



A Society Free From Torture And Related Violations

## STATE OF THE NATION 2022

# TORTURE, CRUEL DEGRADING TREATMENT OR PUNISHMENT, EXTRA-JUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCES IN KENYA.



INDEPENDENT MEDICO-LEGAL UNIT

@2022



# TABLE OF CONTENTS

|  |    |
|--|----|
| TABLE OF CONTENTS .....  | 2  |
| LIST OF ABBREVIATIONS AND ACRONYMS.....                                | 3  |
| ACKNOWLEDGEMENTS.....  | 4  |
| EXECUTIVE SUMMARY .....  | 5  |
| PREAMBLE.....  | 6  |
| 2022 STATISTICS.....   | 8  |
| TYPE OF VIOLATION .....  | 8  |
| SEX OF THE VICTIMS.....  | 10 |
| AGE OF VICTIM.....   | 11 |
| MONTHLY DISTRIBUTION OF VIOLATIONS.....                                | 12 |
| CIRCUMSTANCES UNDER WHICH H THE VIOLATIONS WERE COMMITTED .....        | 14 |
| VIOLATIONS BY POLICE STATIONS .....                                    | 16 |
| LAW ENFORCEMENT/POLICE STATIONS/GOVERNMENT INSTITUTION PER COUNTY...16 |    |
| DISTRIBUTION BY COUNTY .....   | 19 |
| SERVICE PROVIDED BY IMLU .....   | 20 |
| CONCLUSION.....  | 21 |

## LIST OF ABBREVIATIONS AND ACRONYMS

|                  |   |
|------------------|---|
| <b>Boda Boda</b> | Motor Cycle taxi  |
| <b>IMLU</b>      | Independent Medico-Legal Unit   |
| <b>ED</b>        | Enforced Disappearance.   |
| <b>EJE</b>       | Extra-judicial Executions   |
| <b>TCIDT</b>     | Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| <b>GBV</b>       | Gender-Based Violence   |
| <b>SGBV</b>      | Sexual Gender Based Violence  |
| <b>KNCHR</b>     | Kenya National Commission on Human Rights                             |
| <b>SME</b>       | Subject Matter Experts  |
| <b>SRT</b>       | Sigrid Rausing Trust  |
| <b>OB</b>        | Occurrence Book Number  |
| <b>ODPP</b>      | Office of Directorate of Public Prosecution                           |
| <b>OSIEA</b>     | Open Society Initiative East Africa                                   |
| <b>OSF</b>       | Open Society Foundation   |
| <b>UNVFVT</b>    | United Nations Voluntary Fund for Victims of Torture                  |

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We also duly acknowledge the pro bono services provided by our national volunteers’ network of human rights monitors, advocates and lawyers, journalists, doctors, pathologists, counsellors and psychologists. We also convey our deep appreciation to both non-governmental and governmental institutions and agencies that worked closely with us in 2022. ASANTENI!

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## EXECUTIVE SUMMARY

At the beginning of 2022, we launched the inaugural 2021 State of the Nation Report. Through this report, we highlighted the systemic nature of the problem at hand to national, regional and international audiences. The report focused on the dynamic trends in torture and related violations in Kenya including enforced disappearances, the institutionalisation of extra-judicial executions and blatant disregard for demands for accountability, justice and healing for survivors, victims and their families.

As a governance, health and human rights institution, we prepare this report out of concerns about police abuse of power for two main reasons. On one hand, is the whole question of security governance, the rule of law and safeguarding human rights in policing. A critical question arises with regard to this first reason: Does one uphold the law by breaking the law?

Secondly, as a public health concern where we see a clear pathway between police brutality and health, that is, through deaths and injuries as a result of police action. The deaths documented in this report add to the total number of fatalities nationally each year, while the injuries and resultant long-term physical and psychological effects add to the general well-being of our population. This report does not attempt to elaborately present these key issues in detail but presents data that is good material for further reflection and research.

In 2022 we enhanced our contribution towards reforms in policing, including training police officers on human rights protection and public order policing, enhancing trust and confidence between the police and the public through community policing at the station level, public awareness, mobilising, and national level advocacy. We also led and participated in inclusive dialogues with state agencies and other groups such as the Independent Policing Oversight Authority (IPOA), Internal Affairs Unit (IAU), National Police Service (NPS) and religious groups to ensure durable solutions towards a society-free from torture and related violations.

2022 was a year with mixed results in policing reform. It is the year that policing reforms plateaued as more efforts were focused on the electoral contest and legacy. In March 2022, we officially commenced the operations of our Elections Monitoring, Reporting and Response Hub which was purposed to enhance both preventative and responsive measures against human rights violations during Kenya's 2022 general elections. We note that the number of violations by police in public order management reduced significantly. Partly due to improved preparations by the <sup>1</sup>NPS, which we highly commend, and, partly because the 2022 elections were largely peaceful, and also due to the efforts at enhancing relationships between police and the public at the local level in various potential 'hot spots'. However, the number of violations in general policing increased, indicating no major institutional or individual reform in the general modus operandi in general policing in Kenya.

As the new administration took office in September 2022 with a promise to end extrajudicial executions, torture and enforced disappearances, we witnessed changes in the NPS with the disbandment of the Special Service Unit (SSU), <sup>2</sup>the autonomy of police budgets and the appointment of the Police and Prison Reforms Taskforce<sup>3</sup>. Despite steps enumerated above, we are yet to see the goodwill by the new government to end police abuse of power and prosecute perpetrators.

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1 [https://twitter.com/IMLU\\_org/status/1569929198441230336/photo/1](https://twitter.com/IMLU_org/status/1569929198441230336/photo/1)

2 [https://twitter.com/IMLU\\_org/status/1570045013500772354/photo/1](https://twitter.com/IMLU_org/status/1570045013500772354/photo/1)

3 The National Task Force on Improvement of the Terms and Conditions of Service and other reforms of the National Police Service and Kenya Prisons Service, appointed by President Ruto on 21<sup>st</sup> December, 2022.

For the period January 1, 2022, to December 31, 2022, we documented and processed 255 violations of torture and related violations, 201 male and 40 female. This was an increase of 21.4% or 45 violations in comparison to the 210 violations documented in 2021<sup>4</sup>. Quarter four of 2022 recording the highest number of violations during the year at 30%.

In conclusion, from IMLU's overall monitoring of torture and related violations across the spectrum, it is evident that the security sector continues to deteriorate to the detriment of the people of Kenya.

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4 <https://www.imlu.org/wp-content/uploads/2022/09/State-of-the-Nation-2021-2.pdf>

## PREAMBLE

This **STATE OF THE NATION** report focuses on several grave human rights violations by state actors documented in 2022. The report focuses on data on the victims/ survivors, perpetrators of the heinous acts, their locality, circumstances and services provided by IMLU.

A survivor is a person who remains alive after torture or related violations. A victim is a person killed or dies as a result of torture or related violation.

The violations covered in this report include:

- a) **Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (TCIDT)** as defined under the UN Conventions against Torture (UNCAT). The main features of TCIDT are the involvement of a public official to inflict severe pain or suffering with intent, and a specific purpose.
- b) **Extrajudicial, Summary or Arbitrary Executions** are the deliberate killings of individuals outside of any legal framework disregarding the right to life.

