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KENYA'S DESCENT INTO SECURITISED AUTHORITARIANISM

Ruto's siege on Democracy



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EXECUTIVE SUMMARY

Kenya finds itself at the crossroads of a precarious historical juncture. Under the administration of President William Ruto, who has been in power since September 2022, the nation has drifted significantly from the democratic promise enshrined in the 2010 Constitution, pivoting instead toward a sophisticated model of securitised authoritarianism.

This is not merely a reactive posture to genuine security threats as the regime seeks to portray; rather, it appears to be a calculated consolidation of power, achieved through the construction of one of Africa's most pervasive surveillance state. This architecture of control—a convergence of military-grade spyware, opaque legislative overreach, and unaccountable paramilitary units—is systematically dismantling the civic space and democratic resilience that Kenyans from all walks of life have fought so hard over many decades to establish.

The evidence of this regression is both empirical and alarming. The year 2024 witnessed a disturbing normalisation of state violence, marked by a 450 per cent surge in enforced disappearances. The state's brutal response to the 'Gen Z' demonstrations against the Finance Bill in July 2024—resulting in at least 60 deaths—demonstrated a willingness to deploy lethal force against unarmed civilians to quell dissent. Even more corrosive to the rule of law is the blatant politicisation of the security apparatus. President Ruto's admission regarding state-ordered abductions, coupled with the extraordinary allegations by former Deputy President Rigathi Gachagua regarding a secret "101-member killer squad," suggests a fracturing of the state monopoly on violence into factional weaponisation. The revelation that the release of a Cabinet Secretary's abducted son required direct presidential intervention confirms a dangerous reality: extrajudicial operations are no longer rogue anomalies but feature within a hierarchy answerable only to the executive and specifically the president himself, bypassing all institutional oversight.

The trajectory for 2025 has been characterised by 'rule by law' rather than the 'rule of law.' As if the laws already in existence were not repressive enough, President Ruto and his acolytes seemingly took advantage of the distractions brought on by the illness and subsequent death of his longtime nemesis, opposition leader Raila Odinga, to quietly enact at least eight new statutes to close any loopholes and enhance the infrastructure of repression. Amendments spanning cybercrimes, data protection, intelligence, and public order have collectively eroded constitutional privacy rights and freedoms of expression and association among other rights and freedoms. The new laws do not simply regulate; they criminalise dissent under the nefarious guise of addressing national security concerns. By authorising warrantless surveillance, mandating aggressive data retention, and broadening the definition of terrorism to potentially encompass peaceful assembly, the state has legalised the tools necessary to stifle political opposition and human rights activism. The lawfare also weaponises financial regulation against civil society and militarises the management of public order.

Kenya's role in the region has long shifted from a sanctuary for the persecuted to a node in the network of transnational repression. The abduction and rendition of high-profile figures—such as Ugandan opposition leader Kizza Besigye in November 2024 and Nigerian activist Nnamdi Kanu in July 2021—violate the principle of non-refoulement and Kenya's own constitutional obligations. Since his rendition, Besigye has been languishing in remand prison and is on trial by the military despite his civilian status.

The convergence of these factors casts a long shadow over the prospects of a free and fair election in Kenya in 2027. The conditions necessary for a free and fair contest are rapidly evaporating. The existence of a comprehensive surveillance grid allows for the pre-emptive identification and neutralisation of opposition organisers. The precedent of internet shutdowns established in 2024, combined with the vulnerability of electoral systems and the intimidation of the media, suggests that the digital and physical infrastructure for election rigging is already in place. Kenya's democratic trajectory is severely threatened, but not yet irreversible. The robust framework of the 2010 Constitution, the courage of civil society in documenting abuses, and the independence of specific judicial officers offer a pathway to reform. However, this requires

an urgent remobilisation of political will and a fundamental transformation of the security sector.

This report offers a comprehensive anatomy of Kenya's democratic crisis. It traces the historical roots of impunity, dissects the operational methods of paramilitary units, and maps the financial and technological flows from Western partners that sustain this apparatus. Written to inform international policy, support strategic litigation, and guide civil society resistance, this document argues that the stakes extend far beyond Kenya's borders. If left unchecked, Kenya's slide into surveillance authoritarianism risks establishing a dangerous template for sophisticated repression across the African continent.

INTRODUCTION

Kenya presents an interesting study in contradictions. Officially, it remains a constitutional democracy with regular elections, a vibrant civil society, independent media, and a bill of rights that ranks among Africa's most progressive.

The 2010 Constitution, enacted following a national referendum after decades of authoritarian rule, held out genuine promise of transformation. It created a devolved system of governance with 47 counties, established a robust framework for protecting fundamental freedoms, prescribed judicial reforms to ensure independence from executive overreach, and enshrined mechanisms for accountability that seemed, at the time, likely to break Kenya's historical cycles of violence and impunity. Yet beneath this constitutional architecture, something dark and sinister has taken root. Kenya has experienced an unparalleled escalation of securitised politics since the incumbent President Ruto assumed office in September 2022, reaching crisis levels following the July 2024 mass protests against the Finance Bill. These protests organised and conducted primarily by a digitally-native generation of young Kenyans, shook the political establishment to its core. The government's response revealed not a democracy under stress, but a maturing surveillance state deploying sophisticated tools of repression.

This descent did not begin with President Ruto, though it has accelerated dramatically under his watch. The seeds were planted in the aftermath of Kenya's 2007 election, when disputed results triggered ethnic violence that killed over 1000 people and displaced 600,000 more. The international community's response—particularly the International Criminal Court's decision to indict Uhuru Kenyatta and Ruto for crimes against humanity—was intended to break Kenya's cycle of impunity. Instead, it had the perverse effect of teaching the political elite a crucial lesson: control the state apparatus, and you can subvert justice itself. When the ICC cases collapsed in 2014 and 2016 due to systematic witness intimidation and non-cooperation

by the Kenyan state, it sent an unmistakable message that power could shield even the most heinous crimes from accountability.

Under the Kenyatta-Ruto coalition government which ruled Kenya from 2013 to 2022, enforced disappearances and extrajudicial killings were systematically deployed under the guise of counterterrorism operations. The Anti-Terrorism Police Unit, established with substantial Western funding and training ostensibly to combat Al-Shabaab terrorists, became an instrument of and an excuse for political repression. Between 2014 and 2016 alone, Kenya's human rights organisations documented extensive involvement of security agencies in kidnapping, extrajudicial killing, and enforced disappearances, particularly targeting Muslim and Somali communities in coastal regions and Nairobi. Rather than investigating these abuses, President Kenyatta publicly defended the security services and attacked the human rights organisations documenting the atrocities.

When Ruto assumed the presidency in 2022 after a bitterly contested election, many Kenyans were cautiously optimistic that a new dawn of stability was in the offing. After all, President Ruto had used his campaign to accuse the security agencies of politically motivated arrests, enforced disappearances, and extrajudicial killings under the Kenyatta administration. There were hopes that he would pursue genuine security sector reform. Instead, Ruto has presided over an intensification of repression that makes the Kenyatta era seem restrained by comparison.

The turning point came with the July 2024 protests against the Finance Bill, which sought to impose new taxes on already overburdened Kenyan citizens struggling with the high cost of living. The Gen Z

protest movement was decentralised and leaderless, making it uniquely challenging for the state to manage using conventional methods. The government's response was brutal: at least 60 deaths, hundreds of injuries, unprecedented internet shutdowns, and a 450 percent increase in enforced disappearances compared to previous years. Security forces used live ammunition against peaceful protesters. The Kenyan Defence Forces were deployed despite constitutional constraints. Sophisticated digital surveillance was weaponised to track and abduct protesters, with some victims reporting that their captors possessed detailed knowledge of their communications, online activities, and physical locations. However, the Finance Bill protests were merely a symptom of deeper grievances. Kenya's economic crisis—driven by unsustainable debt, corruption, and the government's prioritisation of elite enrichment over public welfare—created conditions of widespread hardship. Images of government officials driving expensive vehicles and living in mansions whilst ordinary Kenyans face poverty and hardship fuelled rage that transcended traditional ethnic and regional divisions. The protests evolved from opposition to specific taxation proposals into a broader demand for accountable governance and an end to the Ruto administration itself.

Facing unprecedented domestic and international pressure, Ruto withdrew the Finance Bill and disbanded his entire cabinet—but only after security forces had killed dozens and disappeared many more. He then reconstituted a government that included many of the same individuals, signalling that nothing fundamental had changed. Most tellingly, despite admitting that abductions had occurred, not a single security operative has been held accountable. The culture of impunity that enabled the 2007-2008 violence remains firmly entrenched.

In 2025, President Ruto consolidated this authoritarian turn through legislation. Between January and December 2025, he signed several laws that fundamentally

transformed Kenya's legal landscape, expanding state surveillance and control powers to a unprecedented degree. These laws—amending legislation governing cybercrimes, data protection, communications, intelligence services, defence forces, public order, terrorism, and financial services—work together to dismantle constitutional protections whilst criminalising dissent. They permit warrantless surveillance of citizens' communications, mandate telecommunications companies to retain and share user data, authorise military deployment for internal security without parliamentary oversight, criminalise protest through onerous registration requirements, expand terrorism definitions to encompass peaceful political activity, and weaponise financial regulation to freeze the accounts of civil society organisations.

This legislative framework provides the legal architecture for comprehensive authoritarian control. It transforms tools ostensibly designed for counterterrorism and crime prevention into instruments of political repression. It grants security agencies sweeping powers whilst eliminating meaningful oversight. It creates criminal liability for journalism, activism, protest, political organisation despite such activities being fundamental to democratic society. It does all of this whilst maintaining the facade of constitutional democracy, with laws passed through Parliament and signed by an elected president. Kenya's descent into surveillance authoritarianism has been enabled, funded, and technically facilitated by Western governments—particularly the United States—which has provided hundreds of millions of dollars in security assistance, sophisticated surveillance technologies, and elite training to Kenyan security forces. The stated justification is counterterrorism cooperation and regional stabilisation, given Kenya's strategic location neighbouring Somalia and its role in peacekeeping operations. But the practical effect has been to create a surveillance and repression infrastructure that is now systematically deployed against Kenyan citizens exercising their constitutional rights.

Moreover, Kenya has become a regional hub for transnational repression. Working in concert with authoritarian regimes in Uganda, Rwanda, South Sudan, Tanzania, Nigeria, and Turkey, Kenyan security services have conducted extraordinary renditions of opposition figures, activists, and refugees—seizing them from Kenyan soil and transferring them to countries where they face torture, unfair trials, and execution. These renditions violate international law, Kenya's constitutional obligations, and the principle of non-refoulement that protects refugees. They demonstrate that Kenya's surveillance infrastructure serves not only domestic repression but also enables authoritarian violence across borders.

This report provides a comprehensive analysis of Kenya's democratic crisis, examining, among other things:

- The historical foundations of impunity, tracing how the failure of international justice mechanisms following the 2007-2008 violence taught Kenya's political elite that they could operate above the law
- The evolution of security agencies from colonial instruments of control through post-independence repression to contemporary counterterrorism forces that have been systematically weaponised against domestic opposition
- The legal frameworks enabling abuse, including detailed analysis of the eight laws signed in 2025 that exponentially expand state surveillance and control powers
- The surveillance architecture comprising military-grade spyware, telecommunications monitoring, CCTV networks with facial recognition, and biometric identification systems
- The paramilitary formations including the General Service Unit, the Anti-Terrorism Police Unit, the now-disbanded Special Service Unit and its alleged replacement, and the CIA-backed Rapid Response Team
- Western complicity through funding, training, and technology transfer that has enabled human rights violations whilst providing insufficient oversight or accountability
- Extraordinary renditions demonstrating Kenya's role as a regional enabler of transnational repression
- The implications for the 2027 elections, assessing how surveillance infrastructure threatens to transform the electoral process into authoritarian theatre

The report draws on extensive documentation from human rights organisations, parliamentary reports, investigative journalism, and forensic analysis of legislation and surveillance technologies. It is written for multiple audiences: policymakers who must decide whether to continue supporting Kenya's security sector, civil society organisations documenting abuses and developing resistance strategies, lawyers pursuing accountability through litigation, journalists investigating this crisis, and Kenyans themselves who are living through this historical moment. This descent into authoritarianism threatens not only its own democratic future but establishes a template for sophisticated repression that other regimes across Africa. If Kenya—with its vibrant civil society, relatively independent judiciary, and constitutional framework—cannot resist this trajectory, it sends a chilling message about the vulnerability of democracy in the digital age.

Despite this, the resilience demonstrated by ordinary Kenyans, particularly young people, during the 2024 protests shows that the appetite for authoritarian governance is limited. Civil society organisations continue documenting abuses despite intimidation. Some judges continue issuing rulings that constrain executive power despite pressure. International attention, though insufficient, has created some space for resistance. The 2010 Constitution, whilst under assault, remains a framework that can be defended and reclaimed. The window for meaningful course correction is rapidly closing. The 2027 elections loom as a critical juncture. If they proceed under current conditions—with comprehensive surveillance infrastructure operational, sweeping legal powers to criminalise opposition, paramilitary forces willing to deploy lethal force, and Western

governments prioritising strategic partnership over democratic integrity—they will mark the formal transition from democracy to electoral authoritarianism. But if sufficient pressure can be mobilised—domestically and internationally—to constrain the regime's worst impulses, to strengthen oversight mechanisms, to prosecute perpetrators of violence, and to

restore meaningful electoral safeguards, then Kenya's democratic potential might yet be salvaged. The next two years will determine whether Kenya emerges from this crucible with its democracy battered but intact, or whether the 2010 Constitution becomes a historical curiosity, a might-have-been, overshadowed by the surveillance state that rose in its place.

THE HISTORICAL BACKGROUND: FROM POST-ELECTION VIOLENCE TO EXECUTIVE OVERREACH

Kenya's current political trajectory cannot be understood in isolation from its past. The legacy of state-sponsored violence and impunity is deeply entrenched, and the events of the last two decades, particularly the deadly aftermath of the hotly disputed 2007 elections, pitting eventual winner Mwai Kibaki, the incumbent that ran with a coalition the Party of National Unity, 1 against Raila Odinga, leader of the strongest opposition party the Orange Democratic Movement (ODM).

While the crisis was initially triggered by allegations of election irregularities, it was fuelled by deeper structural issues of discrimination, poverty and disenfranchisement. The European Union observer mission noted “a lack of transparency in the processing and tallying of presidential results,” whilst Kenyan civil society organisations documented systematic irregularities.² Within hours of the announcement of results, violence erupted across the country, initially concentrated in opposition strongholds but rapidly spreading along ethnic fault lines. Opposition leader Raila Odinga, who was from the Luo ethnic group, accused the then-president, Mwai Kibaki, a Kikuyu, of rigging the elections. What began as political riots was rapidly transformed into ethnic killings.

What followed was not merely spontaneous communal violence but organised ethnic cleansing and targeted killings. The Commission of Inquiry into Post-Election Violence, known as the Waki Commission after its chair Justice Philip Waki, documented systematic patterns of violence that pointed unmistakably to political organisation and financing. In the Rift Valley, Kalenjin militias attacked Kikuyu, Kisii, and Luo communities who had settled in the region after independence. In central Kenya and Nairobi, Kikuyu militias launched retaliatory attacks against Luo and Kalenjin populations. The violence included massacres, gang rapes, forced circumcisions, and the burning of families in their homes and churches. One of the most horrific incidents occurred on 1 January 2008 in Kiambaa, near Eldoret,

1 The PNU began as a coalition of several parties, including the KANU, Narc-Kenya, FORD-Kenya, FORD-People, Democratic Party, Shirikisho, National Alliance Party of Kenya and others.

2 https://www.eods.eu/library/PR%20KENYA%2001.01.2008_en.pdf accessed on 5 December 2025

when a mob set fire to the Kenya Assemblies of God church where approximately 200 Kikuyus had sought refuge. As the church burned, attackers allegedly blocked the exits and forced back inside anyone who tried to escape, using machetes on those who resisted. At least 35 people, many of them children, were said to have been burned alive.

³ Those who managed to escape through windows were pursued into nearby fields and hacked to death. When relatives went to search for their family members after the fire died down, they found charred remains and body parts scattered across the church grounds.⁴

More than 1200 people were killed in targeted ethnic uprisings, thousands of injured, several cases of sexual violence and other widespread human rights abuses, as well as the mass displacement of about 600,000 people. A UN report identified three “distinct but sometimes concurrent patterns of violence – spontaneous, organised and retaliatory.” The first phase when opposition supporters took to the streets in protest of election results, especially in Kisumu and Nairobi; the second wave consisted of organised attacks in the Rift Valley which appear to have targeted

non-Kalenjin communities and those perceived as opponents of the opposition ODM party, including the Kikuyu, Kisii and Luyha communities. In retaliation, gangs of Kikuyu youths subsequently attacked non-Kikuyu groups in Naivasha, Nakuru and Mathare.⁵

A national reconciliation report blamed William Ruto (a Kalenjin) and future President Uhuru Kenyatta (a Kikuyu) for organising and financing the subsequent violence and the resultant enforced disappearances and deaths. Kenyatta and Ruto were on opposite sides during the 2007 election and were accused of orchestrating attacks on members of each other’s ethnic groups.⁶ The report of the Waki Commission said that several witnesses narrated how the pre-election campaigns in Rift Valley were characterised by tension, with the “Kalenjin saying that, on election-day, they did not want to see ‘madoadoo’.” The term Madoadoo has been used since 1992 - in reference to certain communities that settled in the Rift Valley after independence. According to the Akiwumi commission report into ethnic violence in the 1990s, the reference was mainly towards the Kikuyu, Kisii, Luo

3 Ruto had been accused of holding meetings of his Kalenjin tribe in the Rift Valley to plan attacks on Kenyatta’s Kikuyu tribe. The first witness to appear in the trial of Kenya’s then deputy president told the International Criminal Court how a mob of youths, with painted faces and armed with machetes, torched the church where she and her family had sought refuge. The witness testified against Deputy President William Ruto, who is accused of stoking a wave of killing for political gain after Kenya’s contested 2007 elections. “The door (to the church) was barricaded with bicycles, and we were all trying to escape,” she said. “I threw my child out of the window,” she added. Before the fire, rumours of an impending attack on local homes and shops had sent women and children to the church as a place of refuge, while their menfolk remained outside to defend them. But in an explosion of ethnic violence, hundreds of people, many of them Kalenjin neighbours known to the Kikuyus they now sought to kill, arrived with bows and arrows and sharpened sticks, overwhelming the men trying to protect their families. The mob pelted the church with rocks and then blocked the exits with petrol-soaked mattresses, piled on dried maize leaves from the nearby fields and turned the place into an inferno, pushing back in anyone who tried to escape. They slashed with machetes the men desperately trying to rescue their families, and chased others into neighbouring fields, where they hacked them to death and chopped them into pieces. After the church fire had died down, relatives went in to search for their people.

4 <https://www.theguardian.com/world/2008/jan/02/kenya.topstories3> accessed on 5 December 2025

5 <https://www.ohchr.org/en/press-releases/2009/10/un-human-rights-team-issues-report-post-election-violence-kenya>

6 <https://www.bbc.co.uk/news/world-africa-24028714> accessed on 23 September 2025

and other communities who had found permanent residence in the Rift Valley.⁷ The term has been used to incite ethnic violence for decades – even during the 2022 elections that saw Ruto win the presidency. The Truth, Justice and Reconciliation Commission report noted that the state provided no accountability for kidnappings, enforced disappearances and extrajudicial killings and chose to attack the credibility of the organisations that raised the contentious issue.⁸ The report also recommended the creation of a special tribunal to prosecute those responsible.⁹ When this failed to materialise, the names of the key perpetrators were forwarded to the International Criminal Court (ICC).

An ICC investigation later preferred charges against Kenyatta and Ruto as well as four other Kenyans for their role in the violence. Kenyatta and Ruto were both accused of financing and organising militias to conduct ethnic killings in the Kikuyu and Kalenjin communities respectively. Ruto was charged with three counts of crimes against

humanity: murder, deportation or forcible transfer of population, and persecution. Chief prosecutor Fatou Bensouda said Ruto had planned violence over an 18-month period prior to the 2007 elections, exploiting existing tensions between his Kalenjin group and Mr Kenyatta's Kikuyu group.¹⁰ Ruto used his power to procure weapons, secure funds and co-ordinate the violence, Ms Bensouda said.¹¹ His co-accused Joshua arap Sang was then the head of a Kalenjin-language radio station and accused of inciting ethnic hatred. The ICC charges led to increased threats, enforced disappearances and killings of witnesses that had offered to provide evidence against Kenyatta, Ruto and other suspects. A few years later in 2015, Meshack Yebei, a key witness in the case against Ruto 'disappeared' and was later found dead in Western Kenya. Yebei's body was found dumped on a bridge between Eldoret and Kisumu in Western Kenya.¹² A post-mortem revealed that he had been hit on the head with a blunt object and parts of his body bore marks of torture. Three months before this incident, John Kituyi, another potential ICC witness, had also

7 The Akiwumi Commission of Inquiry was created to investigate the clashes that occurred in places like the Rift Valley, Molo and Coast Province between 1991 and 1998, the commission was headed by retired Justice Akilano Molade Akiwumi of the Appeal Court of Kenya and two other serving judges of the Kenyan judiciary. It submitted its report in August 1999, but the report was suppressed until 2002 by then president Daniel Arap Moi, just prior to the election of Kibaki – a move that was considered politically calculated to undermine Kibaki's campaign.

It documented cases of human rights violations along ethnic lines, "warlike activities" between ethnic groups, the apparent orchestration of the violence by political actors and police, and deliberate inaction by police to address the violence. The report recommended additional investigations and prosecution for 189 named individuals, including prominent politicians such as Kibaki and parliamentary leaders. The report was ignored by the Kibaki and subsequent administrations and no prosecutions were initiated. https://atjhub.csvr.org.za/kenya/#:~:text=The%20Akiwumi%20Commission%20had%20the,and%20no%20prosecutions%20were%20initiated;https://www.hrw.org/sites/default/files/related_material/Akiwumi.Rift%20Valley.pdf accessed on 23 September 2025

8 KNHCR. (2013). Report of the Truth, Justice and Reconciliation Commission. Pt 134, Page 28 Accessed at: https://www.knchr.org/Portals/0/Transitional%20Justice/TJRC%20Downloads/TJRC_report_Volume_4.pdf?ver=2018-06-18-174714-950

9 https://www.knchr.org/Portals/0/Transitional%20Justice/TJRC%20Downloads/TJRC_report_Volume_4.pdf?ver=2018-06-18-174714-950 accessed on 23 September 2025

10 <https://www.bbc.co.uk/news/world-africa-24028714> accessed on 23 September 2025

11 Ibid

12 BBC. (2015) Kenya ICC Defence Witness In Ruto Trial Killed Accessed at: <https://www.bbc.com/news/world-africa-30703876>

been struck with a blunt object and he later succumbed to injuries in Eldoret.¹³ His family said he was assassinated to stop him from testifying in the ICC case. Various human rights reports indicated that there had been systematic interference with witnesses in the case which made it hard to prosecute. The charges against Kenyatta were later dropped in 2014. The ICC was forced to drop charges against Kenyatta, who was president at the time, due to problems with witnesses who had been harassed and intimidated, making it difficult for them to continue testifying.¹⁴ The ICC also stated that numerous attempts at bribing and coercing witnesses had affected the case with more than 16 of the original 42 witnesses withdrawing their testimony due to threats, intimidation and the fear of reprisals from local communities¹⁵ Several other witnesses alleged that they had lied to the prosecutors in return for money.¹⁶ At the time Bensouda described the decision to withdraw the charges as “a dark day for international criminal justice”.¹⁷ The charges against Ruto were subsequently dropped in 2016 for the same reasons.

The ICC’s decision to indict Kenyatta, Ruto and others was a bold move and widely hailed as a landmark moment. It was rightly seen as an excellent opportunity to break Kenya’s long-running cycle of impunity and hold powerful leaders accountable for crimes against humanity. However, the ICC process ultimately became a catalyst for a new, unintended and yet unnerving political reality. Far from isolating Ruto and Kenyatta and making them a cautionary tale about the dangers of impunity, the indictments had the paradoxical effect of uniting them and ultimately catapulting them to state power at the helm of successive regimes which

they have led with even greater impunity and repression. Kenyatta and Ruto, who had been political foes, formed a powerful alliance and framed the ICC process and charges against them as a neocolonial, foreign-driven persecution. Their united election campaign in the 2013 polls was built on this narrative, and it was certainly a success given that Kenyatta was elected as president with Ruto as his deputy. Ruto would later succeed Kenyatta after the latter’s term of office expired.

The subsequent collapse of the ICC cases against Kenyatta (who was president) and Ruto (his deputy), was a devastating blow to international justice and a major victory for the culture of impunity in Kenya. During this period, the Kenyatta regime prepared a template for the current Ruto administration’s approach to governance. It taught the political elite that by controlling the state apparatus, they could subvert legal and judicial processes. It fostered an environment where state agencies, particularly those responsible for security and intelligence, could be co-opted for political ends without fear of international repercussions. The failure of the ICC process did not just mark the end of specific trials; it signalled the beginning of a new era of aggressive executive overreach and the comprehensive securitisation of the political space, notwithstanding the existence of the 2010 Constitution with its impressive bill of rights.

The 2013 election brought the Jubilee coalition of Kenyatta and Ruto to power, with the former as president and the latter as his deputy. There was a massive voter turnout of about 85, 91 percent with the Jubilee coalition garnering 50, 51 percent of

13 <https://www.theafricareport.com/244701/kenya-gicheru-charged-with-witness-tampering-in-icc-case-against-ruto-found-dead/> accessed on 23 September 2025

14 <https://www.theguardian.com/world/2016/apr/05/international-criminal-court-william-ruto-kenya-deputy-president-election-violence> accessed on 27 September 2025

15 Human Rights Watch. (2016) ICC: Kenya’s Deputy President’s Case Ends. Accessed at: <https://www.hrw.org/news/2016/04/05/icc-kenya-deputy-presidents-case-ends>

16 <https://www.theguardian.com/world/2013/oct/01/icc-trial-kenya-kenyatta-ruto> accessed on 23 September 2025

17 Ibid

the vote against Raila Odinga's 43, 7percent¹⁸. Kenyatta and Ruto's first term was marked by an escalation of enforced disappearances and extra-judicial killings. In the first eight months of their administration, Open Society and Human Rights Watch documented extensive extrajudicial killings and enforced disappearances in western Kenya that were politically motivated¹⁹. The report found that security agencies like the General Service Unit (GSU) and the Kenyan Defence Forces (KDF) as well as criminal gangs backed by politicians had been involved in killings and enforced disappearances of civilians.²⁰ There was also little to no police action to investigate, arrest and charge those involved in the killings.

Between 2014 and 2015, the Kenyan National Commission on Human Rights (KNCHR) documented extensive involvement of security agencies, particularly the Anti-Terrorism and Police Unit (ATPU), in the kidnapping, extrajudicial killing, and enforced disappearance of individuals in coastal regions and Nairobi. The Commission also noted the government's lack of resolve in investigating these incidents and holding the perpetrators accountable. Instead of acting on the findings, both Uhuru and Ruto doubled down on their support for the ATPU and publicly defended its murderous activities, including enforced disappearances and extrajudicial killings.²¹ During their first term of the Uhuru/ Ruto coalition, targeted extrajudicial killings and enforced disappearances were conducted under the guise of fighting terrorism. These actions had widespread public support due to the significant threat posed by terrorist attacks, such as those at the Garissa University

College and the Westgate Mall. Human rights organisations that challenged the government on these issues became targets of state agencies. For example, Muslims for Human Rights, an organisation which had extensively documented the ATPU's role in enforced disappearances and targeted killings, had its bank accounts frozen for nearly a year²². "Kenya has always had a systemic problem of impunity of the security services. The Kenyatta-Ruto presidency simply expanded it and provided protections to the people involved," a senior researcher on Kenya said on condition of anonymity for fear of reprisals."²³

The 2017 election which was again controversially won by the Kenyatta/ Ruto coalition, was a pivotal moment in Kenya 's security landscape, as it marked a significant shift in the state's use of enforced disappearances. Previously, authorities had cloaked these abductions under the pretext of counter-terrorism operations. However, the pre- and post-election aftermath exposed a more brazen approach, with security agencies openly deploying enforced disappearances as a political tool to maintain power. The 2017 polls also represented a unprecedented moment in the country's history when the Supreme Court annulled the election results (with a majority of 4 judges against 2 dissenting opinions), citing irregularities in the transmission of result, and scheduled a new round. Announcing the verdict, Chief Justice David Maraga said the 8 August 2017 election had not been "conducted in accordance with the constitution" and declared it "invalid, null and void".²⁴ He ordered a new election within 60 days.

18 Daily Nation. (2013). IEBC Declares Uhuru Kenya's Fourth President. Accessed at: <https://nation.africa/kenya/news/politics/IEBC-declares-Uhuru-Kenya-fourth-president/1064-1715588-15ji2g6/index.html>

19 Human Rights Watch (2013). We Were Sent To Kill You. Accessed At <https://www.hrw.org/report/2014/04/24/we-were-sent-kill-you/gang-attacks-western-kenya-and-governments-failed-response>

20 Ibid

21 NTV Kenya (2017) Kenyatta Issues Shoot To kill Order Accessed at: <https://www.youtube.com/watch?v=F0s84QtekJk>

22 Kenya Courts. (2015) MUHURI & Another Vs Inspector General Of Police & 5 Others. Accessed at: <https://new.kenyalaw.org/akn/ke/judgment/kehcn/2015/1165/eng@2015-11-12>

23 Interview with senior researcher conducted in Kenya in December 2024.

24 <https://www.bbc.co.uk/news/world-africa-41123329> accessed on 28 September 2025

In the lead-up to the election, the lifeless body of Chris Msando, an Independent Electoral and Boundaries Commission (IEBC) official, was discovered in the Kikuyu area on the outskirts of Nairobi. Msando was found murdered along with a 21-year-old woman, later identified as Maryanne Ngumbu.²⁵ Msando had helped develop the electoral commission's information technology system, which he declared "unhackable". He had been missing for days before his body was found bearing torture and bruise marks. Commenting on the gruesome discoveries, IEBC chairperson, Wafula Chebukati, said there was "no doubt he (Msando) was tortured and murdered". The opposition NASA coalition, led by Raila Odinga, attributed the murder to the security services and charged that it was linked to attempts to tamper with the election. A joint statement from a coalition of human rights defenders noted that there was "plenty of reason to believe" the murder was state-sponsored and intended to compromise the election.²⁶ Although torture marks were present on the body, no one was ever held responsible for the murder, and a suspect who was arrested was later released.²⁷ Four days after the IEBC official's murder, security services shot and killed a man at Ruto's home who was allegedly an attacker carrying a machete.²⁸

Main opposition leader Odinga boycotted the repeat election, forcing the political establishment to carry out an election that was widely criticised as deeply flawed. The post-election violence that followed resulted in the deaths of more than a dozen people

and hundreds more injuries. Police and the military were accused of carrying out enforced disappearances in areas with strong support for Odinga, such as Migori and Kisumu.²⁹ Some victims reported that police conducted door-to-door searches in Kisumu, where they beat, arrested, and in some cases, kidnapped individuals believed to have participated in protests against the election outcome.³⁰

This period of instability led to the "Handshake," a political agreement between Kenyatta and Odinga.³¹ The political rivals agreed to form a joint government and for Kenyatta to support Odinga's 2022 presidential bid. The "Handshake" fundamentally altered the political landscape by transforming the relationship between the government and the opposition into a coalition.³² As a result, many human rights concerns, including the enforced disappearances and extrajudicial killings that occurred in the build up to and after the 2017 election, were quickly and quietly swept under the rug. At this time, Ruto, the deputy president, found himself in opposition to the very government in which he held the second-highest office. The 'Handshake' also elevated the importance of the Directorate of Criminal Investigations (DCI), which oversees units like the ATPU, in both Kenya's political and security spheres. The DCI's role expanded to include politically motivated crackdowns, primarily targeting Ruto's allies. The ATPU, which traditionally investigated terrorism-related offences and had broad access to citizens' bank accounts and property registration data, began to demonstrate political bias in its operations.³³

25 BBC. (2017). Kenyan IT Head Chris Msando Found Dead. Accessed at: <https://www.bbc.com/news/world-africa-40774938>

26 UNCA Coalition. (2017). Statement on the murder of Chris Msando. Accessed at: <https://uncaccoalition.org/statement-on-the-murder-of-chris-msando/>

27 Citizen. 2017. Court Frees Suspect Linked To Msando Murder. Accessed at: <https://www.citizen.digital/news/court-frees-suspect-linked-to-msandos-murder-174586>

28 BBC. (2017). Kenya Deputy President Ruto's home entered by knifeman. Accessed at: <https://www.bbc.com/news/world-africa-40764446>

29 KNHCR. (2017). Post-Election Human Rights Report. Accessed at: <http://knchr.org/Newsroom/PressStatements.aspx>

30 Interview with Boniface Mwangi, human rights defender in Kenya.

31 <https://www.bbc.co.uk/news/world-africa-43656971> accessed on 28 September 2025

32 Ibid

33 Interview with a former DCI officer in the IT department

THE RUTO PRESIDENCY AND THE ESCALATION OF REPRESSION

Heading into the 2022 elections, Ruto had to go it alone after Kenyatta's decision to back Odinga's candidature. Ruto garnered 50,5 percent of the vote in the closely fought election against 48,8 percent for Mr Odinga. Ruto's victory was not without its share of controversy, amid allegations of election rigging and mass irregularities. In confirming his victory, the Supreme Court rejected eight petitions challenging the polls outcome, with Chief Justice Martha Koome saying that some of the petitions were based on forged documents and "sensational information".³⁴ Justice Koome said Ruto had met the constitutional threshold of 50 percent plus one votes cast, adding no credible evidence that the electronic voting transmission system had been tampered with had been presented to the apex court. Ruto was confirmed winner despite four of the seven members of the electoral commission rejecting the result amid claims of rigging.³⁵ Ruto's assumption of power in 2022 was however met with optimism by some who had hoped for a departure from the political tactics of the previous Kenyatta administration. During the election campaigns, Ruto and his allies had accused the security agencies of a myriad of offences ranging from politically motivated arrests, enforced disappearances and extra-judicial killings.³⁶

Ruto's struck conciliatory tones with his inauguration speech. He spoke of reuniting the country, respecting the rule of law, and serving all Kenyans regardless of how they had voted. More significantly, given his

campaign rhetoric and the political dynamics of the previous decade, there were hints at security sector reform. During the campaign, Ruto and his allies had repeatedly accused Kenya's security agencies of politically motivated arrests, enforced disappearances, and extrajudicial killings under the Kenyatta administration. They had portrayed themselves as victims of state persecution, with Ruto himself claiming he had been locked out of National Security Council meetings for three years. This rhetoric created expectations, particularly among human rights organisations and victims' families, that the new regime would implement genuine reforms to strengthen civilian oversight of security agencies, investigate past abuses, prosecute perpetrators, and depoliticising the police and intelligence services. These hopes were not entirely unreasonable. Ruto had campaigned as an outsider despite being deputy president, positioning himself as the candidate of the ordinary Kenyans struggling with economic hardship, against an entrenched political elite.

The first major action that seemed to validate these expectations came in October 2022, barely a month after Ruto took office. Following sustained pressure regarding extrajudicial killings and the discovery of multiple bodies in the Yala River bearing torture marks, Ruto ordered the disbandment of the Special Service Unit (SSU), an elite paramilitary formation within the Directorate of Criminal Investigations.³⁷ Addressing an interdenominational church service in Kericho County, Ruto said, "The country was very insecure, the police changed and became killers instead of protectors of ordinary Kenyans, I have ordered the disbandment of a Special Police unit that was killing Kenyans

34 <https://www.bbc.co.uk/news/world-africa-62785434> accessed on 28 September 2025

35 <https://www.bbc.co.uk/news/world-africa-62485332> accessed on 28 September 2025

36 The Star. (2022). Ruto: I was locked out of a security council meeting 3 years ago. Accessed at: <https://www.the-star.co.ke/news/2022-07-07-ruto-i-was-locked-out-of-security-council-meeting-3-years-ago>

37 <https://www.aa.com.tr/en/africa/rights-groups-laud-kenyas-leadership-for-disbanding-police-unit-but-demand-probe-into-its-heinous-acts/2715753> accessed on 5 December 2025

arbitrarily. We will change this country for the better”.³⁸ The statement was remarkable: a sitting president publicly acknowledging that a police unit had been conducting extrajudicial killings and promising accountability. Amnesty International Kenya had documented at least 559 cases of extrajudicial killings and 53 cases of enforced disappearances between 2019 and September 2022, most linked to the SSU.³⁹ The unit’s disbandment appeared to signal a genuine break from past practices.

However, the optimism was misplaced. Within weeks, disturbing reports began emerging that the SSU had not actually been disbanded but merely rebranded. In November 2022, the Directorate of Criminal Investigations quietly circulated an internal memo to other specialised police units requesting senior officers to recommend 50 members to form a new, unspecified team at DCI headquarters. The Kenya Human Rights Commission subsequently alleged that the SSU had been replaced by another secretive unit called the Operation Action Team (OAT), retaining many of the same personnel and continuing identical operations. Crucially, a highly guarded report on the SSU’s operations, conducted by DCI head Mohammed Amin, was submitted to President Ruto but has never been publicly disclosed nor subjected to scrutiny by the Independent Policing Oversight Authority. The pattern was established early: rhetorical commitments to reform accompanied by structural continuity in repressive apparatus. This would characterise the entire Ruto presidency.

If there were any lingering doubts about whether President Ruto would pursue genuine security sector reform, they were decisively dispelled by the

government’s response to the March–July 2023 Maandamano protests. Led by opposition leader Raila Odinga, these demonstrations centred on the rising cost of living, allegations of electoral fraud in the 2022 election, and demands for constitutional reforms to address Kenya’s winner-takes-all political system. The protests began peacefully in March 2023 but quickly met violent state response. Over three months of periodic demonstrations, human rights organisations documented more than 31 deaths and hundreds of injuries inflicted by security forces on protesters.⁴⁰ The General Service Unit (GSU) deployed tear gas, water cannons, and in some cases live ammunition to disperse crowds. Protesters were beaten indiscriminately, including those who were not participating in violence or property destruction.

Most disturbingly, the Maandamano protests saw a systematic escalation in abductions and enforced disappearances. Between September 2023 and August 2024, a national security report presented by President Ruto himself to Parliament indicated that kidnappings and abductions had increased by 44 percent, with the overwhelming majority attributed to state action or inaction. The report’s candid acknowledgement of this surge—presented by the president to Parliament—is itself revealing. It suggests either a remarkable lack of self-awareness or a calculation that public acknowledgement without accountability is sufficient. The protests also demonstrated the Ruto administration’s willingness to deploy inflammatory rhetoric that encouraged security force violence. Government officials consistently characterised protesters as “criminals,” “anarchists,” and even “terrorists,” creating a permissive environment for abuse. The cumulative effect was to make the Ruto

38 <https://www.aa.com.tr/en/africa/rights-groups-laud-kenyas-leadership-for-disbanding-police-unit-but-demand-probe-into-its-heinous-acts/2715753#:~:text=NAIROBI%2C%20Kenya,killer%20cops%20brought%20to%20book> accessed on 5 December 2025

39 <https://www.amnestykenya.org/investigate-historic-extra-judicial-killings-following-the-disbandment-of-dci-special-service-unit-ssu/> accessed on 5 December 2025

40 <https://edition.cnn.com/2025/07/07/africa/kenya-police-prodemocracy-protests-intl> accessed on 5 December 2025

administration deeply unpopular with broad sections of Kenyan society, particularly young people who saw in the protests echoes of their own economic struggles.

Images circulating on social media of cabinet members living lavishly whilst ordinary Kenyans faced punishing economic hardship crystallised public anger. Pictures of expensive vehicles, opulent residences, and overseas trips by government officials were juxtaposed with scenes of poverty, unemployment, and the struggles of families unable to afford basic necessities. This visual documentation of elite indifference would prove crucial in mobilising the even larger protests that would erupt in 2024. In hindsight, the Maandamano protests were a dress rehearsal. They enabled the Ruto regime to test tactics, refine responses, and identify vulnerabilities in its repression apparatus. Lessons were learned: about which units were most effective in crowd control, which technologies worked best for identifying protest organisers, which legal frameworks could be weaponised most effectively, and which narratives resonated with international partners who might otherwise criticise violence. No security personnel were prosecuted for the 31 deaths and hundreds of injuries documented during the Maandamano protests. The impunity was total. This sent an unmistakable message to security forces: violence against protesters carries no consequences. It also sent a message to potential protesters: participation carries mortal risks. Both messages would be amplified exponentially during the events of 2024.

A DEFINING MOMENT: THE JULY 2024 PROTESTS

The most significant turning point came with the nationwide protests against the Finance Bill 2024. In July 2024 Kenya witnessed mass protests. A month before, the Ruto administration had drafted the Kenya Finance Bill 2024⁴¹, that was aimed at generating revenue to pay off the burgeoning government debt and finance an ambitious development agenda laid out by President Ruto's Kwanza coalition. The bill was met with widespread rejection and criticism due to the likely economic hardship it would have caused to already overburdened taxpayers. It galvanised Kenyan society and catalysed a series of protests – largely referred to as – the Gen Z/ #RejectFinanceBill2024 protests. The protest movement was primarily mobilised by a new generation of 'digitally native' young faces, activists, civic and political mobilisers and it targeted Kenya's political elite who were portrayed as extravagant, insensitive and indifferent. Ruto's government, which had campaigned on a pro-poor people agenda, was caught up in a self-inflicted contradiction over the bill's taxes and their effect on ordinary Kenyans. The 'Gen Z' protest movement was decentralised and leaderless, making it uniquely challenging for the state to manage using conventional crowd-control measures. The government's reaction to the protests involved arrests, abductions, detentions, use of teargas to disperse protestors and use of live rounds of ammunition among others.⁴²

41 Parliament of Kenya. (2024). The Finance Bill, 2024, accessible at: https://web.archive.org/web/20240623141702/http://www.parliament.go.ke/sites/default/files/2024-05/Finance%20Bill%2C%202024_0.pdf

42 Reuters. (2024). One Person Killed, Over 200 injured In Kenya Anti-tax demonstrations. <https://www.reuters.com/world/africa/over-200-injured-100-arrested-kenya-tax-protests-rights-groups-2024-06-21/>

The Ruto regime's ruthless crackdown revealed the extent of its repressive capabilities.

Various human rights organisations, including the Missing Voices Coalition and Amnesty International, noted that the government's response was a clear violation of fundamental human rights. The scale and brutality of the crackdown were alarming:

- **Excessive and Unlawful Use of Force:** Security forces, including the General Service Unit (GSU), used tear gas, water cannons, and live ammunition on peaceful protestors. Reports from Amnesty International, the Kenya National Commission on Human Rights (KNCHR) and other credible sources documented at least 60 protester deaths and hundreds of injuries.⁴³ The use of lethal force in crowd control, a clear violation of international standards, became a hallmark of the state's response.
- **Militarisation of the government's response:** The deployment of the Kenya Defence Forces (KDF) to assist the police was also a controversial and legally questionable move that further militarised the situation.⁴⁴
- **Enforced Disappearances and Extrajudicial Killings:** The escalation of repression under Ruto is best illustrated by the fact the Finance Bill protests were accompanied by a shocking surge in enforced disappearances. Human rights groups recorded a staggering 450 percent increase in such cases in 2024, a number that far surpasses previous years.⁴⁵ Activists, journalists, and social media influencers who were vocal online were systematically targeted. They were

abducted by plainclothes security officers, often driving unmarked vehicles, and held incommunicado for days. Many of those who were released reported being tortured and intimidated. The bodies of some who disappeared were later found, showing signs of severe torture and mutilation, a horrifying sign that these are not merely arbitrary arrests but are part of a targeted campaign to instil terror.

The state's repressive tactics in 2024 were not limited to physical force. Given that the protests against the Finance Bill were organised largely on social media platforms like TikTok and X (formerly Twitter), and the government's response reflected a new front in its war on dissent: the digital space.⁴⁶ Ruto's administration's violent technology-enabled response proved amply demonstrated that technology could indeed be a double-edged sword. While the protests had been organised and facilitated by young activists using technology, the regime was also able to use technology to plan and execute its murderous response:

- **Internet shutdown:** The government's initial response was to shut down the internet on 25 June 2024. Major media outlets noted that this was the first time such a disruption has happened in Kenya which had boasted of being the "Silicon Savannah". London-based *internet* rights monitoring group Netblocks said the outage occurred just as protesters attempted to storm parliament in Nairobi.⁴⁷ The unprecedented internet shutdown under Ruto is testament to the escalation of repression, a clear indication that in the incumbent president, Kenya had finally found a leader who has

43 <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/kenya/report-kenya/> accessed on 29 September 2025

44 <https://nation.africa/kenya/news/anti-tax-demos-high-court-upholds-deployment-of-kdf--4671892> accessed on 29 September 2025

45 <https://khrc.or.ke/press-release/enforced-disappearances-increased-by-450-in-2024/> accessed on 29 September 2025

46 <https://mg.co.za/africa/2024-08-19-kenya-governments-digital-tyranny-is-working-for-now/> accessed on 29 September 2025

47 <https://techcrunch.com/2024/06/25/internet-goes-dark-in-kenya-in-the-wake-of-major-protests-over-finance-bill/> accessed on 29 September 2025

no qualms in venturing into uncharted territory to maintain his grip on power despite the reformist posturing of his election campaign.

- **Cybercrime and Harassment:** The government leveraged its digital infrastructure to track and intimidate activists. Reports from human rights organisations and technical experts indicate that state security agencies possess and utilise sophisticated surveillance tools and spyware.⁴⁸ Abductees have recounted how their abductors appeared to have detailed knowledge of their communications, online activities, and physical locations. This suggests a capacity for real-time digital surveillance. This capacity would have been enabled by among other things, the use of technologies such as closed-circuit television (CCTV) and facial recognition. By its own admission, the Kenyan police used CCTV images to track down persons involved in the June 2024 protests. According to a report tabled before the Parliamentary Departmental Committee

on Administration and National Security in November 2024 by the Inspector General of Police, Douglas Kanja, “during the police operations, 42 fatal injuries to civilians, 347 injuries to civilians and 495 injuries to police officers were reported. At least 1552 protesters were arrested and others captured by cameras committing offences were being pursued.”⁴⁹

- **Weaponisation of Law:** The state also weaponised laws, such as the Computer Misuse and Cybercrime Act, to criminalise freedom of speech and expression online. This legal framework provides a pretext for security agencies to monitor telecommunications and internet activity without sufficient judicial oversight. The proposed Device Management System (DMS), which would have required Kenyans to register their mobile phones, was seen by civil society as an attempt to create a dragnet surveillance system.⁵⁰ While a court later quashed the directive, it revealed the government’s ambition to control and monitor its citizens’ digital lives.

48 <https://www.icnl.org/wp-content/uploads/Kenya-Digital-Surveillance-report-new-cover.pdf> accessed on 29 September 2025

49 <https://eastleighvoice.co.ke/national/88078/how-police-used-cctv-footage-to-arrest-people-involved-in-june-protests> accessed on 29 September 2025

50 <https://restofworld.org/2023/kenya-device-management-system-digital-rights-activists/> accessed on 29 September 2025

KENYA'S SURVEILLANCE ARCHITECTURE AND THE EROSION OF HUMAN RIGHTS

For the last 20 years, Kenya has framed its ever-expanding and increasingly sophisticated surveillance apparatus as an essential defence against regional threats like al-Shabaab. This justification, however, masks a more dangerous reality.

The expansion and intensification of state surveillance have systematically eroded the fundamental right to privacy and enabled widespread human rights violations in the name of countering terrorism. This section traces the evolution of the Kenyan surveillance state from its rudimentary colonial roots to its contemporary architecture, supported by an arsenal of enabling laws, state and private actors, external enablers and imported technologies. It reveals how surveillance serves as a direct precursor to a chilling escalation in state violence.

Article 31 of Kenya's Constitution explicitly guarantees the right to privacy, which includes the right not to have one's communications unnecessarily infringed as well as the right not to have information relating to their family or private affairs unnecessarily required or revealed.⁵¹

However, subsequent acts of parliament have systematically eroded this constitutional right by introducing significant limitations justified by the broad and vaguely defined concept of national security.

On the 15th of October 2025 President Ruto signed eight new bills into law expanding the states powers to conduct mass surveillance, expand digital control by deleting online content and shutting down websites. This happened just hours before the death of Veteran opposition leader Raila Odinga

was officially announced, which removed attention from the repressive powers that the bills awarded to the state.

The following laws were amended to enable comprehensive state surveillance:

*The Computer Misuse and Cybercrimes (Amendment) Act, 2025*⁵²: Originally enacted in 2018, the Computer Misuse and Cybercrimes Act has functioned as a primary instrument for digital surveillance and state repression in Kenya. While ostensibly designed to define and curb cyber espionage, fraud, and digital insecurity, the Act's broad and vaguely worded provisions have been systematically weaponised to silence journalists, bloggers, the political opposition, and human rights defenders.

The situation deteriorated significantly in October 2025, when the Act was amended to further expand the state's coercive power. The act now forbids the use of media to support extremist religious or cult activities; one of the issues being the difficulty of defining these activities and the groups conducting them. It sanctions the use of false information online, expands the legal categories of phishing, cyber harassment and identity theft, with the aim of tracking, freezing and retrieving the proceeds of what the government defines as cybercrimes. Various human

51 <https://www.klrc.go.ke/index.php/constitution-of-kenya/110-chapter-four-the-bill-of-rights/112-part-2-rights-and-fundamental-freedoms/197-31-privacy> accessed on 15 September 2025

52 <https://parliament.go.ke/sites/default/files/2025-10/Computer%20Misuse%20and%20Cybercrimes%20%28Amendment%29%20Act%2C%202025.pdf> accessed on 4 December 2025

rights organisations—including Article 19 and Amnesty International—have strongly condemned these amendments. They argue that the changes unconstitutionally widen an already problematic legal framework, facilitating the suppression of dissent and restricting online speech in contravention of Articles 31 (Right to Privacy) and 33 (Freedom of Expression) of the Constitution of Kenya, 2010.

The Criminalisation of “False Information” (Section 22): The amended Section 22 represents a draconian return to criminal libel, effectively nullifying the gains made in the decriminalisation of defamation. The section introduces severe punitive measures for the publication of “false” data. Section 22(1) stipulates that a person who intentionally publishes false, misleading, or fictitious data, or misinforms with intent that the data be acted upon as authentic, commits an offence. Upon conviction, they are liable to a fine not exceeding five million shillings (approximately US\$39,000) or imprisonment for up to two years, or both. The Act attempts to insulate itself from constitutional challenge by explicitly stating that freedom of expression is limited regarding data likely to:

- Propagate war or incite violence;
- Constitute hate speech or ethnic incitement;
- Negatively affect the rights or reputations of others.

However, this provision is highly problematic for the following reasons:

- **Reversal of the Burden of Proof:** Contrary to established criminal law principles where the burden of proof rests with the state, this section effectively shifts the burden to the accused. Journalists and whistleblowers are/will be forced to prove the “truth” of their expression. This is particularly dangerous for investigative journalism, which relies on protecting confidential sources.
- **Subjectivity:** Terms such as “misleading” or “misinforms” are subjective and vulnerable to politicised interpretation by state prosecutors.

- **The “Fake News” Pretext:** By criminalising errors and dissent under the guise of combating “fake news,” the state creates a chilling effect on legitimate discourse.

Public Order and Reputation (Section 23): Section 23 further entrenches the criminalisation of speech by penalising information calculated to cause panic or discredit reputations. “A person who knowingly publishes information... that is calculated or results in panic, chaos, or violence... or which is likely to discredit the reputation of a person commits an offence.” For those found guilty, the penalty will be a fine not exceeding five million shillings or imprisonment not exceeding ten years, or both. Vague “public order” clauses are classic tools for authoritarian control. The inclusion of “discrediting reputation” essentially resurrects criminal defamation, allowing public officials to use state resources (police and prosecutors) to settle personal scores and shield themselves from scrutiny.

Administrative Overreach and Censorship (Section 6): The amendment to Section 6 of the principal law empowers the National Computer and Cybercrime Co-ordination Committee (NC4) to block websites or applications deemed to promote “unlawful activities and religious extremism.” Amnesty International has rightly criticised this expansion of administrative power. The ill-defined concepts of “unlawful activities” could be weaponised to penalise legitimate digital mobilisation. Furthermore, as citizens increasingly use direct digital communication (emails, calls) to petition elected officials, classifying unsolicited engagement as “unlawful” risks criminalising participatory governance and political accountability.

Cyber Harassment (Section 27) is perhaps the most repressive tool for immediate targeted silence is Section 27. This section criminalises communication that “detrimentally affects” a person or is of an “indecent or grossly offensive nature.” The penalty is a fine not exceeding Ksh 20 million (about US\$155,000) or a jail term not exceeding 10 years. The threshold for “grossly offensive” is dangerously low and subjective. However, in a significant

legal development, the operationalisation of Section 27 has been suspended by the High Court. This suspension follows an urgent application filed by the Kenya Human Rights Commission (KHRC) and former presidential aspirant Reuben Kigame.⁵³ The applicants successfully argued that the law—assented to by President Ruto on 15 October 2025—introduces vague, overbroad provisions that not only criminalise online expression but also undermine the Data Protection Act of 2019. The matter remains pending final determination.

The 2025 amendments to the Computer Misuse and Cybercrimes Act represent an escalation of the Ruto regime's agenda to secure its survival through the securitisation of the digital space in Kenya. By attaching exorbitant fines and lengthy prison sentences to vague offences, the regime has constructed a legal framework designed not to protect the public from cyber threats, but to insulate the state from legitimate criticism which should be permissible in any democratic society.

*The Financial Services (Anti-Money Laundering and Counter-Terrorism Financing) (Amendment) Act, 2025*⁵⁴ was signed into law in June 2025⁵⁵. The amended legislation has been framed as a compliance measure to align Kenya with global Financial Action Task Force (FATF) standards. However, closer analysis reveals a legislative framework that significantly expands state surveillance capabilities. Under the guise of “risk-based” supervision, the Ruto administration has established legal mechanisms that can be weaponised to stifle civil society, intimidate professional gatekeepers, and financially cripple dissent. The Act amends several statutes—including the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), the Prevention of Terrorism Act, and the Public Benefits Organizations Act. The central theme is the deputation of regulatory bodies into arms of the state

security apparatus. By mandating that sector-specific regulators (for accountants, estate agents, NGOs, and Saccos) enforce anti-money laundering (AML) and counter-terrorism financing (CFT) compliance, the state has effectively removed the veil of privacy and professional privilege.

The Amendment to the *Public Benefits Organizations Act, 2013* represents a targeted Strangulation of Civil Society, targeting Human Rights NGOs, Pro-democracy Groups, and advocacy networks. Perhaps the most alarming provision is the insertion of Section 43A into the Public Benefits Organizations Act. This section explicitly grants the Public Benefit Organizations Regulatory Authority (PBORA) powers to oversight and monitor organisations deemed “at risk” of terrorism financing. This enables the following, disconcerting possibilities:

- **Arbitrary Profiling:** The Authority is empowered to “periodically identify organisations that are likely to be at risk of terrorist financing abuse”. This vague “risk” classification allows the state to arbitrarily profile human rights groups receiving foreign funding as “high risk,” subjecting them to invasive audits without evidence of actual crime.
- **Operational Intrusions:** The Authority can develop “focused, proportionate and risk-based actions” to address these risks. In practice, this legalises state interference in the internal operations of NGOs critical of the government under the pretext of national security.
- **Information Sharing with Intelligence Agencies:** The Act mandates “effective co-operation... and information-sharing” between the PBO Authority and the Financial Reporting Centre (FRC). This effectively pipelines sensitive data on donors, beneficiaries, and internal strategies of NGOs directly to state intelligence services.

53 <https://citizen.digital/article/court-suspends-cyber-harassment-section-in-new-computer-misuse-law-n371763> accessed on 4 December 2025

54 <https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PublicBenefitsOrganisationNo18of2013.PDF> accessed on 4 December 2025

55 <https://www.pwc.com/ke/en/publications/aml-amendment-act.html> accessed on 4 December 2025

This mirrors the «foreign agent» laws seen in authoritarian regimes, where «terrorism financing» accusations are used to freeze the bank accounts of lawful dissenters.

Amendments to the Accountants Act (Cap 531), Certified Public Secretaries of Kenya Act (Cap 534), and Estate Agents Act (Cap 533) also target journalists' sources, Whistleblowers, and Opposition Financiers. The Act systematically amends the regulatory frameworks for accountants, corporate secretaries, and estate agents to force them into a surveillance role.

- **Deputising Professionals:** The Institute of Certified Public Accountants of Kenya (ICPAK) and the Institute of Certified Public Secretaries (ICPSK) are now legally mandated to “regulate, supervise and enforce compliance” for anti-money laundering / counter-terrorism financing purposes.
- **Intrusive Powers:** These bodies are granted the power to:
 - **Compel Production:** Demand any document or information from their members.
 - **Onsite Inspections:** Conduct physical raids and inspections of professional firms.
 - **Vetting:** Vet proposed beneficial owners and directors of reporting institutions.
- **The Chilling Effect:** Accountants and secretaries often hold the most sensitive data regarding opposition financing and investigative journalism funding. By threatening these professionals with massive fines (up to 5 million shillings for legal persons) or deregistration if they fail to report “suspicious” clients, the state ensures that professionals will over-report on their clients to protect themselves.

The Amendment to Section 36C and 36D of the POCAMLA institutionalises a “risk-based approach” to supervision. While this sounds technical, in a politically charged environment, it grants the Financial Reporting Centre (FRC) and supervisory bodies the discretion to determine who constitutes a high risk.

