



Humanity | Activism | Knowledge | Integrity

# POST PANDEMIC PURGE



## STATE OF HUMAN RIGHTS IN KENYA 2021 REPORT



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## STATE OF HUMAN RIGHTS IN KENYA

### 2021 REPORT

*In Partnership with*



March 2022

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It is with profound gratitude to the Almighty to have the opportunity to present this State of Human Rights Report for the year 2021. It was a year where HAKI Africa and its partners recorded the highest number of enforced disappearances since the organization began documenting human rights violations. Kenya has morphed into a country where anybody can disappear.

Special appreciation goes to HAKI Africa's Board of Directors for continuously supporting the staff and creating an enabling environment for them to discharge their duties. For that, we say *Asanteni Sana*. Specifically, we would like to mention by name our board members who have been instrumental in guiding HAKI Africa to new heights. They are:

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- Salome Nduta
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- Yusuf M. Aboubakar
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- Sisters for Justice Mombasa - Women Social Justice Centre
- Institute for Land Governance and Human Rights - Kilifi Social Justice Centre
- Human Development Agenda (HUDA) - Diani Social Justice Centre
- Kinango Social Justice Centre

- 
- Voi Community Social Justice Centre
  - Lamu Social Justice Centre
  - Malindi Community Human Rights Centre
  - Fast Action Business Community Human Rights Center
  - Amazing Group PWD (CBO)

Finally and most importantly, we extend our deepest appreciation to our funding partners for availing resources, both technical and financial, without which we would not be in a position to document and respond to these cases, let alone develop this report.



**Chairperson**  
**HAKIAfrica**

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## EXECUTIVE SUMMARY

This year's report titled “Post Pandemic Purge” is derived from the experiences Kenyans have endured as the country struggled to rebuild itself during the post Covid - 19 period. While the country slowly returns to normalcy through opening up of the economy and loosening of Covid - 19 restrictions, the ugly head of human rights violations, specifically enforced disappearances, has shown itself again. This report highlights cases of human rights violations that were reported, documented and compiled during this post pandemic period in Kenya by HAKI Africa and its partners. The cases range from extra judicial killings, enforced disappearances, torture/assault, sexual and gender-based violence, land/eviction cases and labour related issues among other human rights violations.

In previous years, we witnessed cases where people were abducted and their bodies dumped in places like Tsavo National Park in Taita Taveta County and Tana River. The bodies exhibited evidence of torture with some even tied with ropes and showing signs of burns inflicted on them. This shows that these victims, who have families, loved ones and friends, experienced excruciating pain before their lives were cruelly taken away by their tormentors - some believed to be police officers. Sadly, this trend is continuing as we waddle through the post pandemic period. Further there is a new approach where bodies are tied to stones with ropes, dumped in rivers for them to sink and never be found – case in point is of the 11 bodies found in River Tana, Garissa County in September 2021.

Notably this year there is also increased cases of abductions compared to recent years. These abductions are so blatant in the manner they are carried out. Some of the victims are taken outside courts of law, with most never to be seen again and a few reappearing after months. Others are taken from places of worship, shopping centers and even while driving along the streets of major cities like Mombasa and Nairobi. This happens in the glare of street cameras. In other cases, passers by record the abduction incidences on their phones and share widely on social media. Despite all this evidence, Kenyans are still disappearing without a trace and the State seems unfazed by the trend.

Conversely, the dire economic situation in Kenya, due to effects of the Covid - 19 pandemic, has led to many cases of unemployment and inflation forcing Kenyans into survival mode. This has led to labor

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exploitation both locally and in the Gulf countries. Kenyans are exploited by rogue employers who do not provide their workers with employment contracts thus making it difficult to seek any form of redress in the event they get injured or are unlawfully terminated. In addition to this, the lack of contracts has allowed rogue employers to pay workers below minimum wage and in some cases even stop payment altogether.

This report therefore not only highlights the reported cases but also gives key findings and recommendations to both state and non-state actors on what needs to be done to ensure that such cases happen less frequently and Kenyans get to live in a more peaceful and cohesive nation.



**Executive Director**

**HAKIAfrica**

# 1.0 Introduction to HAKI Africa

## 1.1 Background

HAKI Africa is a human rights organization based in Mombasa working to improve livelihoods and enhance the progressive realization of human rights in Kenya and beyond. Initiated in 2012, the organization promotes partnership between State and Non-State Actors in order to constantly improve the well-being of individuals and communities and ensure respect for human rights and rule of law by all. Particularly, the organization seeks to agitate for the recognition and empowerment of local communities in Kenya to fully participate in rights and development initiatives with a view to improving the standards of living amongst all including the poor and marginalized.

## 1.2 Vision, Mission, Goal and Motto of HAKI Africa

**Vision** – A society that respects fundamental rights and freedoms for sustainable development

**Mission** – To foster the progressive realization of human rights

**Goal** – To have individuals and institutions who are enlightened about their rights and working together to enhance the development of their communities

**Motto** – Enhancing the progressive realisation of human rights in Kenya and beyond...

## 1.3 Strategic Objectives of HAKI Africa

The following are the strategic objectives of HAKI Africa:

**Humanity:** To empower all people, in particular the poor, weak, marginalized and vulnerable, to understand and promote their human rights in order to preserve the dignity of individuals and communities;

**Activism:** To mobilize all persons, including women, to be proactive in protecting and defending their rights and ensure fairness and equity across all levels;

**Knowledge:** To promote knowledge and awareness of social, economic and political issues that will enhance the livelihoods of all people; and

**Integrity:** To enhance good governance, devoid of corruption and impunity, across all levels for sustainable and progressive realization of the right to development.



## 2.0 Background of the Report

### 2.1 Introduction

HAKI Africa in partnership with Pwani Social Justice Centers Working Group (PSJCWG) and its paralegals has compiled this State of Human Rights Report for the year 2021 titled “*Post Pandemic Purge*”. The report's title uses the word *Purge* to depict the violent removal of people from our society through extra judicial executions and disappearances that have rocked the country throughout the reporting period. This report seeks to highlight the severity of the human rights situation in Kenya with the goal of influencing stakeholders to come up and demand for better application of the Bill of Rights especially for the poor and marginalized.

### 2.2 Objectives of the Report

The following are the objectives of this report:

- To expose the most glaring human rights violations in 2021;
- To present facts and figures of human rights violations within the Coast region during the year 2021 and offer comparison with the previous years;
- To sensitize and create awareness on human rights violations and recommend ways of overcoming the violations moving forward; and
- To offer a reference document of the human rights situation during the year 2021.

### 2.3 Methodology

The information in this report was compiled by HAKI Africa in partnership with Pwani Social Justice Centers Working Group (PSJCWG) and paralegals in various counties. Primarily, the compilation was through both virtual and face to face interviews with family members, friends and relatives of victims of human rights violations, witnesses to the violations, government officials and senior police officers.

As an institution rooted at the Coast, most of the cases were brought to our attention by either individuals who physically came to our offices or through PSJCWG and paralegal based in various counties. The report also made use of secondary data which was derived from media and civil society organizations' report during the reporting period.

## 2.4 Human Rights Situation in Kenya at a Glance Contextual Analysis

During the reporting period, killings and enforced disappearances increased exponentially compared to the previous years. Below, we highlight, contextualize and put into perspective the human rights situation in Kenya to expose the most glaring human rights violations to date.

### a) Stifled Economy

As the country slowly recovers from the negative effects of the pandemic, the coastal economy still has to grapple with a stifled economy due to the various government policies that include forcing importers to use the Standard Gauge Railway to transport their containers inland instead of them choosing between SGR and trucking companies. This has negatively affected the Mombasa economy as well as those of towns along the Mombasa- Nairobi Highway like Maungu, Voi and Mtito Andei.



*Photos of business spaces closed due to lack of tenants*

### b) Increased Insecurity Due to Lifting of Curfew Restrictions

Our reports suggest that lifting of the lockdown restrictions, though beneficial to the economy, has rendered many vulnerable to human rights violation especially killings, abductions and violent attacks that mostly occur at night or in the wee hours of the morning. Criminal gangs that were otherwise unable to operate during curfew hours have taken advantage of the lifting of curfew restrictions to continue with their violent and criminal ways. Majority of the cases at the coast were witnessed in Old town, Kisauni, Likoni, Mtwapa, Changamwe, Voi, Diani, and Malindi.

### c) Rising Cases of Mental Illnesses Due to Reduced Economic Activities

As explained above, there are many factors that have led to reduced economic activities at the Kenyan Coast and the country at large. These have resulted into reduced household earnings or even complete loss of livelihoods due to massive job losses. The resultant effect is that mental illness cases have increased due to rising cases of depression and trauma. We have recorded cases of people committing suicide including police officers because of depression resulting from living hand to mouth with mounting debt.

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#### **d) Rising Cases of Abductions Contributing to Radicalization**

This year has seen the highest number of abductions ever recorded. A majority of the victims, who are mainly from the Coast, are yet to be returned to their families. This trend has made many Kenyans resentful of the government. This has pushed some of the young people to take up stances against the government as a means of fighting back because they see the rule of law is being applied selectively between the haves and have not's.

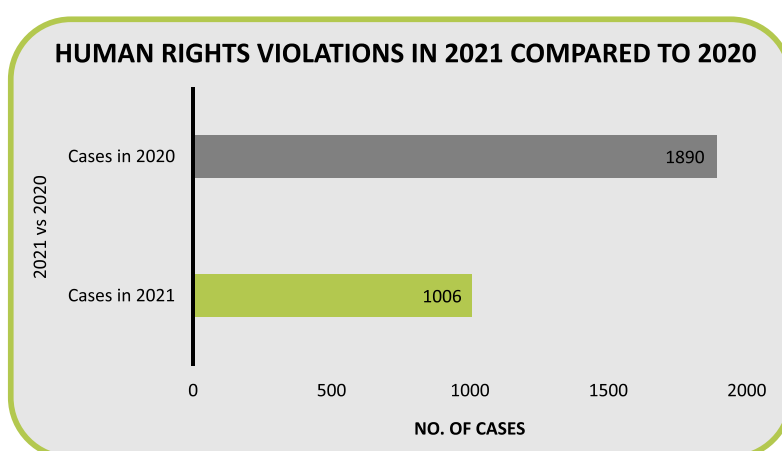
#### **e) Increased Risk of Covid-19 Infections in Informal Settlements Due to Political Campaigns**

After the Kenyan President announced an extension of the nationwide Covid-19 curfew and banned political rallies due to high numbers of infections, politicians still continued to hold rallies without observing MoH guidelines thereby risking the lives of poor and innocent Kenyans who are still grappling with a weakened economy. Many Kenyans were infected with Covid-19 and a majority did not have access to health facilities.

## 3.0 Key Findings on the State of Human Rights at the Coast of Kenya 2021

### 3.1 Summary of Key Findings

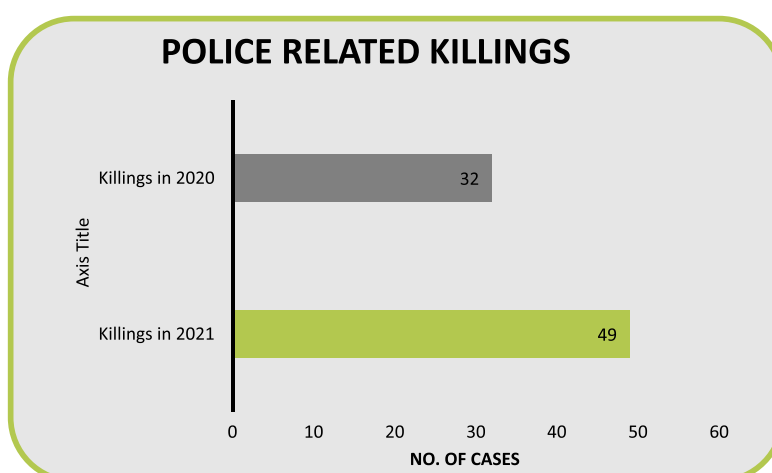
During the reporting period, HAKI Africa in partnership with Pwani Social Justice Centers Working Group and its paralegals received and documented 1,006 cases compared to last year where 1,890 cases of human rights violations were documented. This is a reduction of cases by 63%.



