



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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29 August 2016

Excellency,

In our respective capacities as Chairperson of the Committee against Torture and Rapporteur of the Committee for Follow-up to Concluding Observations, we have the honor to refer to the follow-up to the examination of the second periodic reports of Kenya, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 50th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/KEN/CO/2, para. 40) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 9, 10, 17 and 18 of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 22 August 2013, providing your Government's response on the above-mentioned paragraphs (CAT/C/KEN/CO/2/Add.1), and to make the following comments:

Extrajudicial killings and disproportionate use of force (para. 9)

While the information provided is thorough, it does not fully respond to the recommendation contained in the concluding observations. The recommendation is therefore considered only partially implemented in view of the State party's initial steps described in its follow-up replies. The State party report refers to ongoing data collection regarding the recommendation to make public the results of investigations on extrajudicial killings, enforced disappearances, and excessive use of force by police officers. The Committee reiterates its concern and invites the State party to provide the Committee with updated information on any developments in this regard (2/B1).

Fundamental legal safeguards (para.10)

The information provided on the implementation of this recommendation does not respond fully to the recommendation, which is therefore considered to be implemented only partially as a result of the initial steps in law. However, the follow-up report of the State party does not indicate the steps to fully implement the recommendation. The Committee requests the State party to keep it informed about any progress in this regard (2/B1).

.../...

H.E. Mr. Stephen Ndungu Karau
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Kenya
to the United Nations Office at Geneva
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Lynchings (para. 17)

This issue is considered as not having been implemented. The follow-up report of the State party does not inform about any amendments to the Witchcraft Act. The Committee reiterates its concern and encourages the State party to provide it with updated information on any developments in this regard (2/C).

Investigations into post-election violence (para. 18)

The information provided does not respond fully to the recommendation of the Committee, and this issue is therefore considered to be only partially implemented as a result of the initial steps taken. The State party's follow-up report does not include information about prompt, impartial and effective investigations of post-election violence. It also does not provide any information on whether the report of the Multi-Agency Taskforce has been made public. The Committee encourages the State party to take additional steps to fully implement the recommendations and to keep the Committee informed about any progress in this regard (2/B1).

The Government of Kenya is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the second periodic report of Kenya.

The Committee looks forward to a continued constructive dialogue with the authorities of Kenya on the implementation of the Convention.

Accept, Excellency, the assurances of our highest consideration.

Jens Modvig
Chairperson

Committee against Torture

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture