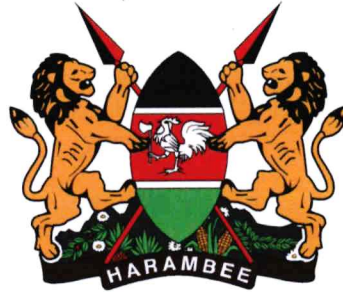




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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT- FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN
RELATIONS

REPORT ON:

THE INQUIRY INTO THE CONDUCT OF THE BRITISH ARMY TRAINING UNIT IN
KENYA (BATUK)

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2025



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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	Amani National Congress (Political Party)
BATUK	British Army Training Unit Kenya
CID	Criminal Investigation Department
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
DCA	Defence Cooperation Agreement
DCI	Directorate of Criminal Investigations
DOSHS	Directorate of Occupational Safety and Health Services
EAC	East African Community
ELC	Environment and Land Court
ESIA	Environmental and Social Impact Assessment
FIDA-Kenya	Federation of Women Lawyers - Kenya
H.E.	His/Her Excellency
IGLC	Inter-Governmental Liaison Committee
KDF	Kenya Defence Forces
KES	Kenyan Shillings
KRA	Kenya Revenue Authority
KWS	Kenya Wildlife Service
MoD	Ministry of Defence (UK)
MP	Member of Parliament
NEMA	National Environment Management Authority
NGO	Non-Governmental Organisation
NIS	National Intelligence Service
ODM	Orange Democratic Movement (Political Party)
OGW	Order of the Grand Warrior (State honour in Kenya)
PTSD	Post-Traumatic Stress Disorder
RMP	Royal Military Police
TJRC	Truth, Justice and Reconciliation Commission
UDA	United Democratic Alliance (Political Party)
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UXO	Unexploded Ordnance
WDM-K	Wiper Democratic Movement – Kenya

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- Annexure 2: ELC Petition 2 of 2021, *African Centre for Corrective and Preventive Action & 6 others v Lolldaiga Hills Limited & 2 others; Kenya Wildlife Service & another (Interested Parties)* [2022] eKLR.
- Annexure 3: Truth, Justice, and Reconciliation Commission (TJRC) Report, Volume IIA, pgs. 750-752.
- Annexure 4: Advertisement dated 11th August 2023, inviting members of the public to participate and submit memoranda
- Annexure 5: Letter dated 2nd October 2023 by the boda-boda representative of Nanyuki.
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- Annexure 8: Memorandum dated 16th March 2022 by the County Government of Laikipia, through the Office of the Attorney General.
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- Annexure 26: Written submissions dated 14th October 2024 by Kenya Revenue Authority (KRA).
- Annexure 27: Written submissions dated 18th November 2024 by the Ministry of Labour and Social Protection.
- Annexure 28: Written submissions dated 20th January 2025 by the Ministry of Labour and Social Protection.
- Annexure 29: Written submissions dated 3rd March 2025 by the Ministry of Interior and National Administration.
- Annexure 30: Written submissions by FIDA-Kenya.
- Annexure 31: Written submissions by the State Department for Lands and Physical Planning.
- Annexure 32: Written submissions dated 4th March 2025 by National Land Commission (NLC).
- Annexure 33: Written submissions dated 12th March 2025 by the Ministry of Defence.
- Annexure 34: Letter dated 10th April 2025 by the National Intelligence Service (NIS).
- Annexure 35: Written submissions dated 2nd July 2025 by the Ministry of Foreign and Diaspora Affairs.
- Annexure 36: Written submissions dated 4th July 2025 by the Office of the Attorney General and Department of Justice.
- Annexure 37: Written submissions dated 13th November 2025 by the Office of the Director of Public Prosecutions.
- Annexure 38: Written submissions by the British Army Training Unit Kenya (BATUK) and letter dated 22nd October 2025 by the Ministry of Foreign Affairs.
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CHAIRPERSON'S FOREWORD

This Report presents the findings, observations, and recommendations of the Departmental Committee on Defence, Intelligence and Foreign Relations following an inquiry into the conduct of the British Army Training Unit Kenya (BATUK), specifically in relation to allegations of human rights violations, environmental degradation, and accountability failures associated with BATUK's presence and activities within Kenya.

The inquiry was initiated in response to petitions and complaints raised by affected Kenyan citizens and communities residing in areas proximate to BATUK training grounds, particularly in Laikipia and Samburu counties. The Committee undertook the inquiry under its oversight mandate conferred by Article 124(1) of the Constitution and Standing Order 216(5) of the National Assembly Standing Orders, which empowers departmental committees to *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House.*

Throughout the inquiry, the Committee encountered significant institutional resistance and non-cooperation from BATUK, which persistently declined to appear before the Committee and instead invoked claims of diplomatic immunity. BATUK further relied on the Ministry of Foreign and Diaspora Affairs, the Ministry of Defence, and the Intergovernmental Liaison Committee to shield itself from direct engagement with Parliament. This evasive posture culminated in BATUK submitting an unsigned document via the Ministry of Foreign and Diaspora Affairs through a letter dated 22nd October 2025, a gesture that the Committee considers emblematic of institutional contempt for the authority of Parliament and, by extension, the sovereignty of the people of Kenya.

Despite these challenges, the Committee conducted extensive stakeholder engagements with affected communities, government agencies, civil society organisations, and independent experts. The Committee also reviewed the legal framework governing Kenya–United Kingdom defence cooperation, including the Defence Cooperation Agreement (DCA), and evaluated BATUK's compliance with Kenyan law, international and bilateral obligations.

This Report provides detailed analysis and evidence on matters relating to ethical breaches, human rights violations, environmental degradation, employment and labour concerns, community engagement and social responsibility in relation to the inquiry. The Report also includes recommendations aimed at strengthening Kenya's legal and institutional safeguards to ensure that all entities operating within its territory do so in compliance with national values, human dignity, and the rule of law.

The Committee extends its appreciation to all stakeholders who participated in the inquiry process, particularly affected members of the public who submitted testimonies and memoranda under challenging circumstances. The Committee is also grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support provided during this exercise.

On behalf of the Committee and pursuant to Standing Order 199(6) of the National Assembly, it is now my honour and privilege to present to the House this Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the Inquiry into the conduct of the British Army Training Unit Kenya (BATUK).

Hon. Nelson Koech, M.P.

Chairperson, Committee on Defence, Intelligence and Foreign Relations

EXECUTIVE SUMMARY

This Report arises from an inquiry conducted by the *Departmental Committee on Defence, Intelligence and Foreign Relations* into the alleged unethical, illegal, and harmful conduct of the British Army Training Unit Kenya (BATUK) in Kenya. The inquiry was instituted following mounting concerns brought forth during the Committee's consideration of the *Defence Cooperation Agreement (DCA)* between the Republic of Kenya and the United Kingdom, as well as matters raised in *Volume IIA of the Truth, Justice and Reconciliation Commission (TJRC) Report*. In exercise of its mandate under Article 95 of the Constitution, Standing Order 216 and the Second Schedule of the National Assembly Standing Orders, the Committee undertook this inquiry to assess BATUK's operational integrity, human rights adherence, and environmental compliance.

The main objective of the inquiry was to conduct a comprehensive investigation into the alleged malpractices within BATUK since its inception under the following terms of reference –

- a) to investigate the alleged ethical breaches related to ethical misconduct, including corruption, fraud, discrimination, abuse of power, and other unethical behaviours;
- b) to investigate allegations of human rights violations, including mistreatment, torture, unlawful detention, killings, or any other violations of internationally recognised human rights standards; and
- c) to assess BATUK's operational integrity, especially recognised safety protocols, compliance with legal requirements and adherence to established military standards.

To facilitate a robust inquiry, the Committee conducted public hearings from **28th to 30th May 2024** in Laikipia County (Laikipia East and Laikipia North) and Samburu County. Subsequently, the Committee held multiple stakeholder engagements from May 2024 through October 2025. During these sittings, the Committee received oral and written submissions from affected civilians, victims, community leaders, civil society organisations, and relevant public agencies. These testimonies revealed consistent patterns of gross negligence by BATUK in the handling of unexploded ordnances (UXOs), leading to multiple civilian injuries and fatalities. Kenyan workers hired to assist with debris clearance were not provided with protective equipment or training, exposing them to lethal risks. In addition to physical danger, serious environmental violations were reported, including illegal dumping of military waste and toxic materials. Such actions breach Kenya's environmental laws and international treaties, raising significant public health concerns.

The inquiry further uncovered a disturbing trend of sexual misconduct by BATUK personnel, marked by rape, assault, and abandonment of children fathered by soldiers. Survivors of sexual violence reported cases being dropped or mishandled by local authorities, with many victims denied access to justice. A 2003–2004 BATUK internal inquiry into rape allegations was found to have seized evidence and dismissed most complaints as false, without publishing its findings. These cases were compounded by the absence of any mechanism within either the UK or Kenyan justice systems to hold BATUK soldiers accountable for child support or other consequences of such misconduct. Non-governmental organisations such as FIDA-Kenya documented numerous cases of women left destitute, stigmatized, and unsupported. With no independent reporting or accountability mechanism in place, BATUK's immunity from Kenyan law effectively fosters impunity, particularly for sexual and gender-based violence.