Graph 1: Human rights violation cases documented in 2021 compared to 2020

Below is a summary of the specific key findings:

- **Police Related Killings:** It should be noted that during the year 2021 the number of police related killings was 36 which is 12.5% higher than the number of killings in the year 2020 which was 32



Graph 2: Police related killings documented in 2021 compared to 2020

- **Killings by Criminal/Terror Gangs:** There were at least 5 cases of killings by criminal/terror gangs documented by the rapid response teams within HAKI Africa and its partners in 2021. This number is lower than in 2020 where 11 such cases were recorded. This is a 27% decrease between 2020 and 2021.
- **Killings by Mobs/Civilians:** HAKI Africa and its partners received and documented 5 cases of persons killed by mobs/civilians in 2021. This was 33% more compared to 2020 which recorded 12 cases of killings by mobs/civilians.
- **Enforced Disappearances:** At least 82 persons were forcefully disappeared in the year 2021. Compared to 2020 where 18 cases were reported, there was an increment of 355%.
- **Torture/Assault Cases:** The loosening of Covid -19 restrictions has led to a reduction in torture and assault cases. In 2021, HAKI Africa and its partners recorded 93 cases which is a 12% decrease compared to the 106 cases in 2020.
- **Land/Eviction Related Cases:** Land cases were also recorded at 90 cases in 2021 compared to 2020 where we recorded 163 cases. This is a decrease of 45%.
- **Labour Related Cases:** 327 labour cases were received in 2021 compared to 2020 where 693 labour cases were recorded. This is a decrease of 53%.
- **Sexual Gender Based Violence (SGBV):** This remained a real concern, there were 341 GBV cases recorded in 2021 compared to 771 cases in 2020 including rape, defilement, sodomy, sexual harassment, physical assault, domestic violence and incest. This is a decrease of 56%.
- **Other Cases of Human Rights Violations:** Together with the Pwani Social Justice Centers Working Group paralegals, HAKI Africa documented 71 other human rights violations. The cases ranged from accident cases to social media related complaints from members of the public. This is compared to 2020 where 84 cases of other human right violations were recorded. This is a reduction of 15.5%.



Below is a graphical representation of the different human rights violations documented in the year 2020



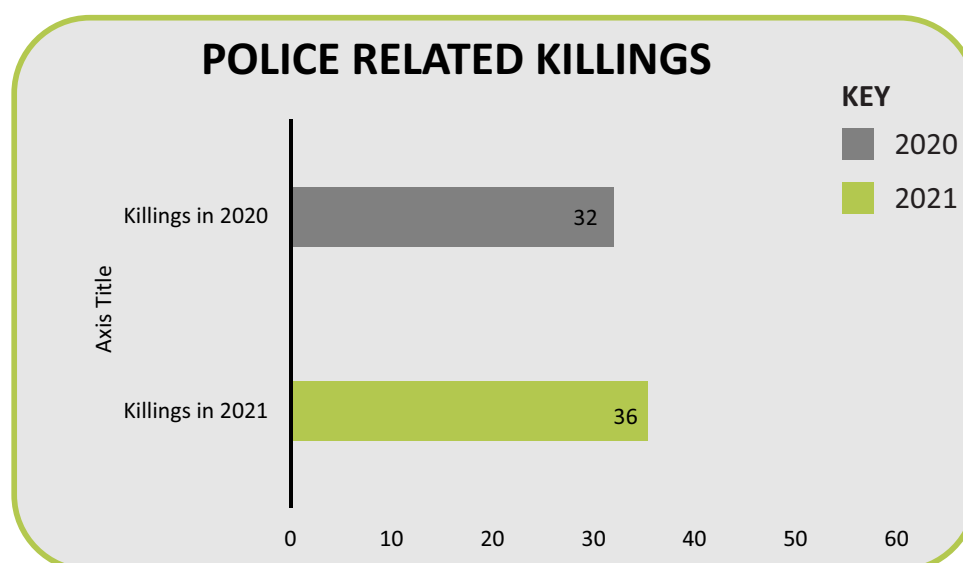
Graph 3: No of cases documented in 2021 vs 2020

## 3.2 Detailed Findings

The following is a detailed report of the findings with regards to the state of human rights violations in the Coast region in the year 2021:

### 3.2.1 Extra Judicial Killings Cases (Police Related Killings)

The prevalence rate of extra judicial killings in Kenya in the year 2021 was higher compared to the previous year. In 2021, there were 36 cases reported against 32 cases in the year 2020. The increase is attributed to the violent manner which the police in Kenya are accustomed to when dealing with situations despite police reforms that have been implemented in the recent past. It is notable that police officers are operating on the motto – shoot first and ask questions later- most of their victims being from poor communities. Criminalization of poverty in Kenya has led to the killing of citizens who are deemed poor and therefore useless and of no consequence.



**Graph 4: Police related killings documented in 2021 compared to 2020**

Below is a table listing the 36 cases of police related killings that were documented in 2021. The table gives the name of the deceased person, his/her age, date of the incident and the circumstance surrounding the killing.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE KILLING
1. Matano Masudi	17 years	2/2/2021 Mwaweche Mombasa County	The deceased, a 17 year old boy was allegedly shot 6 times by men believed to be police officers. He sustained gunshot wound on the head and the chests. The family claimed that the deceased had a mental health problem before his death.
2. Amir A. Salim	23 years	February 2021 Likoni Mombasa County	The deceased was allegedly shot on the head by people believed to be police officers.
3. Amur Ahmed	24 years	11/2/2021 Memon Mombasa County	The deceased was allegedly shot on the head by unknown men believed to be police officers outside his Mpesa shop in Kaloleni area of Mombasa county. The perpetrators did not steal anything from the shop.

4. Juma Athman	29 years	22/2/2021 Mortuary Mombasa County	The deceased body was discovered at Coast Provincial General Hospital (CPGH) morgue. He had gunshot entry wounds to the chest and wide exit gashes in the back. His neck was broken, his face swollen and covered in blood, and one eye gouged out - a sign of torture.
5. Hamisi Mwinyi	17 years	22/2/2021 Mortuary Mombasa County	The deceased body was discovered at Coast Provincial General Hospital (CPGH) morgue. He had gunshot entry wounds to the chest and wide exit gashes in the back.
6. Peter Mepukori	unknown	27/2/2021 Huruma Nairobi County	Peter Mepukori was shot on his upper thigh by police officer from Huruma police station on 27/2/2021 at around 2030hrs on allegations of stealing as he was in the company of his friend Bonnie who escaped unhurt.
7. Duncan Mutuku	38 years	12/03/2021 CBD Mombasa County	The deceased was allegedly shot by people believed to be police officers. He succumbed due to severe blood loss.
8. Newton Kibara	43 years	27/3/2021 Nyali Mombasa County	Five suspected criminals killed by special security forces in dawn shoot out in Mombasa, Nyali police boss Daniel Mumasaba confirms
9. Benedicto Mugure	62 years	27/3/2021 Nyali Mombasa County	Five suspected criminals killed by special security forces in dawn shoot out in Mombasa, Nyali police boss Daniel Mumasaba confirms
10. Michael Kimani	42 years	27/3/2021 Nyali Mombasa County	Five suspected criminals killed by special security forces in dawn shoot out in Mombasa, Nyali police boss Daniel Mumasaba confirms
11. Bakari Hassan	43 years	27/3/2021 Nyali Mombasa County	Five suspected criminals killed by special security forces in dawn shoot out in Mombasa, Nyali police boss Daniel Mumasaba confirms
12. Salim Ndegwa	Unknown	27/3/2021 Nyali Mombasa	Five suspected criminals killed by special security forces in dawn shoot out in Mombasa, Nyali police boss Daniel Mumasaba confirms

13. Benedict Kago	62 years	01/04/2021 Likoni Mombasa County	The deceased was allegedly shot on the head by people believed to be police officers
14. Rashid Chengo	22 years	13/4/2021 Concordia Mombasa County	The deceased, a mentally ill man is believed to have been killed by a police man on patrol in Concordia area of Mshomoroni in Mombasa county.
15. James Mwangi	43 years	26/04/2021 Changamwe Mombasa County	The deceased was allegedly killed together with two others by people believed to be police officers. The incident took place 100 meters from Changamwe Police Station.
16. Abel Alex Kingala	45 years	26/04/2021 Changamwe Mombasa County	The deceased was allegedly was killed with two others by people believed to be police officers.
17. Linus Eldars	31 years	26/04/2021 Changamwe Mombasa County	The deceased and two others were gunned down by people believed to be police officers
18. Collins (second name unknown)	Unknown	29/4/2021 Mathare Nairobi County	A street dweller was allegedly arrested by a police officer and bundled in a Toyota Probox KCW 491N. His body was found in City Mortuary the next day.
19. Juma Changawa	25 years	10/5/2021 Mtomondoni Kilifi County	The deceased family alleged that six (6) police officers who were on patrol on civilian using three Motorbikes without number plates shot Mr Changawa dead at a place adjacent to Corner Bar at Mtomondoni in Mtwapa area. The deceased body was then taken to Coast General Hospital Mortuary for a postmortem. The matter is under investigation by the Independent Policing Oversight Authority.
20. Mohammad Bashir Mahmoud	36 years	13/05/2021 Lavington Nairobi County	The deceased went missing after visiting an Entertainment Lounge. His car was traced to a thicket in Kibiku Area of Ng'ong; it had been burnt to a shell. His body was discovered on the bank of a river in Kirinyaga county. The body had evidence of torture

21. Maurice Ochieng Oulu	unknown	25/05/2020 Kisumu West Kisumu County	The deceased collapsed and died on Monday 25/05/2020 at around 10am. He had been arrested and was allegedly severely assaulted by cops attached to Holo Police Post the previous Wednesday at Holo Market in Kisumu West Sub county. He was then taken to Maseno Police Station and detained for the night. He went to the local dispensary after release the following day because he thought it was just normal pain. He succumbed writhing in pain allegedly from the beatings
22. Unknown	Unknown	29/5/2021 Shelly beach Mombasa County	Two suspected thieves armed with pangas were shot dead by a CID officer in Shelly beach area while attempting to steal goods from his shop. CCTV footages circulated widely in social media captured the police officer charging at the suspects while shooting. According to a police report, 20 rounds of ammunition were used against the suspects
23. Francis K. Ngige	50 years	02/06/2021 Changamwe Mombasa County	The deceased was allegedly shot by police officers in Changamwe area
24. Isaac Ochieng'	46 years	02/06/2021 Likoni Mombasa County	The deceased was allegedly shot by police officers in Likoni area
25. Benson J. Ouma	49 years	19/06/2021 Sundu Market Kisumu County	Police Officers based at Pap Onditi arrested Benson Jacob Ouma (49yrs) on allegations of flouting Covid19 rules. It alleged that he was brutalised before being taken for detention at Pap Onditi Police Station. The following day, his wife was called and asked to come for her husband to take him to hospital. On arrival, the wife found Benson unable to stand up or even move. She took him to Sigowet Hospital and was referred to Kericho District Hospital. Checkups revealed that he had broken his spinal cord and was admitted. Benson could not move, support himself or even eat well and was only



			being fed liquid food using a straw. He was referred to Eldoret for corrective surgery and before the family could raise the medical fee, he sadly succumbed to his injuries on 09/10/2021.
26. Unknown	Unknown	20/6/2021 Likoni Mombasa County	The deceased was one of two shot dead by Likoni police station officers at Masjid Bilal, Mzungu Mchafu area in Likoni. The police claimed the two were armed with machetes.
27. Unknown	Unknown	20/6/2021 Likoni Mombasa County	The deceased was one of two shot dead by Likoni police station officers at Masjid Bilal, Mzungu Mchafu area in Likoni. The police claimed the two were armed with machetes.
28. Salim Mwakarima	39 years	26/6/2021 Denyeye Kwale County	The deceased body was found by police officers in Denyenye area. The body exhibited gunshot wounds and torture marks. The family claimed that the deceased had been arrested on the 18/6/2021 at his home by men believed to be police officers.
29. Yusuf Hassan	40 years	29/6/2021 Madhubaha Mombasa County	The deceased body was found at the banks of the Indian Ocean in Madhubaha area having died of drowning. It is alleged that the deceased was escaping police arrest by tossing himself into the water. Eye witnesses claim that the patrol police hurled stones at him as a way of discouraging him from swimming away.
30. Kalama Fondo Ngumbao	60 years	30/07/2021 Msambweni Kwale County	The deceased sustained a gunshot wound on the head. The killing was believed to be in connection to a land case he had won.
31. Mohamed Idd Lali	20 years	12/8/2021 Likoni Mombasa County	The deceased sustained multiple gunshot wounds. The case is still under investigation.
32. John Kutemi	41 years	18/8/2021 Changamwe Mombasa County	The deceased was shot multiple times by people believed to be police officers

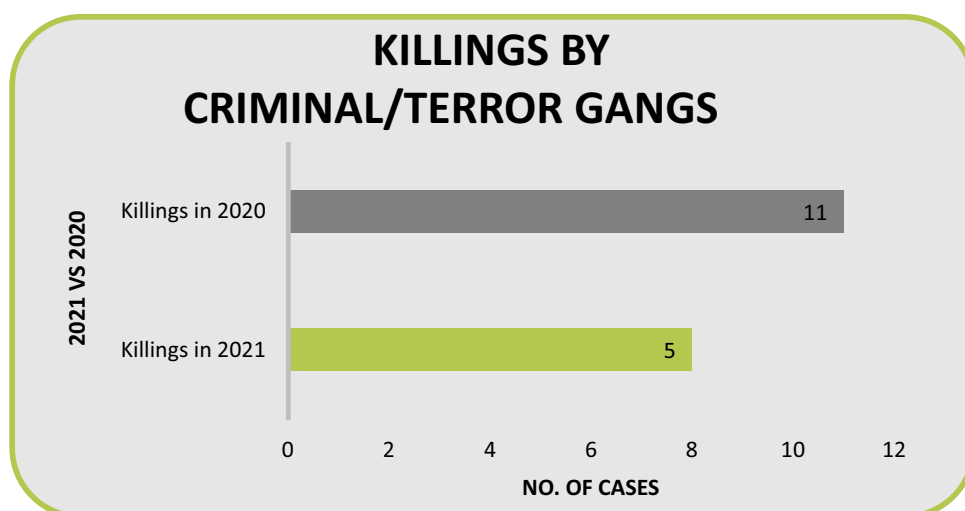
33. Catherine Njoki	27yrs	24/8/2021 Kiamaiko, roundabout c village Nairobi County	Catherine Njoki was arrested by police officers from DCI Pangani in Kiamaiko area. She was later found dead together with another unknown male victim in city mortuary the next morning.
34. Ayale Asanaq	22yrs	09/09/2021 Kiamaiko Nairobi County	Ayale Asanaq a 22yrs old boy was shot by police officer from DCI Pangani. The police shot on the air to disperse the residents who were requesting to know why the 4 officers were patrolling in Kiamaiko out of their area of jurisdiction and harassing the community. The officers ran from the scene using a personal car they had parked a distance away. Ayale was taken to Jumuiya hospital and pronounced dead on arrival. The case was reported at Huruma police station.
35. Walter Odhiambo	unknown	23/11/2021 Kondele Kisumu County	An eye witness alleged that the deceased had some conflict with cops while they were reveling inside Ringroad bar. The police called for backup who responded and executed him in cold blood even though he had surrendered.
36. Eric Atito	32 years	7/10/2021 Holo Police Post Kisumu County	Eric Atito is alleged to have died while in police cells. It is believed that Eric was arrested by police officers.

### 3.2.2 Killings by Criminal/Terror Gangs



*HAKI Africa's former Rapid Response Officer talking to Gang Violence Victims at Coast General Hospital in Mombasa*

There were at least 5 cases of killings by criminal/terror gangs documented by the rapid response team within HAKI Africa and its partners and from other secondary sources. This is lower than the 11 cases recorded the previous year.



**Graph 5: Killings by criminal/terror gangs documented in 2021 compared to 2020**

Below, is a table listing the 5 cases of killings by criminal/terror gangs that were documented in 2021. The table gives the name of the deceased person, his/her age, date of the incident and the circumstance surrounding the killing of the victim.

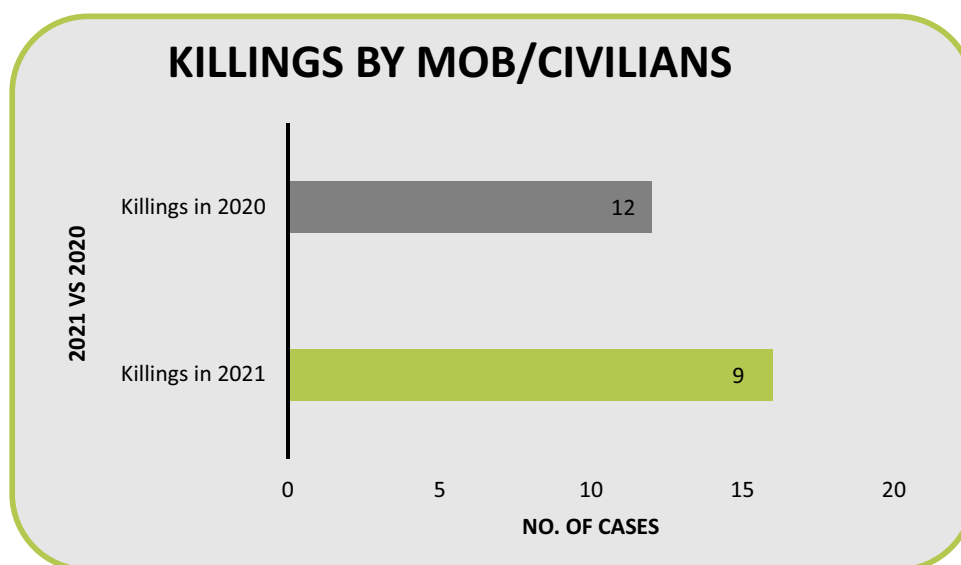
NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE KILLING
1. Herman Rouwenhorst	55 years	5/5/2021 Shanzu Mombasa County	The deceased a Dutch national together with his watchman were killed in an apartment in Shanzu area of Kisauni Sub County. The news of their deaths was discovered after his girlfriend sent a distress call near the Serena Beach hotel.
2. Unknown	Unknown	5/5/2021 Shanzu Mombasa County	The deceased a watchman together with a Dutch national were killed in an apartment in Shanzu area of Kisauni Sub County. The news of their deaths was discovered after his girlfriend sent a distress call near the Serena Beach hotel.
3. Najma Abdillahi	19 years	Bonje Mombasa County	The body of the deceased was found dumped near Bonje area with bruises on the face. She was taken to Port Reitz hospital where she was proclaimed dead. It's alleged that she was reported missing after escorting her cousin to Eldoret.
4. Mwengu Kirima	Unknown	18/11/2021 Lunga Lunga Kwale County	The deceased was murdered near his home in Lunga Lunga on 7/6/2020.
5. Lewis Mwaenziwe Mwinga	50 years	18/11/2021 Rabai Kilifi County	His parents were killed by people known to him. They were attacked in his presence and he also lost fingers in the ordeal. He claims that the perpetrators attacked the family on allegations of practicing witchcraft but their main intention was to take land belonging to them. He fears for his life and is asking for protection.

### 3.2.3 Killings by Mobs/Civilians



*HAKI Africa's former Rapid Response Officer helping police load the body of a victim of mob violence into a police vehicle*

HAKI Africa and its partners received and documented 9 cases of persons killed by mobs/civilians in 2021. This is compared to 2020 where 12 cases of killings by mob/civilians were recorded.



**Graph 6: Killings by mob/civilians documented in 2021 compared to 2020**

Below is a table listing some of the 15 cases of killings by either mob or civilians that were documented in 2021. The table gives the name of the deceased person, his/her age, date of the incident and the circumstance surrounding the killing.



NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE KILLING
1. Neema Karisa	24 years	18/2/2021 Djila Kilifi County	The deceased was allegedly killed by her husband in what is believed to be a child custodian wrangle between her and the husband. The body of the deceased was found lying on the road.
2. Idd Harusi Hashim	21 years	23/3/2021 Liwatoni Mombasa	The deceased was allegedly killed by civilians in Liwatoni area in what is believed to be a mob injustice. Three other persons were also killed by the mob.
3. Unknown	Unknown	Bangladesh	The deceased was allegedly killed by civilians in Bangladesh in what is believed to be a mob justice after being caught stealing
4. Unknown	Unknown	6/6/2021 Mikindani Mombasa County	The deceased was stabbed and killed by his 17yearold son after picking a quarrel with his wife in Mikindani, Mombasa County. According to a police report on the incident, the boy who is a student at Kajembe High school sourced for two kitchen knives from their house and stabbed his step-father severally on the stomach, chest and the face and disappeared to an unknown destination
5. Sadique Sumba	50 years	8/7/2021 Junja Kilifi County	The deceased together with two other were torched and killed by angry villagers on suspicion of engaging in child abduction. Other sources claim that the three were suspected land grabbers.
6. Rahim Zulfikar	34 years	8/7/2021 Junja Kilifi County	The deceased together with two other were torched and killed by angry villagers on suspicion of engaging in child abduction. Other sources claim that the three were suspected land grabbers.
7. James Kafwani	50 years	8/7/2021 Junja Kilifi County	The deceased together with two other were torched and killed by angry villagers on suspicion of engaging in child abduction. Other sources claim that the three were suspected land grabbers.

8. Sharon Kea	25 years	6/10/2021 Nyali Mombasa County	The deceased was killed when her friend pushed her while at Sunside Resort, Nyali. One of the culprits was arrested by Nyali Police officers while the other is free. An inquest is ongoing at Shanzu law courts. The family is seeking help in getting justice for their kin.
9. Haron Ondieki Samuel	36 years	4/11/2021 Likoni Mombasa County	According to the complainant, Kebwaro M. Dickson, Deceased's brother, Haron left home on 3/11/2021 for work but never came back home. He got a call that his brother was found dead at St Ikumi opposite Kenya Power near Likoni ferry channel. The matter was reported at the Likoni Police Station. The deceased has left behind a wife and a threeyearold son. The complainant is seeking help from HAKI Africa in catering for postmortem fees and following up the investigations on the case.

### 3.2.4 Enforced Disappearances Cases

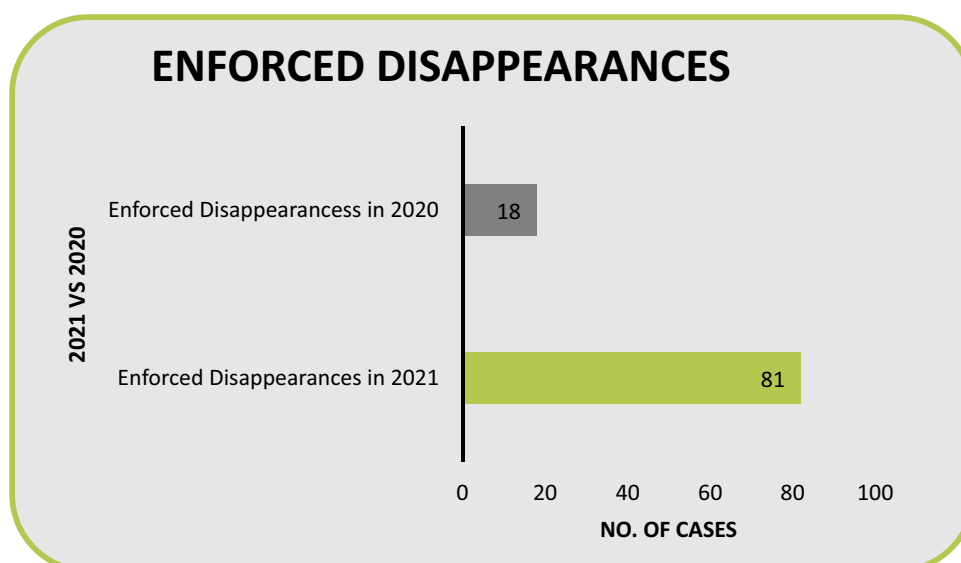
The international convention for the protection of all persons describes enforced disappearance as the arrest and detention, abduction or any other form of deprivation of liberty by agents of the state or a group of persons acting with the authorization, support or acquiescence of the state.

In the Coast region, issues of enforced disappearances are particularly at the heart of the very many cases of historical injustices. On several occasions, the victims' families claim that masked armed men, who claimed to be police officers, took their kin leaving no trace of them in police cells, hospitals or even morgues.



*HAKI Africa's former Rapid Response Officer in a protest march on abduction*

The stories are disheartening with bodies of unknown persons being collected in national parks while others remain unknown in morgues. As much as the police deny involvement in the alleged cases, it remains their primary role to investigate such cases and also protect its citizens from being abducted. At least 82 Persons were forcefully disappeared in the year 2021. Compared to 2020 where 18 cases were reported. This makes it the year with the highest number of disappearance cases ever recorded in Kenya.