- **Subjective Enforcement:** “Risk” is defined by the “policies, internal controls and procedures... as identified by the Centre’s... assessment”. This allows the regulator to classify opposition-linked businesses or media houses as “high risk,” thereby triggering aggressive enhanced due diligence, freezing of funds, and operational paralysis, while leaving pro-government entities under “low risk” supervision.

The Amendments to the Sacco Societies Act and Betting, Lotteries and Gaming Act provides the opportunity for financial surveillance of the ‘Hustler’ economy, targeting grassroots movements and youth mobilisation. Recognising that dissent often organises outside traditional banking, the Act extends strict surveillance to Saccos (Credit Unions) and the Betting sector.

- **Sacco Surveillance:** The Sacco Societies Regulatory Authority (SASRA) is now empowered to vet significant shareholders and beneficial owners and compel the production of information. This targets the financial ecosystem of the lower-middle class, allowing the state to track funds moving through grassroots cooperatives that may support protests or opposition activities.

Gaming and Betting: Similar powers are granted to the Betting Control and Licensing Board. This closes a loop on informal money movement often used by the youth demographic, a key centre of recent political unrest.

In conclusion, *The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act 2025* represents a sophisticated expansion of the executive’s reach. By embedding surveillance obligations into the regulatory frameworks of NGOs, professional societies, and cooperative movements, the government has created a panopticon where private entities are forced to police citizens on behalf of the state. For human rights defenders, journalists, and the opposition, this law removes the expectation of financial privacy. The vague definitions of

«risk» regarding terrorism financing provide a statutory fig leaf for the harassment and deregistration of any organisation that challenges the status quo. This is not merely financial regulation; it is the infrastructure of authoritarian control.

The National Intelligence Service Act (2012) is another key enabler of the state's surveillance capabilities. Section 36 explicitly limits the constitutional right to privacy by granting the Director-General of the NIS broad powers to authorise any of his subordinates the authority to monitor and interfere with the privacy of any individual's communications.⁵⁶ Section 42 of the Act is titled "Authority to undertake covert operations" outlines what are termed special operations, defining these as "measures, efforts and activities aimed at neutralising threats against national security".⁵⁷ "Where the Director-General has reasonable grounds to believe that a covert operation is necessary to enable the Service to investigate or deal with any threat to national security or to perform any of its functions, the Director-General may, subject to guidelines approved by the Council, issue written authorisation to an officer of the Service to undertake such operation... "The written authorisation issued by the Director-General...shall be sufficient authorisation to conduct the operation... "(The written authorisation) may be served on any person so required to assist the Service or facilitate the covert operation or investigations required to be undertaken; "(it) may authorise any member of the Service to obtain any information, material, record, document or thing and for that purpose... (to) enter any place or obtain access to anything; (to) search for or remove or return, examine, take extracts from, make copies of or record in any manner the information, material, record, documents or thing; (to) monitor communication; (to) install, maintain or remove anything; or... take all necessary action, within the law, to preserve national security; and... shall be specific and accompanied by a warrant

from the High Court...and shall be valid for a period of one hundred and eighty days unless otherwise extended."

The National Intelligence Service Act, particularly Section 42, severely erodes the constitutionally guaranteed right to privacy by granting the Director-General of the National Intelligence Service (NIS) excessive, virtually unchecked authority to conduct and delegate powers to conduct surveillance against anyone. A fundamental, perhaps deliberate flaw of the Act is its failure to provide a clear, legally defined standard for what constitutes a "threat to national security." This omission empowers a partisan Director-General to play God and unilaterally and arbitrarily broaden the scope of this definition. Consequently, at his whim, the Director General could categorise legitimate political opposition, as well as the democratic activities and expressions of civil society organisations, human rights defenders, and ordinary citizens, as threats to national security. Such broad provisions allow for the arbitrary use of power to silence dissent and monitor political rivals of the ruling party. Furthermore, and disconcertingly so, the Act's provisions effectively co-opt telecommunications companies, private corporations, and individuals, compelling them to become unwilling collaborators and facilitators in surveillance operations.

Section 42 mentions the requirement for a High Court warrant but this is just an unhelpful window dressing exercise. The warrant is nothing more than a mere formality if the criteria for what constitutes a "threat to national security" remain undefined for the judge. An objective legal standard is required because without it, Kenyan judges are reduced to rubber-stamping the Director-General's subjective determinations, thus preventing any meaningful judicial oversight. All in all, the Act grants the NIS and its Director General broad, opaque powers to conduct surveillance with virtually no accountability, creating a chilling effect that

56 https://new.kenyalaw.org/akn/ke/act/2012/28/eng@2014-12-22#part_V__sec_42 accessed on 11 September 2025

57 Ibid

infringes on the right to privacy and stifles a vibrant, open democracy.

The Prevention of Terrorism Act (PTA- 2012)

The provisions of Kenya's PTA 2012 that enable surveillance are primarily found in Section 36⁵⁸, which addresses the interception of communications. The specific clauses stipulate the following:

- a police officer of the rank of Chief Inspector or a higher rank who obtains permission from the Inspector-General of Police or the Director of Public Prosecutions, may make an ex-parte (one-sided) application to a Chief Magistrate or judge for an interception of communications order.
- the Court may grant an order "requiring a communications service provider to intercept and retain specified communication of a specified description received or transmitted, or about to be received or transmitted by that communications service provider"
- the Court may grant an order "authorising the police officer to enter any premises and to install on such premises, any device for the interception and retention of a specified communication and to remove and retain such device".⁵⁹
- the Court shall not grant an order unless it is satisfied that the information to be obtained relates to the commission of a terrorism offence
- "a police officer who intercepts communication other than is provided for under this section commits an offence and shall on conviction be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding five million shillings or to both".

The Security Laws (Amendment) Act (2014) amended the Prevention of Terrorism Act by introducing Section 36A which provides that

"the National Security Organs may intercept communication for the purposes of detecting, deterring and disrupting terrorism in accordance with procedures to be prescribed by the Cabinet Secretary".⁶⁰

- Section 36 A also stipulates that the Cabinet Secretary shall make regulations to facilitate surveillance by the national Security Organs, and such regulations shall only take effect upon approval by the National Assembly.
- Section 36A (3) further stipulates that "The right to privacy under Article 31 of the Constitution shall be limited...for the purpose of intercepting communication directly relevant in the detecting, deterring and disrupting terrorism".⁶¹

The Act and its subsequent amendments through the Security Laws (Amendment) Act grant broad surveillance powers to the executive branch of the state and its security agencies essentially eroding the right to privacy guaranteed by Article 31 of the Constitution of Kenya, 2010, which aims to protect citizens from having their communications "intercepted, interfered with or otherwise intruded upon." While the Prevention of Terrorism Act requires a judicial order for police officers to spy on individuals, it nevertheless establishes a dangerously low threshold for state intrusion. The vague and broad definition of "terrorism" allows the state and its goons to justify pervasive surveillance on tenuous grounds, without a high standard of probable cause. In this manner, the Act effectively normalises the monitoring of ordinary citizens and the collection of their private information and communications. It also enables the state to target the political opponents of the ruling elite as well as journalists, civil society organisations and human rights defenders under the guise of counterterrorism. The Act fails to provide for a robust and independent oversight

58 https://www.vertic.org/media/National%20Legislation/Kenya/KE_Prevention_Terrorism_Act.pdf accessed on 14 September 2025

59 Ibid

60 Ibid

61 Ibid

mechanism to ensure that the authorities do not abuse their extensive surveillance powers.

The provision for an ex parte application for an interception order totally undermines the fundamental legal principle of due process, as the individual targeted for surveillance is completely ignorant of his impending fate and has no right to be heard or to challenge the order. The individual's cause is not helped by the fact that the Act stipulates that National Security Organs can intercept communications based on procedures prescribed by the Cabinet Secretary. The latter is a member of the executive, part of the ruling elite and there is nothing to stop them from abusing the vague definition of terrorism to target real and/or perceived opponents of the ruling elite. Such expansive and easily abused powers normalise the state's intrusion into private life, ultimately fostering a climate of perpetual paranoia where individuals, political opposition, journalists and civil society organisations self-censor their communications and activities for fear of being arbitrarily targeted under the guise of counterterrorism.

The October 2025 Amendments to the Prevention of Terrorism Act⁶² further strengthens the powers of the regime. The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act 2025 introduces subtle yet devastating changes to the Prevention of Terrorism Act. These amendments fortify what was already a formidable repressive legal architecture to enable the Kenyan regime to delegitimise civil disobedience, opposition financing, and human rights advocacy and frame them as components of terrorism. By broadening the definition of "terrorism financing" and granting administrative bodies the power to enforce "preventative measures" and international sanctions, the Ruto administration has effectively securitised the entire financial system.

The following analysis details how specific clauses within the Prevention of Terrorism Act

(POTA) amendments are designed to surveil and repress critics. Section Amended: Section 40E(2) instrumentalizes the Power to Blacklist, leading to the Weaponising of UN Sanctions. The amendment inserts a new paragraph granting the Counter Financing of Terrorism Inter-Ministerial Committee the power to "propose persons to the relevant Sanctions Committee". This is perhaps the most dangerous provision for high-profile dissidents. It empowers the Kenyan government to bypass the Kenyan judicial system entirely and recommend individuals (such as opposition leaders or prominent activists) to the United Nations Security Council (UNSC) Sanctions Committees.

- Extra-Judicial Punishment: Once listed, an individual faces a global asset freeze and travel ban. The process to be de-listed is notoriously opaque and bureaucratic.
- Political Warfare: By granting the executive the statutory power to initiate this process, the state can label domestic political opponents as "international terrorists," cutting them off from the global banking system without ever having to prove a criminal case in a Kenyan court.

Section Amended: Section 42A (Role of Financial Reporting Centre and Supervisory Bodies) allows for Surveillance Disguised as Prevention. The new Section 42A mandates that the Financial Reporting Centre (FRC) and all supervisory bodies "shall have the power to supervise and enforce the application of preventative measures" and "targeted financial sanctions". Crucially, it defines "preventative measures" by linking them directly to Part IV of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA). This clause creates a legal bridge that militarises standard financial regulation.

- Mandatory Surveillance: Part IV of POCAMLA mandates the monitoring of complex, unusual, or large transactions. By embedding this into the Terrorism Act, the amendment forces all reporting institutions

62 <https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PublicBenefitsOrganisationNo18of2013.PDF> accessed on 5 December 2025

(banks, but now also NGOs, Saccos, and accountants) to view their clients through a counter-terrorism lens.

- Pre-emptive Action: The power to enforce “targeted financial sanctions” allows these bodies to freeze assets administratively based on “suspicion” or “risk” before any formal charges are laid. For an NGO, having its accounts frozen “preventatively” is an immediate death sentence, regardless of whether they are later exonerated.

Section 5A and Section 50 define Draconian Penalties for “Administrative” Non-Compliance. Section 5A: Explicitly criminalises terrorism financing with a penalty of up to 20 years imprisonment or a 20 million shilling fine. Section 50(4): Regulations made under the Act can now impose sanctions of up to 10 years imprisonment or fines of 20 million shillings (for legal persons) for any contravention. The severity of these sentences is designed to induce extreme caution—or “de-risking”—among financial gatekeepers.

- The Chilling Effect: The threat of 20 years in prison ensures that no bank, accountant, or estate agent will risk doing business with a “politically exposed” activist or journalist. The cost of compliance becomes too high.
- Criminalising Error: Section 50(4) is particularly insidious. It suggests that failing to comply with a technical regulation (e.g., filing a report late or incorrectly) could theoretically lead to a 10-year prison sentence. This allows the state to persecute critics for minor administrative lapses under the guise of “national security.”

Section 5 Defines “Terrorism Financing” in order to Ensnare Civil Society. The amendment explicitly criminalises terrorism financing (TF) and makes it a standalone offence in Section 5 and 5A of the Prevention of Terrorism Act. This definition is then exported to every other regulatory Act amended in the Schedule (NGOs, Accountants, Estate Agents, Saccos), creating a unified standard across the economy. By standardising this definition and embedding it into the mandates of

professional regulators the state ensures that “terrorism financing” becomes the pretext for all financial investigations.

- Mission Creep: Security agencies can now use the low threshold of “suspicion” regarding terrorism financing to investigate the donor funds of human rights groups. Since “terrorism” is often broadly defined in Kenyan law to include acts that “intimidate the public or government,” peaceful protests that turn disruptive could legally be reframed as terrorist acts, making their funding (donations to organisers) “terrorism financing.”

In conclusion, the amendments to the Prevention of Terrorism Act do not merely target terrorists; they weaponise the financial system against the state’s perceived internal enemies. By creating mechanisms to bypass the judiciary (via UN sanction proposals), enforce pre-emptive asset freezes (via «preventative measures»), and threaten 20-year prison terms, the government has built a repressive apparatus that can silence dissent through financial asphyxiation.

*The Kenya Information and Communications Act (KICA- 2011)*⁶³ also has several surveillance provisions, namely : Section 2 that defines the power to “intercept in relation to a computer function includes listening to, or recording a function of a computer, or acquiring the substance, its meaning or purport of such function”. This broad definition lays the foundation for comprehensive digital and electronic surveillance. Section 31 directly addresses “interception and disclosure” of telecommunications, stipulating that “Any person who intentionally and without lawful excuse, intercepts, discloses, or in any manner extracts any message, communication or other information in the course of its transmission by a licensed telecommunications system, commits an offence and shall be liable”. The phrase “without lawful excuse” suggests that interception is permissible provided the

63 <https://infotradekenya.go.ke/media/Kenya%20Information%20Communications%20ACT.pdf> accessed on 14 September 2025

state can camouflage its surveillance activities with a 'lawful excuse'. In this era of counterterrorism, it cannot be hard for the authorities to find a 'lawful excuse' for surveillance operations. Section 56 provides for the interception of postal articles in a public emergency. Subsection 1 states that upon the declaration of a public emergency "or in the interest of public safety or tranquillity, the Minister responsible for internal security may, by in order in class or description of postal articles in the course of transmission by post within Kenya shall be intercepted or detained or shall be delivered to any officer mentioned in the order in the service of the Government, or shall be disposed of in such manner as the Minister directs". Subsection 2 of Section 56 further states that "a certificate signed by the Minister responsible for internal security shall be conclusive proof of the existence of a public emergency ..."

These provisions severely limit the constitutional right to privacy by granting the government and its agencies extensive powers of surveillance with virtually no safeguards against the abuse of such powers. The deliberately vague definition of "intercept" in Section 2, taken together with the equally vague phrase "without lawful excuse" in Section 31, creates a legal framework that can be easily misused to serve the interests of the executive. It allows for the monitoring of digital communications without necessarily requiring a warrant or clear and specific judicial oversight, leaving civil society organisations, journalists, opposition politicians and ordinary citizens vulnerable to arbitrary surveillance. Furthermore, Section 56 grants the Minister—a member of the executive and a political appointee—the unilateral power, firstly to order the interception of postal articles during a "public emergency." Secondly the minister is given sweeping powers to decide what constitutes "public emergency or public safety interest or tranquillity". A simple certificate signed by the minister shall be conclusive proof of the existence of a public emergency!"

This lack of independent judicial review for the limitation of such a sensitive and fundamental right is a significant and appalling failing of the Act. While the law contains provisions to prevent unauthorised interception, the exceptions it provides for "lawful" interception are so broad that they effectively erode constitutional protections of privacy. All told, the Act simply positions the state as the arbiter of what constitutes "lawful" access to private communications, a position that is antithetical to the democratic principles of privacy and other individual rights.

As if the existing laws are not chilling enough in their current form, the state tabled The Kenya Information and Communications (Amendment) Bill (2025) in May 2025.⁶⁴ Among other things, the Bill seeks to take surveillance to a whole new level chiefly through the following provisions:

- Section 27A(3C): This provision mandates Internet Service Providers (ISPs) to implement a «metered billing system.» Under this system, each customer must be assigned a unique and traceable «internet meter number» to monitor their internet consumption in real-time and generate consumption-based invoices.
- Section 27A(3D): This section compels ISPs to submit detailed reports on their metered billing systems to the Communications Authority of Kenya (CAK) at least once every financial year. These reports must include the unique internet meter numbers issued to subscribers.
- Section 27A (additional subsections): The Bill requires ISPs and other telecommunication operators to collect and store extensive personal data from subscribers, including full names, national ID numbers, dates of birth, and physical addresses.
- Provisions on age verification: The Bill introduces a requirement for mandatory age verification for social media users through the use of national ID cards.

64 https://www.parliament.go.ke/sites/default/files/2025-05/The%20Kenya%20Information%20and%20Communications%20%28amendment%29%20Bill%2C%202025_0.pdf accessed on 14 September 2025

The mandatory metered billing system, with its requirement for unique, traceable «internet meter numbers,» is a direct mechanism for mass surveillance. By linking individuals' personal data, such as their national ID numbers, to their real-time internet usage, the state creates an infrastructure for pervasive monitoring of online activities. This creates a chilling effect on the exercise of other fundamental rights, such as the freedom of expression and association, as individuals may self-censor for fear that their online activities, search history, or accessed content are being monitored by state agents. Furthermore, the mandatory collection of extensive personal data for age verification on social media platforms, without sufficient safeguards, creates a vast database of citizens' information that is vulnerable to misuse, unauthorized access, and potential breaches. This expansive data collection and retention, combined with the lack of independent oversight and accountability mechanisms, moves beyond the legitimate aim of consumer protection and child safety and instead establishes a framework for institutionalised state surveillance that is disproportionate and unnecessary in a democratic society.

HEALTH SURVEILLANCE AND DIGITAL COLONIALISM: RUTO'S US\$2, 5 BILLION HEALTH COOPERATION FRAMEWORK DEAL

On 4 December 2025, President Ruto scored a first amid revelations by the US government that it had signed a US\$2, 5 billion Health Cooperation Framework with the Kenyan government.⁶⁵ In a statement, the US government said that, under the Framework, “the United States plans to provide up to US\$1,6 billion over the next five years to support priority health programs in Kenya including HIV/AIDS, tuberculosis (TB), malaria, maternal and child health, polio eradication,

disease surveillance, and infectious disease outbreak response and preparedness. Over the five-year period, the Government of Kenya pledges to increase domestic health expenditures by \$850 million to gradually assume greater financial responsibility as US support decreases over the course of the framework.”⁶⁶

The US further stated that the Health Cooperation Framework “outlines a comprehensive vision to save lives, strengthen Kenya's health system, and make America safer, stronger, and more prosperous. Kenya is the first African country to successfully negotiate a new health partnership with the United States.”⁶⁷ While Ruto and his allies will laud the deal and frame it as positive development for the health delivery system in Kenya, the troubling reality is the agreement's implications for surveillance and the externalisation of the data of ordinary Kenyans.

To begin with, the agreement represents a paradigmatic shift in global health diplomacy. Branded explicitly by the US as an initiative under the ‘America First Global Health Strategy,’ and aimed at “making America safer, stronger”, this five-year agreement moves away from the traditional model of funding largely through non-governmental organisations (NGOs) and implementing partners. Instead, it is a government-to-government initiative which channels funding and resources directly to the Kenyan government, a government whose appetite for surveillance-led repression and violation of privacy and other human rights is up there with some of the worst on the African continent.

The deal is clearly a reward for Kenya's loyalty and value as a US ally, something which has been buttressed by the east African nation's designation as a non-Nato ally of the US. This is confirmed by comments by Jeremy

65 <https://www.bbc.co.uk/news/articles/c0r9vq5vv4no> accessed on 8 December 2025

66 <https://www.state.gov/united-states-and-kenya-sign-five-year-2-5-billion-health-cooperation-framework> accessed on 8 December 2025

67 Ibid

Lewin, Senior Official for Foreign Assistance, Humanitarian Affairs & Religious Freedom. Mr Lewin said, “foreign assistance is a tool of American diplomacy and statecraft—and every dollar we spend on it must be directly justified on those terms. When developing the dozens of America First Global Health Strategy bilateral agreements we will sign in the coming weeks, we always start with the principle that American sovereign resources should be used to bolster our allies and should never benefit groups unfriendly to the United States and our national interests”.

⁶⁸ Hence, by positioning health aid as a direct instrument of ‘America First’ foreign policy, the agreement implies that the health security of Kenyans is secondary to the national security interests of the US, creating a leverage point where aid is contingent upon alignment with American geopolitical and surveillance priorities.

While publicly framed as a progressive move towards “country ownership” and sustainability in fighting HIV/AIDS, malaria, and tuberculosis, the deal effectively integrates Kenya’s health infrastructure into the US national security apparatus. The most concerning aspect of this deal—buried under the technocratic language of “health systems strengthening”—is the impending massive investment in digital health infrastructure and interoperable Electronic Medical Records (EMRs). It is believed the agreement will cater for the allocation of funds to accelerate the national rollout of EMRs and scale up disease surveillance systems. From a surveillance and digital rights perspective, this will transform the Kenyan healthcare system into a humongous data-gathering machine.

When ‘disease surveillance’ is implemented and prioritised under a national security framework, public health monitoring directly feeds into population control. The integration of health data and other data systems will create a digital panopticon where patient data, once siloed and relatively private,

can be aggregated and potentially cross-referenced with other government databases. This centralisation renders the biological data of millions of Kenyans legible not just to their doctors, but to the state security apparatus and its foreign partners. There is no telling how this data will be used against Kenyans. When it was put to him that the government-to-government deal could give the US real-time access to critical Kenyan health databases, including sensitive patient information, Kenya’s Health Minister Aden Duale said “only de-identified, aggregated data” would be shared.⁶⁹ However, in this present age of big data, ‘anonymisation,’ just like end-to-end encryption, are largely myths; with enough data points, aggregated health data can be easily de-anonymised to identify individuals. In any event, the very nature of the US “America First” strategy prioritises biosecurity—the early detection of threats before they reach American shores. This necessitates granular data access. There is a real risk that the ‘technical assistance’ provided by US agencies will include access to raw data pipelines, ostensibly for quality assurance or capacity building, but effectively granting a foreign power backend access to the intimate health details of the Kenyan citizenry, bypassing the intention and spirit of Kenya’s data sovereignty laws.

This agreement accelerates the erosion of Kenya’s digital sovereignty. By accepting a framework where a foreign power funds and influences the architecture of national digital health systems, Kenya risks entering what some experts have termed “data colonialism.” The infrastructure built as part of the deal (the servers, the software standards, the data protocols) will likely be aligned with US specifications and vendors, creating a technological lock-in. This dependency means that decisions about how Kenyan health data is collected, stored, and processed are not made solely in Nairobi, but are influenced by Washington’s strategic imperatives. If the US decides to cut funding or alter the terms

⁶⁸ Ibid

⁶⁹ <https://www.bbc.co.uk/news/articles/c0r9vq5vv4no> accessed on 8 December 2025

based on a shift in its domestic “America First” politics, Kenya’s digital health backbone could be paralysed, or its data leveraged as a diplomatic bargaining chip.

The human rights implications are particularly acute for marginalised communities as well as those who are viewed as opponents of the Kenyan regime. Coupled with state surveillance, the digitisation of health data poses a severe threat to Key Populations (KPs)—including sex workers, people who use drugs, and the LGBTQ+ community—who are central to the HIV response but criminalised or stigmatised under Kenyan law. A likely scenario

in a securitised surveillance state like Kenya, is that health records could be weaponised to track, arrest, or blackmail vulnerable individuals. The shift from NGO-led care (which often offered a layer of insulation from the state) to direct government management removes a critical safety buffer. Consequently, patients may avoid seeking care due to fear of surveillance, leading to worse health outcomes and a violation of their fundamental right to health. Without rigorous oversight, this deal risks turning Kenyan bodies into biometric data points for foreign intelligence, undermining the very dignity and rights the healthcare system is meant to protect.

FORCES OF REPRESSION AND IMPUNITY: THE SECURITY AGENCIES

The backbone of Kenya’s descent into a securitised state is the systematic use of its security and intelligence agencies to serve political ends. This is not a new phenomenon, but it has been perfected and executed with greater impunity under the incumbent Ruto administration.

The country’s security apparatus is mainly comprised of the Kenyan Armed Forces (KDF), the Police Service and the National Intelligence Service (NIS), that have several offshoot units and multi-agency units like the Special Operations Group (SOG), created to address distinct national security threats. The suspected existence of death squads within several of these units have plagued the country’s international image. In 2014 Al Jazeera aired a documentary whereby the Anti-Terrorism Police Unit (ATPU) and its own recce squad operated as death squads killing Muslim clerics.⁷⁰ Earlier this year, former Vice president Gachagua disclosed details on an alleged 101-member squad, operating under

the command of President Ruto, trained in abductions and responsible for the summary executions of protesters.⁷¹ These death squads, largely responsible for the extrajudicial actions against protesters, including executions and abductions, are believed to be comprised of a hybrid group of officers from the different units, in particular the Directorate of Criminal Investigations (DCI), the Rapid Deployment Unit, the National Intelligence Service (NIS), military intelligence and the ATPU. This rogue unit has openly threatened individuals and organizations investigating the continuing deaths and abductions of “political threats” who they believe were attempting to overthrow Ruto’s government.⁷²

70 <https://www.aljazeera.com/video/investigations/2014/12/8/inside-kenyas-death-squads>

71 <https://eastleighvoice.co.ke/interior%20cabinet%20secretary%20kipchumba%20murkomen/179906/murkomen-denies-existence-of-police-death-squad-amid-claims-of-extrajudicial-killings-during-protests>

72 <https://www.africa-confidential.com/article-preview/id/15238/facing-calls-for-reform--the-state-hits-back>

Kenya's armed forces are today comprised on 24,000 active members are focused on threats to regional security and countering terrorist threats from Somalia.⁷³ The KDF deployed forces to the DRC in 2022 as part of the East African Community mission and has since 2024 led a UN policing mission to Haiti. Under the Kenyan Defence forces, a unit of Special Forces was created in 2009 and trained in the US as was a Rangers Strike Force which together make up the Special Operations Regiment (SOR) that were deployed during Operation Linda Nchi in Somalia. The deployment in Somalia saw several successful operations which included the capture of several towns, as well as the strategic port of Kismayo in September 2012 under Operation Sledge Hammer. The SOR regiment is tasked with airborne operations, reconnaissance, infiltration counter-insurgency and commando raids. Since its formation it has expanded to include the 20th Parachute battalion, the 40th Rangers Strikers force and the 30th Special Forces. The regiment also includes a secretive unit, the Long range Surveillance Unit, that is run from the Directorate of Military Intelligence.⁷⁴ The police force has long been deemed a protector of the interests of the state and not the public. It has 14 official units but non-commissioned unofficial units are thought to also exist. Successive regimes have attempted to reform the police, address impunity and increase oversight but with little success. It is by far the biggest security unit within the Kenyan security apparatus, comprised of over 102,000 officers.⁷⁵

Kenya's security agencies have undergone significant transformations from their colonial inception through post-independence adaptations to their current structure. They have also gone through a series of name changes and mission shifts. The intelligence services have for example transitioned from the Colonial Special Branch (1895-1963),

to the post-independence Special Branch (1963-1986), the Directorate of Security Intelligence (1986-1999), the National Security Intelligence Service (1999-2010) and the National Intelligence Service (2010-present). Despite this evolution, all these intelligence agencies have shown considerable continuity with the colonial era. Building from earlier time-tested strategies and tactics, they have consistently served to protect the political interests of the incumbent governments' by employing surveillance and repression to maintain regime hegemony rather than national security and stability. In pre-independence Kenya, security agencies were deployed to protect the unpopular colonial government, a task they carried out by suppressing independence movements such as the Kenya African Study Union, the Kenya Land and Freedom Army and the trade union movement.⁷⁶ Post independence, these security agencies were deployed by the successive Jomo Kenyatta (1963-1978) and Daniel arap Moi (1978-2002) regimes to protect the one-party state by targeting political dissidents, opposition figures, and ethnic groups perceived as threats to regime stability. Their tactics included abductions, extrajudicial killings, electoral manipulations, and surveillance of real and perceived opponents of the regimes. Under more recent governments like the Mwai Kibaki (2002-2013), Uhuru Kenyatta (2013-2022), and Ruto (2022-present) administrations, these patterns of repression have persisted and perfected under the guise of counterterrorism.