Extrajudicial killing means intentionally causing the death of the victim. According to the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991), extrajudicial executions include political assassinations; deaths resulting from torture or ill-treatment in prison or detention; deaths resulting from enforced disappearances; deaths resulting from the excessive use of force by law-enforcement personnel; executions without due process, and acts of genocide.

For this report, we are mainly referring to violations of intentional killings by law enforcement agencies in Kenya through excessive and unnecessary use of force and firearms, deaths in custody; deaths out of the punitive approach to policing assemblies and public order management.

In addition, death and torture often considerably overlap: victims are threatened with death or the killing of a third party, torture is so intense that it results in death, or death is contemplated or accepted as a consequence of severe physical torture. Therefore, in some violations, extrajudicial killing may meet the elements of the definition of torture according to Article 1 of the Convention against Torture<sup>5</sup>.

- c) **Enforced Disappearances** as defined under the *UN International Convention for the Protection of All Persons from Enforced Disappearance*- considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.

In monitoring, documenting, reporting and responding to the above violations we have taken into consideration that Kenya is a state party to most international human rights treaties and conventions and via Articles 2 (5) and (6) of the Constitution of Kenya 2010 has made all general rules of international law, and all conventions and treaties she has ratified to be part of Kenyan law.

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5 <https://www.omct.org/en/resources/blog/the-committee-against-tortures-approach-to-extrajudicial-killing>

Secondly, we have endeavored to use national and international standards in monitoring, documenting and reporting on the above violations, the most prominent being the: **Istanbul Protocol:** Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, OHCHR; and the **Minnesota Protocol:** The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

In this report, we have painstakingly endeavoured to confirm all information relating to each violation including taking witness statements, survivors' statements, next of kin statements, written consent, and forensic medical legal documentation of injuries and cause of death in relation to fatalities. We, however, apply the word 'alleged' in this report not because we have not confirmed the causality of the injuries or deaths or the perpetrators and circumstances, but as a legal technicality, since most of these violations have not been tried in a court of law.

## 2022 STATISTICS

For the period January 1, 2022, to December 31, 2022, we documented 255 cases of torture and related violations. This was an increase of 21.4% or 45 violations in comparison to the 210 violations documented in 2021. Data from 2019 to 2022 as shown in Figure 1 below, shows a steady increase in incidences of violations with an average increase of 61 violations each year. This points to a worrying trend of increased torture and related violations in Kenya.

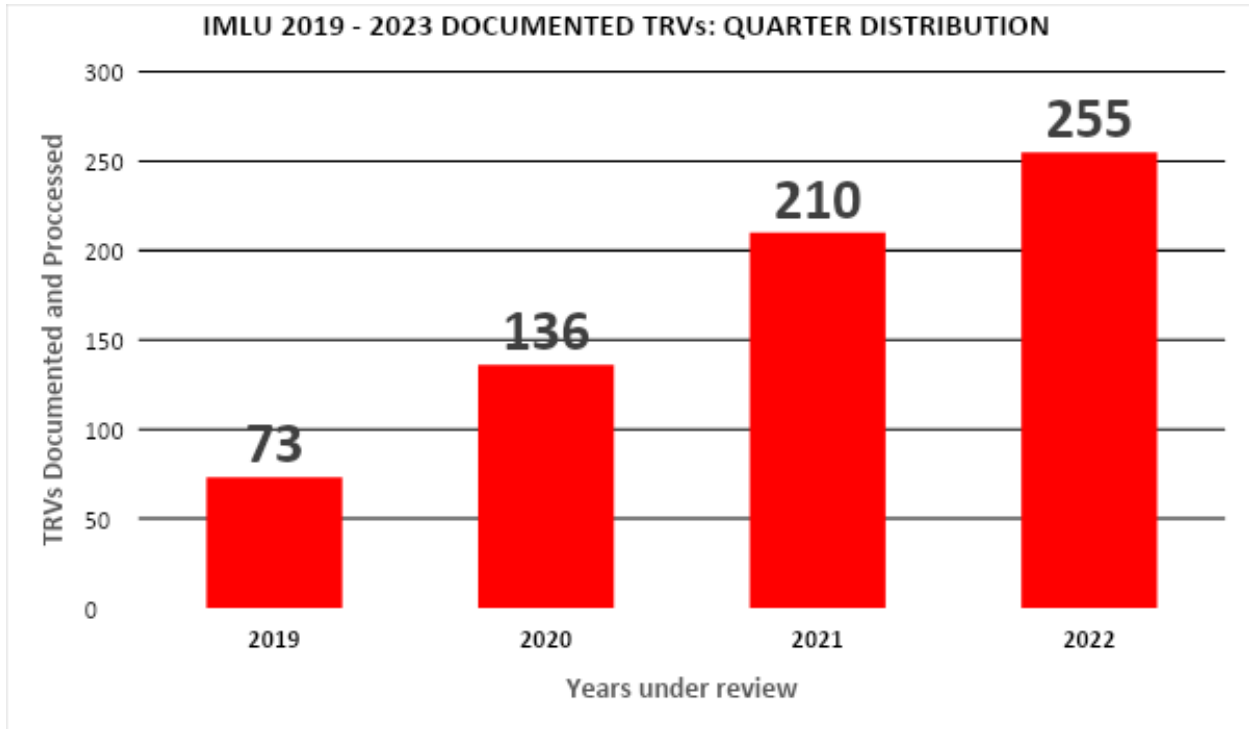


Figure 1 Violations recorded between 2019 and 2022 (IMLU 2022)

## TYPE OF VIOLATION

Out of 255 violations, 158 (62%) are Torture, Cruel, Inhuman or Degrading Treatment or Punishment, 87 (34%) were extrajudicial, summary and arbitrary executions, and 10 (4%) of enforced disappearances as shown in Figure 2 below.

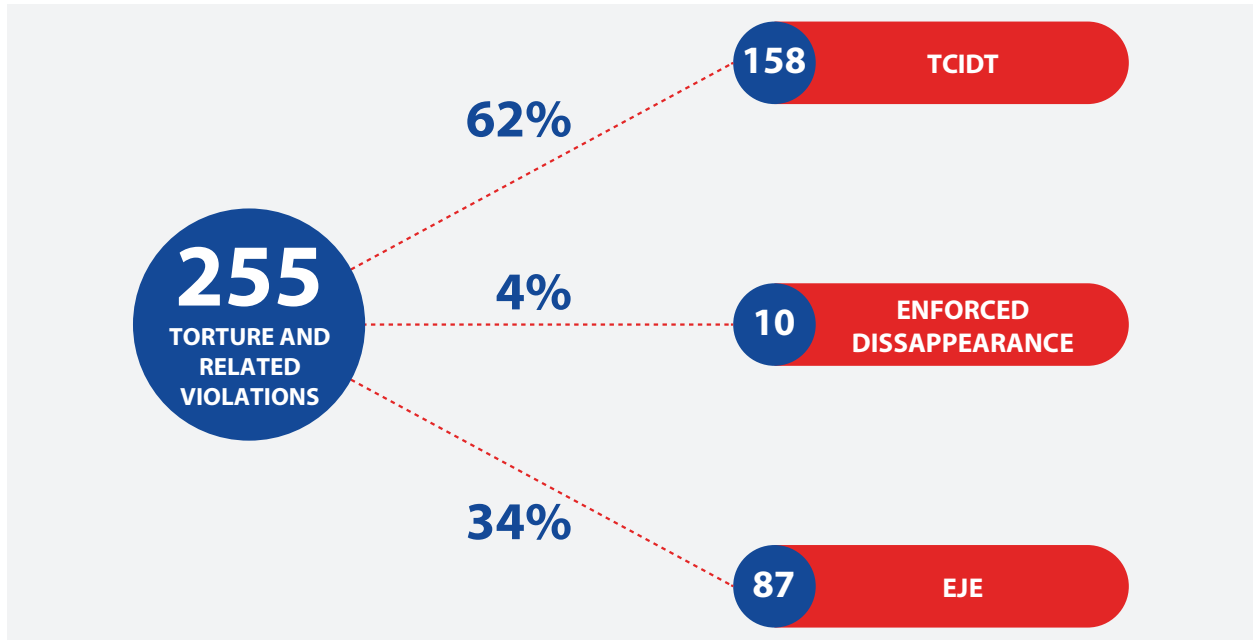


Figure 2 Type of violations processed and documented (IMLU 2022)

Comparative data from 2019 to 2022, shows that TICDT remains to be the highest type of violation by state officers despite the enactment of the Prevention of Torture Act 2017 as shown in Figure 3 below

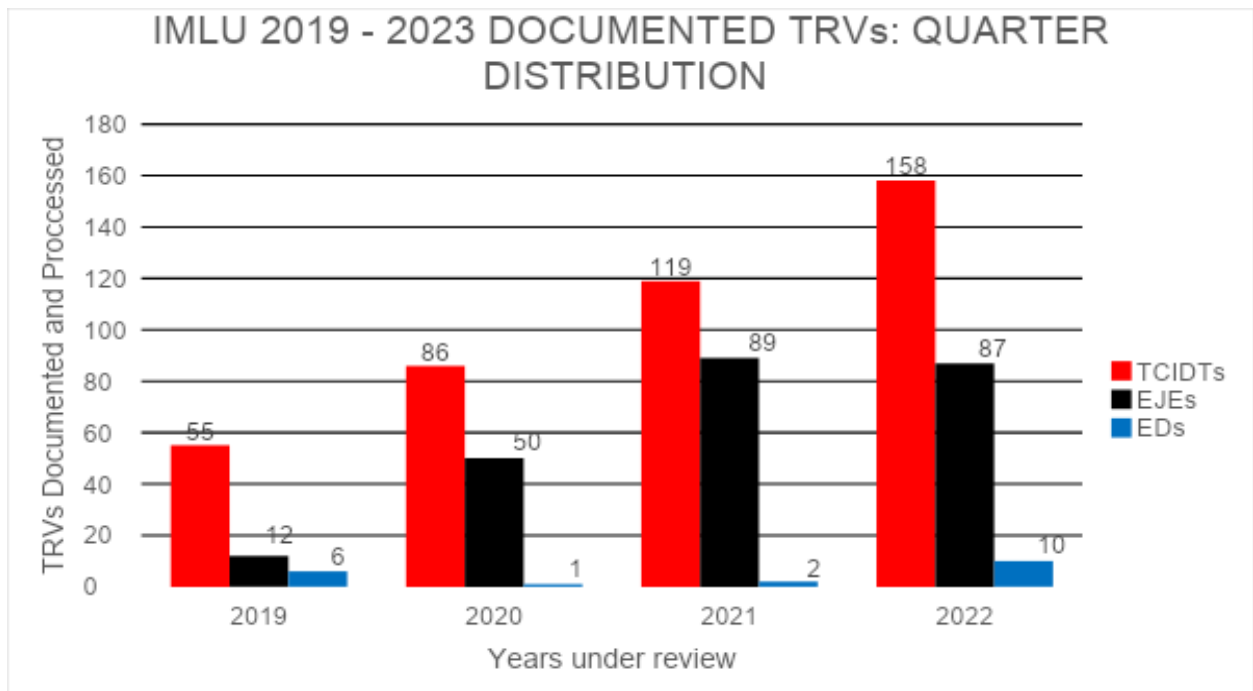


Figure 3 Violations documented between 2019 – 2022 (IMLU 2022)

## SEX OF THE VICTIMS

Under this section, we are using the Government of Kenya sex segregation as classified in the Kenyan population and housing census i.e., male, female and intersex. Out of the 255 violations 214 were male, 41 were female and none were intersex as shown in Figure 4 below. The profile of the victims shows that the majority are male accounting for 84% of the torture, cruel inhumane and degrading treatment, enforced disappearances and extrajudicial executions. Unemployment and their neighbourhood heighten the chances of security agencies' profiling and suspecting of men due to involvement in crime, therefore increasing their likelihood of experiencing harassment or arrest by security agencies, especially in poor urban neighbourhoods.

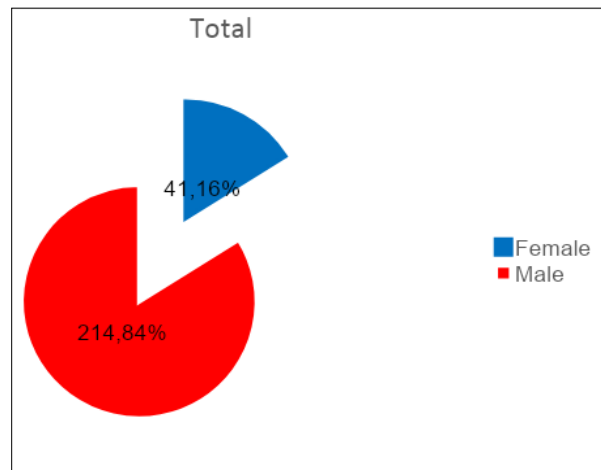


Figure 4 Victims by Sex (IMLU 2022)

Comparative data from 2019 to 2022, shows a similar victim profile where male youth fall victim to the violations followed by females, with zero violations of intersex persons as shown in Figure 5 below

