

FOI 0325-15 DIGEST

Project bids from 2011

28/01/11

FCO Kenya CT and HR assessment

Following post Dec 07 violence Administration police were implicated in allegations of human rights abuses. The allegations were not substantiated.

28/01/11

FCO Kenya CT and HR paper/assessment

31/01/11

Documented cases of civil organisations groups challenging and reporting unlawful and/or arbitrary arrests and/or detention of alleged terrorism suspects by the Anti Terrorism Police Unit (ATPU).

Protests by human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya for trial in Uganda on charges for the July 2010 Kampala bombings.

31/01/11

Acrimony from human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya to Uganda for charges on the July 2010 Kampala bombings.

Media and Human Rights Watch reports of unlawful arrests

01/02/11

Media reports of executions at the hands of Kenya and Administration Police Officers. Reports to the Kenyan National Commission on Human Rights and the Kenya Human Rights Commission of executions at the hands of the Kenya Police.

Documented cases of civil society organisations groups challenging and reporting unlawful and/or arbitrary arrests and/or detention of alleged terrorism suspects by the Anti terrorism Police Unit (ATPU).

Protests by human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya for trial in Uganda on charges for the July 2010 Kampala bombings.

01/02/11

Recent incidents/reports on alleged extra judicial killings at the hands of KP officers.

Reports by human rights defenders alleging human rights violations by the ATPU.

17/06/11

Documented cases of civil organisations (KNHCR Kenya National Human Rights Commission, MHURI Muslim Human Rights Initiative) challenging and reporting unlawful and/or arbitrary arrests and/or detention of alleged terrorism suspects by the ATPU.

An example of broader evidence is the protests by human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya for trial in Uganda on charges for the July 2010 Kampala bombings.

27/07/11

Although not attributed to RPBU there have been allegations of torture and mistreatment of civilians by the Kenyan Police.

Incidents of extra judicial killings and the use of excessive use of force have been attributed to Kenya's police force.

British Embassy Nairobi commented that the RBPU have a very good human rights record.

British Embassy's CT HR report (2010)

There is still evidence to suggest that Kenyan Police and Military have been involved in alleged incidences of torture and inhuman treatment. Human Rights Watch (HRW) stated on 13 January 2008 that the Kenyan Police were using excessive and lethal force to break up rallies and protests...

Television footage suggests that an anti-riot officer in Kisumu shot dead an unarmed protester in an execution-style killing: the police chief in Kisumu said that the officers had disobeyed orders to use only tear-gas and batons in clearing protests (BBC news 18 January 2008).

The Administration Police were implicated in allegations of human rights abuses committed against the civilian population after Dec 07 elections.

19/08/11:

CPS scoping report
HMG CT/Human rights assessment
US State Dept Human Rights report
UN Special Rapporteur on Extra Judicial killings in Kenya
Human Rights Watch reports

23/08/11

There have been allegations of ATPU being heavy handed during searches of properties .

Allegations of renditions

There have been allegations, but no specific evidence despite us asking. Our real concern is renditions ...

Civil society organisations groups challenging and reporting unlawful and/or arbitrary arrests and /or detention of alleged terrorism suspects by the Anti Terrorism Police Unit (ATPU).

Protests by human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya for trial in Uganda on charges for the July 2010 Kampala bombings.

02/09/11

There have been allegations of ATPU being heavy handed during searches of properties .

Allegations of renditions

There have been allegations, but no specific evidence, despite us asking.

Research of information from Amnesty International and the State report 2010

Civil society organisations groups challenging and reporting unlawful and/or arbitrary arrests and /or detention of alleged terrorism suspects by the ATPU.

Protests by human rights defenders in Kenya following the recent renditions of suspects arrested in Kenya for trial in Uganda on charges for the July 2010 Kampala bombings.

05/09/11

Kenyan human rights groups have alleged that the ATPU have committed a number of HR violations, including the mistreatment of suspects during searches and in detention, and unlawful or arbitrary...[sic].

29/09/11

There have been allegations of ATPU being heavy handed during searches of properties and arrests.

There have been allegations from NGOs and civil society organisations, but no evidence has been provided to support the claims.

14/12/11 and 31/10/11 and 10/10/11 and 29/09/11

Local civil society groups have made allegations of unlawful and arbitrary detention and mistreatment during detention by ATPU officers.

In his 2011 report on Kenya (A/HRC/17/28/Add.4) the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that 'police killings as a result of excessive use of force continue to be reported' and the 'government's commitment to address grave human rights abuses appears to be very minimal'. . However, we are not aware of any allegations that the ATPU itself has been involved in extra-judicial killings.

Human rights defenders in Kenya have protested following the recent renditions of suspects arrested in Kenya for trial in Uganda for the July 2010 Kampala bombings. Allegations that renditions have taken place are substantiated by the High Court of Kenya declaring renditions illegal, media reporting and the following HR reports.