THE INTELLIGENCE SERVICES

The roots of Kenya's intelligence apparatus lie in British colonial rule, which institutionalised Kenya's intelligence system through the colonial Special Branch (SB) which stemmed from the 1926 Criminal Investigations Division (CID), originally designed to serve as a professional intelligence unit of the

⁷³ <https://www.iiss.org/publications/the-military-balance/>

⁷⁴ <https://www.kenyans.co.ke/news/58641-behind-enemy-lines-kdfs-elite-special-unit>

⁷⁵ <https://theconversation.com/kenya-has-tried-to-reform-its-police-force-but-its-left-gaps-for-abuse-176044>

⁷⁶ <https://martinwagah.co.uk/2024/06/26/you-are-being-tracked-understanding-and-countering-surveillance-oppression-in-kenya/>

colonial government, to protect colonial interests, gather intelligence on threats to the government and suppress indigenous resistance and dissent^{77 78}. The Special Branch's primary mission was political intelligence gathering and law enforcement to suppress independence movements, trade unionism and political dissents well as monitoring nationalist activities and countering "terrorism" insurgencies such as the Mau Mau from the early 1950s^{79 80}. Special Branch activities intensified after World War Two during the state of emergency period (1952-1960s), that was declared by Colonial Governor Evelyn Baring to counter the rising independence movements. The announcement of the emergency was accompanied by "Operation Jock Scott" on 20 November 1952 which was a strategic plan coined by a delegation of top intelligence

officers from the United Kingdom (UK) to curb growing anti-colonial resistance in Nairobi^{81 82}. This operation targeted prominent African political leaders and trade unionists, including Jomo Kenyatta and about 187 other alleged Mau Mau leaders, based on intelligence gathered by the Special Branch with assistance from the British Security Service (MI5)^{83 84 85}. This emergency has been cited as a key moment for Kenya's intelligence as extensive surveillance tactics were central to identifying opposition leaders and facilitating their sweeping arrests and subsequent successful defeating of the Mau Mau insurgency^{86 87 88 89 90}.

The Special Branch recruited local informants and collaborators disguised as everyday community members such as artisans, herdsmen, and beggars to gather intelligence

77 Africa, S and Kwadjo, J. 2009. Changing Intelligence Dynamics in Africa. Available from: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://gsdrc.org/wp-content/uploads/2013/02/Changing-Intelligence-Dynamics-in-Africa.pdf>. Accessed 16 September 2025.

78 https://opendocs.ids.ac.uk/articles/report/Surveillance_Law_in_Africa_a_Review_of_Six_Countries/26435920. Accessed 16 September 2025.

79 [Following in Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era](#). Accessed 16 September 2025.

80 [You are being tracked: Understanding Surveillance Oppression in Kenya \(Part 1\) – All Beauty Withers As It Grows](#). Accessed 16 September 2025.

81 <https://www.globalsecurity.org/military/library/report/1984/HRD.htm>. Accessed 16 September 2025.

82 [https://www.degruyterbrill.com/document/doi/10.1515/9783110776232-006/html?licenseType=open-access#:~:text=%EF%84%B4%EF%84%B2%20TNA%2C%20FCO%20141,2007\)%2C%20291%E2%80%933315](https://www.degruyterbrill.com/document/doi/10.1515/9783110776232-006/html?licenseType=open-access#:~:text=%EF%84%B4%EF%84%B2%20TNA%2C%20FCO%20141,2007)%2C%20291%E2%80%933315). Accessed 16 September 2025.

83 <https://www.blackhistorymonth.org.uk/article/section/african-history/the-colonisation-of-kenya/>. Accessed 16 September 2025.

84 <https://sahistory.org.za/article/mau-mau-uprising>. Accessed 16 September 2025.

85 Gatheru, R. M. (2005). Kenya: From Colonisation to Independence, 1888-1970. Jefferson: McFarland & Company, p.142.

86 <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://gsdrc.org/wp-content/uploads/2013/02/Changing-Intelligence-Dynamics-in-Africa.pdf>. Accessed 16 September 2025.

87 <https://sahistory.org.za/article/mau-mau-uprising>. Accessed 16 September 2025.

88 <https://www.ebsco.com/research-starters/history/mau-mau-uprising>. Accessed 16 September 2025

89 Edwards, A. 'Quelling rebellion: countering the Mau Mau in Kenya', Defending the realm: The politics of Britains small wars since 1945. <https://doi.org/10.7228/manchester/9780719084416.003.0004>. Accessed 16 September 2025.

90 Bay, S. 2010. Intelligence and State-Building. Understanding the role of intelligence services in state-building: the case of Kenya. https://www.researchgate.net/publication/342765352_Intelligence_and_State-Building_Understanding_the_role_of_intelligence_services_in_state-building_the_case_of_Kenya.

on any Mau Mau insurgency related activities^{91 92 93}. These everyday community members included members of the Kikuyu Home Guard who were responsible for identifying Mau Mau sympathisers in their communities and providing intelligence to the colonial authorities⁹⁴. The Special Branch infiltrated nationalist movements like the Mau Mau fighters through the recruitment of informants and coercing local chiefs to place these informants within villages to provide intelligence on nationalist activists and insurgents. Furthermore, the Special Branch also infiltrated the Mau Mau, using the tactic of pseudo-gangs (counter-gangs). These gangs were made up of former Mau Mau fighters turned informants after their detention by the colonial regime. They infiltrated Mau Mau camps and networks and gathered vital intelligence such as insurgency plans and activities which helped the Special Branch significantly improve their counterinsurgency efforts^{95 96 97}. A crucial example of a Mau Mau turned Special Branch informant, and collaborator was Jomo Kenyatta's son Peter Muigai Kenyatta – who following his detention and confessing to involvement in the Mau Mau insurgency, joined the Special Branch screeners in detention camps to assist in interrogations and further anti-Mau Mau intelligence efforts⁹⁸.

On the other hand, in terms of technical intelligence, the Special Branch used rudimentary secret listening and recording technologies to gather audio intelligence as well as mail interception tools to execute surveillance against citizens such as nationalist activists, trade unionists and journalists who all were perceived threats to the colonial government⁹⁹. The surveillance gathered was then used to conduct arrests and detentions in secret camps where detainees were subjected to torture such as beatings, electric shocks, and sexual violence to extract further confessions and intelligence that would assist in crippling the Mau Mau's resistance capabilities. As a result, the Special Branch security and intelligence apparatus functioned as a tool of imperial domination, protecting white settler and colonial government interests. It systematically suppressed nationalist opposition and ensured compliance with colonial rule through surveillance.

At independence, the Kenyan government under Jomo Kenyatta (1964 - 1978) inherited the colonial intelligence system intact, adapting it to serve the newly established ruling party, the Kenya African National Union (KANU)¹⁰⁰. The early independence Special Branch was made independent

91 Shaffer, R. 2019. Following in Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era. <chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://www.cia.gov/resources/csi/static/Following-in-Footsteps.pdf>

92 Africa, S. 2009. Changing Intelligence Dynamics in Africa. chrome-extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://ciaotest.cc.columbia.edu/wps/gfnssr/0018022/f_0018022_15449.pdf

93 Boinett, W., 2009, 'The Origins of the Intelligence System of Kenya', in Changing Intelligence Dynamics in Africa, eds. S. Africa and J. Kwadjo. GFN-SSR and ASSN: Birmingham, UK.

94 Gitahi, J and Kathure, M. 2025. Panoptic real-time surveillance in Kenya. <https://share.google/GkaKikHNX7mWMq40H>

95 <https://spink.com/lot/100518> . Accessed 16 September 2025.

96 <https://www.kictanet.or.ke/?mdocs-file=49126> . Accessed 16 September 2025.

97 Heather, R. W. 1993. Of Men and Plans: the Kenya Campaign as part of the British Counterinsurgency Experience. *Journal of Conflict Studies*, 13(1). <https://journals.lib.unb.ca/index.php/JCS/article/view/15093>

98 Elkins, C. 2005. Britain's Gulag: The Brutal End of Empire in Kenya. Jonathan Cape: London.

99 Ryan Shaffer, Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>.

100 Anderson, D. 2005. Histories of the Hanged: The Dirty War in Kenya and the End of Empire. New York: W. W. Norton.

from the police in 1963 under the orders of President Kenyatta and given a new charter in 1969. That same year, the Special Branch was transferred “from the Office of the Vice-President and Ministry of Home Affairs to the Office of the President” and intelligence operations were legalised¹⁰¹. Although its declared new mission was to provide intelligence to safeguard the newly independent state against political threats, this early independence Special Branch, just like its predecessor, became however a tool for political surveillance and control of dissidents to protect the KANU government, continuing the legacy of repression and surveillance from the colonial era¹⁰².

The Special Branch, under Kenyatta, retained its central role in political surveillance, primarily targeting opposition parties, dissident ethnic groups, and civil society actors. The Kenyatta administration oversaw the surveillance, targeting and assassination of high-profile politicians - such as Pio Gama Pinto in 1965, Former Trade Unionist and Minister of Justice Tom Mboya in 1969, Vice President Oginga Odinga and lastly Josiah Mwangi Kariuki in 1975 - who were all considered threats to the KANU led government's power^{103 104 105}. Kenyatta died in office in 1978 and was succeeded by his vice president Daniel Arap Moi (1978-2002).

During these years, Kenya's political environment had been marked by repression - including the banning of opposition parties and the silencing of critics through surveillance, violence, censorship, and imprisonment during Kenyatta's administration – but this intensified under Moi's administration.

Kenya, under Moi, transformed into a de jure one-party regime with constitutional amendments reinforcing presidential control over security forces, the police, and intelligence agencies, which became central to criminalising dissent, neutralising opposition, unrest and dissatisfaction with Moi's administration^{106 107}. This led to sweeping human rights abuses through surveillance, political trials, torture, arbitrary arrests and police brutality under the guise of national security. In 1986 alone, about 100 people were arbitrarily arrested and detained for their alleged association with Mwakenya - a movement that was based in Europe and established by Kenyans who had fled Moi's oppression that demanded social justice and respect for human rights^{108 109}. In addition, between 1989 to 1991, Moi's new generation of critics, namely John Khaminwa, Raila Odinga, Mohammed Ibrahim, Gitobu Imanyara, Kenneth Matiba and Charles Rubia among many more others, were detained under

101 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

102 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>.

103 Rights and Security International. <https://share.google/G5t6aEqrZGebK20Uu>.

104 Angelo, A. 2019. 'Taming Oppositions: Kenyatta's "Secluded" Politics (1964–1966)', in *Power and the Presidency in Kenya: The Jomo Kenyatta Years*. Cambridge: Cambridge University Press (African Studies).

105 <https://library.fes.de/pdf-files/bueros/kenia/01828.pdf>. Accessed 16 September 2025.

106 Murunga, K.G, Okello, D and Sjögren, A. 2014. *Kenya: the struggle for a new constitutional order*. Zed Books: UK. <https://share.google/v9Ywwwv8s2sSexso6t>

107 Adar, K.G and Munyae, I.M. 2001. Human rights abuse in Kenya under Daniel Arap Moi, 1978-2001. *African Studies Quarterly*, Volume 5, Issue 1. <https://share.google/O1RNdYQRWUouSPwCb>

108 <https://www.kictanet.or.ke/?mdocs-file=49126>. Accessed 16 September 2025.

109 <https://share.google/SEsMnDBCudsWEUB4R>. Accessed 16 September 2025.

inhuman conditions and without trial¹¹⁰. It was also during Moi's tenure that terrorism became a key national security concern with the August 1998 bombing of the US embassies in Kenya and Tanzania by al-Qaeda^{111 112}.

The Special Branch was transformed into and renamed the Directorate of Security Intelligence (DSI) in 1986. The DSI was the immediate successor to the colonial-era Special Branch and its declared mission was to provide security intelligence and counterintelligence to protect the political stability and security interests of Kenya. The DSI preserved the institutional structures, personnel, and operational mandate of the Special Branch and remained widely known by its former name among the public¹¹³. Under Moi's regime, the DSI "operated as an omnipotent and near-invisible police force" and reflected Moi's authoritarian rule and disregard for human rights¹¹⁴. The DSI was notorious for its role in suppressing political dissent and opposition, often using harsh and extrajudicial methods¹¹⁵. Accounts from the period document widespread use of torture at the infamous Nyati House and Nyayo House, intimidation, secret detentions, and disappearances attributed to DSI operatives, especially against activists, and those perceived to be threats to the government^{116 117}. The agency's activities cemented its reputation as an oppressive arm of the Moi

government, with the the DSI becoming the public face of government control. Tactics used to facilitate this repression ranged from traditional physical surveillance and mail interception to more modern digital surveillance tools including biometric databases and mobile phone tracking systems.¹¹⁸.

The DSI also conducted clandestine surveillance on not just internal targets but also external targets such as foreign diplomats that were considered threats to Moi's administration, especially during the Cold War between the Soviet Union and the United States of America. During this time, Special Branch officer Bart Joseph Kibati writes in his memoir titled *Memoirs of a Kenyan Spymaster* Kenyan intelligence that the DSI had much to concern itself with as "there was a large number [of] CIA and KGB agents in Nairobi, either under the guise of diplomats or other suitable cover"¹¹⁹. The Kenyan intelligence under Moi - according to Special Branch officer Kibati - exchanged intelligence with Western partners on issues such as terrorism, drug trafficking and international crime. The intelligence also had working relationships with the British Secret Intelligence Service (MI6), the Security Service (MI5), the United States' Central Intelligence Agency (CIA) and West Germany's Federal Intelligence Service which all provided intelligence training to Kenya's

110 Adar, K.G and Munyae, I.M. 2001. Human rights abuse in Kenya under Daniel Arap Moi, 1978-2001. *African Studies Quarterly*, Volume 5, Issue 1. <https://share.google/O1RNdYQRWUouSPwCb> <https://www.kictanet.or.ke/?mdocs-file=49126> . Accessed 16 September 2025.

111 <https://www.kictanet.or.ke/?mdocs-file=49126> . Accessed 16 September 2025.

112 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

113 *Following in Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. . Accessed 17 September 2025.

114 <chrome-extension://efaidnbmninnibpcajpcglclefindmkaj/https://www.cia.gov/resources/csi/static/Following-in-Footsteps.pdf>. Accessed 17 September 2025.

115 <https://share.google/xpOVYnS8PSZHDmFXo>. Accessed 17 September 2025.

116 <https://theafricancriminologyjournal.wordpress.com/2023/07/13/intelligence-files-volume-ii-national-intelligence-service/#:~:text=From%20Special%20Branch%20to%20National,argued%20Kikuyu%20MP%20Paul%20Muite>. . Accessed 17 September 2025.

117 <https://share.google/onvq0sgQShHwCWJ6k> . Accessed 17 September 2025.

118 <https://medium.com/@omondiochuka/kenyan-spy-code-7cae3702f9a4> . Accessed 17 September 2025.

119 Kibati, B.J. 2016. *Memoirs of a Kenyan Spymaster*. Nairobi Academic Press: Nairobi.

intelligence services¹²⁰. The turning point for Kenya's intelligence agencies was the return to multi-party democracy during the 1990s amid mounting domestic and international pressure for reform. In 1998, a new Kenyan Parliamentary Act abolished the DSI and established the National Security Intelligence Service (NSIS)¹²¹. This reform stripped the agency of its police powers, redefining it as an advisory intelligence body focusing more on ensuring national security against external threats such as terrorism rather than political surveillance.

The transition from the Directorate of Security Intelligence (DSI) to the National Security Intelligence Service (NSIS) via the National Security Intelligence Service Act of 1998 marked a significant transformation aimed at professionalising and depoliticising the intelligence apparatus. The core mandate of the NSIS under this Act was the protection of the national security interests of Kenya

and safeguarding its citizens.¹²² Key reforms during this transition included firstly purging over 170 officers from the former Special Branch and DSI who were seen as politically compromised as they were linked to past human rights abuses¹²³¹²⁴¹²⁵. Secondly, eliminating police powers such as arrest and search authority from the NSIS therefore pivoting it instead to an advisory and intelligence-gathering role with stronger oversight mechanisms¹²⁶¹²⁷. Thirdly, appointing the Director-General of NSIS on a fixed-term basis intended to protect the position from political interference¹²⁸¹²⁹. Fourthly, relocating intelligence from the infamous Nyati House, a former Special Branch headquarters to new premises, symbolising a break from past practices¹³⁰¹³¹¹³²¹³³. Lastly a Complaints Commission - although it never fully materialised - was established through the 1998 NIS Act (Section 24) that aimed to serve as an accountability mechanism to allow citizens to be

120 Kibati, B.J. 2016. *Memoirs of a Kenyan Spymaster*. Nairobi Academic Press: Nairobi.

121 National Security Intelligence Service Act

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/NationalSecurityIntelligenceServiceActCap205.pdf>

122 <https://share.google/LgyyykS7XrmCGiJsc> . Accessed 17 September 2025.

123 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

124 Boinett, B.W. *The Origins of the Intelligence System of Kenya*. <https://gsdrc.org/document-library/the-origins-of-the-intelligence-system-of-kenya/>

125 <https://theafricancriminologyjournal.wordpress.com/2023/07/13/intelligence-files-volume-ii-national-intelligence-service/#:~:text=From%20Special%20Branch%20to%20National,argued%20Kikuyu%20MP%20Paul%20Muite>. Accessed 17 September 2025.

126 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

127 Boinett, B.W. *The Origins of the Intelligence System of Kenya*. <https://gsdrc.org/document-library/the-origins-of-the-intelligence-system-of-kenya/>

128 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

129 Boinett, B.W. *The Origins of the Intelligence System of Kenya*. <https://gsdrc.org/document-library/the-origins-of-the-intelligence-system-of-kenya/>

130 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

131 Boinett, B.W. *The Origins of the Intelligence System of Kenya*. <https://gsdrc.org/document-library/the-origins-of-the-intelligence-system-of-kenya/>

132 <https://nation.africa/kenya/life-and-style/travel/nyati-house-the-epicentre-of-torture-218436> . Accessed 17 September 2025.

133 Frayne, N. F. (2025). The consequences of Apathy: How Nyayo House becomes an actor for intergenerational solidarity amid the absence of state justice in Kenya. *Memory Studies*, 0(0). <https://doi.org/10.1177/17506980251334965>

whistleblowers about abuses by NSIS officials in the exercise of their duties^{134 135}. Despite the “rebranding”, the NSIS largely continued to operate primarily as a tool to safeguard the regime, executing targeted surveillance of critics under the guise of national security and combating crime and terrorism¹³⁶.

The NSIS, covered the majority of Kibaki’s presidency and was often accused of abuses like its predecessor. During Kibaki’s administration, the NSIS continued to engage in surveillance and repression targeting politicians, journalists, and activists critical of the government. A few examples of this repression include the surveillance, detention and torture of Journalist Peter Makori from July 2003 to May 2004 due to his critical reporting on human rights abuses and corruption by local militia and officials under Kibaki’s regime; the raiding of newsrooms such as The Independent and subsequent confiscation of thousands of copies of scandal sheets and papers critical of the Kibaki’s government and the seizure of equipment¹³⁷. Repression intensified after the 2007 Kenyan elections that were characterised by violence as President Kibaki won a second term amid claims of electoral manipulation. During this time, state surveillance was intensified and capabilities broadened to communication interception without warrants to target political opponents.

The NSIS’s surveillance extended beyond national security threats like terrorism to monitoring domestic dissent and opposition. During the 2007-2008 post-election violence period, the NSIS was involved in conducting rigorous surveillance against opposition

groups and political opponents affiliated with Kibaki’s political rival - Raila Odinga, the leader of Orange Democratic Movement (ODM) - who contested Kibaki’s disputed electoral victory. The NSIS’s surveillance capabilities had increased, especially with the improvement of digital technology, and the government created the National Cohesion and Integration Commission (NCIC) to collaborate with the creation of the then Communications Commission of Kenya (CCK) to grant the NSIS direct, warrantless access to telecommunications networks. This allowed them to digitally surveil post-election violence suspects and anyone perceived to be against Kibaki’s electoral win through live listening of phone calls, emails and internet activities, data capturing and deploy physical surveillance through location data¹³⁸. This monitoring of citizens communications was done under the guise of closely monitoring online speech and preventing the circulation of inflammatory material. Following the elections, the CCK with the assistance of mobile communications providers, routinely scrutinised SMS and call communications to flag them for ethnic hate speech keywords by firewall using pre-identified key words.

During that period, the National Steering Committee on Media Monitoring of the Ministry of ICT reported the interception and blocking of about 300 000 SMS messages daily, thereby proving the NSIS’s growing powers to repress dissent and increase state censorship¹³⁹. Furthermore, opposition leader Raila Odinga had used local television and radio stations, most noticeably in Mombasa, Eldoret, Kericho, Kisumu, Nakuru and parts of Nairobi, to encourage Kenyans to protest

134 Patrick Mutahi, Building a national intelligence service for a democratic society. <https://www.chrips.or.ke/wp-content/uploads/2017/09/Building-National-Intelligence-Service.pdf>

135 Boinett, B.W. The Origins of the Intelligence System of Kenya. <https://gsdrc.org/document-library/the-origins-of-the-intelligence-system-of-kenya/>

136 <https://martinwagah.co.uk/2024/06/26/you-are-being-tracked-understanding-and-counteracting-surveillance-oppression-in-kenya/> . Accessed 17 September 2025.

137 <https://www.refworld.org/reference/annualreport/cpj/2005/en/56314> . Accessed 17 September 2025.

138 <https://martinwagah.co.uk/2024/06/26/you-are-being-tracked-understanding-and-counteracting-surveillance-oppression-in-kenya/> . Accessed 17 September 2025.

139 <https://martinwagah.co.uk/2024/06/26/you-are-being-tracked-understanding-and-counteracting-surveillance-oppression-in-kenya/> . Accessed 17 September 2025.

the electoral results that granted Kibaki a second term. In response to this, the CCK suspended live television broadcasts and radio transmissions that were related to the opposition in order to censor and control the narrative and information that citizens had access to¹⁴⁰. According to a 2015 Citizen Lab study, Kenya was a likely user of FinFisher - “a complex spyware suite comprising FinSpy Master and FinSpy Relays sold exclusively to governments for intelligence and lawful interception purposes” - and this conclusion was reached “based on the presence of a FinFisher master at an Internet-Protocol (IP) address (46.23.73.xxx and 197.254.122.xxx) registered to a Kenyan user named “National Security Intelligence”^{141 142 143}.

In 2010, further reforms led to the establishment of the National Intelligence Service (NIS) in place of the NSIS. This was done in terms of Kenya's new constitution which promised increased accountability and clearer legal frameworks under the motto “Apti Parati Fideles” meaning “Sure, Ready, Faithful”¹⁴⁴. The NIS's declared vision was to be “a professional Intelligence Service comparable to none that shall ensure a prosperous and secure Kenya” whilst its mission is to “safeguard the security of the Republic of Kenya against any threats emanating both from within and without”¹⁴⁵. The impetus for this transition and transformation included the need to address criticisms from local and international observers about unchecked intelligence

abuses during the 2007-2008 post-election violence. It was also about enhancing accountability, respect for human rights, and parliamentary oversight of intelligence activities, modernising and professionalising Kenya's intelligence capabilities with clear operational mandates focused on national security threats rather than political repression. Lastly, it was about integrating the intelligence services into the governance structure aligning with democratic norms.

However, despite these promises, the NIS retained vestiges of past political monitoring and repression.

Under Uhuru Kenyatta, the NIS became a crucial tool for state surveillance and repression, targeting government critics. Following a season of intelligence failures in the early years of his presidency, from 2014 the NIS under Major-General (Rtd) Philip Kameru, was reorganised and empowered thus becoming Kenyatta's most trusted security entity with expansive mandates across political intelligence, economic intelligence, and law enforcement operations beyond counterterrorism¹⁴⁶. These expansive mandates also ensured the NIS retained powers to intercept private communications and surveil government critics through spyware and other surveillance tools^{147 148}. Leaked emails revealed that in 2015, Kenyan officials linked to the NIS approached the Italian spyware firm Hacking Team requesting tools to hack and disable the

140 [track_capture_final.pdf](#). Accessed 17 September 2025.

141 <https://utoronto.scholaris.ca/items/acbf669a-8359-4407-93f9-7e79197649d8> . Accessed 17 September 2025.

142 https://www.privacyinternational.org/sites/default/files/2017-10/track_capture_final.pdf . Accessed 17 September 2025.

143 <https://share.google/xpOVYnS8PSZHDmFXo> . Accessed 17 September 2025.

144 Ryan Shaffer, *Following in the Footsteps: The Transformation of Kenya's Intelligence Services Since the Colonial Era*. <https://www.cia.gov/static/d8ab5052e50097c9349d13e8dfcb5168/Following-in-Footsteps.pdf>

145 <https://www.parliament.go.ke/sites/default/files/2023-03/Report%20of%20the%20Auditor-General%20and%20Financial%20Statements%20for%20National%20Intelligence%20Service%20for%20the%20year%20ended%2030th%20June,%202022.pdf> . Accessed 17 September 2025.

146 <https://www.rfi.fr/en/africa/20150717-kenyan-government-asked-hacking-team-attack-dissident-website> . Accessed 18 September 2025.

147 [How Kenya's intelligence body regained President Uhuru Kenyatta's trust | The Citizen](#). Accessed 18 September 2025.

148 [WikiLeaks: NIS purchased software to crack websites | Daily Nation](#). Accessed 18 September 2025.

opposition-aligned blog Kahawa Tungu, run by prominent government critic Robert Alai ¹⁴⁹ ¹⁵⁰ ¹⁵¹. Beyond the digital realm, the NIS was implicated - directly or through coordination with other security agencies - in serious human rights violations including enforced disappearances, arbitrary arrests, and extrajudicial killings, particularly in regions seen as opposition strongholds or security risks, such as the coast and northeastern Kenya. There were 34 cases of enforced disappearances and 11 extrajudicial killings according to the Human Rights Watch in 2016 ¹⁵². The agency was also accused by opposition leaders, notably Raila Odinga, of manipulating electoral processes through voter roll interference and shadowy operations intended to secure political outcomes favourable to the incumbent.¹⁵³

Under the leadership of Major-general Kimeru (during Uhuru Kenyatta's administration) the NIS advised on the creation of an elite unit the Special Operations Group (SOG) that also participates in counter-terrorism operations.¹⁵⁴ During these years the intelligence services (NIS) vastly expanded its numbers to 5000 as it aimed to have intelligence officers in all the districts of the country, as well as advise all 47 county governments. NIS was also known for having the best salaries. The service absorbs a large part of Kenya's national security budget. In 2018 the NIS had a budget of 31 billion Kenyan shillings (ksh) (estimated \$310 million) with few to no public details on how the funds are spent. The police, with over

40,000 officers (including GSU, CID and regular police) receive a larger amount of the budget but not proportionally to its size when compared to the NIS. Before elections, NIS officer numbers also increase, having recruited at least 1000 ahead of the 2012 polls. Prior to the 2017 elections NIS also reallocated officers to track the opposition and conduct blanket surveillance.¹⁵⁵ Today the NIS will have over 10,000 officers. Under the presidency of Uhuru Kenyatta the NIS is thought to have acted as a shadow government heavily involved in running the country and extending its mandate to include political intelligence, political security and law enforcement through multi-agency teams.¹⁵⁶ Equally as concerning is the fact that neither the NIS or the military's budget are subject to public scrutiny.

Under President Ruto, evidence and credible allegations suggest that the NIS and other security agencies have continued to function as instruments of political repression, just as they did under previous administrations. In recent years, Kenya's surveillance capacity has grown significantly, driven by both domestic investment and international security partnerships. The NIS serves as the national security advisor to the President and has a huge budget from Parliament allocated to it. The NIS budget has expanded steadily over the last 5 years: KES 42.4 billion in 2021, KES 46.1 billion in 2022, KES 43.8 billion in 2023, KES 45.8 billion in 2024, and an all-time high of KES 51.4 billion in 2025 ¹⁵⁷. Much of this growth is directly tied to

149 <https://www.rfi.fr/en/africa/20150717-kenyan-government-asked-hacking-team-attack-dissident-website> . Accessed 18 September 2025.

150 [WikiLeaks: NIS purchased software to crack websites | Daily Nation](#). Accessed 18 September 2025.

151 [How Kenyan Government Tried To 'Tear Down' Kahawa Tungu - Tuko.co.ke](#). Accessed 18 September 2025.

152 <https://www.hrw.org/news/2019/07/25/submission-un-human-rights-commission-review-kenya> . Accessed 18 September 2025.

153 <https://www.nyamile.com/press-release/kenyan-uhuru-kenyatta-accused-of-trying-to-use-state-security-to-rig-elections/> . Accessed 18 September 2025.

154 <https://nation.africa/kenya/weekly-review/eye-of-an-eagle-kenya-s-silent-spy-masters-and-25-year-nis-transformation-4833664>

155 <https://www.standardmedia.co.ke/ktnhome/video/watch/2000144082/-nis-tracks-raila-odinga-s-private-meets-while-on-international-trip-of-usa>

156 <https://nation.africa/kenya/news/how-nis-regained-uhuru-s-trust-and-confidence-242286>

157 https://openbudget.or.ke/stateDept/1281_national_intelligence_service/2024. Accessed 18 September 2025.

increased spending on counterterrorism and intelligence cooperation with foreign states. The United States provides Kenya with funding, training, and equipment under various counterterrorism programmes. Israel and the United Kingdom contribute advanced surveillance technologies and support. These partnerships have enabled the Kenyan state to embed cutting-edge surveillance infrastructure within its intelligence architecture - empowering the NIS to monitor domestic communications on an unprecedented scale and to weaponise this capacity against perceived opponents of the regime.