Environmental degradation caused by BATUK's operations emerged as a major concern. The 2021 Lolldaiga Hills fire, which destroyed over 12,000 acres of vegetation, was sparked by BATUK's live-fire drills and resulted in toxic smoke, respiratory illnesses, livestock deaths, and reported miscarriages. Furthermore, the Committee found that BATUK had never conducted the legally mandated Environmental and Social Impact Assessments (ESIAs) for its field exercises. The National Environment Management Authority (NEMA) only became aware of these lapses post-facto, and has since been forced to pursue enforcement measures. There is credible community concern that chemical contaminants, including white phosphorus, may have polluted local soils and water sources. These ecological harms have also disrupted wildlife corridors and endangered local biodiversity, with the Kenya Wildlife Service (KWS) observing increased animal displacement and injury during BATUK's training seasons.

The inquiry also highlighted opaque and inequitable compensation practices by BATUK. The Committee noted cases in which ex-gratia payments were offered without transparency or fair assessment of liability. In one case, BATUK claimed only 50% responsibility for an injury suffered by Lisoka Lesasuyan, despite compelling evidence to the contrary. For instance, the African Centre for Corrective and Preventive Action noted that Kenyan courts have awarded damages in similar cases, such as the KES 7 million judgment for Mr. Longoro Mutunge, who was injured by a buried explosive, but only a fraction of such payments have been made. Meanwhile, private ranches where BATUK trains are well compensated, while neighbouring community-owned lands are used without lease agreements, consent, or reasonable compensation. Communities such as the Losesia Group Ranch have endured BATUK's activities for decades without receiving a proper return. This disparity in treatment has bred profound resentment, particularly after BATUK relocated operations from community land in Doldol to the privately-owned Lolldaiga conservancy, where payments to the landowner were substantial, yet the risks to surrounding villages remained the same.

The Committee also found that existing governance structures are insufficient to oversee BATUK's operations or protect affected civilians. Kenyan authorities, including NEMA and the Directorate of Occupational Safety and Health Services (DOSHS), were routinely denied unannounced access to live-fire zones or training sites, undermining independent inspections. Investigations into incidents such as the Lolldaiga fire or UXO injuries were either classified by the UK Ministry of Defence or delayed via diplomatic channels. The Defence Cooperation Agreement provides for an Inter-Governmental Liaison Committee (IGLC) and liaison officers to address complaints, but these structures are largely unknown to the public and ineffective in practice. Cases such as the murder of Agnes Wanjiru, whose inquest concluded in 2019 with no prosecution to date, illustrate the ineffectiveness of bilateral mechanisms in delivering justice.

Community engagement by BATUK was found to be severely lacking. Training schedules, risk communications, and environmental assessments are not shared with local communities, resulting in shock, injury, and trauma during drills. Chiefs and local administrators consistently reported being bypassed or left uninformed until after exercises began. Protests by unemployed youth in 2024 near BATUK training areas were met with force, reflecting rising tension and frustration. Although occasional donations have been made (such as classroom materials and water tanks), there have been no significant infrastructure investments in affected regions, despite BATUK's long-standing presence. Aid disbursements, where they exist, are often politically mediated rather than community-driven, further diminishing their effectiveness. As a result, BATUK is increasingly seen as an occupying presence rather than a development partner, with affected residents drawing parallels to colonial injustices.

Considering the foregoing, the Committee makes the following recommendations –

- (1) The Ministry of Defence, in consultation with the Office of the Attorney-General to develop within three (3) months of the adoption of this Report by the House amendments to the Kenya Defence Forces Act to incorporate—
 - (a) a visiting Forces Code of Conduct;
 - (b) provisions on zero-tolerance for SGBV with survivor support and child-support enforcement;
 - (c) environmental obligations;
 - (d) social responsibility; and
 - (e) civilian oversight mechanisms.
- (2) The Ministry of Foreign and Diaspora Affairs to initiate negotiations with the UK Government to implement within three (3) months of the adoption of this Report by the House, mechanisms to hold BATUK soldiers accountable for child support to children born out of consensual relations, including DNA-testing and psychosocial support for children fathered by BATUK soldiers.
- (3) The Office of the Attorney-General to collaborate with the UK Central Authority in the extradition proceedings of Mr. Robert James Purkiss (the suspect in Ms. Agnes Wanjiru murder case) pursuant to the Mutual Legal Assistance Act Cap 75A Laws of Kenya and the Extradition Act, 2003 Cap 41 of UK Public General Acts, including providing evidence and availing witnesses and report on the progress of the case to the National Assembly every three (3) months.
- (4) The Office of the Director of Public Prosecutions to initiate an inquest into the murder of Mr. Robert Swara Seurei within three (3) months of the adoption of this Report by the House.
- (5) The Directorate of Criminal Investigations to investigate the alleged cases of murder of Kenyan citizens by BATUK soldiers reported by the Kenya National Commission on Human Rights within six (6) months of the adoption of this Report by the House.
- (6) The Ministry of Foreign and Diaspora Affairs to initiate negotiations with the UK Government to implement, within three (3) months of the adoption of this Report by the House, restorative justice measures including compensation and psychosocial support for historical victims of sexual offences perpetrated by BATUK.
- (7) The Directorate of Criminal Investigations to investigate the alleged cases of sexual offences by BATUK soldiers including historical cases documented in the Truth, Justice and Reconciliation Commission report dated 3rd May 2013 within six (6) months of the adoption of this Report by the House.
- (8) The National Legal Aid Service to establish, within six (6) months immediately after the adoption of this Report by the House, a ***Survivor Liaison Unit in Isiolo, Laikipia and Samburu counties***, in line with the Legal Aid Act, Cap. 16A., to offer legal aid to victims of offences and other civil claims linked to BATUK personnel.
- (9) The National Legal Aid Service to take measures to assist victims in the settlement of civil claims including cases of injuries sustained and loss suffered as a result of BATUK operations or activities reported by the Kenya National Commission on Human Rights within six (6) months of the adoption of this Report by the House.

- (10) The National Police Service, in collaboration with the Office of the Director of Public Prosecutions and the Ministry of Defence, to establish within three (3) months of the adoption of this Report by the House, a ***Military-Linked Crimes Taskforce*** to oversee evidence preservation, case tracking, and expedited investigation and prosecution of offences committed by foreign military personnel, and to table progress reports to the National Assembly every six (6) months.
- (11) The Chief Land Registrar, in collaboration with the National Land Commission and the relevant county governments, to prepare, within six (6) months of the adoption of this report by the House, a ***Land Use Register*** of all parcels utilised by BATUK, indicating tenure, legal basis, duration, and community compensation arrangements, and to table to the National Assembly an audit of historical and current BATUK land-use agreements with recommendations for regularization.
- (12) The National Environmental Management Authority to direct BATUK to undertake an Environmental Impact Assessment on its training grounds, within three (3) months of the adoption of this Report by the House and thereafter conduct an environmental audit within three (3) months upon receipt of the assessment pursuant to the Environmental Management and Coordination Act, Cap. 387.
- (13) The Kenya Wildlife Service to prepare, within six (6) months of the adoption of this Report by the House, a wildlife displacement and damage report for areas affected by BATUK training, with policy recommendations for mitigation and restitution and report to the National Assembly.
- (14) The Ministry of Defence, jointly with BATUK, to operationalize within six (6) months of the adoption of this Report by the House, a written ***Range Safety and Ordnance Clearance Standard Operating Procedure*** requiring 100% accounting of expended munitions, UXO clearance within two (2) weeks after each exercise, publication of clearance completion reports with local authorities, and adoption of multi-agency emergency response plans supporting nearby health facilities and first responders.
- (15) The Ministry of Defence to provide, within one (1) month immediately after the adoption of this Report by the House, a comprehensive report on the status of the Kenya – UK Defence Cooperation Agreement to the National Assembly.

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Defence, Intelligence and Foreign Relations is established under Standing Order 2016 of the National Assembly Standing Orders and mandated, among others, to:
 - (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - (b) *study the program and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (c) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - (d) *study, assess, and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - (e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - (f) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is allocated subjects related to, among others, *“defence, intelligence, foreign relations, and veteran affairs.”*
3. In executing its mandate, the Committee oversees the following government Ministries, Departments, and Agencies (MDAs):
 - a) The Ministry of Foreign and Diaspora Affairs;
 - b) The Ministry of Defence;
 - c) The State Department for East African Community Affairs (EAC); and
 - d) The National Intelligence Service (NIS).

1.3 Committee Membership

4. The Committee was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. Koech Nelson, M.P.

Belgut Constituency

UDA Party

Vice-Chairperson

Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.

Mandera North Constituency

UDM Party

Members

Hon. Wanjira Martha Wangari, M.P.

Gilgil Constituency

UDA Party

Hon. Joshua Kandie, M.P.

Baringo Central Constituency

UDA Party

Hon. Hassan Abdi Yusuf, M.P.

Kamkunji Constituency

Jubilee Party

Hon. Kwenya Thuku Zachary, M.P.

Kinangop Constituency

Jubilee Party

Hon. Odhiambo Millie G. Akoth, M.P.

Suba North Constituency

ODM Party

Hon. Logova Sloya Clement, M.P.

Sabatia Constituency

UDA Party

Hon. Kanchory Elijah Memusi, M.P.

Kajiado Central Constituency

ODM Party

Hon. Ikana Fredrick Lusuli, M.P.

Shinyalu Constituency

ANC Party

Hon. (Dr.) Kasalu Irene Muthoni, MP

Kitui County

WDM-K

Hon. Mohamed A. Hussein, M.P.

Lagdera Constituency

ODM Party

Hon. Kirima Moses Nguchine, M.P.

Imenti Central Constituency

UDA Party

Hon. Anne Muratha, M.P.