**Graph 7: Enforced Disappearances documented in 2021 compared to 2020**

Below is a table listing 45 out of 82 cases victims of enforced disappearance who have never been recovered, dead or alive. The table gives the name of the disappeared person, his/her age, date of the incident and the circumstance surrounding the disappearance of the person involved.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE ENFORCED DISAPPEARANCE
1. Bashow Yussuf	Unknown	January 2021 Halane Location Wajir County	He was abducted between Qarsa and Ausmudulle. He is a bodaboda operator hired to carry a man by the name Abdullahi Hussein who was to attend wedding ceremony, both were arrested, tortured and they were given shampoo to drink as water whereas Abdullahi with the help of God he escaped after 11 months but still Bashow was never seen again
2. Juma Wanini	32 years	21/1/2021 Lunga lunga Kwale County	He was allegedly abducted by unknown armed men believed to be police officers while in his home in Uwanja wa Ndege in Lungalunga
3. Nyondo Chaka	40 years	26/1/2021 Samburu Kwale County	He was allegedly abducted by unknown armed men in Samburu along the MombasaNairobi highway. The abductors surrounded the car he was driving (canter), bundled him out, and took a photo of him together with his codriver before eloping with the victim.
4. Adan Mohamed	36 years	23/1/2021 Mkomani Lamu County	He was allegedly abducted by unknown armed men believed to be police officers while this home at makafuni ward underpolice O.B/ no:21/25/01/2
5. Ali Tengeza	20 years	16/2/2021 Likoni Mombasa County	It is believed that security agents raided his home at around 1 am at night.

6. Bakari Mbwana	41 years	24/2/2021 Ujamaa Mombasa County	Mbwana, 41, a salesman at a butchery in Likoni was abducted by men who broke into his home on February 24, at Ujamaa area at midnight. His brother Omar Mbwana said the abductors wore police clothes and were accompanied by two white people. "They broke into the house, handcuffed him
7. Jack Anyago	37 years	19/4/2021 Kitengela Kajiado County	It is alleged that Jack Anyago and three others, went missing in Kitengela after unknown men allegedly bundled him into a vehicle. To date Jack Anyago is still missing.
8. John Syengo	30 years	21/4/2021 Law courts Mombasa County	Mr. Syengo was allegedly abducted outside Mombasa law court by men believed to be police officers. The armed men handcuffed him and bundled him into a car before eloping with him. Mr. John had been released by the court after being charged with robbery with violence.
9. Khadijah Ramadhan	Unknown	23/4/2021	The complainant's husband was taken away by unknown armed men. The men asked him a few questions and beat him before leaving with him. No information about him after asking from police
10. Suleiman Mwinyi Mwanundu	52 years	25/4/2021 Kombani Kwale County	Suleiman together with Ali Bosso, Mwachala and Kamiliwere taken away by unknown people in a car on 25/4/2021 and has been missing since. Complaint by Mebakari Suleiman (daughter).
11. Unknown		3/05/2021	The individual a Turkish was with Selahaddin when they were kidnapped while leaving DCI headquarters in Kiambu where Sallahadin had gone to clear his name with Interpol.
12. Yassir Mahmoud	50 years	19/6/2021 Mpeketoni Road Lamu County	Mr. Yasir Mahmoud Ahmed was abducted along the Lamu Mpeketoni Road. According to his family members who were with him at the material time, Yasir was ordered to step out of his car and was taken by unknown armed men. Efforts to search for him in various police stations within Lamu County have did not bear any fruit.

13. Fatma Swaleh	35 years	19/6/2021 Lohari Mombasa County	It was alleged that the victim disappeared after being sent to a nearby shop to buy snacks. The matter was reported to Makupa Police station for further follow up.
14. Athman Bajiji	40 years	17/6/2021 Pungu Kwale County	He was allegedly abducted by unknown armed men believed to be police officers while in his home in Pungu in Kwale county.
15. Khamis	Unknown	17/6/2021 Pungu Kwale County	He was allegedly abducted by unknown armed men believed to be police officers while in his home in Pungu in Kwale county.
16. Athman Bajiji	40 years	17/6/2021 Pungu Kwale County	He was allegedly abducted by unknown armed men believed to be police officers while in his home in Pungu in Kwale county.
17. Juma Khamis	Unknown	17/6/2021 Pungu Kwale County	He was allegedly abducted by unknown armed men believed to be police officers while in his home in Pungu in Kwale county.
18. Rajabo Ali	31 years	20/6/2021 Likoni Mombasa County	Armed men believed to be police officers stormed his house and ransacked it before taking him with them. His whereabouts remain unknown.
19. Mwaka Nzavila	31 years	20/06/2021 CBD Mombasa County	The Victim, who is the complainant's son, disappeared on 20/06/2021 after men who identified themselves as police officers from Nairobi assaulted him, seized his identity and took a picture of him thereafter proceeded to abduct him.
20. Gerald Guandaru	Unknown	29/6/2021 Nyeri Nyeri County	The renowned business man in Nyeri was abducted in broad daylight, ten meters from his business premise. According to the Nyeri residents, a Subaru outback drove to Gerald's business premise and waited for him to arrive before abducting him.

21. Mohammed Kasim	25 years	15/7/2021 Soko Mjinga Mombasa	He was allegedly abducted by unknown armed men believed to be police officers while this home in Soko Mjinga area. The men broke down their house door ordering everyone to lie down before arresting him.
22. Radhi Awadh	30 years	19/7/2021 Soko Mjinga Mombasa County	He was allegedly abducted by unknown armed men believed to be police officers while this home in Soko Mjinga area. The men broke down their house door ordering everyone to lie down before arresting him.
23. Abshir Garo Ali	27 years	24/07/2021 Diani Kwale County	He was with Jackson Njue when abducted by men dressed in military gear at Coast Dishes Restaurant in Diani, Kwale County. They forced him into a white land rover. They brought him to Mewa in Majengo to help in the search of a man named Rama.
24. Jackson Njue	30 years	24/07/2021 Diani Kwale County	He was with Abshir Garo when he was abducted and forced into a white land rover by men who identified themselves as police officers.
25. Anna Kavilu Musau	Unknown		The victim (complainant's wife) went missing with no clear information on her whereabouts.
26. Munir Adan Hassan	25 years	9/08/2021 Kenya Railways, Nairobi county	Munir Adan Hassan, a student at Kenya Medical Training College (KMTTC), went missing along Kenya Railways bus stop in Nairobi as he was heading home after school. According to the aunt (Halima Hassan), Munir was last seen wearing a KMTTC school uniform (navy blue pants and maroon sweater) somewhere close to the Nairobi Railway terminus.



27. Hamisi Mwaluma	67 years	21/09/2021 Gede Kilifi County	He allegedly disappeared from his home on 1/09/2021 and has not been found since. He has prior mental health conditions coupled with forgetfulness. A report was lodged at the watamu police station.
28. Teddy Muriuki	39 Years	6/10/2021 Eastleigh, Nairobi County	In the company of Issa Jamal and two others, they were accosted by people believed to be police officers in Eastleigh area.
29. Issa Jamal	43 Years	6/10/2021 Eastleigh Nairobi County	Issa was in the company of two others, when the car they were in was blocked by an unmarked car. According to eye witnesses, the persons in the blocking car were believed to be police officers. The suspected officers moved them into their car and drove off. The family members reported the incident at Buruburu police station.
30. Mohamed Abubakar Said	22 years	14/10/2021	The complainant, Abdalla Abubakar, is Mohamed's elder brother. He claims that Mohamed was abducted on 14/10/2021. Observers say he was bundled into one of the cars present, a probbox and pickup car. One of the car's registration number is KCM 697N. The matter has been reported to all police stations, the ATPU and the DCIO Urban Police Station OB No. 16 of 15/10/2021.
31. Vallary Awuor Owino	Unknown	28/10/2021 Likoni Mombasa County	Her family has conducted searches at different police stations and mortuaries with no luck. The case has been reported at Central Police Station vide OB 29 of 1/11/2021 and at Inuka police station vide OB 37 of 31/10/2021. Contacts 0733810561/0700457618

32. Shee Hussein	Unknown	2/11/2020 CBD Mombasa County	The complainant's brother, Mohamed Hussein, was abducted by people claiming to be police officers on 30/10/2020 at 2.00 am, hand-cuffed him saying that they were taking him for further interrogation. He was not brought to court nor booked in any police station. His whereabouts remain unknown.
33. Himid Said	Unknown	8/11/2021 Ramisi, Kwale county	The complainant (Nassir) claims his uncle has been missing from his farm in Ramisi since 21/10/2021. The farm's shamba boy and the family have no information on his whereabouts.
34. Juma Sabir Hassan	24 Years	9/11/2021 Kisauni, Mombasa County	He received a call from an unknown person at 9 am. He left to meet the person and he never returned. The family reported the matter at Mjambere Police Station vide OB 31 of 9/11/2021. A poster was made and shared; a press conference was held too. The victim is still missing.
35. Julia Njoki	20 years	10/11/2021	The complainant was with Hamisi Omar, 21 at Marikiti waiting to board a matatu to Kisauni when a probbox car KBN 126B stopped and took with them Hamisi. They have not heard from Hamisi again. Hamisi lives in Kisauni while his father Omar Mwamkire lives in Kilifi phone no. 0704271013.
36. Bakari Juma	44 years	18/11/2021 Allsops Nairobi County	Bakari and two others were returning from the burial of a relative when they were blocked by a black Subaru at Allsops area in Nairobi at 8:30 pm. They were bundled into the Subaru by armed men, which then sped off.

37. Samson Teklemichael	40 years	19/11/2021 Kileleshwa Roundabout – Nairobi	Samson was abducted at 5.45 in the evening of 19/11/2021 at Kileleshwa roundabout in the presence of a traffic police officer. A car KCD 445K belonging to the DCI headquarters was involved in the abduction. There are videos of the abduction incident. There is a court order against the AG, National Police and DCI to produce Samson in court on Monday 29 <sup>th</sup> November, 2021. The complainant (Sadia Godana) is asking for any help in finding Samson. A press conference was held. Victim is still missing. Family contact: 0729868715.
38. Said Mwalimu	38 years	22/11/2020 Diani Kwale County	Masudi Hassan Mwarindano(38) was abducted on 22/11/2020 by unknown people at his place. Family and friends have looked for him in police stations and hospitals without any success.
39. Rashid Said alias Dagi	Unknown	05/12/2021 Likoni Mombasa County	He has been reported missing together with another at Inuka police station. OB No. 16 of 05/12/2021 0726793231-complainant
40. Hussein Mohamed Hussein	26 years	5/12/2021	He left Mombasa in the company of two others to Nairobi using a private car KDB 484V Toyota Crown Royal on Friday 3/12/2021. One of the other two was his friend Masuo. The purpose of their visit to Nairobi was to buy a vehicle. They arrived at Thika on Saturday 4 <sup>th</sup> December, 2021. They decided against buying the vehicle and made their journey back home on Sunday 5 <sup>th</sup> Dec at 2 am. They called when they got to Voi and at Mariakani. His wife says she texted him at 11.49 am and thereafter called but he could not be reached. The vehicle they were using was found at Jamia Mosque in Maungu with their clothes, shoes and grocery items they had bought. The incident was reported at

41. Said Mohamed Abdi alias Shwazi	Unknown	05/12/2021 Likoni Mombasa County	He has been reported missing together with another at Inuka police station. OB No. 16 of 05/12/2021 0726793231complainant
42. Zuhura Rajab	Unknown	10/12/2020	The complainant's husband was kidnapped by men who were armed with their faces covered. Their home was broken into, before the victim; Seif Omar Abdallah (33) was beat and taken.
43. Mohamed Daud	25 years	15/12/2021 Jogoo Road Nairobi County	According to Daud Allow (his father), he first called the family on 01/03/2021 saying the training was beginning. He then called them on 9December, 2021 saying that he had passed out and that he was going to Eastleigh afterwards. He never arrived and his phone has been off since. The last place his phone was on was at Jogoo Road. Family contact: - 0112941223 (Ali Daud); 0706554181 (Abduljabar Daud-brother).
44. Anwar Abdallah	40 years	14/12/2021 CBD Mombasa County	The complainant's brother, Abdulhakim Abdallah disappeared under unclear circumstances in 2013. Recently, a person driving a tuk tuk stopped and told him that his brother is in Kigali in a prison then drove away never to be seen again. Abdulhakim used to work at Nawal centre before the disappearance. Contact: 071574003
45. Mohamed Ngwedeli	38 years	14/12/2021 CBD Mombasa County	Mohamed had been arrested on 26/11/2021 and taken to court after holding him for 16 days. On 14/12/2021 he was released by the court and boarded a tuk tuk with his brother. The tuk tuk was stopped by a silver pick up KCY 241H at KFAin Mombasa town. He was taken by men believed to be police officers never to be seen again.