In mid 2024 following the #RejectFinanceBill protests, Kenya saw an exponential rise in reported physical and digital surveillance, disappearances and abductions of government critics, especially youth and social media activists¹⁵⁸. The Ruto administration began collaborating with telecommunication companies such as Kenya Safaricom - Kenya's largest internet and telecommunications provider (over 65% of the mobile market) - to execute mass surveillance through backdoor access to customer metadata, call records, and even location data. Multiple investigative reports, including by Privacy International and the Nation Media Group, reveal that Safaricom in collaboration with Neural Technologies Limited, had developed software that gave Kenyan security agencies access to private consumer data and enabled them to track and capture/abduct targets, especially during the 2024 protests

¹⁵⁹. An example of this would be the June 2025 incident that involved blogger and activist Albert Ojwang who was traced by police officers to his home in Homabay County with the suspected involvement of Safaricom in aiding his tracing and abduction¹⁶⁰. It has also been alleged that facilities in Westlands, Nairobi, near Safaricom headquarters, host some of the NIS's interception operations¹⁶¹.

The Kenya National Commission on Human Rights (KNCHR) documented at least 82 abductions since June 2024 tied to anti-government protests and online speech¹⁶². A particularly highprofile case involves Cabinet Secretary Justin Muturi's son, Leslie, who was allegedly abducted by NIS operatives during protests and only released after Muturi personally appealed to President Ruto¹⁶⁴. The cited reasons for the surveillance and abductions of these youth and activists were the prevention of terrorism, ensuring national security and controlling hate speech¹⁶⁵.

The Ruto regime has also been implicated in surveillance and digital manipulation strategies aimed at shaping public opinion and controlling dissent. A court case filed by Mary Wachuka, a software engineer, had claimed that she was contracted by State House personnel, including Ruto's speechwriter Eric Ng'eno, to develop "confidential software" to manage the President's and Deputy President's social media presence, delete or hide negative reactions, monitor opposition messaging, and even predict

¹⁵⁸ <https://monitor.civicus.org/watchlist-july-2025/kenya/> . Accessed 18 September 2025.

¹⁵⁹ <https://nation.africa/kenya/news/exclusive-how-kenyan-police-use-mobile-phones-to-track-capture-suspects-4804416#story> . Accessed 18 September 2025.

¹⁶⁰ <https://www.youtube.com/watch?v=UXvblr9Mx7c> . Accessed 19 September 2025.

¹⁶¹ <https://share.google/QoaEc6GcXIIUHxHQV> . Accessed 19 September 2025.

¹⁶² [Kenya human rights groups raise concerns over abductions of government critics | AP News](#). Accessed 19 September 2025.

¹⁶³ <https://www.aljazeera.com/features/2025/3/4/very-worrying-fear-stalks-kenya-as-dozens-of-government-critics-abducted> . Accessed 19 September 2025.

¹⁶⁴ [Kenyan minister says son was abducted by intelligence service | Reuters](#). Accessed 19 September 2025.

¹⁶⁵ https://opendocs.ids.ac.uk/articles/report/Surveillance_Law_in_Africa_a_Review_of_Six_Countries/26435920 . Accessed 19 September 2025.

or counter critical media coverage^{166 167}. The proposal allegedly included using behavioural analytics, trending-hashtag manipulation, psychometric profiling, and gathering intelligence on journalists and media houses^{168 169}. Most recently in June 2025, software developer Rose Njeri was arrested and prosecuted under the 2018 Misuse of Computer and Cybercrimes Act for creating an online tool that allowed citizens to object to the proposed finance bill because of widespread fears that it will raise the cost of living¹⁷⁰. In the same month, activist Albert Omondi Ojwang was arrested and tortured to death whilst in police custody over a social media post accusing a senior government official of corruption as well as allegedly insulting a police boss on social media^{171 172}.

The Ruto administration has also made a record number of metadata requests from Meta (Facebook, Instagram, WhatsApp and Threads). In 2024, a total of 35 requests were made to Meta for access to user data - more than any other country in East Africa¹⁷³. Between January and June 2024, the Kenyan government submitted 23 data requests - 19 tied to legal processes and four flagged as emergencies. From July to December 2024, it added 12 more requests. Meta responded to 43.5% of the requests, releasing some data to Kenyan authorities. The surge in requests marks a significant jump from previous

years. In 2023, Kenya made just 15 requests, compared to 23 in 2022, and 25 in 2021, and 33 in 2020.

As Meta reports a surge in government requests for user data, Kenya's National Assembly Budget and Appropriations Committee had allocated KES 150 million specifically to purchase and operate the Optimus 3.0 system, a system that is designed to monitor social media users across the country and possesses the capability to identify social media users across multiple platforms, tracking not just what people post, but where they post it from and which devices they're using, all traceable through connection metadata^{174 175}. While the Ruto led administration frames this as a necessary tool for combating cyber threats, hate speech and misinformation as well as target cyber terrorists, fraudsters and malicious hackers in order to protect national security, the reality is that this tool is meant to enhance state surveillance and repression against its critics¹⁷⁶.

As physical protests become increasingly dangerous, many Kenyans have turned to digital platforms to voice their concerns. But online spaces are no longer safe¹⁷⁷. The Kenyan government's response has been to execute mass digital surveillance against citizens online. The latest Bill proposed

166 [President Ruto men sued over 'classified' software to spy on Kenyans | Daily Nation](#). Accessed 19 September 2025.

167 <https://www.citizen.digital/news/head-of-public-service-koskei-denies-alleged-plot-by-govt-to-acquire-spying-software-n353602>

168 [Inside troll spyware pitting 'Ruto men' and a developer - The Standard](#). Accessed 19 September 2025.

169 [JUST IN: Treasury PS Kiptoo Alleges Defamation After Spying Software Allegations Surface | Daily Press](#). Accessed 19 September 2025.

170 <https://www.bbc.com/news/articles/cgmjlp1gnp8o> . Accessed 19 September 2025.

171 <https://www.bbc.com/news/articles/c79epzj703eo> . Accessed 19 September 2025.

172 <https://www.aljazeera.com/features/2025/7/9/killed-by-those-meant-to-protect-kenyans-outraged-by-police-violence> . Accessed 19 September 2025.

173 [Ruto Administration Made Record Meta Data Requests in 2024, Surpassing Regional Peers - Nairobi Wire](#). Accessed 19 September 2025.

174 <https://techweez.com/2025/06/11/kenya-social-media-surveillance-budget/> . Accessed 19 September 2025.

175 <https://monitor.civicus.org/watchlist-july-2025/kenya/> . Accessed 19 September 2025.

176 <https://tutaa.digital/cyber-security/kenyas-escalating-digital-surveillance-human-rights-at-risk-amid-new-government-measures/> . Accessed 19 September 2025.

177 <https://monitor.civicus.org/watchlist-july-2025/kenya/> . Accessed 19 September 2025.

in Kenya's Parliament is the controversial Kenya Information and Communications (Amendment) Bill of 2025. This Bill was proposed by Aldai MP Marianne Kitany and "proposes a metered billing system for internet users, assigning each subscriber a unique, trackable meter number to monitor real-time usage and generate detailed logs"¹⁷⁸. Although the declared objective of the Bill is to allegedly ensure consumer protection under article 46 of the Constitution, critics and experts raise the concern that the Bill could be "a trojan horse for mass surveillance" that could "create a surveillance infrastructure that enables the state to monitor, map and potentially control people's internet use without adequate safeguards or accountability"^{179 180}.

PARAMILITARY UNITS: OPERATIONAL CAPACITY AND PATTERNS OF ABUSE

The General Service Unit (GSU), a paramilitary formation within the National Police Service, has a multifaceted mandate ranging from providing security to the President, his deputy, state houses, and vital strategic locations, to controlling riot mobs and quelling civil unrest.¹⁸¹ Created in the late 1940s, the GSU was deployed in 1961 to address civil unrest in Zanzibar and fought against Somali secessionist actions during the Shifita War (1963). It was also deployed during the 1990s Saba Saba mass rallies, which resulted in 30 civilian deaths.¹⁸² The

Saba Saba protests marked a widespread call for democratisation and the end of the Moi regime. The GSU is estimated to have over 10 000 troops who receive training from Israel, the United Kingdom, and the United States.¹⁸³ The GSU's Recce unit, based in Ruiru, is considered an elite formation deployed to support operations from other units and conducts counterterrorism operations through its Crisis Response team.

The Recce unit was active during the September 2013 Westgate Mall attack and the April 2015 Garissa University terror attack. During the Westgate siege, an 8-member GSU unit was deployed to rescue hostages and neutralise the terrorists. However, lack of coordination and communication between the Recce unit and the Kenya Defence Forces resulted in friendly fire, forcing the Recce unit to withdraw. This coordination breakdown allowed the terrorists to regroup and prolong the siege for another four days.¹⁸⁴ Unlike the GSU, which surgically targeted the terrorists, the army bombed part of the mall with anti-tank shells. The tragedy ended with 67 people killed and 240 injured.¹⁸⁵

Two years later, during the Garissa University terrorist attack, which resulted in 142 student deaths, the Recce team was deployed to assist the KDF already on site. During a parliamentary hearing, Interior Minister Joseph Nkaissery admitted that the response was badly coordinated and that intelligence reports had been ignored. He acknowledged

178 <https://civicusmonitor.contentfiles.net/media/documents/Kenya.ResearchBrief.June2025.pdf> . Accessed 19 September 2025.

179 <https://tatuadigital/cyber-security/kenyas-escalating-digital-surveillance-human-rights-at-risk-amid-new-government-measures/> . Accessed 19 September 2025.

180 https://www.standardmedia.co.ke/opinion/article/2001520725/kenyas-new-communication-bill-is-a-trojan-horse-for-mass-surveillance?fbclid=IwY2xjawKrnXdleHRuA2FlbQlXMQBicmlkETFTm83c0hSdVJWcmxhWEhBAR5irBPf-3ew8cq5Kp36KcnPUCi9vgQdUXChKK60YLv-1Pt3m2C0pa5iMzUS7A_aem_EUA2JFlbNyD9pV-Sgaa1cw . Accessed 19 September 2025.

181 <https://www.gsu.go.ke/mandate-functions> accessed on 10 October 2025

182 <https://theafricancriminologyjournal.wordpress.com/2023/09/21/last-resort-inside-kenyas-general-service-unit/> accessed on 10 October 2025

183 Ibid

184 <https://theafricancriminologyjournal.wordpress.com/2023/09/21/last-resort-inside-kenyas-general-service-unit/> accessed on 10 October 2025

185 Ibid

that the Recce unit took considerable time to constitute, as elements were scattered across the country.¹⁸⁶ The GSU achieved greater operational success during the Nairobi DusitD2 Hotel attack in January 2019, which demonstrated improved coordination between the GSU, Kenyan intelligence services, the ATPU, and the army. The siege lasted 12 hours, and 700 people were saved.¹⁸⁷ The GSU also allegedly maintains a team specifically deployed for renditions, though obtaining concrete evidence has proven difficult.

THE SPECIAL SERVICE UNIT (SSU): A CASE STUDY IN IMPUNITY

The Special Service Unit (SSU) was a highly secretive and controversial paramilitary unit within the Kenyan police force, established during the Kenyatta presidency in 2019. Operating as an elite tactical unit within the Directorate of Criminal Investigations (DCI), the SSU was tasked with investigating and conducting high-risk operations against serious and organised crimes.

The SSU was instrumental in the brutal dismantling of the Mungiki sect, a violent youth militia whose members had been accused of masterminding the 2007 post-election violence. SSU officers were accused of extrajudicial killings and enforced disappearances during operations against the Mungiki. After these operations, more than 30 bodies were recovered from the Yala River.¹⁸⁸ The bodies had been dumped and retrieved between July 2021 and January

2022. Amnesty International's preliminary findings indicated that the bodies bore clear marks of physical torture and drowning.¹⁸⁹ "These bodies were being dumped into the river with ropes tied around the hands and legs, which indicates that they were victims of prior torture," Human Rights Activist Boniface Mwangi stated in an interview.¹⁹⁰ The Yala River bodies damaged the reputation of the security services, and exposed their inability or unwillingness to investigate and prosecute their colleagues who had been implicated in extra-judicial killings, enforced disappearances and other acts of impunity. Between 2019 and September 2022, Amnesty International Kenya documented 559 cases of extra-judicial killings and 53 cases of enforced disappearances. The SSU has been linked to most of these killings and disappearances.¹⁹¹

The SSU's role in extrajudicial killings and kidnappings came again under even greater scrutiny in 2022 when two Indian nationals and their Kenyan driver were found murdered in Aberdare Forest. Mohamed Zaid Sami and Zulfikar Ahmed Khan, who were working on Ruto's digital team ahead of the elections, were kidnapped outside the Ole Sereni hotel in Nairobi along with their driver, Nicodemus Mwanja.¹⁹² They were later found murdered in the Aberdare Forest.

Nine SSU officers were arrested in connection with the murders. The court received affidavits showing that the officers had used state vehicles from the SSU unit to kidnap the victims. Call logs demonstrated that all officers were present in the forest on the days of the murders and had communicated in the days

¹⁸⁶ Ibid

¹⁸⁷ Ibid

¹⁸⁸ <https://www.amnestykenya.org/statement-on-the-discovery-of-over-30-bodies-in-the-yala-river-siaya-county/> accessed on 11 October 2025

¹⁸⁹ Ibid

¹⁹⁰ Mwangi said this in an interview with an investigative journalist based in Kenya

¹⁹¹ <https://www.amnestykenya.org/investigate-historic-extra-judicial-killings-following-the-disbandment-of-dci-special-service-unit-ssu/#:~:text=Responding%20to%20the%20news%20of,and%20extra%2Djudicial%20killings.&text=On%2015%20October%202022%2C%20the,of%20these%20killings%20and%20disappearances.> Accessed on 9 October 2025

¹⁹² https://www.hiiraan.com/news4/2025/Sept/202860/15_cops_linked_to_murder_of_two_indian_nationals_kenyan_driver_released_on_bail.aspx accessed on 11 October 2025

following. The victims' connection to the Ruto campaign placed pressure on the Kenyan government to provide answers. The Indian High Commission had spent more than four weeks searching for their nationals through official channels. When bones and belts matching the missing persons were found in Aberdare Forest, forensic analysis confirmed they had been tortured and killed in the lead-up to the election. The investigation led by incumbent DCI head Mohammed Amin recommended the disbandment of the SSU, and President Ruto disbanded the unit shortly afterwards in October 2022. The notoriety of the SSU had become such a massive issue that President Ruto himself felt compelled to publicly state that he directed its disbandment as part of his plan to address extra-judicial killings in the country.

Addressing an interdenominational church service in Kericho County in the aftermath of its disbandment, President Ruto said the police unit had become killers, instead of protectors of ordinary Kenyans. "The country was very insecure. the police changed and became killers instead of protectors of ordinary Kenyans. I have ordered the disbandment of a Special Police unit that was killing Kenyans arbitrarily. We will change this country for the better," President Ruto told congregants.¹⁹³ However, there has been no substantive justice for the alleged crimes committed by the unit during its years of operation. Officers were recalled to DCI headquarters and reassigned to other police units.

A highly guarded report on the SSU's workings, conducted by DCI head Mohammed Amin, was submitted to President Ruto but it has never been publicly disclosed nor subjected to scrutiny by the Independent Policing Oversight Authority, which traditionally deals with police violations and misconduct. President Ruto's reference

to the SSU's connection to the Yala River murders without context or full investigation left many questions unanswered. "What was Ruto protecting by reading the report and not sharing it publicly? Who should the families of the Yala River murders go to for answers? The president," activist Boniface Mwangi asked rhetorically.¹⁹⁴

THE RUTO ADMINISTRATION: FROM REFORM RHETORIC TO INTENSIFIED REPRESSION

During the 2022 election campaigns, Ruto and his political allies had accused Kenya's security services of politically motivated arrests, enforced disappearances, and extrajudicial killings. Subsequently, the Ruto presidency adopted a reformist approach to security sector governance as shown by the move to disband the notorious SSU. However, this was short-lived. Rather than implementing genuine reforms which would have implied depoliticization, increased civilian oversight, transparency, and accountability, the security apparatus has become more violent, more politically instrumentalised, and increasingly opaque under President Ruto's watch. The disbandment of the SSU did not resolve the problem of repression and the resultant extra-judicial killings, as widespread credible reports suggested that it was merely replaced by another secretive killing machine.

In November 2022, shortly after the SSU was dissolved, it emerged that the DCI had secretly sent out a memo to other specialised police units, requesting senior officers to recommend 50 members to form a new, unspecified team at the DCI headquarters. Intelwatch received a copy of this memo. The Kenyan Human Rights Commission (KHRC) later claimed that the SSU was quietly replaced by another secretive unit called the Operation Action Team (OAT).¹⁹⁵ Speaking

193 <https://www.citizen.digital/article/they-became-killers-instead-of-protectors-president-ruto-explains-disbandment-of-dcis-ssu-n307563> accessed on 9 October 2025

194 Mwangi said this in an interview with an investigative journalist based in Kenya

195 <https://k24.digital/411/khrc-official-ruto-admin-quietly-replaced-killer-ssu-with-new-dci-unit> accessed on 9 October 2025

on the matter in a television broadcast in June 2025, KHRC Communications Lead, Ernest Oduor, accused the Ruto administration of reneging on its pledge to end extrajudicial killings and enforced disappearances. Oduor said that in disbanding the SSU and creating another unit in its place, the government had only changed the name, not necessarily the deadly repressive tactics associated with the SSU. According to Oduor, the OAT has been accused of conducting abductions, enforced disappearances and executions targeting government critics. “This unit (OAT) does exist. The president, on one hand, makes promises to end extrajudicial killings, and on the other, a unit is formed to continue the same crimes. Nothing has been learned... “From Moi to Ruto, it’s the same script, different actors. They’ve simply refined the tactics. But the people still suffer,” Oduor added. The OAT strands accused by Human Rights Watch of conducting mass abductions of protesters since July 2024.¹⁹⁶

Hope that President Ruto would pursue a reformist and democratisation process, were quickly shattered by the repression that greeted the 2023 protests against the high costs of living. The protests (as previously explained) were dubbed the Maandamano protests, and led by President Ruto’s long-time political nemesis, Raila Odinga.¹⁹⁷ Again, there were extra-judicial killings, torture and abductions. During three months of protests, human rights bodies recorded more than 31 deaths and hundreds of injuries to protesters, yet no security service personnel were brought to account.¹⁹⁸

Between September 2023 and August 2024, a national security report presented by President Ruto himself to Parliament indicated that kidnappings and abductions had increased by 44 percent and were largely attributed to state action and inaction.¹⁹⁹ The Maandamano protests made Ruto’s administration deeply unpopular with Kenyan citizens and exposed his government to widespread criticism regarding spending priorities. Images of cabinet members spending lavishly while most Kenyans buckled under the crushing weight of economic hardships brought on by government austerity measures deeply angered the public.²⁰⁰

A year before the GENZ protests Ruto nominated a career intelligence officer, Noordin Haji to head the national intelligence Service, breaking away from the tradition of placing military officers in the helm of the services. Haji had previously served as Director of Public Prosecutions, and is credited with having been instrumental in the bipartisan negotiations that appeased the hostile relations between Ruto and opposition leader Odinga.²⁰¹ Following the impeachment of former VP Rigathi Gachagua, and the Gen Z protests the NIS is believed to have created a team to monitor both activists and political dissidents. Gachagua is a political threat that Ruto fears given his capacity to mobilise the electorate in Mount Kenya and the urban centres of Nairobi and Nakuru, which has led the NIS to increase surveillance across the country. Two of the VP’s allies were taken in for questioning by the Directorate of Criminal Investigations (DCI) in June, joining a list of government critics that have been interrogated or detained by police.

196 <https://www.reuters.com/world/africa/how-kenya-police-cover-up-killings-anti-government-protesters-2025-01-06/>

197 <https://www.youtube.com/playlist?list=PL8SSOIb3zzK8bnCLNA6ysWEilyTCquLXa> accessed on 12 October 2025

198 <https://www.hrw.org/report/2024/11/25/unchecked-injustice/kenyas-suppression-2023-anti-government-protests> accessed on 12 October 2025

199 <https://www.parliament.go.ke/sites/default/files/2024-02/2023%20REPORT%20ON%20STATE%20OF%20NATIONAL%20SECURITY.pdf> accessed on 12 October 2025

200 <https://www.voaafrica.com/a/kenyan-public-frustrated-by-excessive-government-spending/7511850.html> accessed on 12 October 2025

201 <https://nation.africa/kenya/news/return-to-spy-roots-ruto-nominates-noordin-haji-for-top-nis-role-4237026>

THE 2024 GEN Z PROTESTS: MASS MOBILISATION AND STATE VIOLENCE

Already deeply unpopular, President Ruto did not do himself any favours in May 2024 by tabling the Finance Bill, which sought to raise state revenues by increasing taxes on working Kenyans. The taxes extended into traditionally reserved income areas, including digital spaces where young Kenyans operated; there were proposed motor vehicle taxes, and increases in Value Added Tax.

The Bill instantly attracted widespread criticism from most sections of Kenyan society and drew particular criticism from young Kenyans who used social media platforms to mobilise people for a leaderless protest march to Parliament.

The initial protests were peaceful but soon turned violent in the face of repressive state tactics, leading to more than 20 deaths, the storming and destruction of the Kenyan Parliament, and a string of arrests, detentions, and abductions. In 2024, Armed Conflict Location & Event Data (ACLED- an independent, impartial global monitor that collects, analyses, and maps data on conflict and protest) recorded over 1800 demonstrations in Kenya, with the strongest and most active being those led by the so-called Gen Z movement, teachers, and health workers. These demonstrations occurred in multiple counties, with some turning violent.²⁰² At the end of the protests, 65 people had been killed, 342 civilians injured, and 171 police officers injured. An independent report published by the Independent Policing Oversight Authority condemned the police for using disproportionate force and a general lack of professionalism that failed to uphold public safety and rights.²⁰³ Multiple reports

of enforced disappearances of activists were recorded, and police employed concealed officers moving in unmarked cars and operating unidentifiably during arrests. The total toll after the protests was 1126 people arrested, with only 223 brought to courts of law. It remains unclear how many releases were made and whether all protesters are accounted for.

Cornered by the protests and widespread international attention and criticism, President Ruto eventually withdrew the Bill—which had already been passed—and disbanded his entire cabinet in response to global pressure regarding the handling of the protests. However, the protests and violence have continued into 2025 with activists taking to the streets to protest police brutality. The #EndAbductionsKE protests, targeting the DCI, demanded answers for the abduction of more than 50 people during the #RejectFinanceBill protests.²⁰⁴ The matter was pointedly raised in an open Twitter space that William Ruto held with young people. Ruto “regretted” the behaviour of security services but took no tangible investigative or prosecutorial action.²⁰⁵

Another round of protests was triggered by conflicting reports on the death of popular

202 <https://acleddata.com/infographic/despite-crackdown-gen-z-demonstrations-dissent-persists-kenya> accessed on 12 October 2025

203 <https://www.bbc.co.uk/news/articles/cy5w5nyd5xzo> accessed on 12 October 2025

204 <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1201/Statement-on-Mukuru-Murders-and-Updates-on-the-Anti-Finance-Bill-Protests> accessed on 12 October 2025

205 <https://www.bbc.co.uk/news/articles/ce58y8ngdk5o> accessed on 12 October 2025

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DCI/SEC/1/1/2/1/11/VOLIV/237

17th November 2022

The Deputy Inspector General
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✓The Deputy Inspector General
Administration Police Service
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TALENT SPOTTING OFFICERS FOR DEPLOYMENT TO DCI

We refer to the IG's letter Ref: NPS/IG/SEC/1/2/1/11/VOL.III/17 dated 16th November, 2022 on the above matter. We request for shortlisting of 50 officers each from GSU and ASTU.

The officers need to meet the following criteria:-

1. Must have served for a minimum of 5 years.
2. No disciplinary record for the last 3 years
3. Must have passed the whole of the police law examination
4. Must be below 40 years
5. Must have above average marksmanship skills.

We request the list of the shortlisted candidates for our further attention.

Interviews will be scheduled on short notice at the respective Unit headquarters.

Mohamed I. Amin, EBS, OGW, ndc(K)
DIRECTOR CRIMINAL INVESTIGATIONS.

Drift
info Asin & Perera
the officers
21.11.2022

blogger Albert Ojwang, who died in police custody in June 2025. The police initially claimed that Ojwang had died of self-inflicted wounds, but they were forced into a retraction after an autopsy subsequently indicated he had died from physical assault including neck compression, severe head injuries, and multiple soft tissue trauma.²⁰⁶ Ojwang had been arrested and detained by the police on allegations of publishing false information about the Deputy Inspector General of Police, Eliud Lagat. The arrest and charge itself is indicative of the levels of digital surveillance-enabled repression in Kenya and the consequent criminalisation of matters that ought to fall under the realm of civil law in a democratic society. The death of Ojwang and the autopsy findings led to national outrage and mass protests across 27 counties, with police using teargas, rubber bullets, and live ammunition to contain demonstrators.²⁰⁷

THE LESLIE MUTURI ABDUCTION: PRESIDENTIAL COMMAND AND CONTROL

One prominent abduction case involved Leslie Muturi, son of Public Service Cabinet Secretary Justin Muturi. In his statement to the police, Justin Muturi alleged that his son was abducted by the National Intelligence Service on 22 June 2024 and he was only released after he raised the matter with Ruto, who personally called for his release.²⁰⁸

“Standing outside the State House pavilion, I heard the President ask (*Director-General of the National Intelligence Service*) Noordin Haji if he was holding my son. Noordin confirmed that he indeed was holding my son, and the President instructed him to release Leslie immediately,” Muturi reported in a statement to police.²⁰⁹ This revelation,

which Ruto has not denied, indicates on one hand, a repression system which is capable of devouring its own. On the other hand, it points to the direct command and control of the repressive machinery by the head of state in this case, President Ruto. It can be interpreted to mean that the units responsible for kidnappings and enforced disappearances operate at the behest of and are answerable to the president.

THE SHADOW MILITIA UNDER RUTO: FORMER VICE PRESIDENT GACHAGUA'S EXPLOSIVE CLAIMS

A hit squad which answers directly to President Ruto does indeed exist, at least according to former Vice President Rigathi Gachagua. The Democracy for the Citizens Party (DCP) leader, deputised President Ruto from September 2022 until his impeachment in October 2024 on a plethora of charges, including fuelling ethnic tensions and publicly attacking the National Intelligence Service (NIS). In June 2025, Gachagua publicly accused President Ruto of running a secretive 101-member killer squad in the police service to stage abductions and summary executions of protesters.²¹⁰ He even linked the squad to the brutal killing of popular blogger Albert Ojwang in police custody (see section below), alleging that many other Kenyans had met their untimely deaths at the hands of the squad, and the cases have been expertly covered up under President Ruto's watch. “This issue (Ojwang's death) is just a tip of the iceberg. Hundreds of young people have been tortured to death by a special squad of 101 officers that was set up on the instruction of William Ruto and seconded to NIS, and highly trained on abductions, torture, killings and cover-ups.” William Ruto cannot run away from these deaths. He is responsible, and Kenyans

206 <https://www.bbc.co.uk/news/articles/cz09l4k4184o> accessed on 12 October 2025

207 Ibid

208 <https://nation.africa/kenya/news/cs-justin-muturi-nis-was-behind-my-son-s-abduction--4889104> accessed on 12 October 2025

209 <https://www.bbc.co.uk/news/articles/cq8kqq2y0g3o> accessed on 12 October 2025

210 <https://www.citizen.digital/article/gachagua-alleges-there-is-a-killer-squad-of-101-officers-set-up-under-rutos-instructions-n364658> accessed on 12 October 2025

will punish him for that,” Gachagua said at a church service in Kirinyaga County.²¹¹

If anything, the accusations and the escalating repression encapsulates a continued pattern of shadow groups or militias operating at the instructions of President Ruto as was the case back in 2007. During the 2007-2008 post-election violence, similar accusations emerged of Ruto deploying armed and trained informal groups against political opponents. There is a level of informality to these abductions renditions that do not follow the chain of command of official police units. As one well-known activist noted, “There is a reason why this current president ended up at the ICC some years ago—at the time he led and even now he is still leading informal teams of police and intelligence squads that only follow political instructions.”

Addressing a governance forum earlier in May 2025, President Ruto conceded that segments of his administration had engaged in kidnappings and enforced disappearances but quickly added that all those taken had been returned to their families on his orders. “All the people who have disappeared—all of them—have been brought back to their families and homes, and I have given clarity and firm instructions that nothing of that nature will happen again,” the president casually stated without any evidence to back up his claims.²¹² This admission without accountability demonstrates the impunity with which the presidency and the state security forces operate. The president can just make unsubstantiated claims at whim without ever feeling the need to justify them. On the other hand, the security forces can act with impunity in the illusion that they will never be held accountable for their actions. This is an illusion rooted in the seeming failure of the ICC case against Kenyatta and Ruto.

However, it has to be stated that extra-judicial killings, enforced disappearances and torture constitute crimes under international law and may be subject to a renewed prosecution as war crimes or crimes against humanity at the ICC in future.

THE SABA SABA COMMEMORATION: FRAMING PROTESTS AS TERRORISM

President Ruto and his lieutenants’ penchant for violent rhetoric fuelling the security agencies’ heavy-handed repressive responses to civilian protests was unleashed again in the run-up to and during the 7 July 2025 Saba Saba protests. President Ruto had ordered the police to literally go and ‘break a leg’ by shooting protesters in the legs to ensure they were incapacitated but not killed.²¹³ “Anyone caught burning another person’s business or property should be shot in the leg, hospitalised, and later taken to court. Don’t kill them, but ensure their legs are broken,” the president said.²¹⁴ Interior Minister Kipchumba Murkomen also engaged in incendiary rhetoric, disingenuously framing the protests as a **politically sponsored coup plot to destabilise the state**. “This has nothing to do with protests. It was an attempted coup,” Murkomen thundered before issuing a chilling warning to those he described as protest financiers, saying, “Make no mistake, we will come for you.”²¹⁵

Calls for the arrest of former Vice President Gachagua increased among Ruto’s allied MPs, who accused him of funding the unrest. As protests were happening, the Communications Authority of Kenya revealed its partisan allegiances by ordering media houses to cease live broadcasts. Amnesty International criticised the Authority’s decision, describing it as “a dangerous step towards suppressing fundamental freedoms

211 Ibid

212 <https://nilepost.co.ug/news/258012/no-more-abductions-says-kenyas-ruto> accessed on 12 October 2025

213 <https://www.bbc.co.uk/news/articles/cy5w5nyd5xzo> accessed on 12 October 2025

214 Ibid

215 <https://www.theafricareport.com/386893/ruto-vs-gen-z-inside-kenyas-youth-revolt/> accessed on 12 October 2025

in Kenya”.²¹⁶ “...live broadcasts serve a crucial role in a democratic society. Live coverage provides citizens with information about events as they unfold, enabling them to make informed decisions and understand the evolving situation. This transparency is vital in preventing the spread of misinformation and rumours,” Amnesty further stated.²¹⁷ The framing of the protests as acts of terrorism,

effectively exposed the protesters to new forms of legal and opaque repression. Hundreds of protesters, including well-known activist Boniface Mwangi, were arrested for “facilitating terrorist activities” and now face numerous charges.²¹⁸ So far, 37 protesters, including a member of Parliament, have been charged with abetting terrorism.

KENYA’S COUNTER-TERRORISM ARCHITECTURE: THE EVOLUTION OF THE ATPU AND THE SECURITISATION OF DISSENT

Beside the many formal police and intelligence units, and non-statutory paramilitary groups, lies a vast counter-terrorism force. Kenya’s counter-terrorism landscape has undergone profound transformation since the turn of the millennium, evolving from reactive responses to isolated terror incidents into a comprehensive security architecture characterised by expansive surveillance capabilities, foreign military partnerships, and increasingly authoritarian practices.

At the heart of this transformation is the Anti-Terrorism Police Unit (ATPU), a paramilitary style force that has become both the primary instrument of Kenya’s counter-terrorism strategy and a concern for human rights violations. This section examines how external funding and training from Western powers—particularly the US and the UK—has shaped Kenya’s counter-terrorism apparatus, and how the threat of terrorism has been weaponised by successive Kenyan regimes to justify the restriction of civil liberties, the targeting of marginalised communities, and the suppression of political dissent.

The foundation of Kenya’s contemporary counter-terrorism infrastructure was laid in the aftermath of two deadly attacks that exposed the country’s vulnerability to international terrorism. The 1998 bombing of the United States Embassy in Nairobi killed over 200 people and injured thousands more, marking Kenya as a target in Al-Qaeda’s global campaign against American interests. This was followed by the 2002 attack on a hotel in Mombasa, which further demonstrated that Kenya’s porous borders, strategic location, and significant western presence made it an attractive target

216 <https://www.amnestykenya.org/statement-on-the-communications-authoritys-directive-to-halt-live-broadcast-of-protests-and-potential-shutdown-of-the-internet-for-56-million-kenyans/> accessed on 12 October 2025

217 Ibid

218 <https://www.counterextremism.com/roundup/eye-extremism-july-22-2025> accessed on 12 October 2025

for terrorist organisations. These attacks coincided with the global paradigm shift following the 9/11 (September 11, 2001) terror attacks in the US), when the US announced its 'War on Terror' campaign and began seeking partners to extend its counter-terrorism operations across the world. Kenya, with its relative stability compared to its neighbours and its willingness to cooperate with western intelligence agencies, emerged as a crucial ally in East Africa. This convergence of Kenyan vulnerability and American strategic interest created the conditions for the establishment of the Anti-Terrorism Police Unit (ATPU) in 2003.

The ATPU was not just a response to past attacks, but part of a broader securitisation agenda that framed Kenya's diverse security challenges—including coastal radicalisation, refugee flows from Somalia, and political instability in neighbouring countries—through the lens of terrorism. This framing would prove consequential, as it provided justification for extraordinary powers, foreign intervention, and the gradual erosion of civil liberties in the name of national security.

The ATPU operates as a specialised division within the Directorate of Criminal Investigations (DCI), which itself falls under the National Police Service. While the DCI's mandate includes collecting criminal intelligence and investigating serious crimes including terrorism and organised crime, the ATPU enjoys a degree of operational autonomy that sets it apart from standard police units. The unit is currently led by Director Saidi Kiprotich, whose career trajectory through Kenya's security apparatus—including leadership roles in the Flying Squad and Special Crimes Prevention Unit—reflects the overlapping personnel and operational approaches across Kenya's various security forces. The ATPU's organisational structure includes four regional sub-units: Nairobi, North-Eastern, Coast, and Western, each further divided into smaller detachment units. This regional distribution reflects the geographic concentration of perceived

terrorist threats, with particular emphasis on the predominantly Muslim coastal region and the border areas adjacent to Somalia.

The exact number of ATPU officers remains classified, though estimates suggest the unit comprises more than 1500 personnel.²¹⁹ This secrecy extends to recruitment processes, training curricula, and operational protocols—an opacity that human rights organisations argue creates conditions for abuse and impunity. Official descriptions characterise ATPU officers as a "tactical team carefully selected and vigorously trained to handle any terror challenge," but the absence of transparent selection criteria and public accountability mechanisms has led critics to describe the ATPU as a "paramilitary outfit without defined command and control under established national legislation."²²⁰ This characterisation is probably the best way to describe the ATPU as its reported access to military-grade hardware, autonomy in conducting operations, and its integration with intelligence services both domestic and foreign place it in a grey zone between civilian law enforcement and military operations. This ambiguity has practical implications: it complicates efforts to hold the unit accountable under civilian law while potentially shielding operations from the scrutiny that would apply to Kenya Defence Forces operations.

219 2025 Interview with Kenyan security expert

220 Ibid

THE THREAT LANDSCAPE: SOMALIA, AL-SHABAAB, AND THE SECURITISATION OF DISSENT

Kenya's security calculus fundamentally shifted in October 2011 when it deployed troops to Somalia under Operation Linda Nchi (Swahili for 'Protect the Nation').²²¹ This intervention, framed as necessary to defeat the Al-Shabaab insurgency and stabilise Somalia after the failure of previous multilateral missions, marked Kenya's transition from a largely defensive counter-terrorism posture to active military engagement beyond its borders. The operation was justified as a response to cross-border kidnappings and attacks attributed to Al-Shabaab, but it also reflected Kenya's ambitions for regional influence and its alignment with international counter-terrorism objectives.

However, this military adventurism came with severe domestic consequences. Between 2011 and 2014, Kenya experienced 70 grenade and gun attacks, with nearly 30 occurring in the year immediately following the deployment.²²² The United States had warned Nairobi about imminent terror attacks, and these warnings materialised almost immediately: just two days after the Kenya Defence Forces entered Somalia, a grenade was thrown into a downtown Nairobi bar. Border regions in Northern Kenya, particularly around Garissa, became increasingly volatile as Al-Shabaab demonstrated its capacity for retaliation on Kenyan soil. This escalation served multiple functions for Kenya's security establishment. It validated the initial intervention, created justification for expanded security powers, and provided a framework for increased cooperation with—and funding

from—Western powers concerned about regional instability.

The September 2013 attack on Westgate Mall in Nairobi represented a watershed moment in Kenya's counter-terrorism trajectory. Al-Shabaab gunmen killed 67 people and injured hundreds more in a multi-day siege that was broadcast globally, exposing significant failures in Kenya's security services. The attack's target—an upscale shopping mall frequented by expatriates and Kenya's elite—shattered any remaining illusion that terrorism was a problem confined to border regions or affecting only marginalised communities.

The security response to Westgate revealed both the capabilities and the troubling methods of Kenya's counter-terrorism forces. While the ATPU response was described as "robust," reports emerged of extrajudicial actions during and after the siege. A 2013 investigation by the Open Society Justice Initiative and Muslims for Human Rights (MUHURI) documented allegations of extrajudicial killings and enforced disappearances by ATPU officers. Human Rights Watch reported that the unit had arbitrarily detained more than 85 people—including 19 women and 15 children—without access to lawyers or family members, subsequently rendering them to Somalia. These revelations placed the ATPU's operational methods under international scrutiny, but they did not result in significant reforms. Instead, the attack intensified the securitisation of Kenyan society and provided justification for expanded surveillance powers and curtailed civil liberties.

The April 2015 attack on Garissa University College demonstrated Al-Shabaab's

221 One of the most visible failing resulted in the withdrawal of the US military from the Black Hawk Down incident of 1993 in which more than 200 people died and more than 700 were injured. The incident led to the withdrawal of U.S troops from Somalia and the closure of a United Nations Mission codified as the United Nations Operation In Somalia II (UNOSOM II). The mission had brought close to 27 countries together contributing more than 22,000 peace keeping troops. It was, at the time, the largest peace keeping mission ever assembled.

222 U.S Embassy In Kenya. (2016) Country Reports On Terrorism, Kenya. Accessed at: <https://www.state.gov/reports/country-reports-on-terrorism-2022/kenya>

continued operational capacity and willingness to inflict mass casualties on Kenyan soil. The assault, which killed 148 people—mostly students—and injured 79 others, became one of the deadliest terrorist attacks in Kenya's history. The high death toll and the targeting of young people at an educational institution generated enormous domestic pressure on the government to respond decisively.

Using intelligence linking approximately 13 Somali-owned businesses to terrorism financing, the ATPU successfully lobbied for their trading licences to be revoked by the Central Bank of Kenya.²²³ More controversially, the initial list prepared by the ATPU included two prominent non-governmental organisations—Haki Africa and Muslims for Human Rights (MUHURI)—both of which had been vocal critics of ATPU's human rights violations and operated primarily in Mombasa. The inclusion of these organisations revealed a disconcerting trend: the counter-terrorism framework was now being used to silence dissent and neutralise organisations that challenged the security establishment's impunity. Though the Mombasa High Court eventually delisted both organisations, the episode demonstrated how terrorism designations could be weaponised against legitimate civil society actors.

The attack's aftermath revealed how counter-terrorism operations could be weaponised against civil society. The United Nations Security Council strongly condemned the attack and urged Kenya to bring perpetrators and financiers to justice. This international pressure led to the official designation of Al-Shabaab and the Mombasa Republican Council as terrorist organisations. However, the ATPU's response went beyond targeting those directly involved in terrorism. The instrumentalisation of terrorism legislation to target critics represents a crucial evolution in Kenya's security state. What began as a response to genuine security

threats had expanded into a mechanism for suppressing political opposition and controlling the civic space.

The January 2019 attack on the Dusit D2 complex in Westlands—an affluent Nairobi neighbourhood—killed 21 civilians and one Kenyan soldier. Five Al-Shabaab attackers were killed by Kenyan security services working alongside armed civilians. What the attack proved was that the ATPU and related security services were not up to the task despite years of enhanced training, foreign funding, expanded powers and a free hand to operate with impunity.

Yet the response to Dusit D2 reflected an important shift. By 2019, the extraordinary measures implemented after Westgate had become normalised features of Kenya's security landscape. Expansive surveillance, warrantless detentions, and the targeting of specific communities were no longer emergency responses but standard operating procedures. The attack served to justify the continuation and expansion of these practices rather than prompting a reassessment of their effectiveness.

WESTERN FUNDING AND THE MILITARISATION OF KENYAN SECURITY

The US involvement in Kenya's counter-terrorism architecture has been extensive, strategic, and opaque. The funding streams are complex and come from multiple US government departments and agencies, creating a web of financial support that totals hundreds of millions of American dollars over the past two decades. The foundation was laid with President George Walker Bush's East African Counterterrorism Initiative, which provided a US\$88 million aid package in 2003—the same year the ATPU was established. This was followed by the East African Counter Terrorism

²²³ <https://www.reuters.com/article/markets/commodities/kenya-shuts-down-somali-remittance-firms-freezes-accounts-idUSL5N0X5OYD/> accessed on 12 October 2025

Fund approved by Congress in 2012, which institutionalised ongoing support.²²⁴ Beyond these dedicated counter-terrorism programs, Kenya has received direct Pentagon support for peacekeeping operations and funding from the Defense Department's Section 1206 global fund, which channelled over US\$46 million to Kenya between 2006 and 2011. The State Department's Anti-Terrorism Assistance (ATA) programme provided an additional US\$49.5 million between 2003 and 2011.

During the Kibaki administration (2002–2013), US security assistance to Kenya more than doubled, enabling the creation and expansion of units like the ATPU. More than 500 security officers who formed the initial ranks of the ATPU received training in the US through security cooperation programmes.²²⁵ The US was also instrumental in the legislative overhaul of Kenya's counter-terrorism laws, effectively exporting American legal frameworks to the Kenyan context. The Obama administration significantly expanded US counter-terrorism operations in East Africa, developing what became known as the 'disposition matrix'—a targeting database that detailed how individuals were selected for elimination via drone strikes. This expansion included the development of airfields in Djibouti, Kenya, and Ethiopia to support surveillance and drone operations. The establishment of Camp Simba, a forward operating location in Manda Bay, Lamu, provided the United States Africa Command (AFRICOM) with a permanent operational base in Kenya.²²⁶

The strategic importance of Kenya to US counter-terrorism efforts was formalised under the first Trump administration with the

establishment in 2020 of the Joint Terrorism Task Force Kenya—the first such task force outside the United States.²²⁷ This was followed in 2024 by Kenya's designation as a non-NATO ally, making the first sub-Saharan African country to hold this status.²²⁸ These designations reflect Kenya's perceived value not only in counter-terrorism operations but in broader regional stability efforts and as a counterweight to Russian influence in Africa. The partnership deepened under the Biden administration. CIA Director William Burns's October 2024 visit to President Ruto included discussions about establishing a US military base in Turkana (Northern Kenya) and expanding the existing Manda Bay base in Lamu. These developments suggest that the US views Kenya as an increasingly critical node in its global counter-terrorism network, regardless of ongoing human rights concerns.²²⁹

Training provided by the US Military Academy's Combating Terrorism Center has been particularly controversial. The Center's materials have identified Arab, Arab-Swahili, and Somali minority communities in Kenya—predominantly located in Mombasa and coastal areas—as “factors of terrorism in Kenya.” This framing has directly contributed to the ATPU's targeting and profiling of these communities, many of whose members are Kenyan citizens with no connection to terrorism. The focus on minority Muslim populations reflects a troubling exportation of post-9/11 American perceptions of terrorism rather than an evidence-based approach to Kenya's specific security challenges. This training bias has had tangible consequences. The disproportionate targeting of Somali and Muslim communities has alienated

224 <https://georgewbush-whitehouse.archives.gov/homeland/progress/text/strength.html> accessed on 12 October 2025

225 <https://www.jstor.org/stable/44218549> accessed on 12 October 2025

226 <https://www.af.mil/News/Article-Display/Article/4137524/us-kenya-partnership-fortified-through-joint-engineering-efforts-at-camp-simba/> accessed on 12 October 2025

227 <https://www.fbi.gov/news/press-releases/fbi-state-department-partner-with-kenya-to-launch-first-overseas-joint-terrorism-task-force> accessed on 12 October 2025

228 <https://www.aljazeera.com/news/2024/5/24/major-non-nato-ally-what-does-bidens-new-kenya-pledge-mean> accessed on 12 October 2025

229 <https://nation.africa/kenya/news/what-uk-us-want-from-ruto-4805970#story> accessed on 12 October 2025

populations whose cooperation would be essential for effective counterterrorism, created cycles of grievance and radicalisation, and violated the fundamental rights of Kenyan citizens based on their ethnicity and religion.

British involvement in Kenya's counterterrorism apparatus has also been substantial, though somewhat more transparent than US operations. Since 2018, when the UK and Kenya signed a security compact, Britain has provided approximately seven million pounds annually to the ATPU for training in complex anti-terrorism response. This funding has also supported infrastructure, including the construction of the ATPU's Mombasa regional office—one of the unit's most vital facilities given the concentration of perceived radicalisation threats along the coast.²³⁰ The security compact signed in 2018 theoretically requires respect for human rights values and adherence to international law and human rights obligations. However, the gap between these stated principles and operational reality has been significant. The compact outlines cooperation in more than ten areas including countering violent extremism, command and control with political oversight, counter-IED operations, protection and preparation for attacks, and criminal justice responses including transnational crime.

The British Peace Support Team (BPST), which also trains Kenya Defence Forces for peacekeeping missions, has been the primary vehicle for ATPU training.²³¹ The curriculum includes the use of "tactical weapons," conducting witness interviews, and suspect interrogation—areas where human rights concerns are particularly acute given documented cases of torture and abuse. The training also extends to terrorist financing investigations and the use of biometric data and fingerprinting technology.

The US and the UK that depend on Kenya to stabilise the region, assist with peacekeeping operations in Somalia and the DRC, and provide vital intelligence on terrorist cells, financing, and operations. Kenya has also been useful in countering Russian operations in African countries where Kremlin-supported mercenaries operate. This regional importance creates perverse incentives: the worse the regional security situation becomes, the more valuable Kenya is to western powers, and the more willing those powers are to overlook domestic human rights violations. While the US's training of security services around the world is governed by the Leahy Law that requires prior human rights vetting of any units trained, intelligence services are not covered by this law or any similar legal standards. The US and the UK, with their opaque, secretive, unsanctioned and unaccountable actions, are actively derail democracy, human rights and threaten to create even greater dissent.

In 2020, an investigation by Declassified UK revealed the existence of a CIA-backed paramilitary group called the Rapid Response Team (RRT), created following the 1998 embassy bombings and the 9/11 attacks.²³² Designed as a counter-terrorism unit specialising in the rendition of high-value Al-Qaeda suspects, the RRT operates in coordination with Kenya's intelligence service and the ATPU. By 2006, Kenya's intelligence service had established dedicated liaison cells working with the CIA, MI6, and Israel's Mossad—a remarkable degree of foreign intelligence penetration into a sovereign country's security apparatus.

The RRT represents the most extreme manifestation of Kenya's partnership with Western intelligence services. Unlike the ATPU, which nominally operates within Kenya's legal framework, the RRT appears to function outside institutional oversight,

230 <https://www.gov.uk/government/news/first-uk-funded-anti-terrorism-police-unit-headquarters-opened-in-kenya> accessed on 12 October 2025

231 <https://www.army.mod.uk/learn-and-explore/global-operations/africa/batuk/> accessed on 12 October 2025

232 <https://www.declassifieduk.org/the-militarisation-of-us-africa-policy-how-the-cia-came-to-lead-deadly-counter-terrorism-operations-in-kenya/> accessed on 12 October 2025

legal constraints, and public knowledge. Its operations have included night-time raids, kidnappings using fake licence plates, and the rendition of suspects to Somalia, Uganda, and other countries where they faced torture and unfair trials. The absence of oversight and accountability for RRT operations has led to tragic mistakes. In 2019, the unit was accused of the unconstitutional killing of a misidentified suspect who turned out to be a motorcycle taxi driver—an innocent man killed because of faulty intelligence and the unit's shoot-first operational culture. In September 2022, Pakistani journalist Arshad Sharif was “mistakenly” shot dead by Kenyan police officers at a roadblock on the Nairobi-Magadi road.²³³ A Kenyan court later ruled the killing illegal, but no officers were held accountable. These cases represent only the documented incidents. The nature of RRT operations—conducted in secrecy, often at night, targeting individuals who may have no family or community willing to publicly challenge their disappearance—means that the full scope of mistakes, abuses, and unlawful killings will likely never be known.

Officers of Kenyan security agencies that had conducted night time raids, extra-judicial killings, enforced disappearances were relying on information provided by Britain's MI6 and weapons that were being supplied by the CIA. They often disguised as aid workers to gain access to refugee camps where terrorism suspects were profiled and used fake number plates in their kidnap of people who were on the ‘kill or capture’ list. Despite the detailed reports that linked the CIA and MI6 to the RRT and to the ATPU, the two countries; UK and USA have neither confirmed nor denied their involvement in the operations of the paramilitary outfit. Various calls by

Human rights defenders to gain clarity on the symbiotic relationship between the agencies and paramilitary outfits have been met with silence and no response²³⁴ Officers linked to the RRT have told journalists before that the terrorism renditions to Uganda following the 2007 twin bombings in Kampala were conducted by RRT with financing from the CIA.²³⁵ The renditions, in which more than a dozen suspects were captured in Kenya and renditioned to Uganda and tried before the courts were highly controversial. The renditioned Kenyans were found by a Uganda court to be innocent of the terrorism charges and cleared them²³⁶. This refusal to acknowledge creates a deliberate accountability gap: Kenya can claim it is acting with the support and at the behest of its western partners, while those partners deny any involvement in operations that violate human rights.

EFFECT ON KENYAN SOCIETY

The ATPU's operations have created profound divisions within Kenyan society by systematically targeting and alienating Muslim communities. Between 2012 and 2014, the killings of prominent Muslim clerics escalated dramatically, giving credence to allegations of a Kenyan police death list. The assassination of Abubakar Shariff Ahmed (Makaburi) was the third high-profile killing of a Muslim cleric, following the deaths of Samir Hashim Khan and Mohammed Bekhit Kassim in 2012 by ATPU officers. These killings intensified as Kenya became more deeply involved in the Somalia conflict, particularly after deploying the Kenya Defence Forces in October 2011. Between 2012 and 2014, the NGO Haki Africa reported that at least 81 Muslims had been extrajudicially killed or had

233 <https://www.ohchr.org/en/press-releases/2024/09/kenya-un-expert-urges-full-accountability-pakistani-journalists-killing> accessed on 12 October 2025

234 HRW. (2021). Investigation Highlights Transparency Need n US, UK Roles In Kenyan counter-terrorism. Accessed at: <https://www.hrw.org/news/2021/03/24/investigation-highlights-transparency-need-us-uk-roles-kenyan-counterterrorism>

235 Ibid (30)

236 The East African. (2016). Kampala Terror Suspects Say They Will. Sue Uganda, Kenya. Accessed at: <https://www.theeastafrican.co.ke/tea/news/east-africa/kampala-terror-suspects-say-they-will-sue-uganda-kenya--1350870>

disappeared. This pattern of violence against a specific religious community constitutes not counterterrorism but state-sponsored persecution.

The impact of this targeting extends beyond the immediate victims. When the state systematically profiles, harasses, detains, and kills members of a specific community based on their religion and ethnicity, it creates conditions for radicalisation, undermines trust in government institutions, and alienates the very populations whose cooperation is essential for effective counterterrorism. It also violates fundamental principles of equal protection under the law and freedom of religion enshrined in Kenya's constitution.

The attempted designation of Haki Africa and Muslims for Human Rights (MUHURI) as terrorist organisations following the Garissa attack represents a particularly egregious abuse of counter-terrorism powers. Both organisations had been documenting human rights violations by the ATPU and advocating for accountability and reform. Their inclusion on terrorism lists—though ultimately unsuccessful—served multiple purposes: it intimidated other organisations that might consider documenting abuses, it discredited their advocacy work, and it demonstrated that even civil society organisations with international reputations were not immune to retaliation. This weaponisation of terrorism designations against civil society has been documented globally as a tool of authoritarian governance. When human rights defenders and civil society organisations can be labelled as terrorists for documenting state abuses, the very possibility of accountability is threatened.

The most concerning evolution in Kenya's security apparatus is the transformation of counter-terrorism infrastructure into mechanisms of political control. The threat of terrorism has been systematically instrumentalised to justify restrictions on democratic and civic space, intolerance for dissent, and suppression of government criticism. This securitisation of politics represents a fundamental threat to Kenya's democratic governance. Kenya has

increasingly collaborated with neighbouring countries to suppress political opposition and public criticism under the mantle of fighting terrorism. This regional dynamic is facilitated by Kenya's strategic position neighbouring Somalia (a collapsed state), Sudan (experiencing brutal civil war), South Sudan (highly unstable), Uganda (a brutal dictatorship), Ethiopia (unstable and embattled by ethnic conflicts), and Tanzania (a partner in silencing dissent).

EXTRAORDINARY RENDITION AND TRANSNATIONAL REPRESSION OPERATIONS

Kenya has become deeply complicit in a criminal and internationally illegal practice of kidnapping political dissidents from different countries and surrendering them to regimes that may detain, torture, or kill them.

Several high-profile cases of renditions of dissidents have occurred under president Ruto's watch, amply demonstrating that the Kenyan state is not only guilty of domestic repression but has also solidified its role as an enabler of international and regional repression. Some of the prominent victims of President Ruto's illegal renditions strategy include Ugandan opposition leader, Kizza Besigye (renditioned in November 2024), Nigerian politician Nnamdi Kanu (renditioned in July 2021), and Tanzanian activist Maria Sarungi Tsehai (abducted and attempted rendition, later released in January 2025).

While this practice of extraordinary rendition has escalated under President Ruto's watch, it has been a tool of successive Kenyan regimes, evolving over the past few decades, from a targeted instrument aiding the US 'War on Terror' in East Africa against Al Qaeda and its affiliates, to a hunt for opposition leaders from countries including Uganda, Nigeria, Turkey, South Sudan, Somalia, Ethiopia, and Rwanda. Taken together, these incidents, extending to both domestic political dissidents of the Ruto regime and regional opposition figures, are not merely isolated criminal acts; they represent a systemic issue that strikes at the heart of Kenya's democratic principles and rule of law. The pattern of abductions suggests the involvement of state or state-affiliated actors from groups such as the General Service Unit (GSU), the Kenya Defence Forces (KDF), the Anti-Terrorism Police Unit (ATPU), or the now-disbanded

Special Service Unit (SSU). Despite the Kenyan Constitution guaranteeing the right to life, liberty, and security, this pattern of abductions increasingly undermines these fundamental rights. Victims are often seized by unidentified armed individuals, held incommunicado, and in some cases, subjected to torture or extrajudicial killings, fostering a climate of fear and eroding trust in security institutions. The history of extraordinary renditions in Kenya illustrates the country's transformation into an enabler of repression beyond its borders.

A CHRONOLOGY OF EXTRAORDINARY RENDITIONS: FROM COUNTERTERRORISM TO POLITICAL REPRESSION

The intensified practice of extraordinary renditions by Kenyan authorities, as noted by the Kenyan Law Society, began in 1998, initially targeting suspects of the terrorist attack on the US embassy in Nairobi.

THE ÖCALAN RENDITION (1999)

A key early example demonstrating high-level state complicity was the capture and rendition of Abdullah Öcalan, the founder and supreme leader of the Kurdish Workers' Party (PKK), on February 15, 1999.²³⁷ Öcalan's capture was preceded by a diplomatic impasse between Turkey – who demanded his extradition – EU nations, African countries

²³⁷ <https://theconversation.com/kenya-has-moved-people-out-of-the-country-illegally-what-the-law-says-about-extraordinary-rendition-245056> accessed on 8 October 2025

and Russia. He'd lived in Syria – home to many Kurds – for much of the 1990s, and led groups of PKK militants for training in the Bekaa valley in Lebanon. He'd been forced to leave in 1998 when Syria was threatened with military action by Turkey. Labelled by the Turkish government as a terrorist leader, in the years prior to his arrest he had also been touring world capitals seeking moves towards peace. Turkey had demanded his extradition from Italy, and then from Greece. The Greek government suggested moving him to their embassy in Kenya. When he was seized, Öcalan had been sheltering at the Greek embassy in Nairobi, trying to get to South Africa where Nelson Mandela had offered him asylum. Under huge pressure, the Kenyan authorities handed him over to the Turkish secret services, and he was flown to Turkey. There, he was convicted of terrorism and sentenced to death, although in 2002 the sentence was commuted to life imprisonment without hope of parole. Öcalan has been in prison ever since at İmralı Island prison in the Sea of Marmara. For the first ten years he was held in solitary confinement.

RENDITIONS IN THE WAR ON TERROR (2006-2007)

Kenya has actively participated in rendition operations in the context of the US War on Terror. A joint US, UK, and Ethiopian operation on the Kenya/Somali border resulted in the capture of hundreds of people by the Combined Joint Task Force-Horn of Africa. At least 63 of these were subsequently transferred to detention facilities in Ethiopia with no observance of judicial process and at serious risk of torture.²³⁸ A group of 13 foreign nationals were initially transferred to detention facilities in Kenya where they were held without charge for up to three weeks. Among them were four British citizens, Mohammed Ezzoueck, Reza Afshar zadagen, Shahajan Janjua, and Hamza Chentouf, who were flown back to the UK

after being detained in Somalia. The men were held without being informed of their rights or given legal representation, and their detention was reportedly followed by interrogations involving alleged British agents. The UNHCR said in a statement that it was “deeply concerned by the refoulement of four refugees from Kenya”.

US citizen Amir Meshal was also detained in Kenya and later rendered to Somalia and Ethiopia.²³⁹ According to the American Civil Liberties Union (ACLU), FBI agents orchestrated his detention and subjected him to repeated interrogations, reportedly threatening him with torture to coerce a false confession. Meshal was never charged with a crime. He was held for months in inhumane conditions across East Africa, including Kenya, Somalia, and Ethiopia. His subsequent lawsuit against the FBI was ultimately dismissed on the basis that the events took place overseas during a terrorism investigation and touched upon national security and foreign policy. In the lawsuit, Meshal alleges he was “interrogated more than thirty times by U.S. officials who failed to adhere to the most elementary requirements of the Fourth and Fifth Amendments and the Torture Victim Protection Act of 1991” and “U.S. officials repeatedly threatened Mr. Meshal with torture, forced disappearance and other serious harm”. In 2014 a lower court dismissed the case. On October 23, 2015, the U.S. Court of Appeals for the District of Columbia Circuit upheld the lower court decision (with a Dissenting opinion filed by Circuit Judge Pillard.). The ruling said that Amir Meshal's allegations of abuse were “quite troubling,” but stated that he is unable to pursue claims that agents violated his constitutional rights because the events took place overseas during a terrorism investigation. The court stated: “Matters touching on national security and foreign policy fall within an area of executive action where courts hesitate to intrude absent congressional authorization.”

238 <https://www.hrw.org/report/2008/10/01/why-am-i-still-here/2007-horn-africa-renditions-and-fate-those-still-missing> accessed on 8 October 2025

239 <https://www.aclu.org/cases/meshal-v-higgenbotham> accessed on 8 October 2025

THE KAMPALA BOMBING MASS RENDITION (2010)

In July 2010, following the Al Shabaab World Cup bombing in Kampala, Uganda (that killed 70), a mass rendition operation was staged by Kenyan authorities, aided by Uganda, the United States, and the United Kingdom. Less than 48 hours after the bombing, President Yoweri Museveni of Uganda issued a press statement saying of the attackers, “We shall look for them wherever they are and get them.” Two days after the stadium suicide bombings a team of FBI officials were sent to assist Uganda in its investigation; they were later joined by elements of the New York Joint Terrorism Task Force. In the crackdown that followed, Kenyan and Ugandan security forces cast a wide net, rounding up dozens of people. Almost immediately, the investigation of the bombing became internationalized. Uganda responded to the attacks by working with the governments of Kenya, Tanzania, and Somalia to hunt for suspects. On the evening of July 23, 2010, Kenya’s Anti-Terrorism Police Unit (ATPU) detained three Kenyan men—Ildris Magundu, Mohammed Adan Abdow, and Hussein Hassan Agade—as suspects in the World Cup bombing and rendered them to Uganda.²⁴⁰ The three men were eventually taken to Luzira Upper Prison in Kampala. More renditions of men from Kenya, Tanzania, and Somalia occurred over the following year—at least until June 2011. Each suspect underwent days of interrogations in Uganda. According to government officials and court documents, the investigation into the bombings was done with the support of U.S., U.K., Kenyan, and/or Tanzanian officials. It is not known exactly how many people were rendered to Uganda following the World Cup bombing.

On September 15, 2010, Ugandan security agents arrested a prominent Kenyan human rights defender, Al-Amin Kimathi, and held him for almost a year before all charges against him were dropped and he was unconditionally released. He was arrested with a Kenyan lawyer, Mbugua Mureithi. The two were visiting Uganda to arrange legal representation for the seven Kenyan World Cup bombing suspects who had recently been rendered there. Both men were held at the RRU headquarters and reportedly threatened with rendition and torture. Their requests to meet with a lawyer or communicate with family members were denied, and Ugandan authorities attempted to coerce from them false confessions and statements incriminating each other. Mureithi was released and deported to Kenya after three days, but he was given no explanation for his deportation other than that he was a national security threat. Mureithi subsequently brought a complaint before the East Africa Court of Justice (EACJ). Kimathi was brought to court, charged under the Anti-Terrorism Act, and detained for almost a year before having the charges dropped and being released. Kimathi believes he was framed by the Kenyan government as a pay-back for his human rights work defending victims of extraordinary rendition.²⁴¹ The subsequent scrutiny of the ATPU led to accusations that they had conducted more than 88 renditions to Somalia and Uganda.²⁴²

The period since 2016 demonstrates a clear shift, where Kenya’s renditions moved beyond counterterrorism to primarily serve the repressive political agendas of neighbouring and distant authoritarian regimes. Under President Ruto, this pattern has intensified, demonstrating continued high-level collaboration and a disregard for international law and human rights.

240 <https://www.justiceinitiative.org/uploads/1b4cef46-0f2f-498a-a16c-cfcedf9897ae/counterterrorism-human-rights-abuses-kenya-uganda-20130403.pdf>

241 <https://www.bbc.com/news/world-africa-14900624>

242 <https://www.justiceinitiative.org/voices/uganda-must-release-al-amin-kimathi> accessed on 8 October 2025

RENDITIONS TO SOUTH SUDAN AND RWANDA

In November 2016, James Gatdet Dak,²⁴³ the spokesman for South Sudan's political opposition at the time, was renditioned by Kenya to South Sudan.²⁴⁴ Gatdet would later be sentenced to death by hanging for treason but was pardoned on 31st October 2018. James Gatdet Dak's account of his illegal deportation confirms collaboration between the highest levels of the Kenyan and South Sudanese governments.²⁴⁵ Dak, became one of the highest-profile detainees during South Sudan's five-year civil war. His account, which has been shared with a United Nations commission of inquiry, asserts that high-level Kenyan authorities collaborated with South Sudan's government to seize him from his Nairobi home force him onto a plane for deportation to a country where he feared for his life. At a detention facility near the Nairobi airport, a high-ranking Kenyan police officer told him there had been a deal between the presidents of Kenya and South Sudan. "There's no way they're going to help you," Dak said, recalling the officer's words.²⁴⁶ Dak had fled to Kenya shortly after the civil war began in late 2013. When Dak was seized, he said, Kenyan authorities told him he was being deported because of his statement supporting the dismissal of the Kenyan force commander for South Sudan's U.N. peacekeeping mission. The U.N. had been sharply criticized for not acting quickly to protect the Terrain hotel complex from a deadly rampage by South Sudanese soldiers in July 2016.

Kenya's government spokesman, Eric Kiraithe, would not comment on Dak's case but said Kenya is committed to making sure "peace was accelerated" in its neighbour. Dak said

he spent two years behind bars, including almost 10 months in solitary confinement in a national security prison. Locked in a tiny, dark cell 24 hours a day, he said he lost more than 20 kilograms (44 pounds). The U.N. commission on human rights in South Sudan said at the time that they were deeply concerned by the "complicity of the governments of Kenya and South Sudan" in the unlawful removal and transfer of Dak.

In January 2017 Aggrey Ezbon Idri, a prominent South Sudanese opposition figure, was abducted in Nairobi, Kenya, in January 2017, alongside his colleague, human rights lawyer Dong Samuel Luak.²⁴⁷ Both men were members of the Sudan People's Liberation Movement In Opposition (SPLM-IO). At the time of his abduction from Kenya, Dong was a registered refugee in Kenya and was under the protection of the United Nations High Commission for Refugees (UNHCR), in Nairobi. Aggrey, on the other hand, had a valid visa to remain in Kenya and was in the process of seeking UNHCR protection in Nairobi. They were abducted on separate occasions and renditioned together. The Dream Bean House restaurant, located along Kaunda Street in Nairobi's Central Business District (CBD), is the last location that Dong was seen before he went missing on 23rd January 2017. The restaurant's CCTV footage captured his last moments in the area in the company of two people, Michael Kuajien, a South Sudanese intelligence officer, and Luke Thompson.²⁴⁸ Dong left the restaurant that evening and was heading home to South C, a residential estate in Nairobi, but he never got there. His family filed a missing person's report the following day at the Industrial Area Police Station. Aggrey Ezbon Idri, was a member of the SPLM-In-Opposition (SPLM-IO) and a vocal government critic that had lived in

243 <https://journals.co.za/doi/10.17159/1996-2096/2024/v24n2a11> accessed on 8 October 2025

244 <https://www.voanews.com/a/high-level-detainee-accuses-kenya-south-sudan-of-kidnapping/4774966.html>

245 <https://apnews.com/national-national-general-news-3eb0a8f9707a44829c90d6f78875897a> High-level detainee accuses Kenya, South Sudan of kidnapping

246 <https://apnews.com/national-national-general-news-3eb0a8f9707a44829c90d6f78875897a>

247 <https://questions-statements.parliament.uk/written-questions/detail/2019-05-14/254108> accessed on 8 October 2025

248 <https://pigafirimbib.africauncensored.online/extrajudicial-killings-south-sudan/>

Kenya for five years. Just like Dong, he too moved to Kenya in 2013, but on a visitor's pass, after the conflict broke out in South Sudan. According to his wife, Ayah Benjamin, Aggrey left their home at Valley Arcade, a neighbourhood in Nairobi, for a morning jog on 24th January 2017, but never came back. On the same day, the family filed a formal missing person's report at two police stations, Muthangari Police Station and Kilimani Police Station.

According to a U.N. report, there is strong evidence to suggest that South Sudanese security agents, under the orders of the intelligence service NSS' Internal Security Bureau (ISB), orchestrated their kidnapping and eventual execution.²⁴⁹ Idri and Luak were renditioned to South Sudan, allegedly with the assistance of the South Sudanese embassy in Nairobi, and detained in a facility in Luri, near Juba. They were reportedly executed by ISB agents on January 30, 2017. Details of their death emerged from a Former SA National Defence Force colonel William Endley who had also been detained with the Dong and Idri.²⁵⁰ Endley spent more than two years in a South Sudanese prison between 2016 and 2018 and wrote a book detailing the horrors experienced. In the book *No Justice, No Mercy; A South Sudan Story* he includes photographs of the two men apparently being beheaded with knives in the style of the Islamic State. On 3 July 2019, Hope for Humanity Africa and PALU sued the Government of South Sudan and the Republic of Kenya at the East Africa Court of Justice concerning the abduction, enforced disappearance, illegal and/or extraordinary rendition, arbitrary detention, torture, and

possible subsequent murder of Dong Samuel Luak and Aggrey Ezbon Idri.²⁵¹

In February 2023 another vocal critic of the Juba regime, Morris Mabior Bak, was taken from his home in Nairobi. A joint operation of Kenyan police and an Anti-Police Terrorism Unit tactical team in the presence of a South Sudanese man in civilian dress reportedly stormed his family home and took him, together with several laptops and phones.²⁵² He was forcefully returned to Juba, the capital of South Sudan, and held incommunicado at a National Security Service detention facility. Mabior was targeted because he criticized the South Sudanese security sector and bad governance. Three weeks later, neither Kenyan nor South Sudanese authorities acknowledged his arrest or presented him in court. Unverified media reports in the wake of his arrest suggested that Mabior was the subject of an extradition request by the South Sudanese, copied to Interpol offices in Nairobi and Kenya in May last year.²⁵³ The extradition request states he is wanted for "defamation and false information". The UN Commission on Human Rights in South Sudan reported on his detention allegedly by armed Kenyan security forces and a South Sudanese man in civilian dress, his forced return via a charter flight, and his incommunicado – and unacknowledged – detention by the brutal South Sudanese intelligence service (NSS).²⁵⁴ On 16 April 2024, Morris Mabior Awikjok Bak appeared in public for the first time since his arrest, at a Juba Court where he was charged with defamation against the Director General of the NSS, Akol Koor Kuc. During his second appearance in court on 24 April 2024, the trial judge said Morris Mabior had already been

249 <https://www.voaafrica.com/a/un-panel-south-sudan-killed-activists/4899220.html>

250 <https://www.dailymaverick.co.za/article/2019-05-04-former-sa-soldier-endley-helps-un-finger-south-sudan-government-for-alleged-murder/>

251 <https://www.eacj.org/?cases=reference-no-15-of-2019-hope-for-humanity-africa-h4ha-and-pan-africa-lawyers-union-palu-v-the-hon-minister-of-justice-of-the-republic-of-south-sudan-and-the-hon-attorney-general-of-the-republic>

252 <https://www.hrw.org/news/2023/02/20/south-sudanese-refugee-goes-missing-kenya>

253 <https://www.amnestykenya.org/where-is-moses-mabior/>

254 https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/cohrsouthsudan/A_HRC_54_CRP.6_0.pdf
https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/cohrsouthsudan/A_HRC_54_CRP.6_0.pdf

bailed and he was unaware of why he was being escorted and held/detained by the NSS officers.

In May 2023 a Rwandan human rights defender Yusuf Ahmed Gasana, was abducted from his home in Nairobi and renditioned to Kigali where he is being kept in a secret detention facility.²⁵⁵ Mr. Gasana was allegedly taken from his home in a gated community in Nairobi by unknown persons who entered the estate under the pretext of looking for a rental house. They did not steal or destroy any items in his house and Gasana was prevented from taking his mobile phone when they took him. It is believed that the alleged perpetrators were Kenyan State agents, acting in collusion with Rwandan agents. Gasana's abduction was reported by his family to Kenyan police, the Directorate of Criminal Investigation (DCI), the Independent Police Oversight Authority (IPAO), the Ministry of Interior, the Ministry of Foreign Affairs, the Kenyan National Commission on Human Rights (KNCHR) and the UNHCR Branch Office for Kenya. The police did not respond, and the case was handed over to the DCI; the IPAO said that the person handling Gasana's case was on leave; the KNCHR did not follow up on the case. UNHCR Kenya referred the family to the Kenyan Department of Refugee Services (KDRS) and the Kenyan national police. The family wrote to both agencies, but no replies were received. Under its urgent humanitarian procedure, the UN Working Group on Enforced or Involuntary Disappearances raised his case with the Government of Kenya and in its report to the Human Rights Council in September 2023, stating that Gasana's abduction and enforced disappearance are believed to have been carried out by Kenyan State agents.²⁵⁶

Gasana is a member of the Rwandese Refugee Initiative United and of the

Tushirikiane Africa (TUSA) a community-based organisation. He has worked on the rights of refugees in Kenya, empowering them to seek legal recourse in cases where their rights have been violated, and organizing them in requiring the Kenyan Government comply with its obligations under United Nations High Commissioner for Refugees' (UNHCR) Cessation of Refugees Status Declaration of 30 June 2013. He has advocated against the involuntary repatriation of Rwandan refugees who fled before 31 December 1998. In late July 2023, the Rwanda Investigative Bureau made inquiries in his hometown in Rwanda, asking whether he had participated in the 1994 Rwanda genocide.²⁵⁷ On 7 September 2023, the regional DCI said that their investigation into Gasana's abduction concluded that it did not appear to be financially motivated. Between September 2023 and March 2024, a number of individuals contacted Gasana's wife and informed her that they had been held with him in an unofficial, clandestine detention facility in Rwanda.²⁵⁸ They said he was alive and was being held without official charges. They claimed that the facility was used to detain individuals while the authorities sought information to press charges against them.

255 <https://nation.africa/kenya/news/kenya-a-playground-of-abductions--4830232>

256 <https://docs.un.org/en/A/HRC/WGEID/131/1>

257 <https://srdefenders.org/rwanda-abduction-and-subsequent-enforced-disappearance-from-kenya-of-hrd-yusuf-ahmed-gasana-joint-communication/>

258 <https://srdefenders.org/rwanda-abduction-and-subsequent-enforced-disappearance-from-kenya-of-hrd-yusuf-ahmed-gasana-joint-communication/>

RENDITIONS TO TURKEY: VIOLATING COURT ORDERS

Kenya has repeatedly acquiesced to Turkey's demands to seize individuals with alleged links to the Gülen movement, a group labelled a terrorist organisation by Ankara without evidence of involvement in the 2016 coup attempt.²⁵⁹

In May 2021, Turkish spies abducted Selahaddin Gulen, nephew of a long-time foe of President Recep Tayyip Erdogan, despite a Kenyan court ordering that he should not be extradited. Gulen was reported missing after visiting Kenya's Directorate of Criminal Investigations (DCI) offices. He had arrived in Nairobi in October 2020 and was arrested following the issuance of an Interpol red notice at Turkey's request. The process was taken to court and days before his rendition a Kenyan court banned Selahaddin's arrest and extradition to Turkey, and also ordered the return of his passport so that he could return to the US where he resided.²⁶⁰ His case attracted attention due to allegations of Kenya's involvement in his deportation despite legal protections under international refugee laws. He was "captured" and "repatriated" him on the basis that he was accused by the leadership in Ankara of being behind a 2016 coup attempt and running a "FETO terrorist" group.²⁶¹ There was no evidence that Gulen was involved in the coup or that there even existed a "terrorist" group by this name. There are reports that Turkish spies have forcibly repatriated dozens of Gulen's supporters from around the world. The incident has again raised concerns that the kidnappers were operating under the direction of Turkish intelligence agency MIT.

The agency confirmed in its annual report for 2022 that it had conducted operations for the forcible return of more than 100 people with alleged links to the Gülen movement.²⁶²

In October 2024, Kenyan security officials came under intense international pressure for the abduction, detention and rendition of four Turkish nationals that were living as refugees in Nairobi. Mustafa Genç, Öztürk Uzun, Alparslan Taşçı, and Hüseyin Yeşilsu - were renditioned from Kenya to Turkey at the request of the Turkish government. They were refugees with alleged links to the Gülen movement. "Kenya confirms that four Nationals of the Republic of Türkiye were repatriated to their home country on Friday, 18 October 2024, at the request of the government of Türkiye," the Kenyan Foreign Ministry statement said, adding that Kenya acceded to this request "on the strength of the robust historical and strategic relations anchored on bilateral instruments between our respective countries." The statement did not mention the names of the Turkish nationals, but they are believed to be Mustafa Genç, Hüseyin Yeşilsu, Öztürk Uzun and Alparslan Taşçı, who were among seven people abducted in Nairobi on the same day. While three of the victims, including a British Citizen and a minor, were later released, four others remained missing. The UNHCR said in a statement that it was "deeply concerned by the refoulement of four refugees from Kenya." In a statement condemning the Kenyan government for violating international refugee law, 20 rights group underlined that "these obligations cannot be traded for commercial, diplomatic, or trade interests without violating both national and international law."²⁶³

259 <https://www.aljazeera.com/news/2022/7/15/turkeys-failed-coup-attempt-explainer> accessed on 8 October 2025

260 <https://www.aljazeera.com/news/2021/5/31/turkey-captures-nephew-of-us-based-cleric>

261 <https://www.timesofisrael.com/turkish-agents-snatch-nephew-of-erdogan-foe-in-kenya/>

262 <https://stockholmcf.org/turkeys-intelligence-agency-confirms-abduction-of-more-than-100-people-with-alleged-links-to-gulen-movement/>

263 <https://www.amnestykenya.org/statement-on-the-refoulement-of-four-turkish-asylum-seekers-for-immediate-release/>

RENDITIONS AND ABDUCTIONS OF AFRICAN DISSIDENTS (2021 - PRESENT UNDER PRESIDENT RUTO)

The recent high-profile cases involving Nigerian, Ugandan, and Tanzanian critics further solidify Kenya's role as an enabler and participant of transnational repression. In July 2021, Nnamdi Kanu, the separatist leader of the Indigenous People of Biafra (IPOB), was arrested on terrorism and treason charges at the Jomo Kenyatta airport and renditioned by Nigerian intelligence services. A British-Nigerian citizen, he had fled Nigeria in 2017 while on bail facing charges of terrorism and incitement. Kanu was reportedly seized at the airport in Nairobi by approximately 20 armed men; was handcuffed, blindfolded, and taken to a private location where he endured physical abuse, solitary confinement, and inadequate medical care.²⁶⁴ After eight days, he was flown to Nigeria in a private jet without any formal extradition process. He was arrested on terrorism and treason charges. Kanu, had founded IPOB in 2012 as an advocacy tool for an independent state of Biafra. In 2017, the Nigerian government designated the group a terrorist organization, a decision a high court later nullified. That same year, Judge Nyako granted bail to Kanu to enable the IPOB leader to attend to his health. She, however, gave conditions he must fulfil to continue enjoying his freedom. Some of the conditions included that he must not hold rallies, grant interviews, and be in a crowd of more than 10 people. Kanu flouted all the conditions, and after soldiers invaded his home in his native south-east region, he fled the country.

In October 2022 Nigeria's Appeal Court dropped all charges against the separatist leader Nnamdi Kanu after ruling that he had been illegally arrested abroad. The court also ruled that his extradition was illegal. His family made a submission to the UK parliament on the 7 March 2023 to the Foreign Affairs Select Committee Inquiry into the handling of state level hostage situations (the "Inquiry"). The mandate of the Inquiry was to "discuss the processes and approaches taken by the British government in securing the release of" detainees in Iran and in other similar situations.²⁶⁵ In doing so it aimed "to assess the likely impact the FCDO's approach may have on deterring other states from using this tactic and will consider options for multilateral action to further deter such behaviour." However in March 2025, Kanu appeared again in court in Nigeria where he continues to face terrorism and treasonable charges. In a groundbreaking judgement on June 24, 2025, Kenya's High Court ruled that Kanu's abduction, detention without communication, alleged torture, and subsequent transfer to Nigeria in June 2021 constituted a gross violation of his fundamental human rights under Kenyan and international law.²⁶⁶ Unfortunately for Kanu, and to Kenya's eternal shame, Kanu has been sentenced to life in prison in Nigeria on trumped-up terrorism charges.²⁶⁷

One of the most shocking renditions was of Dr. Kizza Besigye,²⁶⁸ a prominent Ugandan opposition leader and long-time critic of President Yoweri Museveni, who was renditioned from Nairobi, Kenya, on November 16, 2024, to a high security facility

264 <https://nation.africa/kenya/blogs-opinion/opinion/the-kidnap-of-exiles-in-kenya-is-an-old-and-complicated-story-3490044>

265 <https://committees.parliament.uk/writtenevidence/119046/pdf/>

266 <https://www.thisdaylive.com/2025/06/28/kenya-court-declares-kanus-extraordinary-rendition-illegal/>

267 <https://www.bbc.co.uk/news/articles/cj3z38e6v45o> accessed on 4 December 2025

268 Rtd Col. Dr Kizza Besigye, is an opposition doyen in Uganda. He has run unsuccessfully against Yoweri Kaguta Museveni, the Ugandan president four times. In each of the elections, observers have indicated the elections were neither free nor fair. He has been arrested multiple times in Uganda and charged with aggressive charges ranging from Treason, rape, incitement of violence and illegal assembly.

in Uganda.²⁶⁹ He was in Nairobi to attend a book launch of Kenyan opposition leader Martha Karua. He left Kampala legally and entered Kenya legally. His lawyers, who include the former Kenyan Justice Minister Martha Karua, say he was kidnapped by eight plain-cloth Kenyan police officers who renditioned him at the border to Ugandan security.²⁷⁰

Besigye arrived in Nairobi on the morning of 16 November and took a taxi to his hotel in the affluent suburb of Hurlingham. He was accompanied by long-term ally Hajj Obeid Lutale. A few hours later, he left the hotel, boarded a taxi and headed to Riverside Drive, some 5km (three miles) from his hotel, for a private meeting, according to his political allies. Besigye and his friend Lutale arrived at the apartment along Riverside Drive where he was due to meet an unidentified Ugandan national and another unknown British national, according to his wife Ms. Winnie Byanyima. The British national supposedly wanted to introduce Besigye to a group of colleagues and businessmen, who had expressed an interest in financially backing his new party the PFF. Earlier this year, he formed a new party, the People's Front for Freedom (PFF) after breaking away from the Forum for Democratic Change (FDC), which he founded two decades ago. In the room there was a box of what appeared to be a stash of money. One of the hosts had two guns. Shortly after a brief introduction, eight men in plain clothes who said they were Kenyan police officers knocked on the door and told Besigye and his associate they were under arrest. Besigye tried to explain he had nothing to do with the items in the room, but the security agents did not listen. Four of the men bundled Besigye and Lutale into

a car with Kenyan number plates and drove them under the cover of night towards the border with Uganda. The two were driven to Uganda without their belongings, including their passports, which were later picked up by Besigye's party officials from the Nairobi hotel. They went through the Malaba border post without stopping for routine security checks. At the border they changed vehicles. The four-wheel drive vehicle with the Kenyan number plate was left at the Malaba border post and they were moved to another vehicle with a Ugandan number plate. Last week, he and his co-accused were arraigned at the Makindye military court after being held incommunicado for four days.

His disappearance raised alarm in both Uganda and Kenya, with accusations of Kenya's involvement in the illegal extradition process. The kidnap of Besigye on Kenyan soil and rendition to the Ugandan military triggered an array of condemnations to the Kenyan government. It was described as a violation of international law surrounding renditions and lawful arrest and a test of Kenya's democratic credentials. The Law Society of Kenya said the kidnap was an attack on democratic principles and on the freedoms that define a democratic society. They also demanded legal action on the security services officers that were involved in the process.²⁷¹ The Kenyan government denied involvement in the incident, but a spokesperson for the Ugandan government said that Kenya had been informed. The Principal Secretary in the Foreign Affairs office, Korir Sing'oei said that the kidnap was 'not an act of the Kenyan government but it happened on Kenyan soil'. He promised that a commission of inquiry would be started to find more details on the kidnap. A senior

269 Amnesty International. (2024). Uganda: Opposition politician's abduction in Kenya continues "a growing and worrying trend of transnational repression. Accessed at: <https://www.amnesty.org/en/latest/news/2024/11/ugandas-opposition-politicians-abduction-in-kenya-continues-a-growing-and-worrying-trend-of-transnational-repression/>

270 Daily Monitor. (2025). Besigye Lawyers, military face off over kidnap and treachery charges. Accessed at: <https://www.monitor.co.ug/uganda/news/national/besigye-lawyers-military-face-off-over-kidnap-treachery-trial-4888410>

271 Citizen. (2025). LSK Condemns Kidnap of Besigye. Accessed at: <https://www.citizen.digital/news/lsk-condemns-abduction-of-ugandan-opposition-leader-kiza-besigye-n353281>

Kenyan security official indicated that it was 'unlikely' that Besigye was kidnapped without the knowledge of state security agencies and more unlikely that he would be driven from Nairobi to the border and handed over without the involvement of senior security decision makers with consultation from political heads.²⁷²

Besigye is being charged with 4 offenses relating to the illegal possession of two weapons and eight bullets (which could have been planted) as part of the greater conspiracy of allegedly committing acts in Kenya, Switzerland and Greece to depose President Yoweri Museveni. The two denied all charges. Besigye objected to being tried by a court martial, saying that if there were any charges against him, he should be tried in a civilian court. His lawyers also argued that the alleged offences were committed outside Uganda and therefore they were arraigned in the court martial illegally. But the court overruled the lawyers and allowed the hearing to continue. The charges have been condemned as politically motivated and aimed at incarcerating the long term opposition doyen. Despite a Supreme court ruling for the army courts to end trial of civilians, the courts are yet to release Besigye who has been in detention for over 12 months now.

The most recent attempted rendition occurred in January 2025. Maria Sarungi Tsehai is a vocal Tanzanian critic of the ruling party Chama Cha Mapenduzi. She fled Tanzania during the reign of strongman John Pombe Magufuli and settled in Kenya from where she occasionally issued statements condemning corruption in the party ranks and the declining civil and political space under the new president Samia Suluhu. On January 12, whilst in Kilimani, a Nairobi suburb, three armed men in a Toyota Noah kidnapped her and took her to an unknown

detention Centre. Tsehai has a popular X account followed by more than 1.3 million people and has been a consistent activist for political reform in Tanzania, freedom of expression and women rights. Following her kidnapping and attempted rendition, the United Nations Resident coordinator Stephen Jackson expressed concern at her abduction and asked authorities to follow up the matter.²⁷³ Amnesty international and various human rights organizations also condemned the kidnap and asked for her immediate release. Upon her release, Tsehai told journalists that she had been manhandled, choked and shouted at by four security operatives. She said the abductors were after access to her social media account. Tsehai says her abductors were both Kenyan and Tanzanian security officials.²⁷⁴ The abduction of Tsehai, shortly after the rendition of Ugandan opposition leader Kizza Besigye triggered general condemnation at Kenya's security agencies for engaging in international illegal acts and for allowing state operatives from Uganda and Tanzania conduct operations on Kenyan soil.

HUMAN RIGHTS IMPLICATIONS

The consistent and systemic pattern of extrajudicial renditions in Kenya demonstrates a profound failure to uphold the rule of law and international human rights obligations.

- Systemic Violations of Law: Kenya's involvement in these renditions—including the use of its own security forces like the ATPU, GSU, and KDF, and the acquiescence to foreign intelligence operations—violates the right to life, liberty, and security guaranteed by the Kenyan Constitution. The High Court ruling in the Kanu case explicitly confirms such actions are a "gross violation" of fundamental human rights under Kenyan and international law.

