The death of a relative or a friend can be a traumatic experience. When the death occurs overseas, family and friends in the UK can feel additional distress as they are unfamiliar with foreign procedures and perhaps are unable to communicate in the language of the country where the death occurred. Consular Directorate of the Foreign and Commonwealth Office and our High Commission in Kenya are ready to help as far as they can. You may be uncertain about what to do next or who to contact for advice. These notes are designed to help you through the practical arrangements you will need to make. You should be aware that some Kenyan procedures differ to those in the United Kingdom and that, while we understand your need for arrangements to be made quickly, this is not always possible.

The information contained in this document is not meant to be a definitive statement of the law, nor is it to be taken as a substitute for independent legal advice.

What we can/cannot do

Please see our general information that is available online at:

https://www.gov.uk/after-a-death/death-abroad

and our information leaflets:
Consular Support:

- in the UK, please call Consular Directorate at the Foreign & Commonwealth Office in London on 020 7008 1500

- In Kenya, please call the British High Commission in Nairobi on +254 (0)20 287 3000 / +254 (0)20 2844 000. Email: consular.enquiries@fco.gov.uk

General

If the deceased had travel insurance, it is important that the next of kin contact the insurance company without delay. If the deceased had no insurance cover, the cost of repatriation or cremation will have to be met by the family. The British High Commission and/or the Foreign and Commonwealth Office cannot meet these costs. The next of kin should also be aware that all hospital bills would have to be paid before the body can be released to the funeral directors.

A reputable funeral director can assist with all the arrangements and obtain all necessary documentation.

If a death is sudden and unexpected this may be treated as a police case and a police officer may attend the post mortem.

Autopsies (Post Mortems)

Post mortems are usually required by law in the following circumstances: sudden, unexpected deaths, suspicious deaths, accidents (eg road accidents, drowning) and terrorist related deaths.

Exceptionally, the requirement for a post mortem may be waived or alternative methods of identifying specific injuries may be permitted for religious reasons but this would need to be authorised by the competent local legal authority and the office of the chief government pathologist. The lack of a post mortem may limit the ability of the local authorities to investigate the death.

Post mortems may also be carried out in other circumstances, for example: insurance claims, at the request of the family, at the request of the police/local legal authorities, at the request of an overseas government authority or where there is a medical/legal issue.
Unless the State agrees to meet the costs in any case of interest to the police payment/guarantee of payment for the post mortem may be required before it is carried out. This can be arranged through the local funeral director.

During a post mortem organs may be removed for examination.

Organs and samples may also be removed and retained for further toxicological or histo-pathological examination.

In certain situations a whole organ may be retained for further examination.

Any samples taken or organs retained are listed on the post mortem report.

Results from tests such as toxicology can take some weeks or months to be made available, particularly in police cases.

**Mortuary Facilities**

Most hospitals and mortuaries around Kenya do have refrigerated storage, but away from the major cities and towns this can be limited. A daily charge is payable to the mortuary.

**Can I see the body?**

You can arrange with the mortuary or funeral home to view the body if you wish to do so. The police usually ask a family member, friend of the deceased or representative to view the body for identification purposes before a post mortem takes place. If no family member or friend is present in Kenya, the Kenyan authorities may ask the British High Commission to confirm the identity of the deceased. The Kenyan authorities may ask you to provide written permission for the post mortem to proceed.

Facilities and conditions at mortuaries in Kenya can be basic, particularly outside Nairobi.

**Repatriation and Burial**

Once the cause of death has been established, a burial permit and death notification will be issued. These are then used to obtain the death certificate.

The Next of Kin will need to decide whether to:

- Repatriate the deceased’s remains to the UK
- Have a local burial in Kenya
- Have a local cremation in Kenya
If the deceased had travel insurance, the insurance company will normally have a standing agreement with an international funeral director in the UK to arrange repatriations.

If the deceased is not covered by insurance the next of kin will need to appoint an international undertaker in the UK or a local funeral director.

Many funeral directors in Kenya are equipped to carry out the repatriation. Several funeral homes in Kenya have links with international undertakers in the UK and elsewhere in the world.

The original burial permit, embalming certificate and copy of the registration of death/death certificate are required. Some airlines will also require a copy of the deceased’s passport. The funeral directors will obtain all these documents for you.

A coroner in England or Wales will normally hold an inquest if the person died a violent or unnatural death overseas and their body is returned to their district. Different rules apply in other parts of the UK. The coroner in England or Wales will request relevant documents from Kenya. Obtaining documentation regarding any inquest or investigation into a death in Kenya can take many months or, in some cases, years.

**An inquest will not take place in the UK in the event of local burial or cremation here in Kenya.**

**Local Cremation**

This is relatively easy to arrange but facilities for cremation are basic. There are two options:

(i) The City Council facility (Nairobi only) or;
(ii) By arrangement with the Hindu Union.

The City Council facility is enclosed but the Hindu Union cremates on a funeral pyre in the open air.

Ashes can be sent back to the UK or scattered locally.

**Local Burial**

This can also be arranged but burial sites are starting to become scarce in Nairobi. The funeral directors in Kenya would arrange the plot and the paperwork required.

**Registration of the death**

The Kenyan authorities will issue a death certificate in English.
You may wish to register the death with the UK authorities. Information about how to do this can be found at: https://www.gov.uk/register-a-death. This carries a statutory fee.

**Return of Personal Effects**

Unless required by the police/local authorities as part of an investigation or as evidence, personal effects are normally returned to next of kin, or their authorised representative, without any formalities. If personal effects need to be returned to the UK and next of kin are not present in Kenya, the High Commission can assist with making arrangements by commercial means but this will be at the family’s expense.

**Police/Judicial Inquiries/Deaths in Suspicious circumstances**

In the event of a sudden or unexpected death the police will complete their initial investigations and may refer the matter to the Department of Public Prosecutions who will advise on the next steps, for example whether to open an inquest or prefer charges.

Any judicial process in Kenya can take many months or even years to be concluded. Court cases are dealt with over a number of hearings which are often adjourned.

You may wish to engage a local lawyer who can often gather information and provide updates to the family more quickly than the Foreign and Commonwealth Office and can represent the family’s interests in court.

The police do not routinely give the family a copy of their report.

Copies of rulings/judgments made in court can be found at www.kenyalaw.org

**Legal Aid**

Legal Aid is not generally available in Kenya.

**Compensation**

No government compensation scheme is available.