Kiambu County

UDA Party

Hon. Luyai Caleb Amisi, M.P.

Saboti Constituency

ODM Party

1.4 Committee Secretariat

5. The Committee Secretariat comprises the following technical staff:

Mr. Dennis Mogare Ogechi
First Clerk Assistant/Head of Secretariat

Mr. Lenny Muchangi
Legal Counsel II

Mr. Bernard Njeru
Clerk Assistant III

Mr. Salat Ali
Principal Serjeant-at-Arms

Mr. Edwin Machuki
Fiscal Analyst III

Ms. Noelle Chelagat
Media Relations Officer I

Mr. John Ng'ang'a
Audio Recording Officer

Mr. Daniel Ominde
Research Officer III

Mr. Martin Sigei
Research Officer III

CHAPTER TWO

2.0 BACKGROUND TO THE INQUIRY INTO THE CONDUCT OF THE BRITISH ARMY TRAINING UNIT IN KENYA (BATUK)

2.1 History of Defence Cooperation Agreements Between the Republic of Kenya and The United Kingdom of Great Britain and Northern Ireland

6. Kenya and the United Kingdom of Great Britain and Northern Ireland (the UK) have a longstanding history of defence cooperation that dates to Kenya's independence in 1963. The defence relationship between the two countries is characterised by Defence Cooperation Agreements (DCA) and collaborations in the areas of military training, equipment support, and joint exercises.
7. The defence partnership between Kenya and the UK has been built up over many years of cooperation, shared training experiences and a deep and long history. UK troops have trained in Kenya for decades, having a dedicated training camp in Nanyuki christened the British Army Training Unit Kenya (BATUK), and the UK has a long-standing relationship with the Kenya Defence Forces (KDF), which the UK has come to regard as its Defence partner of first choice in Eastern Africa.
8. In 2015, the UK and Kenya signed a DCA to strengthen defence ties and address common security challenges. This agreement outlined areas of cooperation, including counterterrorism, maritime security, capacity building, and information sharing.
9. The recent agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation was signed on **27th July 2021** and replaces the previous Defence Cooperation Agreement signed in 2015 and which expired on **6th October 2021**.

2.2 Issues of Concern that Informed the Inquiry

2.2.1 Report on the Consideration of the Agreement Between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation

10. The Committee, in its *Report on the Consideration of the Agreement Between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation (Annex I)*, noted with concern the submissions by the county government of Laikipia regarding the activities of the British Army Training Unit in Kenya (BATUK), particularly in relation to environmental, human rights, and security concerns.
11. The Committee was informed that Lolldaiga Hills Ranch, a livestock and wildlife conservancy spanning approximately 49,000 acres in Laikipia County, serves as a training ground for British soldiers under the BATUK mandate. The conservancy is home to diverse wildlife, including rare species such as Grevy's zebras, leopards, wild dogs, elephants, and over 400 bird species.
12. In 2021, during a military exercise at the conservancy, BATUK personnel were reported to have caused a fire that engulfed over 10,000 acres of land. The inferno led to substantial destruction of local flora and fauna, forced wildlife to flee the area, and displaced residents of the surrounding Lolldaiga region, who were exposed to noxious fumes and intense heat carried by strong winds over the Lolldaiga Hills.
13. Subsequently, an NGO filed *African Centre for Corrective and Preventive Action & 6 others v Lolldaiga Hills Limited & 2 others; Kenya Wildlife Service & another (Interested Parties)* [2022] eKLR (*Annex 2*) before the Environment and Land Court at Nanyuki, seeking an order to compel Lolldaiga Hills Limited and BATUK to restore the environment and to provide compensation to the victims of the pollution and other incidental losses caused by the fire.

14. However, the case was determined through a preliminary objection by the Respondents, who argued that the Court lacked jurisdiction on grounds of sovereign immunity and the requirement to exhaust dispute resolution mechanisms provided under the DCA. In its ruling, the Court acknowledged its jurisdiction over environmental matters but upheld that **Article 25** of the Agreement stipulated all disputes relating to the Agreement's interpretation or implementation must first be addressed through consultations between the parties via the Inter-Governmental Liaison Committee, and, if unresolved, through diplomatic channels.
15. The Committee also noted with deep concern the tragic death of *Ms. Agnes Wanjiru*, whose murder in 2012 remains unresolved. Ms. Wanjiru, a young Kenyan woman, was allegedly killed by a British soldier, and her body was later discovered dumped in a septic tank at a hotel in Nanyuki. Despite widespread public outcry and media attention, no prosecution has occurred, and the pursuit of justice has been slow and fraught with frustration. It was submitted that the process of investigation has faced undue interference and obstruction, allegedly by BATUK personnel, which continues to hinder the delivery of justice.
16. The Committee was also apprised of a 2015 incident involving a minor who sustained serious injuries from a UXO of unconfirmed origin in the Archer's Post Training Area. The matter was investigated jointly by the Kenya Police Service, the Kenya Defence Forces (KDF), and BATUK, although the origin of the explosive device was not conclusively determined. Notwithstanding, the case was amicably settled through a compensation arrangement, reached without admission of liability by any party, and the affected child's family received payment.

2.2.2 Report of the Truth, Justice and Reconciliation Commission, Volume IIA

17. The *Truth, Justice, and Reconciliation Commission (TJRC) Report, Volume IIA (Annex 3)* provides compelling evidence of widespread sexual violence perpetrated by BATUK, particularly against women from the Samburu and Maasai communities. These incidents occurred over an extended period, with serious failures in accountability by both the British and Kenyan governments. The repeated nature of the violations, the lack of effective investigations, and the failure to prosecute offenders illustrate an entrenched culture of impunity and institutional negligence.
18. The TJRC Report establishes that the presence of British soldiers in Kenya is based on a DCA between the Kenyan and British governments, first signed in 1980 and reviewed every five years. However, rather than ensuring a structured and regulated military presence, the DCA does not protect local communities from the actions of BATUK soldiers. The report documents testimonies from victims, detailing how British soldiers preyed on local women, attacking them while fetching firewood, water, or grazing livestock. The most horrific case recorded occurred in October 1997 at Archers Post, where 30 women were gang-raped at knife-point, some inside their own manyattas.
19. The testimonies presented before the TJRC further highlight the psychological and social devastation these crimes inflicted on the victims and their communities. One witness recounted

"I was from town going home carrying food and money. Suddenly two men came from behind me, threw me to the ground, and raped me. I was three months pregnant. I miscarried."
20. Another testimony from Michael Lolwerikol, a male community leader, confirmed the severe impact of these crimes on the entire community. He described how women now live in constant fear, unable to herd livestock, fetch water, or carry out other domestic duties due to the threat of attack from BATUK soldiers. The stigma associated with the rapes, particularly children born out these violations, has led to cultural rejection of both the mothers and their children.

21. According to the Report, despite these well-documented violations, the Kenyan government did nothing to protect its citizens or to demand accountability from the British military. The Report details how, in September 2010, Hon. Lekuton, Member of Parliament for Laisamis, requested a ministerial statement on the rape allegations against British soldiers. However, when the Minister of State for Defence responded in November 2010, he denied knowledge of any rapes, despite substantial evidence and ongoing legal cases in Britain.

22. In a written submission to the TJRC, the British High Commission confirmed that they had received complaints and conducted investigations. However, while their investigation recorded 2,189 cases of alleged rape, it failed to pursue 281 cases where viable leads could have identified perpetrators. Moreover, the British authorities refused to conduct DNA tests on mixed-race children, arguing that even if paternity was confirmed, it would not prove that rape had occurred. The British High Commission stated thus –

“Whilst these children represented a valuable source of DNA to assist investigators, the possibility of identifying a suspect through the use of DNA was judged to be exceptionally remote. Moreover, even if evidence of paternity could be found, it would not mean that rape had occurred.”

23. The TJRC Report also reveals evidence of obstruction of justice by Kenyan authorities. Martyn Day, a British lawyer who sought to investigate the cases on behalf of the victims, faced resistance from Kenyan state operatives. The British lawyer stated thus –

“Following the closure of the RMP investigation I tried to locate those original documents and was they have gone missing. I met with the head of CID in Nairobi to ask that they track them down. He told me they were last seen with the Office of the President but now could not be located.”

24. The findings of the TJRC highlight a systemic failure at multiple levels –

- (a) Failure by the Government of Kenya to protect its citizens by failing to prevent the violations or to pursue justice for the victims, demonstrating a blatant disregard for its citizens’ rights.
- (b) Institutional negligence by the BATUK, by failing to enforce discipline among its soldiers and allowing sexual violence to continue unchecked.
- (c) The disappearance of key investigative documents and government resistance to legal inquiries indicate a deliberate effort to suppress evidence.
- (d) Despite 2,189 documented cases of rape, no British soldiers were prosecuted, illustrating a complete failure of the justice system to provide redress for victims.
- (e) The victims and their children continue to face isolation and stigma, compounding the suffering caused by these crimes.

2.3 Rationale for the Inquiry

25. Arising from the concerns noted during the processing of the *Defence Cooperation Agreement between the Republic of Kenya and the United Kingdom*, and those raised in the *TJRC Report Volume IIA*, the Committee sought to conduct an inquiry into the conduct of BATUK in the country and consequently, report to the House.