46. Shaffi Sheikh Noor	22 years	29/12/2021 Madogo Garissa County	Shaffi had been arrested on 5 December 2021 in Garissa and taken to Madogo Police Station. He was held for 5 days contrary to the law and taken to court on 10/12/2021, where the prosecution requested to hold him for 20 more days. On 29/12/2021 he was again taken to court and released. Upon he released, he boarded a vehicle which was stopped approximately 100meters from the court house by a government vehicle (Toyota Hillux) and Shaffi was taken, never to be seen again. The matter was reported at Madogo Police Station vide OB No. 26 of 29/12/2021.
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### 3.2.5 Victims of Enforced Disappearance who were Found



*Some of the Posters that HAKI Africa made on victims of Enforced Disappearance*

This year HAKI Africa and its partner justice centres documented 82 disappearance cases out of which 46 are still missing while 36 were found/ returned; some have been found alive and others dead. It is noteworthy that most of the abductees found alive claim that their assailants are state agents. When released, the abductees are warned not to disclose any information to human rights organizations, failure to which they risk being abducted again, never to return.

Those willing to risk life and limb to speak to us tell of harrowing stories of being locked in dark rooms for months on end, threatened with death and asked on whereabouts of family members and friends. Some return with physical and psychological scars that HAKI Africa helps redress through counselling and hospital visits.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE VIOLATION	CIRCUMSTANCES OF RETURN
1. Mohammed Salim	40 years	19/2/2021 Ukunda Kwale County	Mohamed Salim had been declared missing after unknown armed men believed to be police officers raided his home and arrested him.	He returned home on 25 <sup>th</sup> Feb 2021 after being declared missing for 4 days
2. Juma Omar	29 years	16/02/2021 Kibundani Kwale County	He was picked by police officers and the dead bodies were later found in Coast General Hospital	Found Dead on 6 <sup>th</sup> March 2021
3. Hamisi Mwinyi	17 years	16/02/2021 Kibundani Kwale County	They were allegedly picked by police officers and his body together with others was later found in Coast General Hospital.	Found Dead on 6 <sup>th</sup> March 2021
4. Zubeir Ashraf	15 years	19/03/2021 Zedco Mombasa County	The teenager was allegedly abducted by armed men in a double cabin vehicle while on his way to a street barbeque shop in Majengo near Bin Agil restaurant.	He was returned back to his family on the same day at around 8pm.

5. Elijah Obuong	35 years	19/4/2021 Kitengela Kajiado County	It is alleged that Elijah Obuong and two others, went missing in Kitengela after unknown men allegedly bundled him into a vehicle. His body was later discovered in Mathioya River	Found Dead
6. Benjamin Imbayi	30 years	19/4/2021 Kitengela Kajiado County	It is alleged that Benjamin Imbayi and two others, went missing in Kitengela after unknown men allegedly bundled him into a vehicle. His body was later discovered in General Kago Funeral Home in Thika	Found Dead
7. Brian Oduor	36 years	19/4/2021 Kitengela Kajiado County	It is alleged that Brian Oduor and two others, went missing in Kitengela after unknown men allegedly bundled him into a vehicle. His body was later found in Mukungai River stashed in gunny bags	Found Dead
8. Brian Khamisi	24 years	23/4/2021 Likoni Mombasa County	Mr. Khamis was allegedly abducted by armed masked men believed to be police officer from his home in Likoni. The men detonated a bomb on his door before getting into	He was returned to his family after two days.



			the house. The men claimed that Mr. Khamis was a thief and that he was hiding a gun.	
9. Fauz Mohd	27 years	23/4/2021 Likoni Mombasa County	Mr Mohammed was allegedly abducted by armed masked men believed to be police officer from his home in Likoni. The men detonated a bomb on his door before getting into the house. The men claimed that Mr Mohammed was a thief and that he was hiding a gun.	He was returned to his family after two days.
10. Ramadhan Omar	24 years	23/4/2021 Likoni Mombasa County	Mr. Omar was allegedly abducted by armed masked men believed to be police officer from his home in Likoni. The men detonated a bomb on his door before getting into the house. The men claimed that Mr. Omar was a thief and that he was hiding a gun.	He was returned to his family after two days.
11. Collins (second name unknown)	Unknown	29/4/2021 Mathare Nairobi County	A street dweller was allegedly arrested by a police officer and put in a Toyota Probox KCW 491N. His body was found in City Mortuary the next day.	Found Dead on 30 <sup>th</sup> April 2021

12. Mohamed Bashir Mahmoud	36 years	13/05/2021 Lavington Nairobi	Mr. Bashir was reported missing after visiting an Entertainment Lounge. His car was traced to a thicket in Kibiku Area of Ng'ong; it had been burnt to a shell. His body was discovered on the bank of a river in Kirinyaga county. The body had evidence of torture	Found dead on 15 <sup>th</sup> May 2021
13. Selahaddin Gullen	Unknown	3/05/2021 DCI HQ, Kiambu County	Was kidnapped with another individual while leaving DCI Headquarters in Kiambu County, where he had gone to clear his name of involvement in crime in Turkey.	31/05/2021 He reappeared in Turkey, held by its Intelligence Bureau
14. Unknown	Unknown	3/05/2021 DCI HQ, Kiambu County	The individual a Turk was with Selahaddin when they were kidnapped while leaving DCI headquarters in Kiambu where Sallahadin had gone to clear his name with Interpol.	5/05/2021 Released by Kenyan Authorities.
15. Taimur Hussein Kariuki	39 years	June 2021	Taimur was arrested in Lamu by ATPU Officers. His family went to court and the ATPU was ordered to release him. However when his family went to pick him up they were told that he was	He was released in Nairobi and given fare to return home.

			already released but they couldn't find him for almost 6 months	
16. Fatma Swaleh	35 years	24/6/2021 Lohari Mombasa County	It was alleged that the victim disappeared after being sent to a nearby shop to buy snacks. The matter was reported to Makupa Police station for further follow up.	Fatma was later found in Mlaleo area. Medical checkup indicated that she was mentally depressed. HAKI Africa assisted the family in getting her the medical attention she needed.
17. Adam Ramadhan	Unknown	7/7/2021 Bamburi Mombasa County	The victim who was suffering from epilepsy was declared missing by the family and the matter reported at Bamburi police station.	He was later found dead near Shanzu area.
18. Nnamdi Kanu	54 years	July 2021 CBD Nairobi County	The Nigerian-British pro Biafra political activist was kidnapped from Nairobi and transported to Nigeria to face Terrorism related charges.	In the hands of the Nigerian Government
19. Josiah Waiguru	36 years	31/08/2021 Thika Kiambu County	On 31 <sup>st</sup> August, it is reported Josiah left home for work but never returned. The families made reports with various police station and visited different mortuaries.	Returned on 18 <sup>th</sup> September 2021

20. Abdulhakim Sagaar	Unknown	19/08/2021 Mombasa County	The victim was allegedly abducted by armed men in a motor vehicle number KBQ 035C on 18 <sup>th</sup> August.	He was returned to his family on 19 <sup>th</sup> September.
21. Abdiwahab Sheikh Abdisamad	Unknown	08/09/2021 South B, Nairobi County	The Sheikh went missing on the 8 <sup>th</sup> of September 2021. According to eye witnesses, he was picked by four men and forced into a white double cabin pick up, registration number KCW 341Y at around 10am on Turbman road, Nairobi.	The Sheikh was released on 19/11/2021 and reunited with his family.
22. Stella Waithera	Unknown	24/9/2021 JKIA, Nairobi County	Stella and her Iranian Husband Ahmed Golabi were boarding a Turkish Airline Plane when they were arrested by people believed to be Anti-Terror Police Officers	Returned on 30/9/2021
23. Ahmed Golabi	Unknown	24/9/2021 JKIA, Nairobi County	Ahmed, an Iranian National and his Kenyan wife were boarding a Turkish Airline Plane when they were arrested by people believed to be Anti-Terror Police Officers.	Returned on 30/9/2021
24. Khadija Abbas	16 years	12/10/2021 Kibokoni Mombasa	She left her home in Kibokoni at 2pm for henna classes and never	After one week she called her parents saying she was in

		County	returned. The family reported her disappearance under Ob59 OF 13/10/2021.	Nairobi with a friend. This was after she had seen her missing persons poster by HAKI Africa.
25. Hassan Dzuya	25 years	4/10/2021 Leisure Mombasa County	Hassan a tuk tuk driver was abducted by two men who posed as client seeking transport to leisure Mombasa. They held him at an unknown place for two days asking him about his brother Hakim.	They later released him by returning him to where they had abducted him.
26. Nandwa Hassan Wilson	53 Years	28/10/2021 Nairobi Ngong Road	The Professor, was abducted by people believed to be police officers from the antiterror unit around Jamia Mosque in Nairobi. The family reported the matter at Kilimani Police Station.	Returned on 8 <sup>th</sup> November 2021
27. Mursal Mohd Macharia	25 years	28/10/2021 Kiunga Lamu County	He was last seen riding a boda boda with registration number KMEU 989Y to meet someone at Kiunga Police Station Canteen. His family frantically searched for him.	He was later returned on 14 <sup>th</sup> October 2021
28. Bakari Juma	44 years	18/11/2021 Allsops Nairobi	Bakari and two others were returning from the burial of a relative when	He was Returned on 19/11/2021 A day after being abducted

		County	they were blocked by a black Subaru at Allsops area in Nairobi at 8:30 pm. They were bundled into the Subaru by armed men, which then sped off.	
29. Hussein Athman	36 years	18/11/2021 Allsops Nairobi County	Hussein and two others were returning from the burial of a relative when they were blocked by a black Subaru at Allsops area in Nairobi at 8:30 pm. They were bundled into the Subaru by armed men, which then sped off.	Returned on 19/11/2021 A day after the abduction
30. Zena Ali Wanjiku	37 years	18/11/2021 Allsops Nairobi County	Zena and two others were returning from the burial of a relative when they were blocked by a black Subaru at Allsops area in Nairobi at 8:30 pm. They were bundled into the Subaru by armed men, which then sped off.	Returned 12 days later
31. Amit Govindram	31 years	24/11/2021 CBD Nairobi County	Amit boarded a bus from Nairobi to Mombasa on 23/11/2021 at 8 pm. He never reached home the next day. His phone number has been used to send text messages asking for money then it is switched off. The case was	He Returned home two days later looking dazed and disoriented and after Ksh. 300k was withdrawn from his account

			been reported to Changamwe Police station vide OB 58 of 24/11/2021. Family contact 0722752884.	
32. Aisha Omar	16 years	22/11/2021 Likoni Mombasa County	The form two student at star of the sea high school was last seen on Monday evening with a friend while going for a party. She was alleged to have been kidnapped by member of a violent gang in Likoni. Case was recorded at Likoni Police Station vide OB 78 of 22/11/2021.	She was released a few days later after HAKI Africa highlighted her case in the media
33. Masuo Bakari	51 years	5/12/2021 Maungu Taita Taveta County	He left Mombasa in the company of two others to Nairobi using a private car KDB 484V Toyota Crown Royal on Friday 3/12/2021. One of the other two was his friend Hussein. The purpose of their visit to Nairobi was to buy a vehicle. They arrived at Thika on Saturday 4 <sup>th</sup> December, 2021. They decided against buying the vehicle and made their journey back home on Sunday 5 <sup>th</sup> Dec at 2 am. They called	Was found dead at City Mortuary, Nairobi on January 2022



			when they got to Voi and at Mariakani. There was no other communication as they could not be reached. The vehicle they were using was found at Jamia Mosque in Maungu with their clothes, shoes and grocery items they had bought. The incident was reported at Maungu police station. The three have been missing since	
34. Fahmi Bakari	21 years	5/12/2021 Maungu Taita Taveta County	He left Mombasa in the company of two others to Nairobi using a private car KDB 484V Toyota Crown Royal on Friday 3/12/2021. The other two were Hussein Mohamed and Masuo Bakari. The purpose of their visit to Nairobi was to buy a vehicle. They arrived at Thika on Saturday 4 <sup>th</sup> December, 2021. They decided against buying the vehicle and made their journey back home on Sunday 5 <sup>th</sup> Dec at 2 am. They called when they got to Voi and at Mariakani. There was no other	Was found dead at City Mortuary, Nairobi on January 2022

