



**PERMANENT MISSION OF  
THE REPUBLIC OF KENYA**  
TO THE UNITED NATIONS  
AND OTHER INTERNATIONAL ORGANIZATIONS  
GENEVA - SWITZERLAND

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The Permanent Mission of the Republic of Kenya to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Secretariat of the Human Rights Council Advisory Committee (Geneva Branch), and has the honour to refer to the latter's Note of 24<sup>th</sup> August 2017, herewith forward a report on the Negative effects of terrorism on the enjoyment of human rights and fundamental freedoms.

The Permanent Mission of the Republic of Kenya to the United Nations office in Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Secretariat of the Human Rights Council Advisory Committee (Geneva Branch), the assurances of its highest consideration.

**GENEVA, 31<sup>st</sup> October, 2017**

**The Secretariat of the Human Rights Council  
Advisory Committee c/o Ms. Fatou Camara Houel  
OHCHR- United Nations Office in Geneva  
CH-1211 Geneva 10, Switzerland.**



# **NEGATIVE EFFECTS OF TERRORISM ON THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.**

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## **Introduction**

Terrorism in Kenya can be defined as the unlawful use of violence or threat of use of violence, with intent to advance a political, religious, ideological or other such cause, and includes any unlawful use of violence or threat of use of violence with intent to put public or a section of the public in fear.

## **Negative effects of terrorism on fundamental human rights and freedoms in Kenya**

1. Terrorists have taken advantage of Kenya's widened human rights and democratic space. Kenya takes cognizance that the expanded human rights and democratic space that can be exploited by terrorists to enhance their ideologies. The security laws amendment Act of 2014 was envisaged to cure these legal gaps in the war against terror.

### **2. Radicalization**

Terror networks have taken advantage to radicalize and recruit youths, mostly from poor economic backgrounds to join Al Shabaab and ISIL terror groups; most of these youths have been recruited in mosques, schools and even universities.

It is estimated that up to 400 youths may have been radicalized in the country. Most affected regions are North Eastern, Coast and Nairobi.

### **3. Effect on the economy/tourism**

- The abduction and killing of tourists in the Kenyan Coast and foreign aid workers in North Eastern Region has led to foreign countries issuing adverse travel advisories to their citizens thus affecting the Tourism sector in the Country.
- The attack on the Westgate mall, which was frequented by foreigners led to foreign countries issuing travel advisories to their citizens

and foreign investors kept away after the attack. Key businesses including Nakumatt, a major supermarket were destroyed during the attack.

#### 4. Loss of human life

The first and the foremost basic right of a human being is the right to live.

##### Chronology of terror attacks in Kenya

- 1980: Norfolk Hotel; linked to Israel-Palestinian conflict, 20 people killed and more than 100 injured
- 1998: US Embassy attack, 250 people killed and over 5,000 injured
- 2002: Paradise Hotel attack, 13 people killed and 80 injured
- **September 2011:** Armed Somali men stormed Kiwaiyu Safari village and attacked a British couple, killing the man and later abduct the woman
- October 2011: A French woman was kidnapped by an armed gang in Manda island and taken to Somalia
- **24<sup>th</sup> October, 2011:** a hand grenade was tossed into Mwauras night Club in Nairobi injuring 14 people
- **27<sup>th</sup> October, 2011:** In Mandera, a vehicle carrying officials from the Ministry of Education was attacked leaving 4 dead
- **5<sup>th</sup> November 2011:** Two people are killed in a grenade attack at the Pentecostal Church in Garissa
- **21st September 2013:** Terrorist attack Westgate Mall in Nairobi and killed 67 people and injured 175 people
- **22nd November 2014:** Terrorist attack a Nairobi bound bus in Mandera County killing 28 people

- **2nd December 2014:** Thirty six quarry workers were killed in Mandera County
- **2nd April 2015:** Terrorist attacked Garissa University College and killed 148 people and injured 79 more

## **5. Effect on the social life**

Christianity and Islam are the two largest religions in Kenya. The attacks on churches almost led to religious conflict between Christians and Muslims hence, infringing on the freedom of worship. Christians felt that they are the targets of Muslim extremism.

The Constitution of Kenya provides for a robust and strong Bill of Rights in Chapter Four of the Constitution. The Bill of Rights envisions that nobody will be discriminated on basis of his religion and guarantees the right of association and expanded rights of accused persons.

## **6. Security in learning institutions**

The attack on the Garissa University College led to anxiety in all learning institutions. The University College was closed for a while and the students suffered due to the closure. One hundred and forty seven (147) non-local students were killed in this terror attack majority were Christians.

## **7. Dadaab Refugee Complex operations**

Security intelligence reports have indicated that some terrorists from neighbouring Somalia have in the past used the Dadaab Refugee Complex as a hide out to plan and execute terror attacks in the country. As a result of this, the Government has embarked on a programme for the repatriation of these refugees back to Somalia with one objective being closure of this camp. The Government is working with the UNHCR and the Transitional Federal Government of Somalia to set up a safe haven for these refugees within Somalia.

## Steps taken to address negative effects of terrorism

- (i) Kenya has rolled out counter terrorism measures that include operations and offensive measures taken to prevent, deter, preempt and respond to terrorism. These measures are being undertaken through the National Strategy to Counter Violent Extremism (NSCVE).
- (ii) County Action Plans on Prevention/Countering of Violent Extremism have also been rolled out
- (iii) Roll out of socio-economic programmes to address the drivers of radicalization, such as the concept of marginalization
- (iv) Review of madrasa classes curriculum in a bid to stem out radicalization
- (v) Establishment of the Anti-Terrorism Police Unit to specifically deal with terror related offenses i.e. deterrence, investigation, disruptions, boost security surveillance on terror networks
- (vi) Enactment of the Prevention of Terrorism Act, the Anti-Money Laundering Act to scale up the war against terror networks
- (vii) International marking for our Tourism Sector
- (viii) Inter-faiths based approach to deal with religious extremism ideology

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