2.4 Objectives of the Inquiry

26. The main objective of the inquiry was to conduct a comprehensive investigation into the alleged malpractices within BATUK since its inception under the following terms of reference: -

- (f) to investigate the alleged ethical breaches related to ethical misconduct, including corruption, fraud, discrimination, abuse of power, and other unethical behaviours;

- (g) to investigate allegations of human rights violations including mistreatment, torture, unlawful detention, killings, or any other violations of internationally recognised human rights standards; and
- (h) to assess BATUK's operational integrity, especially recognised safety protocols, compliance with legal requirements and adherence to established military standards.

CHAPTER THREE

3.0 SUBMISSIONS BY WITNESSES AND STAKEHOLDERS

27. In compliance with Article 118(b) of the Constitution, the Committee vide advertisement dated 11th August 2023 (*Annex 4*), invited members of the public and stakeholders to submit memoranda on the specific terms of reference of the inquiry as outlined in the advert or on any other relevant issues to be received on or before Friday, 6th October 2023.
28. Following the advertisement, the Committee received the following submissions from members of the public –

3.1 Boda-Boda Representative

29. The boda-boda representative of Nanyuki vide an email 2nd October 2023 addressed to the Clerk of the National Assembly by Mr. Charles Kiambi (*Annex 5*) submitted as follows –
30. BATUK is the biggest employer in Nanyuki, offering employment to thousands of Kenyans and consequently contributing immensely to the economy of Nanyuki.
31. The individuals laying claims on the conduct of the BATUK are aggrieved because they failed to secure employment with the BATUK.
32. The claims by the girls were in bad faith, and the girls made advances to the military personnel, and when their efforts proved futile, they resorted to blackmail.
33. BATUK has contributed to the improvement of the community in Laikipia as well as neighbouring counties.

3.2 Kenya Support Staff (Locally Engaged Civilians) in BATUK

34. The Kenya Support Staff (Locally Engaged Civilians) in BATUK vide undated memorandum (*Annex 6*) submitted as follows –
35. On 3rd June 1963, a post-independence defence agreement was signed with the Kenyan government, allowing British troops to train in Kenya twice a year.
36. BATUK has two barracks in Kenya, Nyati Barracks at Laikipia Air Base in Nanyuki and Kifaru Barracks, a rear base and logistical hub situated at Kahawa Barracks in Nairobi. BATUK also has operating bases in Archer's Post in Samburu and Lolldaiga in Laikipia.
37. BATUK is hosted by the Kenya Defence Forces (KDF) and trains in the KDF gazetted areas. All permissions and approvals went through KDF as provided in the Kenya-UK DCA.
38. On employee benefits, BATUK offers a range of benefits to locally engaged support staff, ranging from employment opportunities, skill development, competitive compensation, infrastructure investment, cultural exchange, improved health and safety standards, and enhanced security.
39. BATUK has positively impacted the community, especially Laikipia and Samburu counties, by offering training opportunities both locally and abroad, employment to the locals, improvement of the local economy through tourism and purchase of local goods and services, as well as contributing to CSR projects.

3.3 Kenya National Chamber of Commerce and Industry (KNCCI)

40. Kenya National Chamber of Commerce and Industry (KNCCI) vide a memorandum dated 27th September 2023 (*Annex 7*) submitted as follows –
41. KNCCI unequivocally supports the Defence Cooperation Agreement that allows BATUK to operate within Kenya, particularly in Laikipia and Nanyuki Town.

42. The DCA is rooted in the benefits it has brought to both the local business community as well as the broader Kenyan society. Over the years, the BATUK's presence has had a positive impact on the local economy as visiting soldiers seek services of the local curio shops, accommodation, dining, entertainment and taxis while engaging in local development and infrastructural projects.
43. BATUK soldiers have consistently demonstrated remarkable discipline, adhering to a strict code of conduct overseen by the Military Police and the Regimental Sergeants Major (RSMs). Their professionalism was commendable and contributed to maintaining peace and security in the region.
44. BATUK actively engages various stakeholders, including political and business leaders, to involve the community in their development initiatives and Corporate Social Responsibility (CSR) activities, which demonstrate their commitment to fostering positive relationships and contributing to the welfare of the local population.

3.4 County Government of Laikipia

45. County Government of Laikipia, through the Office of the Attorney General, vide letter reference number CGL/CE/015/2022 dated 16th March 2022 (*Annex 8*) submitted as follows –
46. On 11th October 2016, the Government of Kenya entered a DCA with the UK. In the Agreement, the parties agreed to implement all activities in conformity with the domestic law in force in the Host Nation. The activities envisioned in Article 4 of the DCA included military exercises and training.
47. However, BATUK committed several unspeakable atrocities against the people of Kenya and the environment in general. The atrocities committed by the BATUK undermined the sovereignty of the people of Kenya, their right to human life and the sanctity of such life as enshrined in the Constitution of Kenya.
48. The human rights violations associated with the BATUK included –
 - (a) The Lolldaiga Hills Conservancy fire ravaged more than 10,000 acres of land, causing massive damage to flora, fauna and the people living in proximity to the ranch.
 - (b) The death of Agnes Wanjiru, wherein the circumstances surrounding her death, including the alleged involvement of British soldiers, were a matter that required a thorough and impartial investigation to establish the facts and identify those responsible for her death.
 - (c) A case in 2015 whereby a 10-year-old child sustained serious injuries occasioned by a UXO of unestablished origin.

3.5 Kenya National Commission on Human Rights

49. The Kenya National Commission on Human Rights (KNHRC) vide an advisory dated 6th October 2023 (*Annex 9*), submitted as follows –
50. The advisory was in response to the concerns raised by some Kenyans about alleged human rights violations by the BATUK, including local incidents and the impact it had on the broader public trust and community relations. The advisory highlighted the need for greater oversight, accountability and communication in incidents involving the BATUK to ensure that the victims are upheld.
51. Kenya has an active DCA with the UK that allows up to six infantry battalions (10000 soldiers) per year to engage in eight-week exercises in Kenya, based in Kifaru Barracks within the Kenya Army base and the Nyati Barracks in the Laikipia Air Base in Nanyuki. In return, the UK offers support to the Kenyan military through capacity-building and conducts joint exercises with the KDF. The UK also supports Kenya's initiatives against violent extremism, including sending British troops to Somalia to provide the KDF with logistical support.

52. However, the implementation of the Defence Cooperation Agreement has not been without challenges, and the BATUK has increasingly been accused of various omissions and commissions. The Kenyan public has raised concerns over the way the DCAs are negotiated, claiming that their interests are often ignored and there is insufficient public participation as envisaged in the Constitution of Kenya, 2010.
53. In relation to concerns regarding human rights violations by the BATUK, the KNHRC submitted that c
54. The following complaints have been raised to KNHRC regarding human rights violations by BATUK –
- (a) Accusations from host communities regarding killings, maiming and assaults, which consisted of murder, public fights and fatal traffic hit-and-runs.
 - (b) Sexual violence and exploitation concerns where the *TJRC Report* documented cases perpetrated by the BATUK, including an incident of 30 women who had been gang raped at knifepoint.
 - (c) Cases of infringement on community lands, resources and environmental rights by the BATUK through negligent training practices, including leaving UXOs on unfenced fields that have killed and maimed livestock and herders in pastoralist communities in Samburu and Laikipia.
 - (d) Complaints of violations of labour rights, including unfair dismissal and failure to recognise unionisation of employees and remit union dues contrary to the Employment Act (*Cap. 226*).
 - (e) Lack of accountability and access to justice, with no form of redress or adequate reparations being availed to the victims.
 - (f) Intimidation of human rights defenders who follow up on alleged violations by the BATUK, including arbitrary arrests to deter them from pursuing justice for the victims.

3.6 Dr. Mwaniki Isaiah Ndung’u, PhD, MBS, Senior Lecturer of Linguistics and Languages, (Rtd) UoN

55. Dr. Mwaniki vide memorandum dated 4th October 2023 (*Annex 10*), submitted as follows –
56. The DCA between Kenya and the UK was inconsistent with the fundamental principles, philosophy and objects of the sovereign sanctity of the Constitution of Kenya. Kenyan governance practices and the government’s mandate to protect its citizens’ interests.
57. Citizens’ interests undermined by the inconsistency included –
- political legislative processes that preserved transparency and accountability, economic interests including trade relations, strategic security interests and intelligence operations, socio-cultural interest including protection against abuse and human rights, persistent historical injustices, diplomatic international relations and protocols that preserve equality and equity and the general respect of constitutional democratic rights of Kenyans.*
58. That the proposed terms of reference for the Inquiry were inadequate to generate perspective and issues that public participation would have addressed in relation to what informed the training Agreement of foreign troops in an independent country. Thus, the following additional terms of reference should be included –
- (a) To determine the extent to which the BATUK operations are inconsistent and incompatible with the principles, philosophy and sanctity of the Constitution of Kenya, 2010.
 - a) To investigate the environmental impacts related to degradation of training grounds, natural resources as well as noise pollution.

- b) To determine through forensic empirical investigations the prevalence of historical injustices related to alienation of community parcels of land.
- c) To establish other secret non- military missions which the BATUK may have undertaken on behalf of the UK without the knowledge of the Kenyan government's intelligence agencies.
- d) To investigate the social and psychological traumas encountered by communities living in the neighborhood of the BATUK troops.
- e) To identify the overt threats associated with degradation of underground geological resources of both economic and cultural significance.
- f) To establish through structured mechanisms specific violations of Constitutional provisions.
- g) To assess the actual cost of rehabilitation and restoration of degraded training grounds for human habitation.

CHAPTER FOUR

4.0 PUBLIC HEARINGS IN LAIKIPIA AND SAMBURU COUNTIES

59. Having noted various unresolved issues arising from the foregoing submissions, and in compliance with Article 118(1)(b) of the Constitution, the Committee vide advertisement dated Tuesday, 21st May 2024 (*Annex 11*), invited members of the public to appear and submit written memoranda and/or oral views on the terms of reference of the inquiry as outlined and any other relevant issues.

No	County	Venue
1.	Laikipia	Jua Kali, Jua Kali Centre
		Nanyuki Town, Nanyuki Social Hall
2.	Samburu	Archers Post, Archers Post Chief's Camp
3.	Laikipia	Doldol, Kiwanja Ndege Centre

4.1 Courtesy Call to the Deputy Governor, Laikipia County

60. On 28th May 2024, the Committee convened a meeting with H.E. Hon. Reuben Kamuri, the Deputy Governor of Laikipia County, who submitted as follows –

- (a) BATUK has made a significant contribution to local employment, with over 600 staff engaged on permanent and pensionable terms. BATUK has undertaken CSR initiatives, including drilling boreholes, supplying relief food, and supporting various community programs.
 - (b) Regarding concerns over limited job opportunities, the County Government reached an agreement with BATUK to establish a Labour Office dedicated to handling employment-related matters and prioritising residents from specific exercise areas for job opportunities during BATUK operations.
 - (c) BATUK has contributed to indirect employment by supporting taxi operators and G4S security services, as well as direct benefits such as drilling and maintaining boreholes, developing water catchment areas, and collaborating with the community and County Government on emergency responses and infrastructure development.
61. The Committee also received submissions from Mr. Onesmus Kyatha, the Laikipia County Commissioner, who stated as follows –
- (a) The primary concern among locals relates to both skilled and unskilled employment opportunities provided by BATUK. There are no significant crime issues associated with BATUK, with reported incidents being isolated cases.
 - (b) The benefits of BATUK's presence in Nanyuki outweigh the negatives. Nanyuki town prospers due to BATUK's activities and would experience economic stagnation if BATUK were to withdraw. Interactions between BATUK and the local population are generally limited, primarily occurring during social activities in Nanyuki town.
 - (c) On the issue of community complaints against BATUK, the grievances are typically addressed through discussions with the public or direct engagement with BATUK representatives. However, the limited availability of employment remains a key concern given the large local population.
62. The Committee heard from Hon. Jane Kagiri, OGW, Member of Parliament for Laikipia County, who informed the Committee that BATUK has partnered with her office on various

CSR initiatives, including providing trucks for the distribution of water tanks and sanitary towels.

4.2 Jua Kali Market, Laikipia County

63. On **28th May 2024**, the Committee conducted a public hearing at Jua Kali Market in Laikipia County, where members of the public submitted (*Annex 12*) as follows –
64. Mr. Yoakim Kararu Sengera Sub-location submitted that the community has endured cases of rape and environmental degradation due to BATUK’s activities. Children fathered by BATUK soldiers in Doldol and other areas have been neglected by their British fathers. While some women had consensual relationships with BATUK soldiers, others were subjected to rape, and in all cases, the children have faced neglect and discrimination due to their mixed heritage.
65. On the Lolldaiga fire incident, the community members submitted as follows –
- (a) Mr. John Maina from Impala Location submitted that the fire caused extensive damage to farms and led to eye and lung problems among residents. The displacement of wild animals due to the fire resulted in crop destruction and injuries to community members.
 - (b) Mr. Katulo Kaparo from Manamati Location submitted that burnt pasture contaminated water sources, adversely affecting both livestock and human health. He presented medical evidence of eye damage caused by the toxic smoke and stated that the community had to purchase animal feed due to the destruction of pasture.
 - (c) Mr. Sammy Rubia from Mukima Sub-location submitted that there have been cases of miscarriages among pregnant women due to exposure to the toxic smoke. He also noted that his eyesight had deteriorated as a result, requiring visual aids which he could not afford.
 - (d) Mr. Rembasi from Neibo Sub-location submitted on wild animal invasions following the fire, calling upon the KWS to install security lights to ensure the safety of residents, livestock, and crops. He also criticised BATUK for noise pollution caused by explosives, which has led to sleeplessness and structural damage to homes.
66. Mr. John Kiunjuri Kamau submitted that BATUK’s use of explosives, which are detonated in an upward trajectory, releases white phosphorus, a substance known to cause adverse effects on eyesight and reproductive health in both humans and livestock. BATUK’s negligent handling of ordnances has led to accidents involving locals, who have yet to receive any compensation. BATUK’s activities have led to soil and water contamination, causing reduced agricultural productivity. While some legal actions against BATUK have resulted in compensation orders, these have yet to be enforced.
67. On the health impacts of BATUK activities and unfulfilled compensation, the community members submitted as follows –
- (a) Mr. Simon Kabiro, an elderly resident, presented medication he has been taking as a result of complications arising from the Lolldaiga fire. He also noted that wild animals displaced by the fire destroyed crops and killed livestock.
 - (b) Ms. Teresia Gathoni from Muramati Sub-location submitted that her brother died due to the effects of the toxic smoke.
 - (c) Mr. Johnson Njoka from Muramati stated that, four years after the fire, residents have yet to receive compensation for the resulting damages and urged the government to facilitate their relocation away from military training areas to prevent further harm.
 - (d) Mr. Abraham from Kimuradura submitted that the fire had severe impacts on reproductive health, causing numerous miscarriages among women and livestock. BATUK should

- compensate the local community for the use of their land rather than paying foreign landowners who profit from hosting military exercises.
68. On the environmental and economic impacts of BATUK activities, the community members submitted as follows –
- (a) Mr. Boniface Sebenyo, representing farmers from Segera, submitted that residents were not consulted before the ratification of the DCA between Kenya and the UK. As a result, their views and recommendations were excluded. Military activities have disrupted rainfall patterns in Laikipia, leading to declining agricultural productivity and increasing reliance on relief food, despite the region's formerly high productivity. There is a need for an investigation into the chemicals used in BATUK's ordnances.
 - (b) Ms. Regina Wambui from Muramati submitted that compensation for damages caused by the Lolldaiga fire has taken an inordinately long time, whereas other affected stakeholders, such as KWS, have already received payments.
 - (c) Ms. Jacinta Nyakinyua from Umande submitted that a collector dam from Lolldaiga was contaminated, affecting crops and livestock. Despite a court order for compensation, BATUK has yet to enforce the ruling. If Laikipia County's agricultural potential were fully realised, the local population would be less reliant on scholarships and aid from BATUK.
69. The African Centre for Corrective and Preventive Action, a CSO based in Nanyuki, submitted as follows –
- (a) BATUK has violated various rights of the residents of their areas of activity, including Mr. Charles, who sustained fractures in an accident involving a BATUK truck but has never been compensated.
 - (b) Mr. Lisoka Lesosuyan lost his arms and eyesight due to an explosion caused by UXO negligently left behind by BATUK. Despite his severe injuries, he was awarded only KES 10 million, and BATUK has refused to share its investigation report on the incident.
 - (c) The nephew of Ms. Irene Kipsage carried home what he thought was a candle after a training session with BATUK, only for it to explode, causing injuries and fatalities. The investigation by BATUK revealed that instructions given to locals not to carry anything from the field were issued in English, which the victim could not understand.
 - (d) BATUK destroyed all files while relocating their bases, making it difficult to investigate atrocities committed by their soldiers.
 - (e) There is a need to ensure occupational safety for Kenyans working in BATUK installations, and Kenyan staff should receive the same protections as British staff. The two governments should establish Lolldaiga Memorial Hospital, to be operated by the community, the government, and NGOs, to provide health services to those affected by the Lolldaiga fire incident.
 - (f) KWS compensates for the damage caused by animals in conservancies owned by foreign nationals, using taxpayers' money, while the benefits of these conservancies accrue to the foreign owners.
 - (g) The Nanyuki Environment and Land Court (ELC) ruled that British soldiers are not immune to litigation in Kenya. However, BATUK has yet to comply with compensation rulings.
 - (h) Military training should not be conducted in sensitive ecosystems such as conservancies, as the activities disturb the wildlife, causing the animals to flee and subsequently damage neighbouring communities.

- (i) BATUK pays substantial amounts to the conservancies, whose funds are often invested in foreign jurisdictions. For instance, Robert Wells received KES 1.5 billion, which was deposited in tax havens in Liechtenstein.
- (j) The CSO, which focuses on the welfare of people affected by BATUK's activities, was denied access to the Lolldaiga Conservancy to assess the damage caused by the fire incident. Visiting forces should permit access to their bases in Kenya and should adequately compensate Kenyans for damages caused by their activities. He called for submissions from the National Museum of Kenya regarding the damage to Kenyan heritage by foreign military activities in the country.
- (k) Military training should be conducted on community ranches, ensuring that the attendant benefits accrue to the local community in the same manner as they do to foreign ranch owners, to ensure that local communities receive comparable benefits. In Cyprus, the UK compensates local communities more favourably for military training activities than it does in Kenya. BATUK training should be relocated back to Doldol and not the foreign-owned conservancies.
- (l) Military establishments should not be in conservancies or within the precincts of human habitats, as soldiers use live ammunition and other ordnances, which is contemptuous to the community.
- (m) Parliament should benchmark BATUK activities against other military cooperation arrangements between the UK and countries like Cyprus, Germany, and Canada, particularly regarding compensation for damages in those jurisdictions. In Canada, a British soldier was convicted under Canadian law for the murder of a Canadian, and a similar case occurred in Japan, as contrasted to the handling of the case of Agnes Wanjiru, who was murdered by a BATUK soldier and dumped in a latrine.
- (n) The DCA between the UK and Canada mandates visiting forces to report to Canadian authorities to check the types of weapons they intend to use and to ensure accountability. This contrasts with the situation in Kenya, where BATUK uses white phosphorus, a substance prohibited by international conventions.