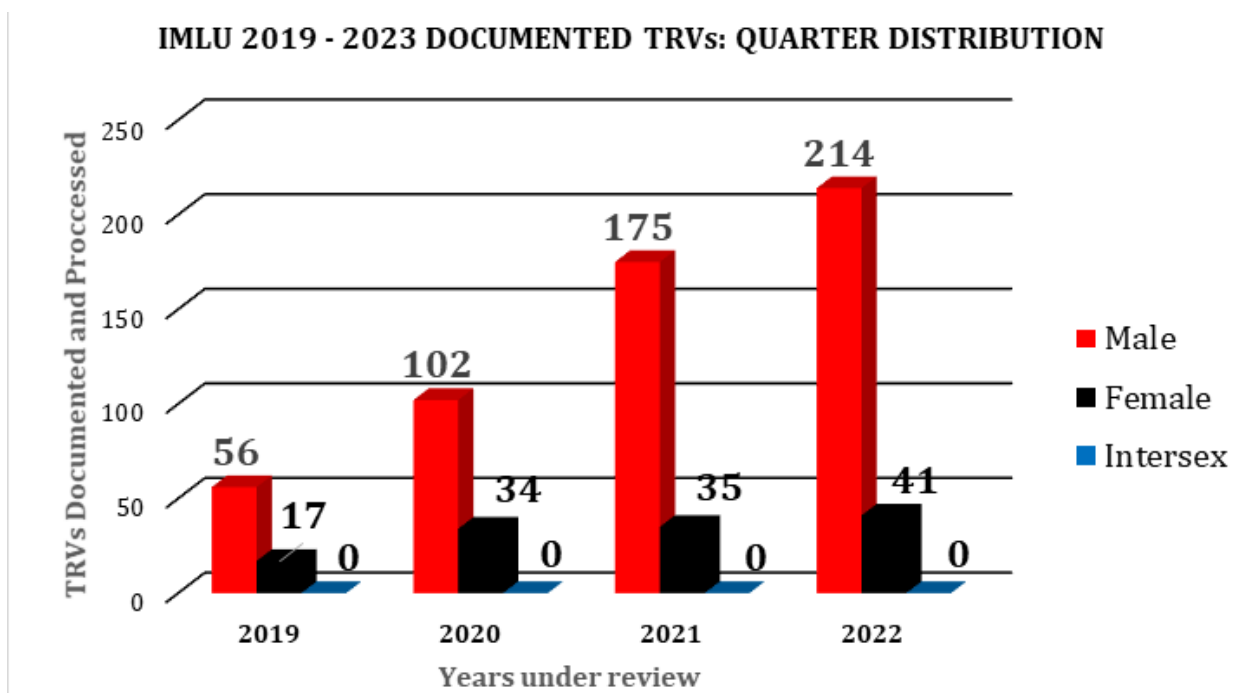


Figure 5 Victim by Sex between 2019 - 2022

With respect to the annual data, 83.92% of the violations affected men for various reasons. These include poverty, inequality, corruption, discrimination and extortion. Based on the various forms of torture documented in 2022 a higher percentage of men experienced violence during arrest, during trial and deaths in custody. Furthermore, the persistence of certain cultural norms, policing mechanisms, stereotypes and traditions perpetuates discrimination and violence against male youth. The root cause of this is poverty - lack of money for bribes, cash bail and money for medical support after abuse.

## AGE OF VICTIM

The youngest victim was a year old and the oldest was 69 years old. The highest number of victims/survivors were youth (18 -35 years) as shown in Table 1.

On average ten young men are killed monthly by state officers in informal settlements which accounts for 126 violations of men under the age of 35 years in 2022 according to Table 1 below.

Youth residing in poor neighbourhoods in urban centres are the most affected by the violations, the trend shows that male youth are prone to be victims of the violations.

| SEX    | 0-17 | 18-35 | 36-55 | 56-65 | >65 | TOTAL |
|--------|------|-------|-------|-------|-----|-------|
| Male   | 16   | 126   | 68    | 3     | 1   | 214   |
| Female | 1    | 24    | 15    | 1     | 0   | 41    |

Table 1 Age representation of the victims (IMLU 2022)

## MONTHLY DISTRIBUTION OF VIOLATIONS

IMLU received violations every single month showing “nonstop” occurrences of violations, with an average of 20 violations per month. October had the highest number with 36 violations documented, with February having the lowest number of violations as shown in Figure 6 below.

During the year, the months of May, <sup>6</sup>August and October, had a spike in violations with 25, 27 and 36 violations of torture and related violations respectively. The high number of violations in October were attributed to the protests in Dandora, where young men were protesting land grabbing by a private developer. The young men were beaten, assaulted and arrested by police officers.

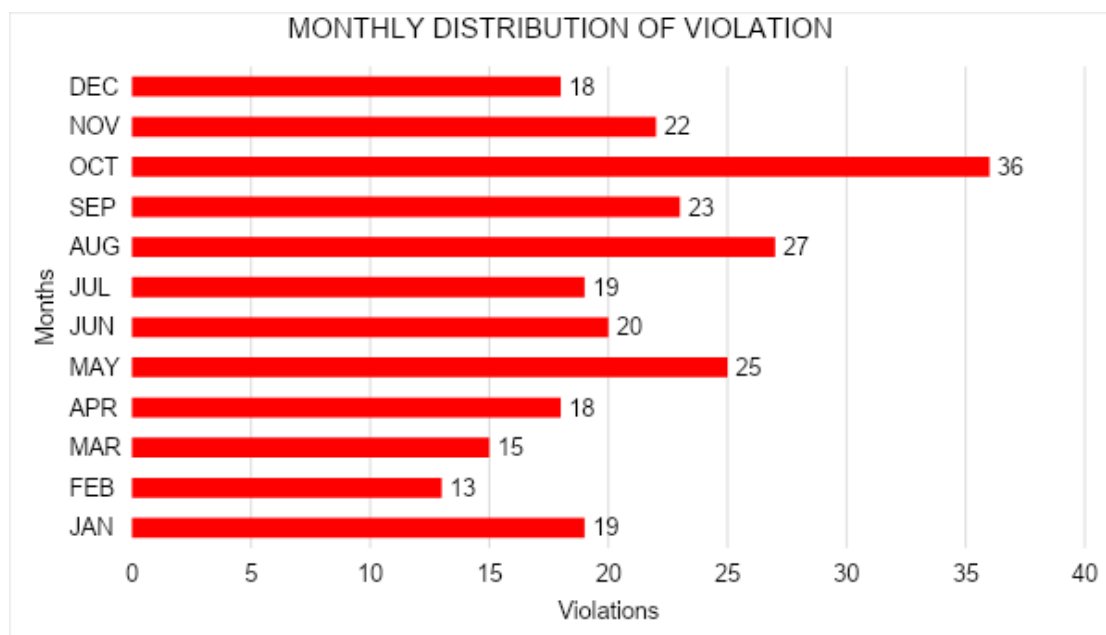


Figure 6 Monthly distribution of violations (IMLU 2022)

6 <https://imlu.org/2022/11/frontlines-of-democracy-safeguarding-human-rights-in-kenyas-2022-elections/>

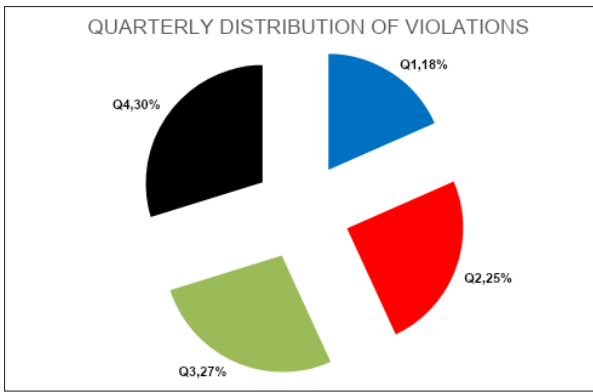


Figure 7 Quarterly distribution of violations (IMLU 2022)

Contrary to public perception, the number of violations by the National Police Service (NPS) and other state officers did not go down in quarter four despite the pronouncements against police abuse of power and the changes in command made by the new government following the August 2022 elections. Indeed, quarters three and four had the highest number of violations. The majority of the violations in quarter three were 39 TCIDT, 28 EJE and two enforced disappearances.