Amnesty International 2010 HR report on Kenya
HRW 2010 HR report on Uganda
State Department 2010 HR report on Kenya pp13-14

14/12/11

2011 report on Kenya (A/HRC/17/28/Add.4) by the UK Special Rapporteur on extrajudicial, summary or arbitrary executions
Amnesty International 2010 HR Report on Kenya
HRW 2010 HR report on Kenya
State Department 2010 HR Report on Kenya

Other documents

18 April 2011 Project Proposal (named project) from (named individual):

5. The project proposal refers in section 4 to an FCO paper on CT and Human Rights. I have seen this (undated) paper and note, in particular, that police are accused of using torture during interrogations and Human Rights Watch have accused security forces in Mount Elgon of torture; in most cases, allegations of torture are not investigated...The report also refers to the UK Special Rapporteur for extra judicial killings reporting systemic, widespread and extrajudicial executions undertaken on a regular basis by Kenyan police.

6. I note that the project proposal records (section 4) that 'It is the view of Post that the RBPU have a very good HR record...

(Department) submission on risks of human rights violations arising from (named project) 12 May 2011 (from named individual)

Incidents of extra-judicial killings and the use of excessive use of force have been attributed to Kenya's police force, but we have no evidence that the RBPU itself has been involved in human rights violations.

Email 28 October 2011 (named individual) (department) to (named individual)

We have Criterion two concerns with the Kenyan police.

HRDD have conducted a risk assessment with CTD highlighting that there have been allegations of torture and mistreatment of civilians, as well as the extra judicial killings and use of excessive force by the Kenyan police although these have not been attributed to the RPBU.

Email 31 October 2011 (named individual) to (named individual)

We have a number of concerns with the Kenyan Police including unlawful killings. In February 2009 Philip Alston, the UN special rapporteur on extrajudicial, summary, or arbitrary executions, released a report that found "that police in Kenya frequently execute individuals and that a climate of impunity prevails" The rapporteur also reported "the existence of police death squads operation on

the orders of senior police officials and charged with eliminating suspected leaders and members of criminal organisations.” NGO reports note that killings are still taking place by the Police.

HRW annual report mentions that Kenya continues to suffer the regional effects of Somalia’s crisis, with a steady flow of refugees entering the country; some suffered serious abuses at the hand of Kenyan police as they tried to find safety. <http://www.hrw.org/en/world-report-2011/kenya>

Near Kenya’s officially closed border with Somalia, police have free rein to intercept as many as possible of the estimated 10,000 mostly Somali asylum seekers who cross the border every month with the help of people smugglers. Making no distinction between women, children and men, police often use violence, unlawful detention in appalling overcrowded conditions, and threats of deportation to extort money from them. Some police officers rape women near the border. During the first ten weeks of 2010, hundreds if not thousands, of Somali asylum seekers unable to pay were unlawfully sent back to Somalia.

Email (named individual) – (department) 1 December 2011

Kenyan human rights groups have alleged that the **ATPU** has committed a number of human rights violations, including the mistreatment of suspects during searches and in detention, and unlawful and arbitrary arrest. We are also aware that the ATPU was involved in unlawfully rendering as many as 12 people to Uganda on suspicion of involvement in the July 2010 Kampala bombings.

<http://www.hrw.org/news/2011/05/13/kenya-human-rights-investigator-deported>

Amendments to pro forma, same email as above

We have criterion 2 concerns with the Kenyan Police. As part of their assessment of the CT project appraisal CTD conducted a risk assessment with HRDD and highlighted that there have been allegations of human rights violations by the Kenya Police including torture and mistreatment of civilians, reports of unlawful and extra judicial killings, arbitrary detention and excessive use of force by the Kenyan police. HRD flagged up a risk that the Kenya Police could carry out operations in an unlawful manner or treat detainees in a manner inconsistent with international law.

Submission to (named individual) Proforma for (project title) 09 December 2011 (named individual, department)

We have criterion 2 concerns with the Kenyan Police. As part of their assessment of the CT project appraisal CTD conducted a risk assessment with HRDD and highlighted that there have been allegations of human rights violations by the Kenya Police including torture and mistreatment of civilians, reports of unlawful and extra judicial killings, arbitrary detention and excessive use of force, including carrying out illegal mass round-ups and beatings.

However these human rights violations have not been attributed to the Kenyan Police Anti-Terrorism Police Unit (ATPU)... Similar concerns have been raised against the Kenyan Administration Police (AP) but again not against the Rural Border Patrol Unit (RBPU)...

22 December 2011

SUBJECT: (named project)

There are concerns about the Kenyan authorities' human rights record, including renditions and extra-judicial killings...But these concerns do not focus on ATPU.

Request for (named project) (to named individual) 23 December 2011

9. ..There are concerns about the Kenyan authorities' human rights record. ...But these concerns do not focus on ATPU. In previous cases where we have asked for assurances from ATPU, they have been upheld.

11. ...Kenya still has the death penalty for serious crimes on its statute book, but there has been a de facto moratorium on application of the death penalty since 1987.

SUBJECT: (named project) 22 December 2011

To: (named individuals) From: (named individual)

16. There are concerns about the Kenyan authorities' human rights record, including allegations of renditions and extra-judicial killings... But these concerns do not focus on the ATPU. In previous cases where we have asked for assurance from ATPU, they have been upheld.

18. ...Kenya still has the death penalty for serious crimes on its statute book, but there has been a de facto moratorium on application of the death penalty since 1987.

Request for (named project) 23 December 2011

There are concerns about the Kenyan authorities' human rights record. ... But these concerns do not focus on ATPU. In previous cases where we have asked for assurances from ATPU, they have been upheld.