70. Hon. Sarah Korere, Member of Parliament for Laikipia North, submitted as follows –

- (a) The benefits provided to locals by BATUK are mere tokenism. There have been incidents of rape, negligence in ordnance disposal, and inadequate compensation for victims of BATUK-related accidents.
- (b) BATUK relocated from Doldol to Lolldaiga, where they pay substantial fees to foreign landowners while offering little benefit to the local communities.
- (c) BATUK training should be moved to Kapedo and Suguta Valley, areas affected by banditry, which possess suitable terrain for military training.

71. Hon. Jane Kagiri, OGW, Member of Parliament for Laikipia County, submitted as follows –

- (a) The murder of Agnes Wanjiru by a BATUK soldier and the subsequent cover-up, as well as the unresolved issues surrounding the Lolldaiga fire incident, should be investigated and compensated.
- (b) Despite Laikipia being an agricultural hub, food consumed at Nyati Barracks is not sourced from local farmers. Locals also find it difficult to secure employment at BATUK installations, and some resort to bribery to obtain jobs.

- (c) Elected leaders face bureaucratic challenges in addressing community concerns with BATUK, as they must go through the KDF rather than engaging BATUK directly. The frequent rotation of commanders at BATUK is a deliberate tactic to avoid accountability.
- (d) BATUK's CSR activities, such as providing trucks for distributing water tanks and sanitary towels, are insufficient given the extent of the impact they have on local communities.

4.3 Nanyuki Social Hall, Laikipia County

72. On 28th May 2024, the Committee conducted a public hearing at Nanyuki Social Hall in Laikipia County, where members of the public submitted as follows –

73. On the failure to ensure justice in the murder of Agnes Wanjiru, Ms. Esther Njoki, the niece of the late Agnes Wanjiru and the family spokesperson, submitted as follows –

- (a) Despite the 2012 Inquest Report attributing her murder to a BATUK soldier, no arrest or prosecution has been undertaken in either Kenya or the UK.
- (b) The unresolved status of the case after twelve years raises ethical concerns about the commitment of both the Kenyan and UK governments to ensuring justice.
- (c) There is an urgent need for clarification on why the responsible soldier cannot be charged in Kenya, where the crime occurred, and why the DCI has not concluded its investigations.

74. On labour violations and employment concerns, it was submitted as follows –

- (a) Ms. Susan Kamiru from Majengo, who has been employed on contract since 2013, submitted that there are violations of employment rights at BATUK installations, including the dismissal of employees without due process. Civilians have been subjected to military court martial proceedings, raising concerns about the legality of such actions.
- (b) Mr. Jackson Mwangi Maina, a BATUK employee, submitted that he has been employed as a casual labourer at BATUK since 2007, despite working continuously for seventeen years. BATUK should not keep employees on casual contracts for extended periods and should instead offer permanent employment to long-serving workers.
- (c) Mr. Dominic Maroko, a former BATUK employee, submitted that BATUK does not consider persons with disabilities for employment opportunities. BATUK should employ individuals permanently to ensure job security.
- (d) Ms. Susan Wangari, a resident living near BATUK, submitted that at least 75% of BATUK employment opportunities should be reserved for locals. She recounted an incident where a lady was dismissed for allegedly engaging in sexual misconduct with other employees. Upon questioning the dismissal, her son was also dismissed in what appeared to be retaliation. There are allegations of nepotism and conflict of interest, with certain families dominating employment at BATUK installations. Tenders are awarded to businesses that are not based in Nanyuki, depriving local enterprises of economic benefits. Employees at BATUK installations have been dismissed for lodging complaints about working conditions. BATUK officers have arrested locals for collecting discarded food.

75. On legal and judicial concerns, it was submitted as follows –

- (a) Mr. Njeru Mwangi, an Advocate of the High Court of Kenya, submitted that the UK enacted the *Overseas Operations (Service Personnel and Veterans) Act 2021*, which limits legal proceedings against UK soldiers for actions committed overseas. The Act effectively prevents compensation and liability for UK soldiers operating abroad, further complicating justice for Kenyan victims. The ongoing Lolldaiga fire incident case has been in court for

three years, with no resolution in sight. The case of Lisoka Lesosuyan, a Maasai moran who was injured by carelessly disposed undetonated ordnance by BATUK, remains unresolved.

- (b) Mr. Kelvin Kubai, an Advocate of the High Court of Kenya, submitted that the DCA between the UK and Kenyan governments does not provide clear mechanisms for resolving disputes or redress for affected parties. There have been cases of sexual discrimination and harassment of employees at BATUK installations. Police officers handling complaints against BATUK are incapacitated due to a lack of dedicated offices for such matters. The UK and Kenyan governments should collaborate to establish effective redress mechanisms. While BATUK contributes to the economy of Laikipia County, most high-end businesses benefiting from its presence are not locally owned.

76. On human rights violations and excessive force, it was submitted as follows –

- (a) Mr. Kevin Githinji Maina submitted that on 7th April 2024, he was arrested for allegedly participating in demonstrations near BATUK. He was teargassed and beaten by officers, despite only seeking employment. He was arraigned in court and is required to attend multiple court hearings despite lacking the resources to do so.
- (b) Mr. James Mwangi submitted that BATUK employs locals on a contract basis, whereas individuals from other regions are employed permanently. The Lolldaiga fire incident has had adverse health effects on the local population, with many suffering respiratory issues and other long-term complications.
- (c) Ms. Lorain Wangui submitted that a complaint desk should be established for offences committed by BATUK soldiers. Chiefs should be given the authority to oversee employment at BATUK to ensure fair hiring practices.
- (d) Mr. Martin Kakai submitted that he worked as a casual labourer at BATUK for fourteen years before being laid off in 2020. After lodging complaints about unfair hiring practices, he was arrested, harassed by DCI officers, and had his phone confiscated. He was coerced into writing and posting a statement on Facebook apologising to BATUK.

77. On the economic impact of BATUK, Mr. Ndegwa Gitonga, Chairperson of the Kenya National Chamber of Commerce, submitted that BATUK significantly impacts the local economy, particularly in the accommodation and transport sectors. BATUK directly employs over 600 local staff, both permanent and casual. BATUK has provided training and skills development to the local workforce.

4.4 Archers Post, Samburu County

78. On **29th May 2024**, the Committee conducted a public hearing at Archers Post in Samburu East, where members of the public submitted (*Annex 13*) as follows –

79. On land use and lack of compensation, Mr. Alois Leariwala, a representative of Losesia Community Land, submitted that –

- (a) BATUK has conducted training exercises on the Losesia community land since 1981, yet the community has never been compensated for its use. The Losesia community holds a title to the land, and despite previous visits by the Departmental Committee on Defence and Foreign Relations of the Twelfth Parliament, no action has been taken to address their concerns.
- (b) BATUK has established two camps, Camp Simba and Twiga, on community land without paying royalties or compensation. Compensation should be provided to the Losesia community for land degradation and environmental damage resulting from BATUK's military exercises.

- (c) The community has experienced structural damage to houses and installations due to the extensive use of explosives during BATUK training exercises. BATUK's activities have caused severe environmental degradation at Lolkanjao, necessitating an urgent environmental impact assessment (EIA).
 - (d) Despite BATUK's presence, the local community remains largely unemployed, as BATUK predominantly employs individuals from Nanyuki without consulting the local population. BATUK has not awarded tenders to local businesses, depriving the community of economic benefits.
80. On human rights violations, it was submitted as follows –

- (a) Ms. Pauline Lolgonjine, Treasurer of Losesia Community Land, submitted that the repeated use of explosives during BATUK training has led to reproductive health disorders among women, causing miscarriages and other health complications. Community leaders have never engaged with BATUK to ensure employment opportunities for their people. BATUK discriminates against women in employment, failing to offer them equal opportunities. Foreign landowners are adequately compensated for the use of their land for military training, yet the Losesia community, whose land is also used, has received no compensation. Victims of accidents involving BATUK personnel receive minimal compensation, with some only being awarded KES 30,000. Cases of rape and sexual violence by BATUK soldiers remain unresolved, and justice has not been served to the victims.
- (b) Mr. Mohamed Leeresh from Archers Post submitted that his brother, Tilam Leresh, was shot and killed by BATUK officer Sergeant Maddison in 2012 while herding livestock in Ol Kanjau. He provided *Inquest No. 2 of 2014 In the Matter of Tilam Leresh (Deceased) (Annex 14)*, where Hon. Mutai ruled as follows –

“From the evidence on record, it is not in dispute that the deceased was at the scene of shooting at all material time. It is also not in dispute that the ground where the scene of crime occurred was being used by the BATUK and that among the BATUK officers was Srg Madison. It is also clear that the said officer was armed with an assault rifle which was adduced as evidence before the court and it was fired at the time relevant to this case. It is also significant clear that the deceased died of gunshot injuries. That there was no evidence of natural decease that could have caused his death. IW17 stated that the deceased died from a single gunshot wound to his chest that entered the left side of the middle part of the back from the left right, upwards and forward to exit his body near the top of tread bone. He said the left lung, airways and the aorta were as a result of secondary injuries caused immediate atestrophic hemorrhage leading progressively and very rapidly to unconscious death. IW13 on her part, formed an opinion that the Deceased, Tilam Leresh was shot by Sgt Maddison as they were facing the same direction. The deceased was actually shot from the back.