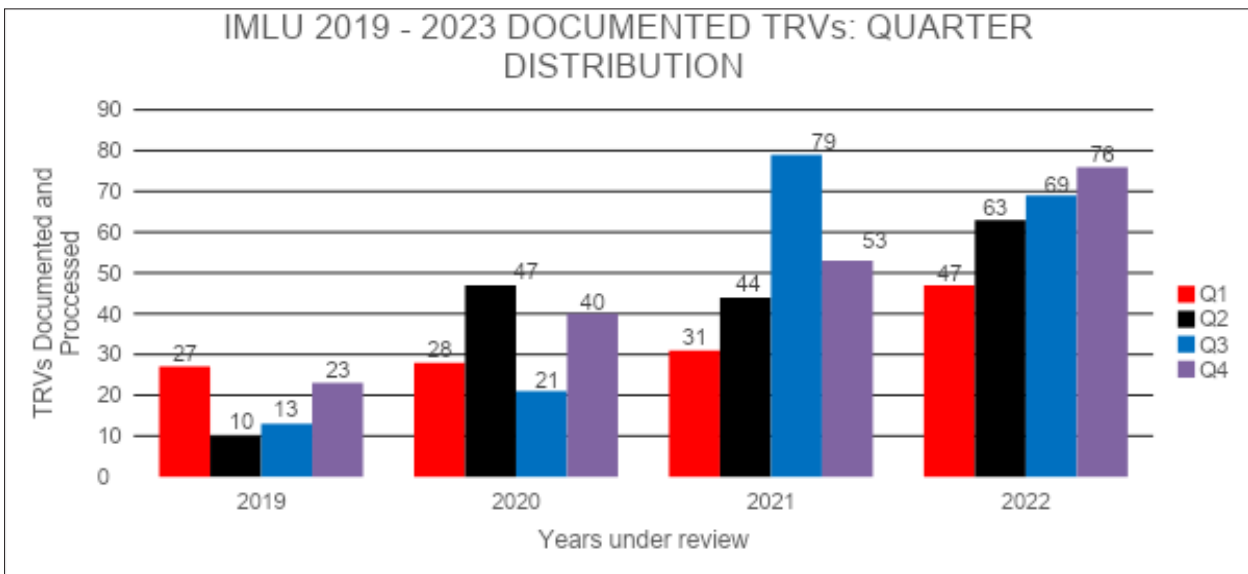


Figure 8 Quarterly distribution of violations between 2019 – 2022 (IMLU 2022)

## CIRCUMSTANCES UNDER WHICH THE VIOLATIONS WERE COMMITTED

As depicted in Figure 9 below, the violations predominantly occurred in response to suspected robbery, constituting 39 instances. Police officers commonly cited responding to suspected robbery as the primary reason for the shootings. Crowd management during protests/campaigns came in second with 33 violations in Dandora in Nairobi County, Ramula in Siaya County, Masimba, and Makueni County among others. The latter raises serious concerns regarding police use of force and firearms in during the exercise of freedoms of assembly, association and expression.

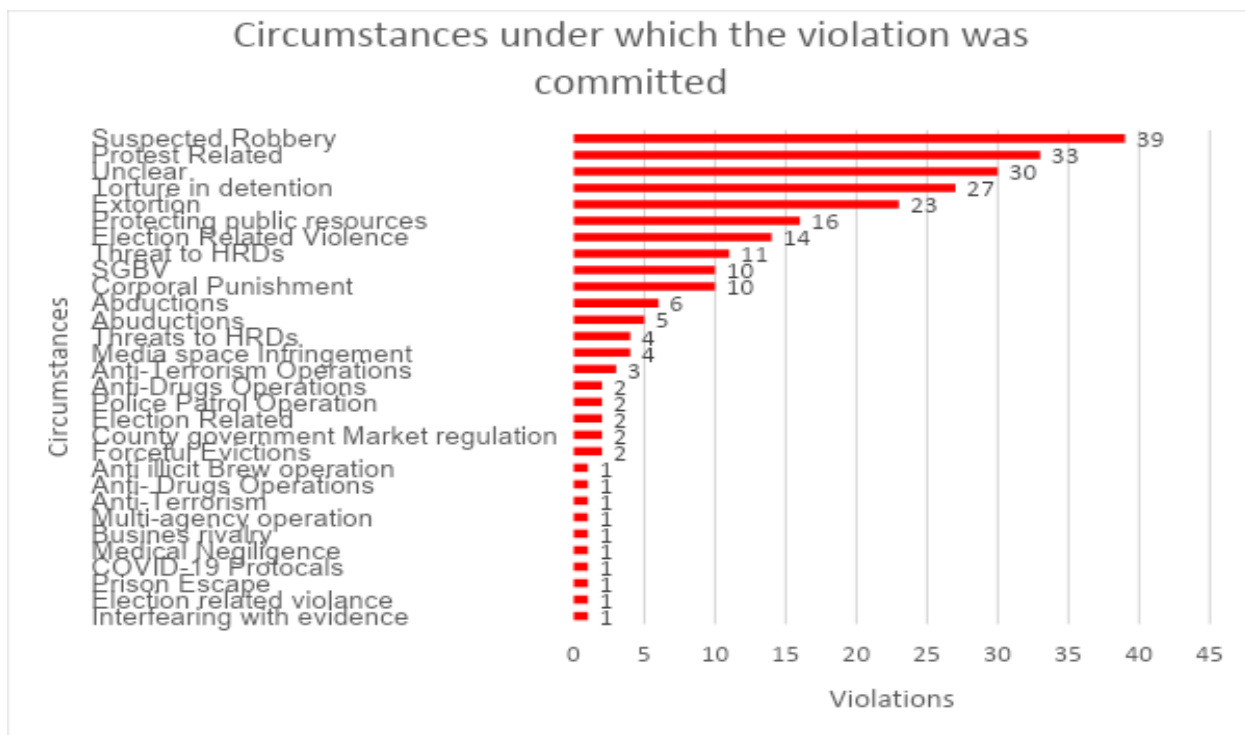


Figure 9 Circumstances under which the violation was committed (IMLU 2022)

The Kenya Police Service (KPS) were the main perpetrators of the violations, and increasingly, in a copycat manner, the Kenya Wildlife Service (KWS), Kenya Forest Service guards (KFS), the Kenya Defence Forces (KDF) and the Kenya Coast Guard.

*For example, extrajudicial executions by the Kenya Coast Guard Service have been documented by IMLU in Naivasha and Nakuru County. The special unit came into force in October 2018 to safeguard water-based natural resources and has been accused of executing licensed fisher folk and boda-boda (motorbike taxi) operators indiscriminately. The Coast Guard's use of excessive force has also since been highlighted by state agencies such as the ODPP with an inquest initiated in 2022 for a killing that was reported in 2021.*

Instances of torture and related violations have seen a troubling increase, notably implicating teachers as perpetrators within schools, coupled with a rise in the prohibited use of corporal punishment, resulting in 10 recorded violations. Additionally, the reviewed period has unveiled a scenario where police responses to opportunistic crimes, encompassing muggings, robbery with violence, aggravated assault, and killings, were prevalent during the electioneering period, notably observed in Nakuru. In response, the state initiated a pursuit of the gangs, triggering an alarming trend of extra-judicial executions of alleged gang members, vehemently criticized by IMLU. Shockingly, there's a disturbing regularity in the issuance of 'shoot-to-kill' orders.