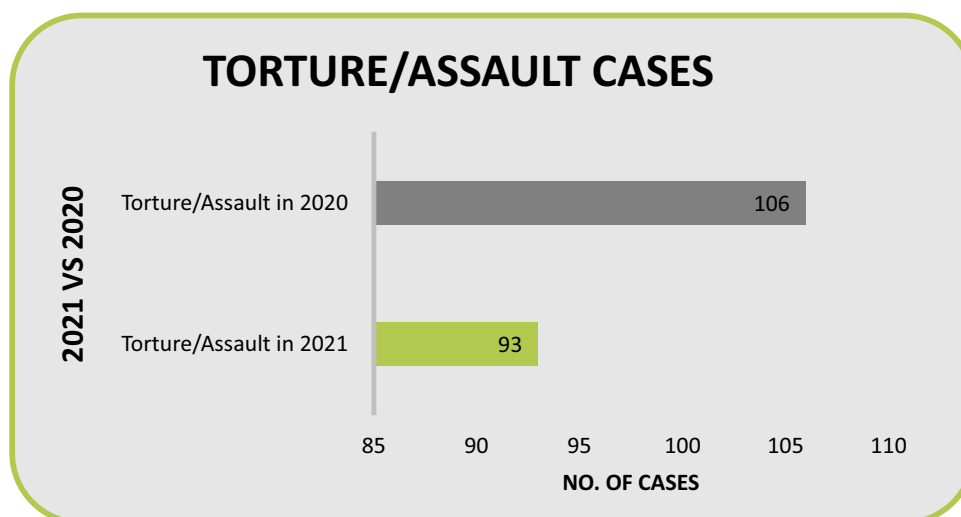
			communication afterwards as they could not be reached. The vehicle they were using was found at Jamia Mosque in Maungu with their clothes, shoes and grocery items they had bought. The incident was reported at Maungu police station. The three have been missing since.	
35. Abdiwahab Sheikh Abdisamad	Unknown	08/09/2021 South B, Nairobi	The Sheikh went missing on the 8 <sup>th</sup> of September 2021. According to eye	The Sheikh was later released and reunited with his family.
36. Mwinyi Mzungu	41 years	20/12/2021 Utange Mombasa County	On the fateful day, Mwinyi was talking with friends outside his home in Utange at around 7 pm when a black Subaru stopped and 4 men who identified themselves as police officers alighted. They bundled Mwinyi inside and left with him.	Body Found at City Mortuary in Nairobi

### 3.2.6 Torture/Assault Cases

Once again this year, the police are the main culprits in the torture cases recorded. We have cases of police officers assaulting innocent individuals that they feel have wronged or disrespected them. Police officers have failed to uphold the rule of law since they do not understand that they are only custodians of the criminal justice system and that their main role is to enforce the law and not judge and punish those they deem guilty.



*A torture victim with cuts and bruises*



**Graph 8: Torture/Assault documented in 2021 compared to 2020**

Below is a table listing some of the torture/assault cases documented during the year 2021. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE ASSAULT CASES
1. Saida Samora	Unknown	1/1/2021 Chaani Mombasa County	It is alleged that the deputy OCS of Chaani police station assaulted the victim while on her way to the shop. The matter was referred to IPOA for further follow up.
2. Sadat Salim	42 years	11/2/2021 Kaloleni Mombasa County	The victim was shot 2 times by unknown men outside his house near an Mpesa shop. The motive of the shooting was not clear.
3. Fahad Salim	35 years	11/2/2021 Kaloleni Mombasa County	The victim was shot on the leg by unknown men outside his house near an Mpesa shop. The motive of the shooting was not clear.

4. Hajj Saim Ramadhani	Unknown	24/02/2021 Mwandoni Mombasa County	Five young men took the victim from his place of work to Cobra field, in Mwandoni area where they assaulted him. They recorded him using phones while beat him.
5. Hassan Madhran	Unknown	24/08/2021 Old Town Mombasa County	Men believed to be police forcibly broke down a neighbor's door enquiring and seeking information regarding the Madhran family. This has ignited fear and the family is therefore seeking protection.
6. Manjama Kadilo	45 years	11/10/2021 Tononoka Mombasa County	Mr. Kadilo washes cars near Tononoka police station. On this day he washed the car of the deputy OCS of Makupa police station. The officer later said that his shoes worth 22k disappeared from the car. They arrested the victim, assaulted with a pipe and forced him to mop water that they had poured on the floor. HAKI Africa reported the matter at Tononoka police station under OB 20 of 26/10/2021. An agreement was reached that he be compensated for his injuries.
7. Baraka Katana Gona	Unknown	21/10/2021 Shiriani, Kili fiCounty	He was shot in the leg by police drawn from various stations in Kilifi County while they were effecting a court order for demolishing several houses in the area. He sustained a broken femur
8. Masha Alex	Unknown	21/10/2021 Shiriani, Kili fiCounty	He was beaten by clubs by police effecting the Shiriani demolitions court order. The police also pulled his dreads from his head and cut others with a knife they got from the ruins of his demolished home.
9. Jackline Atieno Sindala	30 years	29/10/2021 Kadongo Kisauni Mombasa County	She was attacked by two men with pangas at 9:30 pm while heading to a night revival. The sustained cuts on her head and her right hand had to be amputated because it was badly injured.

10. Saidi Maitha	78 years	1/12/2021 Ngerenya/ Kili ficounty.	The complainant, Mohamed Masha, brother -in-law reported that Saidi owns a disco in Ngerenya, Kili fi county. His equipment was confiscated by the police at Ngerenya police station. When Saidi visited the station to inquire on the matter, he was arrested and assaulted by the police.
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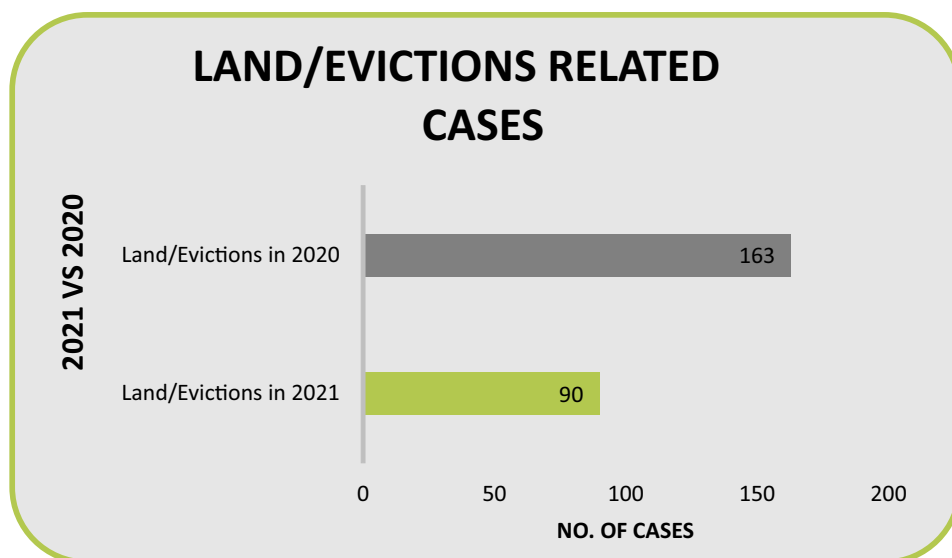
### 3.2.7 Land/Eviction Cases



*HAKI Africa's Rapid Response Officer inspecting a demolished house in Shariani, Kili fiCounty*

Land remains an emotive issue in the Kenyan coast. Kenyans have fallen prey to rogue and moneyed individuals who bulldoze and steal their land. Seeing that most victims cannot afford advocates to take such cases to court, they end up losing the little land that they own.

Land officers seem to be working with rogue elements to rob innocent Kenyans of their land. This is in addition to the fact that land records are not well protected and can easily be altered to the disadvantage of poor and unassuming land owner.



**Graph 9: Land/Evictions documented in 2021 compared to 2020**

Below is a table listing some of the land/eviction cases documented. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE LAND CASE
1. Rehema Athumani Mwakuhuna	Unknown	11/03/2021 Msambweni Kwale County	The complainant states that, her parcel of land was illegally acquired by somebody else and she is demanding it back.
2. Hassan Hamisi Renge	Unknown	30/04/2021 Kichaka Mkwaju Kwale County	Villagers from Kichaka Mkwaju in Lungalunga Sub county, stated that they have been residing in a piece of land of approximately 999 acres for more than 40 yrs. They wrote to the National Government that they be offered that piece of land. However, they were handed 333 acres and the rest was divided among James Mutele Weindaba, Willie Mahungu Ndambi and David Wagura Mathai. The villagers are demanded to know the reason as to why they were not given the 999 acre piece of land as they have requested.

3. Gibson Mwaliko	Unknown	25/05/2021 Rong'e Taita Taveta	Gibson Mwaliko's sister (Pauline) sold land without the family's consent to various people including the Governor. There is a court order preventing any person from conducting business on the said piece of land until the matter is concluded.
4. Daniel Wanje Nyale	Unknown	18/07/2021 Kilifi Town Kilifi County	The complainant, complaining on behalf of over thirty other people says that he has been living at a parcel of land where currently, Pwani University claims to be its land. He claims that the University has offered to settle all of them at a half an acre parcel of land.
5. Noor Husein Chandbhai	Unknown	03/08/2021 Malindi Kilifi County	The victim happened to own a piece of land which was left to them by their parents together with her two other siblings. She sold the land through consultation of mzee wa mtaa at a price of Kshs 750,000, she was given deposit of kshs200, 000 by the buyer and the balance was to be settled in instalments. Within that time a man from nowhere came in and forced himself to the buyer as the owner of the land and settled with the buyer the remaining amount for the land without consultation from the lady, the matter is being handled by the county construction officer of Kilifi.
6. Mwanaisha Kalelu	Unknown	24/08/2021 Msambweni Taita Taveta	Mr. Leonard Mwangombe was involved in a land dispute with their second cousin named Ramadhan Bakari Itambo. The land is in Msambweni, Voi opposite Teita investments and it has no title deed but the county governments have records on the said piece of land since details of the land were captured the local committee on lands. The land is also part of land injustices case. The matter was reported to the executive of the local land committee for further discussions. The family is also complaining of police harassment because they have been asked to intimidate them by their cousin. Contacts : 0794096430



7. Masidi Salim Musuri	115 years	13/10/2021 Gazi Kwale County	He was moved from Makongeni area to Gazi, Kwale county to give KISCOL land for sugarcane farming. He built a five -bedroom house on a half -acre land in Gazi. He claims that people want to remove him from the land because he is not a native of Gazi.
8. Betty Jebet	37 years	27/10/2021 Kambi ya Moto Nakuru County	She is from Kambi ya Moto, Nakuru county. They bought land there in 1998 and built their house. The seller to the previous owner wants the land back. The case is before a Nakuru court. On the day of reporting, police officers from Menengai police station went to the suit land and oversaw demolition of four houses that sit on it worth about Kshs 7,000,000.
9. Agneta Nduku Mwalimu	Unknown	8/12/2020 Kinondo, Kwale County	The complainant's husband co-owned a piece of land in Kinondo, Kwale County with Mr. Mariner Pierre Andre who also has passed on. After Mr. Mariner's death, the land documents were transferred to one Fatuma Mohamed without Agneta's consent.