Owing to the sufficient evidence to pointing at the culpability of Sergeant Maddison, I find that the deceased was shot dead and that he was shot through his back and that no evidence has been tendered to demonstrate that the deceased ever shot at the British Army Officer first or at all. Accordingly, I find that the Sergeant Madison who was then an officer of British Army Training Unit in Kenya (BATUK) be arrested and charged with the offence of Murder of Tilam Leresh of Kenyan Nationality.”

Inquest No. 2 of 2014 ruled that Sergeant Maddison be arrested and charged with murder. Despite the court's ruling, no action has been taken against the officer, leaving the family without justice.

- (c) Ms. Siyele Lemale, a Nyumba Kumi representative and member of Losesia Community Land, submitted that BATUK's activities negatively affect the livelihoods of the community, particularly those who depend on livestock. Promises of compensation for victims of accidents and sexual offences have not been fulfilled. BATUK hires workers from other regions while sidelining members of the local community, who are only offered casual contracts.
81. On employment and labour rights violations, it was submitted as follows –
- (a) Mr. Anderson Leloso, a former G4S supervisor at BATUK camps, submitted that BATUK military aircraft have deliberately frightened livestock, causing distress to pastoralists. The Departmental Committee on Defence and Foreign Relations of the Twelfth Parliament had previously visited the area but failed to take any action. He was injured by UXO while clearing BATUK training fields, but was only compensated KES 200,000 instead of the agreed KES 7 million. An NGO responsible for handling compensation funds misappropriated payments meant for victims.
- (b) Mr. David Lepansoi submitted that BATUK primarily employs individuals from Nanyuki, denying job opportunities to residents of Samburu County. Range workers and fire safety personnel trained and employed for over ten years were later dismissed without cause.
- (c) Mr. David Lokia submitted that BATUK has provided some benefits to the Samburu community, including employment for range workers, renovation of the District Officer's office, and fencing of the police station. However, incidents of rape and deaths caused by UXOs remain a significant concern. The wife of Ngordo Letou was killed by an undetonated ordnance, but has not been compensated.
82. On compensation and CSR, it was submitted as follows –
- (a) Mr. Michael Lesiamut submitted that BATUK's CSR contributions in Samburu County are insufficient and do not match the extent of the damages caused by their activities. BATUK frequently bypasses community representatives and works directly with politicians, undermining local leadership structures. Community representatives, including group ranch leaders, should be consulted in decision-making processes.
- (b) Ms. Mumsi Lochede submitted that her daughter was injured in an accident involving a BATUK truck in 2019 and has yet to receive any compensation.
- (c) Ms. Jenerika Namoru submitted that she had a child with a BATUK soldier who has refused to provide support for their five-year-old child.
- (d) Mr. Mavan Lesanjir submitted that BATUK provides inadequate compensation for using community land. Cases of cancer and other diseases in the area have been linked to exposure to BATUK's explosives. Hearing problems caused by exposure to BATUK explosions have necessitated the use of special hearing aids. Compensation policies should be standardised to ensure fairness for all victims.
83. On military training and local community rights, it was submitted as follows –
- (a) Mr. Lemaramba Rante submitted that training exercises should be conducted with due regard for the rights of landowners and local users. Locals should not be displaced from their grazing lands during BATUK training exercises. BATUK compensates foreign-owned conservancies but has failed to compensate local community ranches.
- (b) Mr. Simon Lerondi submitted that they were recruited to clear UXOs from BATUK training fields for three months without protective equipment. Many suffered health complications, and some died due to exposure to dangerous ordnances.

- (c) Mr. Lawrence Chakayon, who worked as a range warden between 2001 and 2003, submitted that his NSSF deductions were never remitted.
 - (d) Mr. Ikale Moreski submitted that a recognised labour office should be established to handle employment matters and ensure that locals receive fair employment opportunities, suggesting a target of 30-40%. BATUK should ensure the safety and insurance of local workers at its installations.
84. Hon. Jackson Lekumontare, Member of Parliament for Samburu East Constituency, submitted as follows –
- (a) Women have been injured or killed by undetonated ordnances left behind by BATUK.
 - (b) The careless disposal of ordnances has resulted in numerous deaths and injuries.
 - (c) The DCA between Kenya and the UK should include provisions for compensating local communities for the use of their land.
 - (d) BATUK does not prioritise the employment of locals and instead hires individuals from Nanyuki at the expense of Samburu residents.

4.5 Doldol, Laikipia County

85. On **29th May 2024**, the Committee conducted a public hearing at Doldol in Laikipia North, where members of the public submitted (*Annex 15*) as follows –
86. On injuries and dangers posed by undetonated ordnance, it was submitted as follows –
- (a) Mr. Golode Lomotindia submitted that during his youth, he sustained severe injuries from UXO, resulting in the loss of his teeth and multiple fractures. He recorded a statement with an NGO and was awarded KES 7 million in compensation, but has only received KES 100,000 to date. Many UXOs remain buried underground, particularly in areas where BATUK has trained, posing significant risks to the community, especially during rainfall.
 - (a) Mr. Jubril Legei submitted that he recently retrieved UXO from BATUK training fields, further demonstrating the failure of BATUK to ensure safe disposal of hazardous materials. The failure to clear UXOs continues to endanger residents, leading to injuries and fatalities.
 - (b) Ms. Francisca Kilwa submitted that a family member sustained injuries from a UXO that was carelessly disposed of by BATUK soldiers. BATUK has not adequately addressed such incidents, nor has it provided the necessary compensation for victims.
87. On employment discrimination and unfair labour practices, it was submitted as follows –
- (a) Ms. Christine Kitonga submitted that BATUK predominantly employs locals from Laikipia North on a casual basis, denying them opportunities for permanent employment. Women are particularly excluded from employment opportunities, further deepening economic inequalities. BATUK prefers conducting training on foreign-owned ranches rather than locally owned land to avoid compensating local communities for land use.
 - (b) Mr. Jubril Legei submitted that BATUK employs individuals from Umande and Nanyuki on permanent contracts while excluding residents from Doldol. In a recent recruitment exercise, BATUK hired only six individuals from Doldol, compared to eighty from Nanyuki. The safety conditions for BATUK workers remain poor, and those assisting in extinguishing the Lolldaiga fire were injured due to a lack of protective gear. BATUK should consider recruiting Kenyans into their military as part of a long-term employment initiative.
 - (c) Mr. Joel Ntiya submitted that he has worked as a casual labourer for BATUK since 2015 without being considered for permanent employment. Out of the six hundred employment opportunities offered by BATUK, only fifty have been allocated to locals from Doldol.

BATUK unlawfully dismisses employees on medical grounds, contrary to labour laws. BATUK should consider hiring local vehicles instead of exclusively sourcing transport services from Nanyuki.

- (d) Ms. Francisca Kilwa submitted that BATUK solely hires vehicles from Nanyuki, sidelining local transport businesses.
- (e) Mr. Leshwel, Chairperson of Community Land, submitted that BATUK should construct a university on their community land as part of its corporate social responsibility.

88. On environmental and health concerns, it was submitted as follows –

- (a) Ms. Christine Kaunga submitted that the Lolldaiga fire incident had significant health and economic effects on the local community, causing trauma and panic, yet affected persons have not been compensated. BATUK's careless disposal of ordnances has resulted in fatalities and severe injuries among locals.
- (b) Mr. Jubril Legei submitted that the smoke from the Lolldaiga fire incident caused substantial harm, and BATUK has not taken responsibility for the resulting health effects.
- (c) Mr. James Mwangi submitted that BATUK employs locals to clean military waste without providing protective gear or informing them of the nature of the materials they handle. The disposal methods of BATUK's military waste in Kenya remain unclear, and there are allegations that some of this waste is dumped in North Eastern Kenya.

89. On human rights violations, it was submitted as follows –

- (a) Ms. Francisca Kilwa submitted that BATUK soldiers have raped local women, and while a case was initiated, it has since been abandoned without justice for the victims. BATUK soldiers engage in immoral behaviour, including disposing of used condoms carelessly, which local children have unknowingly used as balloons.
- (b) Mr. Jubril Legei submitted that there have been incidents of rape committed by BATUK soldiers that remain unaddressed, and the perpetrators have not been brought to justice.
- (c) Mr. Solomon Kusi, a representative of a local CBO, submitted that between 2003 and 2004, BATUK conducted an inquiry into rape cases, injuries, and deaths caused by UXOs. BATUK took possession of the evidence and concealed it, dismissing all but 230 cases as fake, and the report has never been made public. BATUK officers found in contravention of Kenyan laws should be prosecuted in Kenya.

90. On BATUK's CSR initiatives, it was submitted as follows –

- (a) Ms. Christine Kaunga submitted that BATUK should enhance its CSR initiatives by constructing an airstrip, employing more locals, and building schools and health facilities.
- (b) Ms. Francisca Kilwa submitted that BATUK should construct a bridge for the local community as part of its CSR efforts.
- (c) Mr. Solomon Kusi submitted that BATUK's CSR activities are underwhelming and not commensurate with the damage caused to the local community. BATUK should conduct military training on local land and provide compensation to the locals for land use.

91. On legal and accountability issues, it was submitted as follows –

- (a) Mr. Solomon Kusi submitted that the report on BATUK's 2003–2004 inquiry into rape cases, injuries, and deaths caused by undetonated ordnances should be made public.
- (b) Mr. James Mwangi submitted that BATUK should clarify how it disposes of military waste in Kenya to prevent environmental hazards.