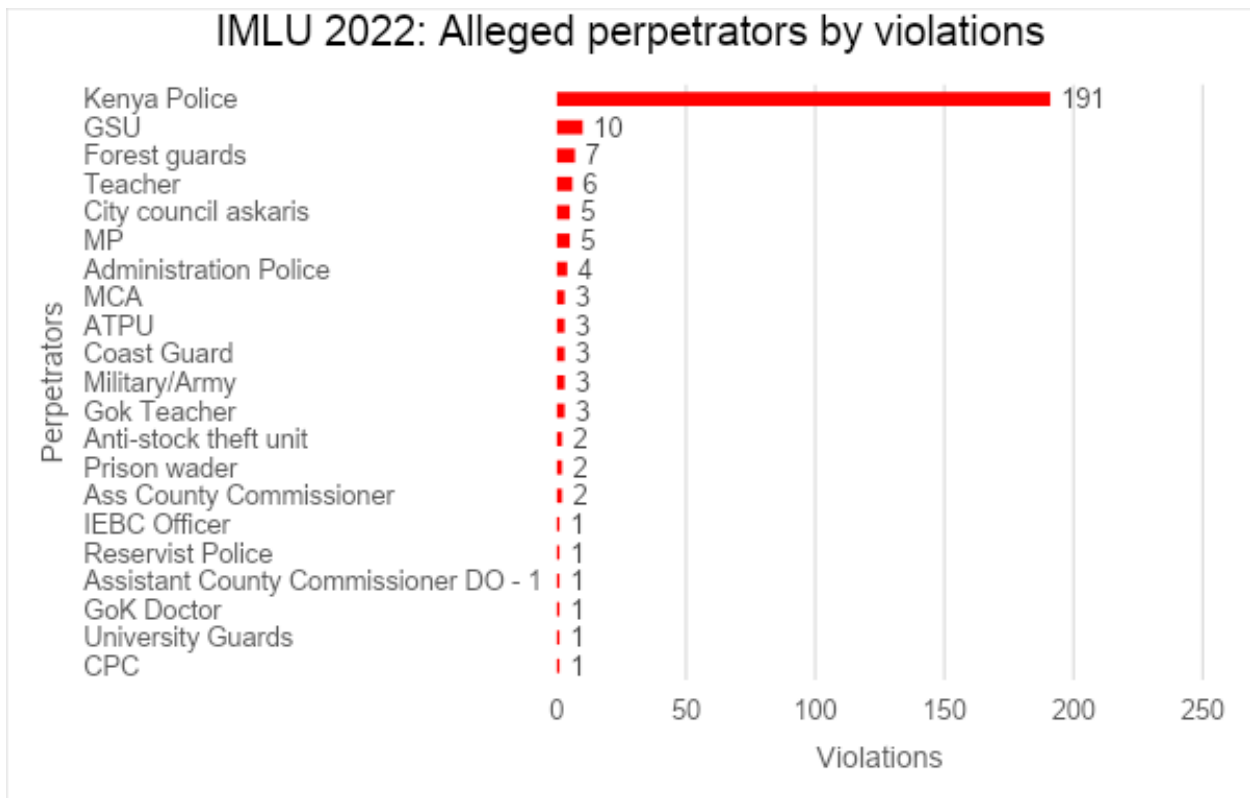


Figure 10 Alleged perpetrators (IMLU 2022)

First, the government and by extension, the police deem shooting an effective and justified approach to curb crime. This line of thinking frames such executions as an effective means of getting rid of suspected thieves and deterring emerging ones. Second, the lack of public outcry over these killings tells us that the wider public seems to buy into the legitimating narratives that these young men embody an imminent threat to society at large and police officers in particular. Hence, shooting young and poor men who are suspected of being thieves is considered quite legitimate within the public domain. This all begs the question of how the systematic unlawful killings of crime suspects by the police affect the young, poor and urban men who feel under siege.

## VIOLETIONS BY POLICE STATIONS

The Pangani police station in Nairobi County continued to be the most notorious when it comes to torture and related violations. This could be explained by 15 violations under the station's jurisdiction, and that of Muthaiga Police Station with nine violations. The high number of violations by Pangani and Muthaiga police stations are as a result of anti-crime operations in the informal settlements (Mathare, Ngara, Huruma, Kiamaiko) where young men are targeted and fall victim to the violations through shooting, beating or death in custody.

No of Violations per Police Station, Government Institution and County

| No. | Police Station                | VIOLATIONS | COUNTIES |
|-----|-------------------------------|------------|----------|
|     | Pangani Police Station        | 15         | Nairobi  |
|     | Muthaiga police station       | 9          |          |
|     | Mukuru Kwa Njenga Police Post | 6          |          |
|     | Dandora Police Station        | 5          |          |
|     | Mwiki Police Station          | 4          |          |
|     | Huruma police Station         | 4          |          |
|     | Ruaraka Police Station        | 4          |          |
|     | Kilimani Police Station       | 4          |          |
|     | Ngong Police Station          | 3          |          |
|     | Kariobangi Police Station     | 3          |          |
|     | Kibra Police Station          | 3          |          |
|     | Karen police Station          | 2          |          |
|     | Kasarani Police Station       | 2          |          |
|     | Mathare Police Station        | 2          |          |
|     | Njiru Police Post             | 2          |          |
|     | Moi forces Barrack            | 2          |          |
|     | Kayole Police Station         | 2          |          |
|     | Embakasi police Station       | 2          |          |
|     | Kamkunji Police Station       | 2          |          |
|     | Depot Police Post             | 2          |          |
|     | Ngong Primary School          | 1          |          |
|     | Githunguri Police Station     | 1          |          |
|     | Spring Valley AP Post         | 1          |          |
|     | industrial area prison remand | 1          |          |
|     | Langata police Station        | 1          |          |
|     | Kibera AP Camp                | 1          |          |
|     | Riruta Police Station         | 1          |          |
|     | Kamiti GOK prison             | 1          |          |
|     | Shauri Moyo police Station    | 1          |          |
|     | Nairobi MCA                   | 1          |          |
|     | Capitol Hill Police Station   | 1          |          |
|     | Mama Lucy Hospital            | 1          |          |