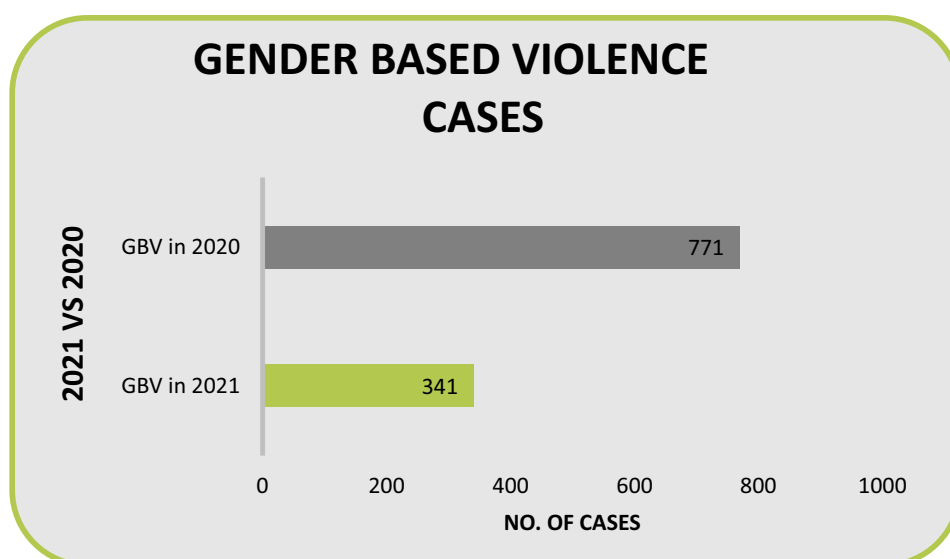
### 3.2.8 Gender Based Violence Cases

Gender based violence cases stem from broken marriage relationships where the husband refuses to share wealth acquired during the marriage with the wife. Government offices charged with dealing with such cases are rendered toothless making it difficult for victims to access justice.



*Sisters for Justice Executive Director consoling the mother of a GBV victim*

Children are also affected by such cases because they often do not get upkeep. Also, the confusion makes some of them vulnerable to predators who take advantage of the weakened family system to defile innocent children.



**Graph 10: GBV documented in 2021 compared to 2020**

Below is a table showing some of the gender based violence cases documented by HAKI Africa and its partners. The table contains the date of reporting, date of violation, source of the complaint and brief details of the cases:

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE GENDER BASED VIOLATION
1. N. A	Unknown	11/2/2021 Mbwajumali Lamu County	This matter was reported by the Aunt, Miriam Ahmad. The victims are 2 children who have been sodomized by two men whose identities and place of residence are known.
2. A. M	Unknown	08/03/2021 Mwatate Taita/Taveta County	A.M was sexually harassed by Peter Mghendi OB 17/08/03/2021. HAKI Africa called the OCS Mwatate and he promised to investigate the matter.
3. G.K	16 years	19/7/2021 Bamburi Mombasa County	The Mother of victim child for assistance if the case of his child is ongoing but we still follow -up the matter

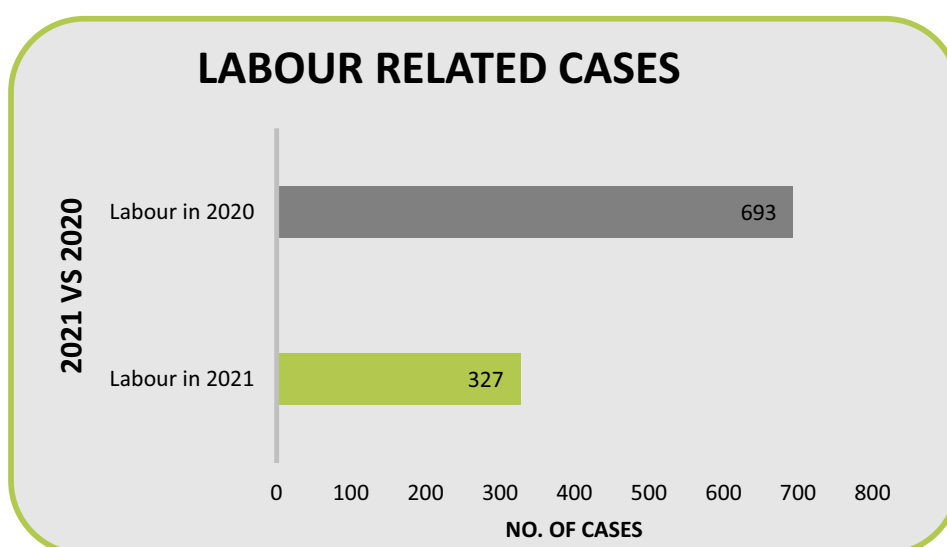
4. S.A	Unknown	20/08/2021 Mvita Mombasa County	The mother to Abdulaziz Ahmed claims that the father is failing to take up responsibility of his child. Suggested that the father be called for a fair hearing and determination of this matter.
5. C.M	33 years	27/8/2021 Bamburi Mombasa County	The complainant is a victim of abuse inflicted upon her by her husband. The matter was reported to Kiembeni police station.
6. C.M	33 years	26/08/2021 Bamburi Mombasa County	The complainant complains of assault from her husband Walter Ochieng Rachony.
7. R. M	Unknown	2/9/2021 Taveta Taita/Taveta County	A teacher at Bridge International, Mahoo allegedly sexually assaulted one of the students and the teacher was later sacked. The O.B no is there but the case has never been followed up by the relevant authorities.
8. J. M	Unknown	31/09/2021 Taveta Taita/Taveta County	His daughter was molested by a mature male in Taveta. He assaulted the culprit and he's now looked up but the culprit is walking scot free. Both cases are in court but the daughter's statement was misplaced.
9. C. M	15 years	2/12/2021 Hindi Lamu County	The victim was sodomized by person well known to him. The culprit was apprehended and remanded at Hindi Prison.
10. J. K	47 years	5/12/2021 Lamu Lamu County	The complainant was raped by her ex-husband. The complainant alleged to have been sexually assaulted by her ex-husband several times but no action was taken until HAKI Africa intervened. The culprit was apprehended and remanded at Hindi Prison.

### 3.2.9 Labour Related Cases



*A repatriated Kenyan woman gets emotional while recounting her ordeal in Saudi Arabia*

During the reporting period, HAKI Africa and its partner organizations have recorded labour cases that mainly center on wage stealing, lack of employment contracts, lack of medical insurance for workers in gulf countries and failure of compensate workers injured while on duty.



**Graph 11: Labour related documented in 2020 compared to 2019**

Below are two tables showing some of the foreign and local labour cases documented. The tables contain the dates of reporting, violation, source of the complaint and brief details of the cases.

### a) Foreign Labour Cases

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE LABOUR CASE
1. Maalim Maulid	28 years	1/2/2021 Saudi Arabia	It is alleged that the victim through a recruitment agency was trafficked to Saudi Arabia where he had secured a job. The job was however not to his expectation and his monthly dues were not paid. The family claim that Mr . Maulid fled away from the employer's house to seek help from the Kenyan embassy. The embassy could not help without the approval of his employer. HAKI Africa intervened and the victim was repatriated to Kenya.
2. Risper Kendy	Unknown	14/7/2021 Saudi Arabia	The victim was allegedly held in Saudia Arabia at a place known to her as accommodation area after falling out with her employers. HAKI Africa intervened on the matter using her Kenyan agent and the lady was repatriated to Kenya.
3. Gladys Karemba	Unknown	17/02/2021 Saudi Arabia	Victim was detained in a police cell for alleged theft pending investigations.
4. Francina Magati	Unknown	23/02/2021 Saudi Arabia	The Victim is was lady working in Saudi Arabia who was seriously ill. Claimed her travel documents had been withheld by her agent and she suffers mistreatment in the hands of her employer. The mother requests for the return of her daughter back to Kenya.

5. Omar Ali Banisa	Unknown	19/4/2021 Saudi Arabia	The complainant's wife is critically ill in Saudi Arabia where she works as a domestic manager. Her employers have denied her medical attention while concurrently forcing her to work in a state of poor health. He is seeking repatriation of his wife back to Kenya. Agents that dealt with her expatriation have been contacted in order to facilitate her treatment and return.
6. Judith Akech Wasiaji	Unknown	22/11/2021, Qatar	The complainant's daughter, Bridget Mulwa, went to Qatar to work through Polana Agents. She has been sexually harassed by her employer and after declining the sexual advances; she was detained at a place in Hail, Qatar. Her ID and bank cards were taken away until 22/11/2021 when they were returned to her. Her fingerprints were then taken. She is not ready to go back to work. She seeks help in repatriating her back home to take care of her children. She also cites her underlying medical complications.
7. Said Athman	Unknown	25/11/2021 Saudi Arabia	The complainant's wife, Diana Wafula, went to Saudi Arabia through Injaaz Agents for work. She has suffered sexual harassment, sexual abuse and her phone is only given to her for an hour per week. She fled from the home she worked at without any of her travel documents and wants to be repatriated back home.
8. Josephine Syonchi Kivuwa	Unknown	25/10/2021 Seychelles	Her husband worked for a company in Seychelles. He was involved in an accident while at work on 20/08/2021. He was only taken to an x-ray examination without any other treatment. The company has refused to compensate or treat him claiming he was involved in the theft of company property. The police and employees involved in

			the aforementioned theft case deny his involvement. The theft happened more than a month before. She wants help in repatriation of her husband and the fair compensation for his injury.
9. Saumu Juma	30 years	4/11/2021 Saudi Arabia	According to the complainant, Mwanaisha Muhamad Saumu's mother, Saumu was supposed to come back from Saudi Arabia in November, 2021. Their last communication was on 25/10/2021. She believes that she has been arrested in Saudi Arabia and taken to a place in Tarhir. She is seeking help in finding Saumu.
10. Mwanajuma Chapa	24 years	09/12/2021 Dubai	According to her mother, Zubeida Said, she went to Dubai for work through Sarah. She was first sent to the upcountry region to work for an elderly woman but due to the poor working conditions, she was transferred to another employer. The current employer has denied her four months' salary, sometimes internet to communicate back home and has failed to renew her travelling documents. She seeks help in repatriating her daughter back home.

Below is a table highlighting labour cases recorded domestically.

#### b) Local Labour Cases

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE LABOUR CASE
1. James Kellah John	Unknown	2021 Lamu Lamu County	The complainant together with his colleagues alleged to have been missing their shares from the company they have been working for the Brinks Security Service in Lamu since 2016



2. Benard Oyieko	Unknown	9/03/2021 CBD Mombasa County	The complainant and 26 others have been employees at Costal Bottlers ltd where they were unfairly terminated in 2004. They have been following up on the matter with the Union however there is no positive response emanating. They are seeking intervention on the matter.
3. Kenya Ship Contractors Association	Unknown	18/05/2021 CBD Mombasa County	The association consists of 46 contractors providing services at the port of mombasa. KSCA members are demanding for salary increment, sincethose contractors are being paid low rates by their shipping agents. They reported the case to Kenya maritime authority since 2014 but there is no fruitful results has been recorded.
4. Musa Mpakaya	Unknown	17/08/2021 Likoni Mombasa County	The complainant who is an employee of Kilimanjaro Hardware is being harassed and treated unfairly by his employee who refuses to pay him his salary of 4 months which are in arrears while threatening to terminate him without a justifiable cause.
5. David Nchoya	Unknown	18/08/2021 CBD Mombasa County	Sustained work injuries which rendered him jobless. Employers fabricated a medical report regarding his injuries and using the same to avoid compensating the complainant. He was advised to consult with his lawyer and issue an ultimatum to his employer.
6. Kombe David Kaingu	39 years	23/08/2021 Bamburi Mombasa County	He worked for Bamburi Beach Hotel as the Director's driver from October 2015 up to 23 <sup>rd</sup> August, 2021. He claims there were no o ffdays, he worked on holidays/ weekends and there was no change on his salary. He earned Kshs 16000 per month. He also claims payment of terminal dues was not done.
7. Peter Thiong'o	Unknown	6/09/2021 Vipingo Kili fi County	Upon taking his claim for unlawful termination, the lawyer refused to remit the money obtained from the complainant's Sacco. He was advised to visit the advocates' complaint commission and lodge a complaint.

8. Babu Ngome	43 years	6/10/2021 Miritini Mombasa County	He worked for Modern Coast as a welder. The company paid him Kshs 43,520 per month gross salary. He was not paid his terminal dues when he was let go in July, 2021 because the company claimed that he had quit his job. He claims that he left the job due to nonpayment and/or delay in salary payment.
9. Hakim Said	59 years	19/10/2020 Miritini Mombasa County	He works for Cabro works Ltd. He claims that he has not been paid since September, 2020. There is neither employment contract nor a pay slip to prove employment. He seeks payment of his salary as he cannot maintain himself/ family in terms of food, rent and school fees for children. His employer was called and promised to pay all his dues together with that of other employees after disposing of some of his assets. He endeavored to send Kshs 1500 at the moment to assist Hakim in the meantime.
10. Morris Wafula	56 years	10/11/2021 Nyali Mombasa County	The complainant was working with Armytex Security, Nyali in 2019. In 2019 while working with the company, he was arrested by Changamwe police after a report by his supervisors but was never brought to court. He claims to have reported to the

### 3.3 Other Human Rights Cases

HAKI Africa in partnership with PSJCWG and paralegals received numerous other cases which cannot be categorized into either land, labour, torture, gender and extra judicial killings that were reported. These cases mainly center on various government agencies that have in

one way or the other failed to perform their duties of delivering services to citizens. There are also cases of private sector actors violating the rights of innocent Kenyans with concerned government agencies turning a blind eye when complaints reach their offices.



