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In reply please quote

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The Embassy of the Republic of Kenya to the Federal Democratic Republic of Ethiopia and Permanent Mission to the African Union and the United Nations Economic Commission for Africa presents its compliments to the African Union Commission on Human and People's Rights and refers to the latter's letter Ref. **ACHPR/SM/KEN/767a/2024** dated **23<sup>rd</sup> July, 2024** addressed to H.E. William Samoei Ruto, PhD, C.G.H., President of the Republic of Kenya. The Embassy also refers to the Activity Report of the African Commission on Human and Peoples' Rights (ACHPR), presented at the PRC meeting and the Executive Council's Forty-Sixth Ordinary Session (14<sup>th</sup> January - 13 February 2025, Addis Ababa, Ethiopia), regarding allegations of arbitrary executions, enforced disappearances, attacks on journalists, and enforced repatriations.

The Government of Kenya takes these allegations seriously and is concerned about their basis and intent. In response, it seeks to clarify and set the record straight as per the attached statement.

The Embassy of the Republic of Kenya to the Federal Democratic Republic of Ethiopia and Permanent Mission to the African Union and the United Nations Economic Commission for Africa avails itself of this opportunity to renew to the African Union Commission on Human and People's Rights, the assurances of its highest consideration.

**ADDIS ABABA, 21<sup>ST</sup> FEBRUARY 2025.**



**AFRICAN UNION COMMISSION ON HUMAN AND PEOPLE'S RIGHTS  
BANJUL**

**Encl.**

**(i) Statement**

## **STATEMENT BY THE REPUBLIC OF KENYA ON ALLEGATIONS OF ARBITRARY EXECUTIONS, ENFORCED DISAPPEARANCES, ATTACKS ON JOURNALISTS, AND ENFORCED REPATRIATIONS**

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1. The Republic of Kenya upholds the rule of law and adheres to the Constitution of Kenya (2010), as well as national and county laws. The Constitution, which forms the bedrock of governance and public administration, includes an entire chapter on the Bill of Rights, ensuring the protection of fundamental human rights for all citizens, regardless of race, color, or religion. The safeguarding of civil, political, economic, and social rights is a fundamental component of all legal and policy frameworks in every sector.
2. Furthermore, under the Kenyan Penal Code, abduction and kidnapping are criminal offenses, outlined in Sections 256 and 254, respectively. The National Police Service (NPS) affirms that it does not engage in abductions or kidnappings, as such actions are illegal. Any individual arrested, with or without a warrant, must be detained only in designated police cells, with the arrest properly documented in official registers. Additionally, the law mandates that any arrested person be presented before a court within 24 hours.
3. The National Police Service Standing Orders (Chapter 31, Paragraph 22) specify the conditions under which officers may wear plain clothes while performing their duties. Officers from the Directorate of Criminal Investigations (DCI) operate in plain clothes and use unmarked vehicles, but they are required to identify themselves when making arrests.
4. During the anti-Finance Bill protests, which escalated between 18th and 25th June 2024, the security situation in Nairobi and other areas became volatile. To restore public order—a core mandate of the NPS—officers intervened to disperse disruptive crowds. Some protesters were arrested, particularly those captured on camera committing offenses. However, claims that the police engaged in abductions and kidnappings were misleading. These actions were part of lawful investigations, where security agencies pursued suspects identified through CCTV footage.
5. Following a preliminary investigation, it was established that:
  - a) Individuals reported as abducted or kidnapped were, in fact, lawfully arrested and detained, while some cases involved criminal abductions by non-state actors.

- b) Police acted to investigate and address reported cases, leading to arrests and prosecutions.
- c) Some reported abductions were, in reality, arrests carried out by the Department of Immigration, often in response to mutual legal assistance requests from other nations.
- d) Several alleged cases were unverifiable, as some individuals had gone into hiding to evade law enforcement.
- e) Certain reports were entirely false, as some individuals falsely claimed to have been abducted for personal reasons.

**6. The measures implemented to protect Kenyans from abductions, kidnappings.**

The National Police Service has introduced several measures to safeguard citizens from criminal activities exploiting the ongoing protests, including:

- a) **Increased Police Visibility:** Deployment of officers in high-risk areas and installation of CCTV cameras to deter and monitor criminal activities.
- b) **Community Awareness Programs:** Public education campaigns to equip citizens with knowledge on personal and family security, encouraging cooperation with law enforcement.
- c) **Enhanced Intelligence Gathering:** Officers have been trained to collect actionable intelligence to preempt and prevent kidnappings and abductions.
- d) **Swift Response Mechanisms:** Strengthened rapid response units to ensure immediate intervention in reported kidnapping and abduction cases.
- e) **Professional Conduct Training:** Police officers are continuously trained on professionalism, fostering trust and collaboration between law enforcement and the public.
- f) **Accountability Measures:** Officers found guilty of misconduct face disciplinary action or criminal prosecution in accordance with the law.

7. The Embassy of the Republic of Kenya reaffirms the government's commitment to upholding its Constitution and urges for accurate and evidence-based reporting to avoid undermining the sovereignty and territorial integrity of member states.