| No. | Police Station                 | VIOLATIONS | COUNTIES |
|-----|--------------------------------|------------|----------|
|     | Bondeni Police Station         | 8          | Nakuru   |
|     | Kiraget Sub County             | 4          |          |
|     | Subukia police station         | 4          |          |
|     | Lake Naivasha Coast Guard camp | 4          |          |
|     | Nakuru East MP                 | 1          |          |
|     | Nakuru Central Police Station  | 2          |          |
|     | Naivasha police Station        | 2          |          |
|     | Naivasha Coast Guard Camp      | 1          |          |
|     | Koiwa High School              | 1          |          |
|     | Elburgon KFS Camp              | 1          |          |
|     | Rongai-MP                      | 2          |          |
|     | Mombasa GSU camp               | 9          |          |
|     | Likoni Police Station          | 3          |          |
|     | Nyali Police Station           | 1          |          |
|     | Mombasa ATPU Camp              | 1          |          |
|     | Changamwe Police Station       | 1          |          |
|     | Kondele Police station         | 2          | Kisumu   |
|     | Muhoroni Police Station        | 2          |          |
|     | Ayucha Secondary School        | 1          |          |
|     | Rabuor Police Station          | 1          |          |
|     | Ahero police station           | 1          |          |
|     | Kisumu Central Police Station  | 1          |          |
|     | Kisumu MCA                     | 1          |          |
|     | Maseno police Station          | 1          |          |
|     | Mowlem Police Post             | 1          |          |
|     | Nanyuki police Station         | 4          |          |
|     | Marmanet ASTU Camp             | 3          | Laikipia |
|     | Ntakira Police Post            | 2          |          |
|     | Kabras Police Station          | 2          | Kakamega |
|     | Serem Police Post              | 1          |          |
|     | Kakamega Police Station        | 1          |          |
|     | Khwisero police Station        | 1          |          |
|     | Kilifi County Inspectorate     | 3          |          |
|     | Malindi Police Station         | 2          | Kilifi   |
|     | Watamu Police Station          | 2          |          |
|     | Mtwapa Police Station          | 2          |          |
|     | Kilifi Police Station          | 1          |          |

| No. | Police Station                    | VIOLATIONS | COUNTIES    |
|-----|-----------------------------------|------------|-------------|
|     | Tigoni Police Station             | 3          | Kiambu      |
|     | Juja police Station               | 1          |             |
|     | Kabete Police Station             | 1          |             |
|     | Kahawa Barracks                   | 1          |             |
|     | Ruiru Police Station              | 1          |             |
|     | USIU University Security Team     | 1          | Kiambu      |
|     | IEBC Officer                      | 1          | Kisii       |
|     | Etaga Police Station              | 1          | Siaya       |
|     | Suneka Police Station             | 1          |             |
|     | Yala Police Station               | 5          |             |
|     | Bondo police Station              | 1          |             |
|     | Ugunja police Station             | 1          |             |
|     | Rarieda police Station            | 1          | Kericho     |
|     | Kericho Police Station            | 3          |             |
|     | Sorget Forest KFS Camp            | 2          |             |
|     | Timboroa KFS Camp                 | 1          |             |
|     | Nyeri police station              | 3          |             |
|     | Karatina police Station           | 1          | Nyeri       |
|     | Nyeri NTSA Official               | 1          |             |
|     | Aterait police post               | 4          |             |
|     | Busia police Station              | 2          |             |
|     | Bungoma police Station            | 3          |             |
|     | Kiminini Police Station           | 1          | Bungoma     |
|     | Bungoma MCA                       | 1          |             |
|     | Kimilili MP                       | 1          |             |
|     | Singalo Institute security guards | 1          |             |
|     | Kapsokwony police station         | 1          |             |
|     | Matisi Police Station             | 1          | Baringo     |
|     | Kabarnet Police Station           | 2          |             |
|     | Morsoit Primary School            | 1          |             |
|     | DCI                               | 1          |             |
|     | Kigaa Police Post                 | 1          |             |
|     | Runyenjes Police Station          | 1          | Embu        |
|     | Embu GOK Prison                   | 1          |             |
|     | Manyatta Police Station           | 1          |             |
|     | Kangaru Mixed Secondary School    | 1          |             |
|     | Homabay police station            | 1          |             |
|     | Uasin Gishu County Government     | 1          | Homa bay    |
|     | Eldoret police station            | 1          | Uasin Gishu |

| No. | Police Station               | VIOLATIONS | COUNTIES     |
|-----|------------------------------|------------|--------------|
|     | Kitengela police Station     | 1          | Kajiado      |
|     | Magadi GSU training camp     | 1          |              |
|     | Sagana police Station        | 1          | Kirinyaga    |
|     | Kikuuni Primary School       | 1          | Machakos     |
|     | Machakos town Police Station | 1          |              |
|     | Kwale ATPU Camp              | 1          | Kwale        |
|     | Lamu Police Station          | 1          | Lamu         |
|     | Mandera Police Station       | 1          | Mandera      |
|     | Kilgoris Police Station      | 1          | Narok        |
|     | Narok County Askaris         | 1          |              |
|     | Guantanamo Prison Camp       | 1          |              |
|     | VIP Guards - DP's Wife       | 1          |              |
|     | Riooga Secondary School      | 1          | Nyamira      |
|     | Nyakeore Secondary School    | 1          |              |
|     | Voi Police Station           | 2          | Taita Taveta |
|     | Njambini police Station      | 2          | Nyandarua    |
|     | Nkubu Police Station         | 1          | Meru         |
|     | Kapchepkok KFS Camp          | 1          | Nandi        |
|     | Kirogo Police station        | 1          | Murang'a     |
|     | Kangema Police Station.      | 1          |              |
|     | Chomo Secondary School       | 1          |              |
|     | Kandara Police station       | 1          |              |
|     | Endebes Police Station       | 1          | Trans Nzoia  |
|     | Kapenguria Police Station    | 1          | West Pokot   |
|     | Eldas MP                     | 1          | Wajir        |

Table 2 Law Enforcement/Police Stations/Government Institution per County. (IMLU 2022)

## DISTRIBUTION BY COUNTY

IMLU received violations from 35 or 74% out of 47 counties. Nairobi County accounts for the highest number of human rights violations at 35% followed by Nakuru (12%) and at number three is Kajiado with 5%. Nakuru County registered many violations during the reporting period, this is attributable to the pronouncement by the then Cabinet Secretary Interior and Coordination of National Government Fred Matiangi in June 2022 where there was an overhaul of the 7security chiefs and his remarks that the government will wipe out people associated with criminal gangs during a public baraza. This was due to the emergence of criminal gangs where 128 suspects had been apprehended in connection with the 'Confirm' gang attack that led to mysterious deaths.

Thirteen or 27.66% of counties registered 0 violations. However, this does not mean there were no similar violations in those counties since our scope and capacity are limited while many violations go unreported.