²⁷² Interview with senior Kenyan Security official in Nairobi in February

²⁷³ Stephen Jackson. (2025). X account tweet. Accessed at: <https://x.com/SWJacksonUN/status/1878467364519325969>

²⁷⁴ BBC. (2025). Manhandled and Choked – Tanzanian Activist recounts abduction. Accessed at: <https://www.bbc.com/news/articles/cd7dxz48e01o>

- **Enabling Foreign Repression:** By repeatedly facilitating the abduction and transfer of opposition figures, activists, and refugees to authoritarian regimes in Turkey, South Sudan, Rwanda, Uganda, and Nigeria, Kenya has positioned itself as a critical enabler of cross-border repression. This violates the principle of non-refoulement and international refugee law.
- **Climate of Impunity:** The government has done little to prosecute those implicated or conduct a robust investigation and reform of the security services. This inaction, coupled with a history of denials and minimal accountability, has fostered a climate of impunity. The result is an impression that the Kenyan government is a direct beneficiary of and encourages kidnappings and enforced disappearances as a strategy to deal with political opposition.

THE SURVEILLANCE STATE

The ATPU's evolution into an effective instrument of state control has been enabled by unprecedented access to surveillance technology and personal data. Following the Garissa University attack, the Uhuru Kenyatta administration increased budgetary allocations to the ATPU by more than tenfold—from approximately US\$220,000 to US\$2.2 million in the 2014/15 financial year. This massive budget increase came with expanded duties, including liaison work with the National Intelligence Service (NIS) to track, trace, and identify alleged terrorism suspects through mobile telephony.

The Kenyan government amended its anti-money laundering and terrorist financing framework to give the ATPU unprecedented access to fintech companies, real estate revenues, and remittance service providers—a move ostensibly designed to link economic crimes to terrorism activities. The unit also gained real-time access to information on second-hand car dealers and exporters, many of whom were members of the Somali community. This financial surveillance infrastructure created opportunities for both legitimate investigation and for harassment and extortion of specific communities. By

2021, Kenya was reportedly using German FinFisher software that allows users to remotely penetrate and control a target's device, as well as other cyber weapons. The deployment of these tools—which have been used by authoritarian regimes worldwide to target journalists, activists, and political opponents—in Kenya's counter-terrorism apparatus represents a qualitative escalation in state surveillance capabilities.

Surveillance technologies acquired for counterterrorism are used to monitor political opponents; detention powers justified by terrorism threats are deployed against activists and journalists; and the rhetorical association of dissent with terrorism creates a chilling effect on legitimate political activity. In 2011, surveillance was allegedly used to hack the International Criminal Court's computers to extract witness lists in the case against Kenyan politicians indicted for post-election violence. The killing, disappearance, and intimidation of witnesses contributed to the ICC's withdrawal of the case—demonstrating how security apparatus tools can be weaponised to shield powerful political figures from accountability.

The ATPU's surveillance capabilities are coordinated through the National Integrated Command and Control Centre in Nairobi, a facility where emergency response, mass surveillance, and critical operations are conducted. The centre was upgraded and relaunched in 2023 by then Inspector General of Police, Japhet Koome, in an event attended by DCI boss, Mohamed I. Amin, signalling the integration of surveillance infrastructure across Kenya's security services. This centralised surveillance architecture creates several problems. First, it consolidates enormous power in agencies that have repeatedly demonstrated unwillingness to respect human rights or operate within legal constraints. Second, it creates a single point of access for foreign intelligence services, potentially giving the CIA, MI6, and other agencies direct access to comprehensive surveillance of Kenyan society. Third, it erases the distinction between counter-terrorism operations and general policing, enabling the surveillance infrastructure built for terrorism

prevention to be used against ordinary Kenyans engaged in legitimate political activity.

Below are some of the surveillance tools that Kenya reportedly uses:

The SCL Group

SCL Group, a now-defunct British strategic communication company, and its political consultancy subsidiary, Cambridge Analytica, gained notoriety for their work in influencing elections using data. The Group made headlines after helping US President Donald Trump win his first term in 2016.²⁷⁵ Their tools involved collecting and analysing voter data, often from social media platforms like Facebook, to create psychological profiles and target individuals with tailored political messages. At one point, Facebook suspended Cambridge Analytica for illegally harvesting data from 50 million profiles.²⁷⁶ There was far worse to their unethical practices as revealed on camera by an undercover investigative reporter for the UK's Channel 4 News network. The reporter posed as a fixer for a wealthy client hoping to get candidates elected in Sri Lanka and held 'meetings' with senior Cambridge Analytica officials in London. During the meetings, executives, among them CEO Alexander Nix, made shocking revelations about the nature of their operations, including offering bribes and entrapping public officials using sex workers.²⁷⁷

Before helping President Trump, the company was active in Kenya, using the work it says it did during the 2013 election as one of its case studies.²⁷⁸ In Kenya, SCL Group was involved in the 2013 and 2017 presidential elections, working for Kenyatta's Jubilee Party and helping them to win the polls. Their role was to assist in political

campaigning by analysing public opinion and shaping voter behaviour. Commenting on their work in Kenya, Mark Turnbull - the managing director of the company's political arm - was caught on camera, bragging that they had staged "staged the whole thing".²⁷⁹ "We have rebranded the entire (Kenyatta's Jubilee) party twice, written the manifesto, done research, analysis, messaging," he said. "I think we wrote all the speeches and we staged the whole thing - so just about every element of this candidate," Bull said on camera. The main rights violation in this context is the right to privacy, as the company collected and used personal data without informed consent, as documented by reports and testimonies. This manipulation of data undermined the democratic process and the right of citizens to make free and informed political decisions.

FlexiSPY

FlexiSPY Ltd, a company that was founded in Thailand, has developed a commercial spyware application that enables institutions, organisations and even private individuals to surveil mobile and even desktop communications as well as social media activity. Known as 'stalkerware', the software can be physically installed on the victim/target's device to enable the remote monitoring of their activities.²⁸⁰ FlexiSPY is designed to be secretly installed on a target device, where it runs in the background to capture a wide range of data and activity. The software is compatible with Android, iOS, Windows, and macOS. It is most often used to monitor an individual without their knowledge, consent or permission. This is something FlexiSPY derives immense pride and satisfaction as reflected by the company's boast on its website that theirs is the "The world's most powerful monitoring software for computers, mobile phones and

²⁷⁵ <https://www.bbc.co.uk/news/world-africa-43471707> accessed on 7 October 2025

²⁷⁶ Ibid

²⁷⁷ Ibid

²⁷⁸ Ibid

²⁷⁹ <https://www.bbc.co.uk/news/world-africa-43471707> accessed on 7 October 2025

²⁸⁰ <https://www.surveillancewatch.io/entities/flexispy> accessed on 17 September 2025

tablets. Know everything that happens on a computer or smartphone, no matter where you are”.²⁸¹ The company further states, “At FlexiSPY, we know a thing or two about how to make reliable mobile monitoring software — because we invented the world’s first commercial Spy phone Application in 2006 — and have led the pack ever since.”²⁸² “Choose FlexiSPY, and you get the innovation, reliability and quality that comes with 19 years of experience developing a technology that has been used by millions the world over.”

Once installed, FlexiSPY spyware enables a remote user to monitor and track activities on another user’s device, such as location data, call logs and messages. Its website markets extensive features such as keylogging, browsing activities, GPS tracking and geofencing, call recording and interception, as well as all activities and messaging on Instagram, Facebook, WhatsApp, Skype, Viber, Telegram, Tinder, and other applications.²⁸³ A 2017 Forbes news report indicated that the spyware could easily be installed on an individual’s phone and used to spy on a spouse or anyone else for that matter. At the time, the spyware cost just US\$68 a month.²⁸⁴ The Forbes report also revealed the unscrupulous nature of the FlexiSPY salespeople who even offered to assist the news reporter to sneakily and illegally instal the spyware and surveil his wife. This was even after the reporter had introduced and identified himself as a journalist. What this demonstrates is that the organisation is highly unethical and has no qualms about selling to anyone and assisting anyone to circumvent laws to carry out illegal surveillance activities. As the Forbes article further shows, the spyware left a trail of devastated victims in its wake in the United States. “In 2014, NPR surveyed 70 women’s

shelters; 85 per cent were working with victims who were tracked via GPS, or what’s commonly called “spouseware,” the Forbes article states.²⁸⁵

A recent report by the Committee to Protect Journalists (CPJ) and Citizen Lab confirmed a specific instance of its use in Kenya: the phones of two Kenyan filmmakers were forensically found to have been infected with FlexiSPY while in police custody. In May 2025, police arrested documentarians Mark Denver Karubiu and Bryan Adagala, cinematographer Nicholas Wambugu, and graphic designer Christopher Wamae at their Nairobi studio, for their connections to the BBC documentary titled “Blood Parliament,” that directly linked the killing of 9 protesters on Parliamentary grounds in June 2024 to Kenyan security personnel. While they were all released without charge a day later, law enforcement retained four phones, a tablet, computers, and storage devices. These items were not returned until July 10. Upon analysis of their devices the spyware was detected. The Directorate of Criminal Investigations (DCI) is the most likely institution responsible for this act, which violated the filmmakers’ right to privacy. A Nairobi magistrate court ordered that 2 members of the DCI appear to answer for their involvement in the infecting of the journalists devices.²⁸⁶ The incident demonstrates a direct abuse of power by law enforcement to gather intelligence on journalists and filmmakers, thereby also violating the right to freedom of the press and expression.

Huawei

The Chinese technology behemoth Huawei is a major player in many countries globally, particularly African states which are net importers of technology. While the company

281 <https://www.flexispy.com/> accessed on 7 October 2025

282 Ibid

283 Ibid

284 <https://www.forbes.com/sites/thomasbrewster/2017/02/22/flexispy-malware-spy-on-spouse-illegal-wiretap-act-offences/> accessed on 17 September 2025

285 Ibid

286 <https://eastleighvoice.co.ke/national/210979/court-summons-dci-officers-over-spyware-found-on-bbc-filmmakers-gadgets>

has become declared persona non grata in the United States and some European countries, the Kenyan government and fellow African states embraced its products to enhance communications as well as surveillance operations.

In Kenya, Huawei's role has expanded to include the provision of surveillance capabilities through the 'safe cities' initiative in major cities like Nairobi and Mombasa. Working in collaboration with the Kenyan authorities and leading telecommunications company, Safaricom, the smart cities initiative consists of over 1800 CCTV cameras deployed in the streets as well as a centralised command and communication centre at the police headquarters.²⁸⁷ The technology works by providing live video feeds and an integrated communication system for police dispatch. The primary institutions using this technology are the National Police Service and the Directorate of Criminal Investigations. Huawei and the government frame the project as a crime-fighting initiative. However, the mass, untargeted nature of the surveillance and the data placed in the hands of the police and state is disconcerting. This and other technologies have enabled systematic human rights violations and there are reasonable fears that the technologies will enable the state and its security agencies to continue targeting, monitoring and crushing political gatherings, public protests, and social movements, in violation of the freedoms of assembly and expression.

IDEMIA

French company, IDEMIA, specialises in biometric identification and predictive analytics technologies often used for surveillance purposes. One of its products, Traveler Analytics Suite is used to analyse passenger data, such as Passenger Name

Records (PNR), at international borders. In Kenya, their technology was used to provide the infrastructure for the controversial National Integrated Identity Management System (NIIMS), also known as the "Huduma Namba."^{288 289} The system is used for the recording and capture of biometric data, including fingerprints and facial scans, from all Kenyan citizens and residents. The primary government institution involved was the Ministry of Interior and Coordination of National Government. The project was met with legal challenges from civil society groups like the Kenya Human Rights Commission and Nubian Rights Forum, which sued IDEMIA for failing to address the human rights risks of the project. A Kenyan High Court ruling in 2021 declared the system's legal framework "inadequate and totally wanting" and its roll-out illegal for violating the right to privacy. The primary human rights violations stemmed from the lack of a robust data protection framework, which created a high risk of data misuse, profiling, and discrimination against marginalised communities. During the 2017 elections, that were later annulled by the Kenyan Supreme Court, there were legitimate concerns around OT-Morpho Safran (now known as IDEMIA), the French company that built the software that administered the election. It drew parliamentary attention to data expropriation given the ease of accessing details of Kenya's electoral register which are in the semi-public domain (i.e. they can be purchased from the IEBC for a specified fee).²⁹⁰

Blue Coat Systems

Blue Coat Systems is a US-based company which specialises in web security and network management tools. Their products, such as the Blue Coat Content Analysis System, are designed to monitor and filter internet traffic, scan for malware, and control the internet

287 <https://africachinareporting.com/huaweis-surveillance-tech-in-kenya-a-safe-bet/> accessed on 12 October 2025

288 <https://digitalid.design/evaluation-framework-case-studies/kenya.html> accessed on 7 October 2025

289 <https://plan-vigilance.org/wp-content/uploads/2020/06/Idemia-Kenya-VENG.pdf> accessed on 7 October 2025

290 Digital Rights in Closing Civic Space: Lessons from Ten African Countries 167 Kenya Digital Rights Landscape Report

activities of employees.²⁹¹ In the context of surveillance in Kenya, this and other Blue Coat tools can be deployed by government institutions like the Communications Authority of Kenya (CA), the National Intelligence Service (NIS) and other security agencies to monitor internet usage and censor content. Blue Coat Systems devices, like ProxySG and PacketShaper, have been implicated in human rights concerns in Kenya, particularly regarding surveillance, censorship, and enabling of online abuse, by rights groups like Citizen lab. Reports reveal how these tools have been used by the Ruto government to target activists, journalists, and citizens, suppressing free speech and privacy, especially during events like the 2024/2025 protests. Access Now had already documented the use of Blue Coast systems in Kenya back in 2014, when it reported on Kenyatta's deal with Safaricom to purchase a \$137 million surveillance system.²⁹² it referred to evidence that Blue Coat Devioes were being used that was capable of filtering, censorship, and surveillance, and installed on netblocks associated with Hughes Network Systems, a satellite-based internet provider in Kenya.

Circles

Circles is an Israeli surveillance firm affiliated with the NSO Group. The company has produced products and tools which works by exploiting vulnerabilities in the Signaling System 7 (SS7), the protocol that allows global mobile networks to communicate. Circles technology enables the remote monitoring and interception of calls, texts, and location data without needing to install any software on the victim's mobile gadget.²⁹³ It works by deceiving a mobile network into rerouting a target's communication, making it appear as if their phone is in a different location, which allows for snooping. Circles ranks high up

in the notoriety rankings as its products are widely used by repressive governments in Africa and beyond. A 2020 report by Citizen Lab revealed that Circles' products have been identified in at least 25 countries, including Kenya.²⁹⁴ In Kenya, the likely institutions using this technology are the National Intelligence Service and the Directorate of Criminal Investigations. The surveillance possibilities enabled by the Circles tools are immense. They facilitate comprehensive access to the communications and movements of journalists, activists, refugees, political opponents, and ordinary civilians without a warrant or due process. The impact on victims is profound- they are likely to practice self-censorship and give up on their constitutional rights to privacy and free expression.

Cognyte

Cognyte is one of numerous Israeli companies facilitating digital surveillance around the world. Its products include investigative analytics software which can be used by governments and law enforcement agencies. Their tools are designed to collect and analyse vast amounts of data from social media, communications networks, public databases and other sources, to create detailed profiles of individuals and groups. Subsequently, the sophisticated technology enables the rapid processing of 'big data' to identify threats and connect individuals in a network.²⁹⁵ In the case of Kenya, the National Intelligence Service and the Directorate of Criminal Investigations are the most likely customers for Cognyte's products, as they are used to enhance intelligence gathering and criminal investigations. The use of such technology in Kenya and other authoritarian states, where there are deliberately weak legal and parliamentary oversight mechanisms, ultimately results in the violations of rights and freedoms, including the right to privacy

291 <https://www.surveillancewatch.io/entities/blue-coat-systems> accessed on 12 October 2025

292 <https://www.accessnow.org/surveillance-in-a-legal-vacuum-kenya-considers-massive-new-spying-system/>

293 <https://www.surveillancewatch.io/entities/circles> accessed on 12 October 2025

294 <https://citizenlab.ca/2020/12/running-in-circles-uncovering-the-clients-of-cyberespionage-firm-circles/> accessed on 12 October 2025

295 <https://www.surveillancewatch.io/entities/cognyte> accessed on 12 October 2025

and freedom of association. By enabling the mapping of social networks and the analysis of personal data on a mass scale, Cognyte tools can be used to target and suppress civil society organisations and political movements.

NSO Group

NSO Group is an Israeli cyber-arms firm, notorious for its Pegasus spyware. This highly sophisticated surveillance tool can infect a mobile phone with a “zero-click” exploit, requiring no user action. Once installed, Pegasus can take complete control of the device, allowing the operator to access messages, calls, photos, and even remotely activate the camera and microphone. The technology has been classified as a weapon by the Israeli government. While NSO Group does not disclose its clients, reports from Citizen Lab and Amnesty International have highlighted its use to target journalists, opposition figures, and human rights activists globally.^{296 297} In Kenya, credible sources have not confirmed a direct client relationship, but the sophistication of the tool and the government’s history of targeting dissidents make the NIS a likely potential user. The deployment of Pegasus would constitute a profound violation of the right to privacy, freedom of expression, and freedom of the press, as it enables the most intrusive and comprehensive form of surveillance imaginable, with severe consequences for the security and safety of targets.

²⁹⁶ <https://citizenlab.ca/2018/09/hide-and-seek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/> accessed on 7 October 2025

²⁹⁷ <https://www.amnesty.org.uk/meet-nso-group-go-company-human-rights-abusers> accessed on 7 October 2025

IMPLICATIONS OF SECURITISATION FOR THE 2027 ELECTIONS: DEMOCRACY UNDER SURVEILLANCE

With the 2027 general elections on the horizon, Kenya is faced with an unprecedented threat to electoral integrity from the comprehensive surveillance apparatus and securitised governance that has intensified under President Ruto.

The convergence of sophisticated digital monitoring capabilities, paramilitary formations operating with impunity, and the presidency's demonstrated willingness to deploy lethal force against dissent creates conditions that are fundamentally inimical to free, fair and credible elections. Without interventions from progressive, democratic forces, Kenya's surveillance state could well undermine the 2027 electoral process, hollowing out the last vestiges of democracy.

THE SURVEILLANCE ARSENAL: FROM COUNTERTERRORISM TO ELECTORAL CONTROL

Kenya's security apparatus possesses formidable surveillance capabilities that can be directly weaponised for electoral manipulation. Ahead of the polls, the Ruto regime could boost the NIS and other security arms with a war chest to conduct repression on behalf of the incumbent. That, coupled with access to military-grade technologies including NSO Group's Pegasus spyware, Circles' SS7 exploitation tools, Cognyte's investigative analytics, and comprehensive telecommunications monitoring through Safaricom, would provide the state with unprecedented capacity to surveil political opponents, activists, and ordinary citizens. The proposed Optimus 3.0 system allocated KES 150 million specifically for social media monitoring²⁹⁸, enables identification of users across multiple platforms, location tracking, and activity tracing through metadata—capabilities extending far

beyond legitimate security concerns into comprehensive political surveillance. Historical precedent demonstrates intent: during the 2007-2008 crisis, security services intercepted 300,000 SMS messages daily; today's infrastructure enables exponentially more sophisticated monitoring, including predictive profiling of opposition organisers, real-time communications surveillance, network mapping to disrupt coordination, and precision targeting for abductions. The systematic intimidation and elimination of ICC witnesses—with key witness Meshack Yebeli disappearing and later found dead bearing torture marks—illustrates how effectively Kenya's security apparatus can neutralise threats through surveillance-enabled targeting.

VOTER INTIMIDATION AND PARAMILITARY DEPLOYMENT

The integration of biometric identification systems (despite the 2021 High Court ruling against NIIMS), telecommunications surveillance, and CCTV networks with facial recognition creates comprehensive infrastructure for voter profiling and targeting. This enables ethnic and regional profiling of opposition strongholds, economic coercion through financial surveillance, movement monitoring via GPS and facial recognition, and selective denial of government services. Kenya's paramilitary formations—the General Service Unit, the reconstituted OAT replacing the disbanded SSU, and hybrid intelligence-police units—have demonstrated

298 <https://techweez.com/2025/06/11/kenya-social-media-surveillance-budget/> accessed on 12 October 2025

both capacity and willingness for mass violence. The 2024 protests resulted in at least 60 deaths, 342 civilian injuries, and a 450% increase in enforced disappearances, revealing readiness to deploy extreme force. Historical patterns from 2007-2008 and 2017 elections show systematic deployment of security forces in opposition areas conducting door-to-door searches, beatings, arbitrary arrests, and kidnappings. Former Vice President Rigathi Gachagua's allegations of a 101-member killer squad operating under President Ruto's direct instructions, trained specifically in "abductions, torture, killings and cover-ups," suggests specialised units for political violence that could be deployed during the electoral period. The June 2024 abduction of Cabinet Secretary Justin Muturi's son by NIS operatives—released only after the Cabinet Secretary personally appealed to Ruto—demonstrates that even government officials' families are vulnerable, revealing both the pervasiveness of the threat and direct presidential command over security operations.

ELECTORAL INFRASTRUCTURE MANIPULATION

Kenya's electoral infrastructure presents critical vulnerabilities that surveillance capabilities can exploit. The murder of IEBC IT head Chris Msando days before the 2017 election—whose body bore torture marks after he declared the commission's system "unhackable"—points to the extreme measures the regime could be willing to take to compromise electoral integrity. The 2027 elections face systematic risks including interception and manipulation of electronic results transmission using sophisticated spyware, NIS penetration of IEBC systems as allegedly occurred in 2017, real-time results alteration during transmission, and internet shutdowns during critical counting periods as deployed during the 2024 protests when Kenya experienced its first-ever national internet blackout. Voter roll manipulation becomes exponentially more sophisticated with current surveillance technologies, enabling creation of ghost voters with credible digital footprints using comprehensive biometric

and telecommunications data, systematic removal of legitimate voters in opposition strongholds, strategic redistribution between constituencies, and obstruction of opposition supporters during registration through targeted surveillance. Opposition leader Raila Odinga's accusations during the Kenyatta administration that NIS was manipulating electoral processes through voter roll interference suggest the possibility of already established capabilities to manipulate the polls outcome that could be amplified in 2027.

MEDIA SUPPRESSION AND INFORMATION CONTROL

The Communications Authority of Kenya's order during July 2024 protests for media houses to cease live broadcasts suggests that the state could have no scruples about censoring any independent electoral coverage. The precedent of Kenya's first internet shutdown on June 25, 2024, during parliamentary protests reveals capacity to completely sever digital communications during politically sensitive moments. The 2027 polls could see broadcast restrictions prohibiting live coverage of opposition rallies and vote counting, internet throttling in opposition areas during campaign and voting periods, targeted shutdowns of social media platforms used for mobilisation, and potential national internet blackouts during vote counting. The weaponisation of the Computer Misuse and Cybercrime Act to criminalise online political speech—exemplified by software developer Rose Njeri's June 2025 arrest for creating a tool allowing citizens to object to the finance bill—establishes precedent for prosecuting electoral opposition online. The charging of 37 protesters including a Member of Parliament with "abetting terrorism" for Saba Saba commemorations demonstrates how counterterrorism legislation criminalises political activity. During the 2027 campaign, expect systematic prosecution of opposition social media influencers for "spreading false information," and journalists covering opposition campaigns could be charged with "incitement."

CIVIL SOCIETY AND OBSERVER SUPPRESSION

Independent electoral observation, crucial for detecting fraud and legitimising results, faces systematic threats. Civil society electoral observers could find themselves being accused of “terrorism,” along with opposition politicians.

The designation of human rights organisations Haki Africa and Muslims for Human Rights (MUHURI) as terrorist organisations following the Garissa attack—though ultimately unsuccessful—demonstrates the state’s willingness to weaponise terrorism designations against civil society documenting state abuses. The freezing of Muslims for Human Rights’ bank accounts for nearly a year after the organisation documented ATPU’s role in enforced disappearances illustrates how financial surveillance powers can disable civil society organisations. Domestic electoral observers face pre-election harassment through surveillance and intimidation, registration obstruction using terrorism financing regulations to freeze accounts, access denial at polling stations in areas targeted for manipulation, and post-election retaliation through abductions and prosecutions for documenting irregularities. International observers face visa restrictions with delayed or denied entry permits, geographic movement limitations preventing access to contested regions, surveillance of communications to anticipate criticisms, and diplomatic pressure leveraging Kenya’s strategic importance to moderate international criticism.

OPPOSITION CAMPAIGN CONSTRAINTS AND ETHNIC TARGETING

Opposition candidates face systematic financial surveillance using ATPU’s access to banking and property data to identify and freeze funding. There is the risk of targeted abductions of opposition organisers during critical campaign periods, family targeting through surveillance and intimidation, and assassination under cover of “terrorism”

operations as demonstrated by activist Albert Ojwang’s June 2025 killing in police custody. President Ruto’s explicit order to police to “shoot protesters in the leg” during July 2025 Saba Saba protests exemplifies violent rhetoric empowering excessive force. Opposition rallies face violent disruption through GSU deployment with tear gas and live ammunition, CCTV and facial recognition to identify attendees for subsequent intimidation, and transportation interference through roadblocks. Kenya’s history of ethnically charged violence suggests a possibility for repeat especially as the likes of President Ruto have not been held accountable for their part in past atrocities. Sophisticated surveillance tools could facilitate precision ethnic targeting. Modern capabilities facilitate community mapping using telecommunications and biometric data, selective violence against specific communities in contested regions, economic warfare through financial surveillance, and systematic displacement through intimidation. Kenya’s systematic involvement in extraordinary renditions—including Ugandan opposition leader Kizza Besigye’s November 2024 kidnapping from Nairobi—demonstrates regional authoritarian collaboration affecting elections through diaspora surveillance, refugee targeting, intelligence sharing with regional regimes, and elimination of safe haven for persecuted opposition figures.

WESTERN COMPLICITY AND THE ILLUSION OF REFORM

President Ruto’s October 2022 disbandment of the notorious SSU has ultimately been proved to be nothing more than cosmetic as it was allegedly secretly replaced by the Operation Action Team (OAT), retaining members and continuing identical operations. The 2027 elections will feature similar performative reforms: nominal electoral changes without addressing surveillance-enabled manipulation, selective prosecutions of lower-ranking officials while protecting command structure, parliamentary hearings producing no accountability, and international cooperation agreements lacking enforcement. Kenya’s 2024 designation as a non-NATO ally—making

it the first sub-Saharan African country with this status—and the 2020 establishment of the Joint Terrorism Task Force Kenya demonstrate strategic value to Western counterterrorism that creates perverse incentives for legitimising flawed elections

through pre-emptive endorsement of electoral preparations, rapid acceptance of results regardless of irregularities, minimal response to violence and fraud, and continued security cooperation. Geopolitical considerations could well override human rights concerns.

CONCLUSION: DEMOCRACY AT THE PRECIPICE

Kenya's 2027 elections will occur within a surveillance architecture unprecedented in the country's history and among Africa's most sophisticated. The combination of industrial-grade spyware, comprehensive telecommunications monitoring, facial recognition networks, financial surveillance capabilities, and paramilitary formations willing to deploy lethal force creates an electoral environment fundamentally incompatible with democratic competition. Three critical factors will determine outcomes: opposition resilience in organising despite comprehensive surveillance through decentralised structures and economic grievances transcending ethnic divisions; security forces behaviour regarding whether institutional professionalism and constitutional loyalty limit willingness to follow orders for mass violence and electoral manipulation; and international pressure regarding whether Western powers subordinate counterterrorism interests to democratic principles, deploying diplomatic and economic leverage to constrain manipulation. Without meaningful constraints on the surveillance state and accountability for security sector abuses, the 2027 elections risk becoming authoritarian theatre—democratic forms without substance. The trajectory from the 2010 Constitution's democratic promise to the present surveillance state represents a cautionary tale of how counterterrorism infrastructure, justified by legitimate security concerns and enabled by Western military assistance, becomes systematically repurposed for political control. The broader implications extend beyond Kenya, potentially

establishing a template for surveillance-enabled electoral authoritarianism across Africa where Western security assistance and domestic repressive capacity converge to hollow out democratic institutions while maintaining facades of competitive elections. The fundamental question is whether Kenya's constitutional democracy survives or becomes yet another case study in democratic regression masked by electoral rituals—with the 2027 elections providing the definitive answer.

In conclusion, Kenya stands at a critical juncture. The unchecked power of its paramilitary security units, combined with the growing sophistication of its surveillance apparatus, has created a fertile ground for authoritarianism. The failure of international mechanisms and the continued complicity of external partners have emboldened those who seek to rule through fear rather than consent. Without a renewed and urgent commitment to the rule of law, the protection of human rights, and the independence of democratic institutions, Kenya faces a perilous future where its hard-won democratic gains could be lost, and the voices of a new generation silenced. The time for all stakeholders, including the government, civil society, and international partners to act is now, or it will be harder for future generations to reclaim the democratic space.

