



REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY
THIRTHEENTH PARLIAMENT (SECOND SESSION)**

CONVEYANCE OF PUBLIC PETITION

(No. 08 of 2023)

**REGARDING ENACTMENT OF LEGISLATION TO CRIMINALIZE AND
PRESCRIBE PENALTIES FOR THE CRIME OF ENFORCED
DISAPPEARANCE**

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2) (b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- In this regard, **Honourable Members,** I wish to report to the House that my office has received a petition from one Dr. Annette Mbogoh, the Executive Director of Kituo cha Sheria Legal Advice Centre calling for enactment of legislation to criminalize and prescribe penalties for the crime of enforced disappearance.
- The Petitioner claims that the organisation has worked closely with victims of cases of extra-judicial killings and disappearances in the country since 2007 and documented a total of 1201 killings and 272 enforced disappearances with most of the incidences having occurred in the hands of the police and other security agencies.
- The petitioner further claims that in 2021, Kenya reported approximately 43 cases of disappearances of persons who were last seen in police custody or who were abducted by persons believed to be police officers.

5. **Hon. Members**, the petitioner highlights the northern and coast regions as being hotspots for such incidences to counter terrorism operations and sites other instances including the retrieving of at least 20 dead bodies from River Yala.
6. The petitioner is concerned that there is no effective legal remedy available through law to hold suspects accountable for forcibly disappearing victims whose whereabouts remain unknown or denied. Efforts to have the matter addressed through filing of a constitutional petition seeking that the Attorney General does request the President to form a judicial commission of inquiry to look into the rampant cases of enforced disappearances have not been fruitful.
7. **Hon. Members**, the petitioner therefore prays that the National Assembly enacts laws that will expressly criminalize and prescribe penalties for the crime of enforced disappearance.
8. **Honourable Members**, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
9. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.

Wetang'ula

THE RT. HON. MOSES WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date *1/3/23*