| NO. | COUNTIES     | TCIDT | ENFORCED D | EJE | TOTAL |
|-----|--------------|-------|------------|-----|-------|
|     | Nairobi City | 59    | 3          | 26  | 88    |
|     | Nakuru       | 15    | 5          | 10  | 30    |
|     | Kajiado      | 9     | 0          | 5   | 14    |
|     | Kilifi       | 8     | 0          | 2   | 10    |
|     | Kisumu       | 4     | 1          | 5   | 10    |
|     | Bungoma      | 3     | 0          | 5   | 8     |
|     | Kiambu       | 3     | 0          | 6   | 9     |
|     | Mombasa      | 4     | 0          | 4   | 8     |
|     | Siaya        | 1     | 1          | 6   | 8     |
|     | Busia        | 6     | 0          | 0   | 6     |
|     | Kericho      | 5     | 0          | 1   | 6     |
|     | Embu         | 5     | 0          | 0   | 5     |
|     | Kakamega     | 4     | 0          | 1   | 5     |
|     | Laikipia     | 4     | 0          | 1   | 5     |
|     | Muranga      | 3     | 0          | 2   | 5     |
|     | Nyeri        | 4     | 0          | 1   | 5     |
|     | Meru         | 1     | 0          | 3   | 4     |
|     | Kisii        | 2     | 0          | 1   | 3     |
|     | Machakos     | 1     | 0          | 2   | 3     |
|     | Baringo      | 2     | 0          | 0   | 2     |
|     | Narok        | 2     | 0          | 0   | 2     |
|     | Nyamira      | 2     | 0          | 0   | 2     |
|     | Nyandarua    | 2     | 0          | 0   | 2     |
|     | Trans Nzoia  | 1     | 0          | 1   | 2     |
|     | Uasin Gishu  | 2     | 0          | 0   | 2     |
|     | Taita Taveta | 0     | 0          | 2   | 2     |
|     | Bomet        | 1     | 0          | 0   | 1     |
|     | Kwale        | 1     | 0          | 0   | 1     |

7 <https://imlu.org/2022/07/imlu-condemns-the-extrajudicial-killings-of-four-young-men-in-kwa-maiko-nakuru-county/>

| NO. | COUNTIES   | TCIDT | ENFORCED D | EJE | TOTAL |
|-----|------------|-------|------------|-----|-------|
|     | Lamu       | 1     | 0          | 0   | 1     |
|     | Nandi      | 1     | 0          | 0   | 1     |
|     | Wajir      | 1     | 0          | 0   | 1     |
|     | West Pokot | 1     | 0          | 0   | 1     |
|     | Homa Bay   | 0     | 0          | 1   | 1     |
|     | Kirinyaga  | 0     | 0          | 1   | 1     |
|     | Mandera    | 0     | 0          | 1   | 1     |

Table 3 Violations per County (IMLU 2022)

## SERVICE PROVIDED BY IMLU

We provided various levels of support to all 255 victims, survivors, witnesses and their family members. These included responding to distress calls through urgent action support, legal documentation, recording of critical evidence, autopsies, medical and psychological rehabilitation, advocacy and legal advice/litigation and representation.

It is prudent to note that victims were offered different services as shown in the figure below and not all victims received the same services.

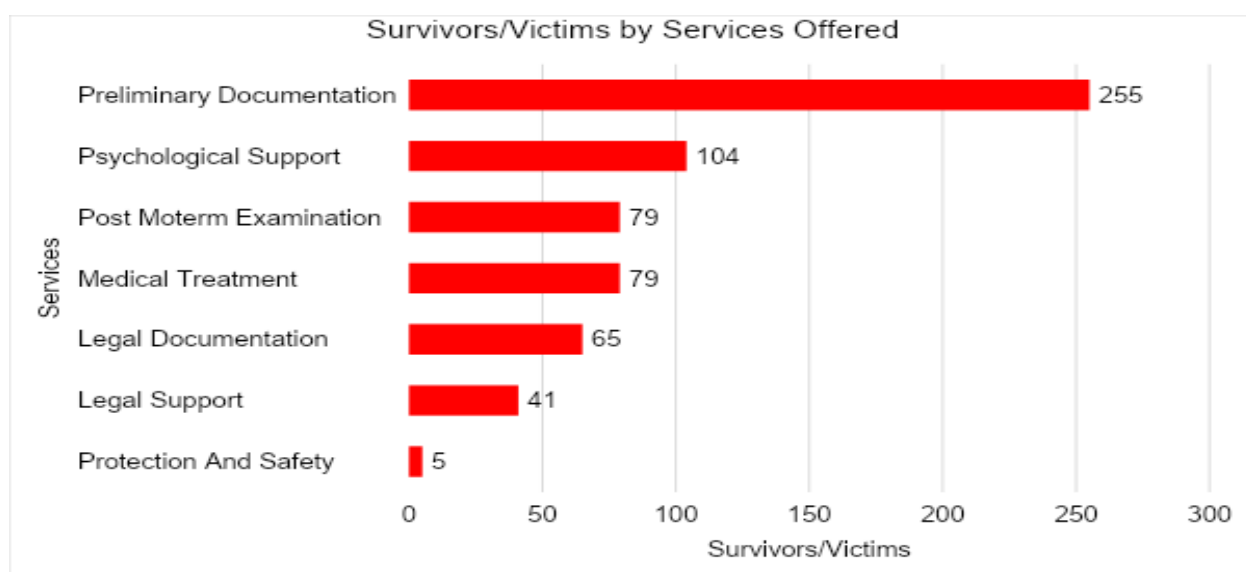


Figure 11 Survivors/Victims by Services Offered (IMLU 2022)

## CONCLUSION

In conclusion, the documented increase of 45 violations in 2022, committed mainly by police officers, is a grave concern that demands immediate attention. This rise in violations represents a clear violation of human rights and underscores the urgent need for reforms within the law enforcement sector and a commitment to upholding the rule of law.

The existing legal framework in Kenya provides a solid foundation for addressing these violations. The Kenyan Constitution, for instance, explicitly prohibits torture and cruel, inhuman, or degrading treatment. These laws must be rigorously enforced, and those responsible for violating them must face the full force of the legal system.

Furthermore, international human rights standards, to which Kenya is a signatory, should guide efforts to combat torture and related violations. The United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment provides a clear framework for preventing and addressing such violations. Kenya must align its policies and practices with these international norms.

Civil society organisations play a vital role in documenting these violations and advocating for justice. Their work in raising awareness, providing legal assistance to victims, and holding perpetrators accountable is invaluable. It is imperative that the government enhances collaboration with and support these organisations in their efforts to combat torture and related abuses.

To truly address this issue, comprehensive reforms within the police force, strengthened oversight mechanisms, and the strict enforcement of existing laws are essential. Transparency and accountability are key to rebuilding public trust in the police force. Independent bodies should be empowered to investigate allegations of abuse, and their findings should lead to swift and just prosecutions.

In conclusion, the documented increase in violations in Kenya is a matter of great concern that requires immediate and concerted action. Upholding human rights, enforcing existing laws, aligning with international standards, and collaborating with civil society organisations are all essential steps towards eradicating these violations and restoring public trust in law enforcement agencies. Only through a collective commitment to justice, human rights, and the rule of law can Kenya hope to reverse this alarming trend and ensure a safer and more just society for all its citizens as envisioned in our Constitution and SDG Goal 16.

*The Independent Medico-Legal Unit is a governance, health, and human rights NGO whose vision is A Society free from Torture and Related Violations. IMLU's work is fostered by a holistic approach that includes litigation, medical and psycho-social rehabilitation, socio-economic empowerment, oversight of government compliance with human rights obligations, and advocacy of political, legal, and institutional reforms that promote accountability, healing, and justice. Over the last three decades, the organisation has supported more than 6,000 victims of torture, and cruel, degrading, and inhumane treatment. We have a national presence of over 300 volunteer professionals; doctors, trauma counsellors, lawyers, human rights monitors, and journalists.*

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*To report a violation please call our toll-free number 00800 721 401 or email: [medico@imlu.org](mailto:medico@imlu.org)*



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