charges.
5. According to the sources, several weeks before disappearing on 26 June 2012, four out of the 24 disappeared individuals had told persons associated with them that the ATPU was threatening them.
6. When relatives reported their disappearance to the Likoni Ferry Police Post officers did not respond and appeared unconcerned, even though the men were abducted nearby. A duty officer at Likoni Ferry Police Post advised the relatives to look for their bodies in the mortuary, as police had reportedly shot them.
7. The sources also reported that the bodies of the four individuals were never found. On 30 June 2012, persons associated with the disappeared individuals gave statements at the Nyali police station, near Kisauni, Mombasa, where the four had been staying but the police did not respond.
8. During court proceedings in the Machakos bus station bombing case, the sources reported that the prosecutor indicated that two of those individuals had fled Kenya to avoid prosecution and that the authorities had not pursued any further investigations.
9. The sources further observed that these enforced disappearances contribute to a climate of state-sanctioned violence and impunity, merely adding to national insecurity, as well as create a climate of fear, notably for young Muslim men.
10. According to the sources, the excessive use of force, killings and enforced disappearances constitute unlawful acts by state law enforcement officials that remain uninvestigated and unpunished so far by the state.