



A Society Free From Torture and Related Violations



# Enforced Disappearances in Kenya: A Systematic Crisis

Briefing note: February 2025

## About Independent Medico Legal Unit (IMLU)

Established in 1993, IMLU is a leading health, governance, and human rights Non-Governmental Organization registered in Kenya with a mandate to prevent and respond to torture and related violations.

IMLU advocates for justice, healing, and accountability for victims of torture, driven by a commitment to upholding human rights and promoting a society free from torture.

## Introduction

Enforced disappearances are among the gravest human rights violations, involving the abduction of individuals by state agents or their affiliates, followed by the denial of information regarding their fate or whereabouts. This practice inflicts immense suffering on victims and their families, erodes public trust in state institutions, and undermines the rule of law.

## The 2024 Surge and Its Implications

The year 2024 saw an alarming rise in enforced disappearances in Kenya, particularly following protests against the Finance Bill 2024. Between June and December 2024, IMLU and KNCHR documented 82 cases of enforced disappearances. Those abducted included activists, journalists, and civilians critical of government policies.

## Modus Operandi

In many cases, individuals were abducted by unidentified individuals in unmarked vehicles, often in broad daylight. Their subsequent whereabouts remain unknown, leaving families in a state of agonizing uncertainty and fear.

## Recommendations for Addressing Enforced Disappearances in Kenya

### 1| Strengthen Legal Frameworks and Accountability

- Fully implement the Prevention of Torture Act (POTA) and National Coroner's Service Act (NCSA) to ensure forensic investigations into enforced disappearances.
- Amend the Witness Protection Act and Victim Protection Act to provide state-funded protection for victims and witnesses of enforced disappearances.

### 2| Criminalize and End Enforced Disappearances

- Enact a standalone law criminalizing enforced disappearances in line with international standards.
- Establish a national database for all cases of enforced disappearances, accessible to human rights bodies and families.
- Ensure prosecution of perpetrators, including state officials, to end impunity.

### 3| Align with International Human Rights Treaties

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention Against Torture (OPCAT).

- Invite the United Nations Special Rapporteurs on Torture and Enforced Disappearances to assess Kenya's compliance with international human rights obligations.

#### 4| Strengthen Victim Support and Access to Justice

- Allocate at least 30% of the Victim Protection Trust Fund to provide compensation, psychosocial support, and rehabilitation for victims and their families.
- Establish a legal aid program specifically for victims of enforced disappearances.

#### 5| Enhance Investigative and Oversight Mechanisms

- Fully operationalize the National Coroner's Service Act (NCSA) to conduct independent forensic investigations.
- Increase funding for the Kenya National Commission for Human Rights (KNCHR) and the Independent Policing Oversight Authority (IPOA) to at least 50% of their requested annual budgets.
- Establish an independent complaints mechanism for families of disappeared persons.

#### 6| End the Culture of Impunity

- Publish a public database of security officers implicated in human rights violations to ensure accountability.
- Disqualify security officials linked to enforced disappearances from holding public office.
- Conduct mandatory human rights training for all security forces on enforced disappearances and due process.

#### 7| Protect the Right to Protest and Strengthen Civic Space

- Enforce Article 37 of the Constitution, ensuring peaceful protests are not criminalized.
- Establish a joint civil society-government oversight committee to monitor protest-related human rights violations.

#### 8| Strengthen Regional and International Collaboration

- Formally integrate Kenya into African and United Nations-led monitoring mechanisms on enforced disappearances.
- Strengthen engagement with regional human rights courts to address cross-border cases of enforced disappearances.

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