



A Society Free From Torture and Related Violations



# Extrajudicial Executions in Kenya

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

## Introduction

Extrajudicial executions (EJEs) remain one of the gravest human rights violations in Kenya, primarily perpetrated by security agencies under the guise of crime control and national security. Despite constitutional guarantees under Article 26, which upholds the right to life, state agents, especially the police, have been implicated in unlawful killings, enforced disappearances, and summary executions. Reports from human rights organizations and oversight bodies indicate a pattern of systemic abuse, with marginalized communities, activists, and suspected criminals being the most affected. The lack of accountability, weak oversight mechanisms, and political impunity have perpetuated this crisis, undermining the rule of law and trust in security institutions.

## Documented Cases of Extrajudicial Executions in 2024

In 2024, Kenya witnessed a surge in cases of extrajudicial executions, particularly during the Gen-Z Led protests that saw a total of 63 individuals killed during the protests. It was recorded that most victims were young men from informal settlements, political activists, and suspected criminals. It was further noted that security agencies employed night raids forced disappearances and staged “shootouts” to justify killings.

## The Legal and Policy Framework on Extrajudicial Executions

- The Constitution of Kenya (2010):** Article 26 protects the right to life, while Article 238 emphasizes national security must adhere to the rule of law and human rights.
- The National Police Service Act (2011):** This law requires police to use force proportionally and only when necessary.
- The Penal Code (Cap 63):** Categorizes murder as a capital offense, yet police officers involved in killings are rarely prosecuted.
- International Conventions:** Kenya is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights, both of which prohibit extrajudicial executions.

## Root Causes of Extrajudicial Executions

- Weak oversight and accountability:** The Independent Policing Oversight Authority (IPOA) has recorded hundreds of cases of police killings, but convictions remain rare.
- Political protection of perpetrators:** High-ranking police officers and politicians often shield rogue officers from prosecution.
- Corruption in the criminal justice system:** Bribery and intimidation discourage families from pursuing justice.
- Discriminatory policing:** Law enforcement disproportionately targets low-income communities, reinforcing class-based injustices.

## Recommendations for Ending Extrajudicial Executions in Kenya

- Amend police laws to impose stricter accountability measures as well as strengthen the Independent Policing Oversight Authority (IPOA)'s investigative and prosecutorial powers to independently charge rogue officers.
- Establish a special tribunal to investigate and prosecute extrajudicial executions and additionally ban the use of paramilitary units in civilian law enforcement.
- Strengthen witness protection programs to encourage testimonies against rogue officers and increase funding for forensic investigations to counter police claims of "justified shootings."
- Enhance civic education on human rights and avenues for legal redress and strengthen collaborations between civil society organizations, religious groups, and media to expose violations.

- Engage regional and international mechanisms such as the African Commission on Human and Peoples' Rights (ACHPR) and the UN Special Rapporteur on Extrajudicial Executions.
- Seek international sanctions against officials implicated in widespread human rights abuses.

Extrajudicial executions (EJEs) remain a significant human rights crisis in Kenya, threatening democracy, justice, and social stability. To reverse this trend, the government must strengthen accountability mechanisms, ensure independent investigations, and uphold human rights standards in policing. Ending extrajudicial executions is not just a legal obligation but a fundamental necessity for achieving justice and sustainable peace in Kenya.

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