



Foreign &
Commonwealth
Office

Counter Terrorism Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

18 January

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0806-16

Thank you for your email of 24 August asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- In June 2013, the British High Commission/Kenya announced that it had provided *“Support by the UK to improving security in Kenya over the last year has included...security training courses to...the Anti-Terrorist Police Unit (ATPU), a new police operations centre and vehicles for the ATPU.”* (See <https://www.gov.uk/government/world-location-news/uk-hands-over-high-speed-patrol-boat-to-the-kenya-navy>)

- Reports from regional newspapers that year provided more detail on the so-called “Kenya Police Operations Center”: *“A bigger building houses the new centre, which has ample holding cells, interrogation rooms, and the latest technology for conducting surveillance operations and investigations. The centre has new computers, state-of-the-art communications systems, and explosives detectors and detonators, according to officials.”* (See http://web.archive.org/web/20130903051841/http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/05/10/feature-02)

My questions:

- 1) *Are reports stating that the Centre built by the UK comprises holding cells and interrogation rooms correct?*
- 2) *How much did the UK pay for the construction of the centre?*
- 3) *Which UK agencies contributed to its construction, materially, financially, through advisory or by another other means?*
- 4) *Did the UK contract a company for the construction? If so, which company? If not, which Kenyan ministry did it pay to arrange this?*

5) *Please list all material items (including software) the UK purchased for the operations centre and include any surveillance technologies with their trade name/brand. If an FOI exemption forbids you from mentioning the trade name/brand, please mention the technology/software type)*

I'd be grateful if you treated each question separately such that if one question provokes an exemption then it does not affect the others questions since they are distinct.

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

Through our support to policing in Kenya, we are working to enhance Kenya's capability to disrupt terrorist threats, gather evidence and make arrests based on respect for human rights and the rule of law. We continue to engage with the Kenyan authorities on these issues in line with the shared aim of reducing the threat from terrorist groups in Kenya. As part of this support, the UK contracted an architect and a construction company in support of the build of a police operations centre in Nairobi. The final cost of the project was £381,716, which was funded by the FCO. The project was overseen by officials and subject matter experts at the British High Commission in Nairobi.

Some of the information you requested has been withheld under Section 31(1)(a) Law Enforcement - the prevention or detection of crime, 31(1)(b) Law Enforcement – the apprehension or prosecution of offenders and 31(1)(c) Law Enforcement – information which is likely to prejudice the administration of justice. Section 31 is subject to a Public Interest Test. It is our view that in this case, the balance is in favour of non-disclosure. We acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in the FCO working with international partners to improve their capacity to investigate and prosecute suspected terrorist offenders. We have judged that the release of the information concerned on the facilities available at particular premises used by particular Kenyan police units could inadvertently inform the activities of terrorist groups and individuals operatives in Kenya, for example through the provision of information on any surveillance capabilities available to police forces based at a certain location or by a certain unit. It is our view that to release the requested information would likely inhibit the Kenyan authorities' ability to effectively investigate and prosecute suspects accused of terrorism offences, which would in turn inhibit the effectiveness of CT law enforcement activity and operations.

Further to this, some information has also been withheld under Section 24 (1) (National Security) of the Freedom of Information Act. Section 24 is also a qualified exemption, which means that it is subject to a public interest test. Similarly, we acknowledge the public interest in openness and transparency, but we consider that there is also a public interest in the FCO protecting national security. We judge that inhibiting the effectiveness of CT law enforcement activity and operations in Kenya would have a subsequent impact upon law enforcement activities aimed at countering threats to the security of the UK and UK interests. We have

therefore concluded that the exemption applies and that withholding the material serves the public interest better than release in this instance.

Other information is likely to endanger the safety of individuals and has therefore been withheld under Section 38(1)(a) and (b). This qualified exemption also requires the application of the public interest test. Although there is a limited public interest in the release of information on contractors engaged by HMG which would demonstrate openness and accountability, it is possible that the contractors in question could subsequently be subject to threats or actions which risk their physical safety, either as a result of their involvement in work for the Kenyan police service, or to pressure the contractors in question to release information concerned on the facilities available or layout of a particular premises.

Finally, the FCO can neither confirm nor deny whether it holds any additional information that would meet the terms of your request, in reliance on the exemptions in sections 23(5) and 24(2) of the Freedom of Information Act 2000. To the extent that section 24(2) applies, the department has determined that in all circumstances of the case, the public interest in maintaining exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held, and to give a statement of the reasons why the exception applies would involve the disclosure of exempt information. Therefore, under section 17(4) of the Act, the FCO is not obliged to give such a statement. However, this should not be taken as necessarily indicating that any further information what would meet your request exists or does not exist.

Yours sincerely,

Counter Terrorism Department



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.