

## **General allegation**

**104th session (15–19 September 2014)**

### **Kenya**

71. On 30 September 2014, the Working Group transmitted information received from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Kenya.

72. According to sources, the Anti-Terrorism Police Unit (ATPU) has carried out a series of enforced disappearances and other human rights abuses. In some cases, members of the anti-riot forces (known as the General Service Unit), military intelligence and the National Intelligence Service were allegedly also implicated in abuses by the counter-terrorism unit.

73. It was argued that terrorism suspects had been abducted from vehicles and courtrooms, beaten badly during arrest, detained in isolated blocks and denied contact with their families or access to lawyers. The source added that the officers allegedly involved in enforced disappearances and other abuse often wore civilian clothes, thus making the identification of the individuals responsible for the disappearances difficult.

74. The sources stated that at least 10 young men had been forcibly disappeared by ATPU officers in Nairobi between 2011 and 2013. The men faced terrorism-related charges in various Kenyan courts, were under investigation by the ATPU, or had been acquitted. Prior to their disappearance, all of them told family members, friends and associates that they had received direct death threats from ATPU officers.

75. According to the information, the ATPU was created within the Criminal Investigations Department in 2003 in response to the attacks on the embassy of the United States of America in Nairobi in 1998 and on an Israeli-owned Mombasa hotel in 2002. Terrorist attacks have increased in Kenya in recent years, particularly after Kenya sent its military into neighbouring Somalia in October 2011.

76. Allegedly, the police failed to respond, even though in many cases the men were abducted nearby police stations or taken from court rooms. Police officers had advised families to look for the bodies of the disappeared in the mortuary.

77. The information provided suggests that the ATPU has not formally acknowledged responsibility for the alleged disappearances. The source added that Kenyan authorities have not investigated effectively these cases or any anti-terrorism unit officers for alleged abuses, including the enforced disappearance of terrorism suspects.

78. The source pointed out that, in some cases, court proceedings continued even after the suspects had disappeared. The source alleged that, in many cases, the authorities had argued that the disappeared had fled Kenya to avoid prosecution or to engage in terrorist activities, without providing any concrete documentation or evidence to demonstrate such claims. The families that have attempted to file a complaint have been turned away at several police stations.