*Human rights defenders after conducting a press conference at Uhuru Gardens, Mombasa*



**Graph 12: Other cases that were documented in 2021 compared to 2020**

The table below contains the date of reporting, date of violation, source of the complaint and brief details of some of the cases categorized “others”.

NAME	AGE	DATE AND LOCATION	CIRCUMSTANCES SURROUNDING THE VIOLATION
1. Abdulrahman Mwangoka	Unknown	1/12/2021 Kinango Kwale County	The complainant received life threats from unknown people on 23/11/2020. Two people claiming to be police officers were looking for his place of residence. He believes the threats are in connection to a case against police officers in Kinango Police Station.
2. Ismail Moses	Unknown	28/2/2021 Kijipwa Kili ficounty.	He was beaten by mob after he was referred to as a thief just because of personal issues with one Dreda Wanjala. He reported the matter to Kijipwa police station and nothing has been done up to the date of reporting (8/9/2021).
3. Caroline Ouma	Unknown	18/03/2021 Kongowea Nyali Constituency	Kimakozi Women’s Group has been operating a water project donated to them by then Kisauni CDF. However, the eldest daughter of their late Chairlady forcefully took away their keys, records and money. The client is referred to an advocate for representation.

4. Mohamed Ahmed Hassan	Unknown	23/06/2021 Likoni Mombasa County	He, on behalf of the Swahili Community in Mombasa County, wants the Mama Ngina Drive to be referred to as Mzimle (its original name) in accordance with the community practices.
5. Yusuf Mwanza	Unknown	27/07/2021 International University of Africa, Sudan	He is a guardian to his nephew (an orphan) who was sponsored to study at International University of Africa, Sudan. He has completed his studies but needs assistance to come back home.
6. Nancy Kagendo Muriuki	Unknown	27/10/2020 Kisauni, Mombasa County	Her belongings were taken by KWFT and Yaliyomo Women Group officers for a default in loan payment of Kshs 21, 150 yet she claims to have paid the monthly dues of Kshs 14,000 as required.
7. Charlotte Mkumbi Mwangari	Unknown	18/10/2021 Vipingo Kilifi County	Her husband, Jackson Kiema Tunu, worked as a driver for Southern Engineering Company. He died in a road accident in the line of work at Vipingo. She took the matter to court but it was dismissed eventually. She claims that the advocates hired did not communicate with her during the course of the court process. At times they misinformed her of the court room. She was not asked to pay anything by the advocates. The legal officer will look into the judgment and advise accordingly.
8. Fahad Mohamed	42 years	28/10/2021 CBD Mombasa County	His mother is insured by APA insurance. According to him, the terms of the insurance contract were that the insurer was to cover for all other illnesses except chronic conditions. During the mother's visit to a hospital, the hospital called the insurer but they declined to cover the bill. APA Insurance agreed to refund only Kshs 62000 of the Kshs 68000 they had paid in premium. HAKI Africa ensured he was paid back his money.

9. Geoffrey Omedi Ayuya	43 years	19/11/2021 Mikindani Mombasa County	He was awarded by court Kshs 938,695 compensation against the defendant's insurer (AMACO) for a traffic accident he suffered. His advocate claims he has not received any money towards the same.
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## 4.0 Violation of Human Rights Contrary to the Bill of Right



*HAKI Africa's Executive Director with the MP for Mvita and others at Makadara grounds in Mombasa for a prayer meeting*

The loosening of restrictions by the Government that infringed on peoples freedom of movement and association has also had some negative effects in terms of the increase in the number of human rights violations. Despite the fact that police brutality and harassment was at its peak during the lockdown period, opening up of the economy has allowed so rogue elements in society to operate freely and infringe on the rights of other citizens. Below are some of the most glaring human rights violations recorded in 2021.

### 4.1 Violation of Right to Life Contrary to Article 26 of the Constitution of Kenya

From this report, we have noted at least 49 people losing their lives in police related killings, 8 killed my criminal/terror gangs and 16 killed by mobs/civilians. According to the 2010 Constitution, all these people had a right to live. They had a right to security of their person from any harm including death. They should have been put under custody and made to pay for their wrongs (if any). However they were killed instead. This is gross violation of a fundamental human right – the right to life without which all other rights cannot be realized.



#### 4.2 Violation of Freedom from Torture Contrary to Article 15 of the Constitution of Kenya

Torture, especially by National Police Service Officers remained rampant during this post pandemic period. Police officers seem to look for opportunities to torture innocent Kenyans in the course of discharging their duties. While we have recorded torture cases by other individuals that are not members of the NPS, a majority of those recorded have Police Officers as the main culprits. A majority of the enforced disappearance cases recorded seems to have been conducted by state agents where the victims are tortured and even killed. Despite HAKI Africa highlighting these cases, the government has remained mum and chosen not to comment or even act on the ever increasing cases of abduction, torture and murder. Also, the fact that police officers have a duty to protect and defend citizens instead of preying on them warrants reporting.

#### 4.3 Violation of the right to fair labour practices Contrary to Article 41 of the Constitution of Kenya

The Government has a duty and responsibility to protect workers from unfair labour practices by rogue employers. HAKI Africa has recorded 42 cases of labour malpractice that mainly stem from unfair remuneration, unlawful termination, wage theft and refusal to compensate those that have been injured in the line of duty. This is happening despite the fact that HAKI Africa has forwarded the cases to the labour office restitution. The government has also failed to protect Kenyans that have gone to work in the gulf countries despite the fact that HAKI Africa has continuously forwarded such cases for action. Many Kenyans still remain in Gulf countries, unable to access quality healthcare while working in deplorable conditions.





## 5.0 Key Recommendations



*Coast Based CSO's at a past meeting in Malindi*

Effective elimination of all forms of human rights violations requires a multifaceted and integrated approach that addresses the need for respect for fundamental freedoms, civil and political liberties as well as economic, social and cultural guarantees. In consideration of the place and situation of human rights violations in coast region and having worked and interacted with the communities, HAKI Africa and partner community human rights centres make the following recommendations to improve human rights adherence:

### 5.1 National Government

HAKI Africa makes the following recommendations to the national government:

- a) **Respect Human Rights During the Post Covid-19 Period** – As Kenyans struggle to rebuild their lives in the post pandemic period, the Government should ensure that their rights are safeguarded and protected;
- b) **Deal Firmly with Government Officers who Violate Human Rights** – On various occasions, government officers, including those from security sector have been reported to violate human rights. The National government must lead by example to firmly discipline any such officers so that others can learn from government;
- c) **Deal with the issue of enforced disappearances** – Government should take up the issue and deal with those officers that abduct, torture and kill Kenyans despite the fact that there is a criminal justice system designed to deal with law breakers;

- d) **Improve Security** – National government should immediately take measures to improve the security in the county by allocating more resources to improve security in counties;
- e) **Ensure the Right to Protest is Guaranteed** – The national government should ensure the freedom to assemble, demonstrate and present petitions to government as guaranteed in article 37 of the Kenyan Constitution is not only respected but promoted by government officials;
- f) **Make Employment Opportunities Available to the Coastal People** – National government should bring back Port operations back to Mombasa in order to continue creating more jobs at the Coast, this will reduce the number of people going to Gulf counties in search of employment opportunities;
- g) **Address Domestic and Gender Based Violence** – The police should do more to protect women and children from domestic and gender based violence. Stern action should be taken against any person who physically, psychologically or sexually assaults any woman or child in the country; and
- h) **Police Refresher Training** – Government should continuously undertake refresher trainings for the police on human rights based approaches and other related issues. This will ensure that police serve Kenyans with courtesy and respect because they are the ones that pay their salaries.

## 5.2 County Governments

HAKI Africa makes the following recommendations to the county governments:

- a) **Improve Access to Health** – Ensure proper service delivery in emergency situations to care for victims of human rights violations as well as those that contract Covid -19 and other infections. Referral Hospitals must be adequately staffed and equipped to ensure Kenyans access quality healthcare.



*HAKI Africa staff at a protest march on health provision in Voi*

- b) **Help Curb Land Grabbing**— The county governments should work towards ensuring the process of making land search is easily accessible in order to help citizens confirm true ownership and avoid unnecessary disputes in land transactions;
- c) **Evictions be done in accordance with the law**- The government should ensure that police officers effect eviction orders lawfully by giving Kenyans adequate notice to move instead of destroying the property of those affected. They should also refrain from assaulting citizens during evictions.
- d) **Support Human Rights Awareness** - The county governments should partner with civil society in organizing activities to create awareness of different rights as enshrined in the Constitution;
- e) **Implementation of County Action Plan (CAP)**— The county governments should spearhead in the implementation of county action plans and ensure that there is a meaningful use of them by all actors; and
- f) **Establishment of SGBV Rescue Centers** – The county governments should establish, staff and equip rescue centers for all victims of GBV.

### 5.3 Communities

HAKI Africa makes the following recommendations to communities:

- a) **Partnership** - Community members should partner with civil society to advocate against injustices and guarantee social equality. This implies coming out to support during demonstrations and other activities.



*HAKI Africa's Rapid Response Officer in a meeting with community members*

- b) **Information Sharing**— Members of the public should report all suspicious people or insecurity incidences within their neighborhoods to the relevant authorities in order to curb insecurity.



- c) **Abide by the Law** – Communities should avoid taking the law into their own hands as seen in occasions where the public conduct mob injustices by killing suspects;
- d) **Support Peace and Cohesion** – Locals, particularly those at the grassroots, should be peace ambassadors by advocating for peace and security within the communities. At all levels they should encourage inter-ethnic cohesion;
- e) **Volunteerism** – Local leaders should work with communities and support the spirit of volunteerism especially among the youth; and
- f) **Avoid Hearsay and Abusing Leaders** – Community members should avoid spreading rumors and ensure they verify any information before sharing it. They should also avoid bad mouthing and abusing their leaders. Instead, they should offer constructive criticism that will help with ideas to improve status quo. They should also avoid getting into violent altercations with fellow citizens who support different politicians.

#### 5.4 Civil Society Organizations

HAKI Africa makes the following recommendations to civil society groups:

- a) **Roll Out Civic Education** – Civil society groups should roll out civic education programs to raise awareness on human rights violations and as the country heads toward the general elections, to empower people politically.



*HAKI Africa's Executive Director addressing stakeholders on PCVE*

- b) **State Officers' Training and Capacity Building** – Efforts should be made by civil society organisations to train and build the capacity of various national and county government officers in the Coast region.
- c) **Hold National and County Governments Accountable** – Civil society organizations should play their rightful role of being a public watchdog and continue to hold national and county governments accountable. However, this should be done constructively with the intention of improving government services and not merely to disrepute public office holders;
- d) **Support Dialogue and Cohesion** – Civil society organisations should act as mediators and enhance dialogue and understanding within communities. They should build bridges between state and non-state actors and ensure cohesion amongst different people;
- e) **Support PCVE Efforts** - Support the efforts of preventing/countering violent extremism (PCVE) through organizing forums and training young people against extremism; and
- f) **Decriminalization** - Those involved in crime can be helped to come out of crime and supported to engage in legal means of earning a living in order to become productive members of the society.
- g) **Unite**- Civil Society Organizations should unite to advocate action for pressing Human Rights Issues like enforced disappearance.

## 6.0 Conclusion

2021 goes down as the year with the highest recorded number of enforced disappearance cases, it also ranks poorly with the highest number of labour related cases. The pandemic has left workers at the mercy of rogue employers that have decided to exploit desperate Kenyans struggling to earn a living for their families. The government's refusal to heed to the call of Human Rights Organizations to intervene in some of these issues has left Kenyans depressed which has contributed to the increased number of suicide case in the country. It is our hope that the release of this report will provide the Government with a roadmap that will guide its policies as we inch closer to the general elections.



*A prayer meeting for victims of enforced disappearance at Makadara Grounds in Mombasa*













# **STAND UP FOR HUMAN RIGHTS**



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