CHAPTER FIVE

5.0 OTHER STAKEHOLDERS' SUBMISSIONS

92. For conclusive inquiry, the Committee invited the following targeted stakeholders to make written and/or oral submissions on the terms of reference of the inquiry and to address the specific issues of concern that arose during the inquiry (*Annex 16*) –

5.1 Ex-Mau Mau Veterans Association

93. Hon. Gitu wa Kahengeri, the Secretary General of the Ex-Mau Mau Veterans appeared before the Committee on 13th June 2024 and submitted as follows –

94. The Mau Mau Veterans Association comprises individuals from across the country who participated in the liberation of Kenya from colonial rule. The Association remains deeply concerned about the historical injustices inflicted upon the Kenyan people by the colonial administration and the ongoing conduct of BATUK. The people of Laikipia County were compensated for atrocities committed by BATUK during the colonial era, highlighting the long-standing grievances against British military presence in Kenya.

95. BATUK soldiers continue to treat Kenyans in a manner reminiscent of their predecessors during the colonial period. While members of the Mau Mau Veterans Association have not personally experienced mistreatment by BATUK, they remain deeply affected by the injustices suffered under British rule. During the colonial era, indigenous Kenyans were denied educational opportunities beyond the fourth grade, which was part of the systemic marginalisation imposed by the British administration.

96. As a sovereign and independent nation, Kenya must not allow foreign military forces to engage in activities that undermine the dignity and rights of its citizens. The British government must be reminded that Kenya is a free country with an independent people who deserve to be treated with respect. All nations and individuals should uphold mutual respect and recognize the inherent rights of Kenyans as equal members of the international community.

97. The Mau Mau Veterans Association does not regard the British as enemies despite the historical injustices committed during the colonial period. While acknowledging the continued presence of British soldiers training in Kenya, the Mau Mau Veterans maintain that such military cooperation must be conducted with full respect for Kenya's territorial integrity and the dignity of its people. They affirm their willingness to engage with the British constructively, provided that mutual respect and recognition of Kenya's sovereignty remain paramount.

98. The Association has actively sought redress for historical injustices by petitioning Parliament and directly engaging with King Charles III, during which they conveyed the grievances of the Kenyan people. They reiterated that the colonial administration inflicted severe suffering through systematic impoverishment, torture, and ill-treatment of Kenyans. As an independent nation, Kenya must now foster harmonious relations. However, true reconciliation can only be achieved through meaningful remedies for those who endured the atrocities of colonial rule.

99. The Departmental Committee on Defence, Intelligence, and Foreign Relations should take up the cause of the Mau Mau Veterans Association and advocate for official recognition of the historical injustices they suffered. H.E. the President should also make a formal declaration acknowledging that Kenya was under colonial occupation for over seventy years, thereby affirming the need for comprehensive redress and historical accountability.

5.2 Kenya Veterans for Peace

100. The Executive Director, Kenya Veterans for Peace, appeared before the Committee on 13th June 2024 (*Annex 17*) and submitted as follows –

101. Kenya Veterans for Peace is a registered military veterans' organisation under the Societies Act, Cap 108 of the Laws of Kenya, with its headquarters at Nyayo House, Nairobi. The organisation comprises retired military personnel from all services of the Kenya Defence Forces (KDF). It plays an important role in advocating for the welfare of veterans.
102. There have been reports of misconduct by BATUK soldiers, particularly in entertainment joints, where confrontations with locals have resulted in injuries, allegations of rape, and cases of unwanted pregnancies leading to children of mixed race. However, these reports have not been subject to thorough investigations by either local or British authorities. The local police have no jurisdiction to investigate BATUK personnel, creating an accountability gap.
103. The Government should ensure that BATUK officers who violate Kenyan laws are subjected to the same legal processes as any other person within Kenya's jurisdiction, in line with international best practices. Comparable cases in other jurisdictions, such as India, demonstrate that foreign military personnel are not exempt from local laws. A similar incident involving an American soldier, who was taken back to the United States for action but never faced justice, highlights the need for strict enforcement of accountability measures. All violations by BATUK soldiers should be documented, and appropriate legal action taken.
104. Military training involves the use of live ordnances, necessitating strict safety measures to protect local populations and the environment. KDF follows internationally recognised safety protocols, which include notifying local authorities ahead of exercises, deploying reconnaissance officers to clear designated areas, and advising pastoralists on movement restrictions. However, foreign military personnel, including BATUK, do not adhere to similar procedures.
105. Since BATUK commenced training in Kenya, there have been multiple instances of unexploded ordnances left in training grounds, posing serious safety risks to local communities and polluting the environment. The Government should suspend BATUK training until full compliance with treaty obligations, including the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, is ensured. Additionally, the Government should conduct an audit of affected persons, their compensation status, and review the *Defence Cooperation Agreement (DCA)* to safeguard the interests of Kenyans.
106. The use of long-range weapons in training exercises without proper oversight poses significant risks to surrounding communities. In the absence of designated observation officers, there is a possibility of firing into neighbouring villages, endangering civilian lives. The Government must implement stringent safety measures to mitigate such risks and ensure compliance with established protocols. Further, there is an urgent need to enhance the protection of young girls and women from sexual exploitation and abuse by BATUK personnel, with robust legal and policy interventions to address these concerns.
107. The impact of BATUK's presence extends to environmental conservation. Wildlife movements in training areas have been disrupted, necessitating coordination between BATUK and KWS to mitigate the impact of military exercises on Kenya's biodiversity. Additionally, training activities have progressively encroached on land meant for conservation. Given the diminishing availability of training space, Kenya should reconsider the extent of land allocated for BATUK exercises and prohibit training activities within conservancies to preserve the environment.
108. The question of reciprocity in the Defence Cooperation Agreement is not solely about financial benefits but also includes the training BATUK provides to KDF personnel and the CSR projects undertaken in the affected communities. However, these benefits do not justify continued violations, and BATUK operations should be suspended pending a comprehensive review of the agreement. Previously, KDF received numerous complaints about BATUK soldiers engaging in

inappropriate behavior. A notable incident involved BATUK personnel, specifically Nepalese soldiers integrated into BATUK, who were reported to have exposed themselves while urinating in public in Nanyuki town. The incident was widely covered in the media, further underscoring the need for disciplinary action and strict oversight of foreign military personnel operating within Kenya.

5.3 Kenya Human Rights Commission

109. The Deputy Executive Director of the Kenya Human Rights Commission, Mr. Cornelius Oduor appeared before the Committee alongside the Senior Program Advisor of the Kenya Human Rights Commission, Mr. Martin Mavunjina, on **13th June 2024 (Annex 18)** and submitted as follows –

110. BATUK has, over time, faced accusations from host communities concerning murder, violent conduct, and fatal traffic-related incidents. They highlighted the following cases for the Committee’s attention –

No.	Case	Date	Description
4.	<i>Murder of Agnes Wanjiru</i>	March 2012	A 21-year-old mother, Agnes Wanjiru, was allegedly murdered by a British soldier and her body dumped in a septic tank at Lions Court Inn, Nanyuki. By the time the body was discovered, all BATUK personnel present during the incident had returned to the UK. Although the DCI conducted investigations, no prosecution has taken place to date.
5.	<i>Road accident</i>	10 th February 2012	A vehicle carrying the petitioner’s father and two others collided with a BATUK bus at the Meru-Nanyuki junction, resulting in one fatality and serious injuries. The petitioner’s father suffered a fractured leg, and another passenger sustained head and chest injuries. Despite pursuing legal redress, the family has encountered persistent opacity and non-responsiveness from authorities.
6.	<i>Hit-and-Run Incident</i>	2019	A young girl at Archer’s Post was reportedly run over by a BATUK lorry, sustaining permanent disability and subsequent mental illness. The family, hindered by indigence, has sought justice in vain.

111. BATUK’s military exercises have adversely impacted community lands and ecosystems, particularly through negligent training operations. Unexploded ordnance and live explosives left in unfenced fields have resulted in the death and maiming of herders and livestock in Samburu and Laikipia North. These incidents have inflicted devastating socio-economic harm on the pastoralist communities. Despite follow-ups with relevant authorities, the rate of prosecution remains exceedingly low. This has been attributed in part to the reluctance of witnesses to testify due to fear of reprisals, including targeting by State agencies.

112. BATUK has operated beyond leased lands, particularly within the Losesia Group Ranch in Archer’s Post, Samburu County. The community claims that military training activities have encroached upon their group ranch, thereby limiting their land use and undermining their livelihood.

113. A particularly egregious case cited was the March 2021 fire at the Lolldaiga Wildlife Conservancy, reportedly caused by the use of white phosphorus munitions during a BATUK

exercise. The resulting inferno destroyed over 10,000 acres of wildlife habitat, leading to widespread ecological damage and pollution.

114. The Commission expressed deep concern regarding the intimidation and harassment of human rights defenders who pursue justice in relation to violations attributed to BATUK. Such individuals face threats, arbitrary arrests, and other forms of pressure, often in collusion with Kenyan security agencies, effectively stifling advocacy and accountability efforts.
115. There were complaints from Kenyan employees working within BATUK installations. The grievances range from unfair dismissals and refusal by BATUK management to enter into recognition agreements in accordance with Section 54 of the *Labour Relations Act*, to failure to deduct and remit union dues as required under Section 19 of the *Employment Act* and Section 48 of the *Labour Relations Act*. Employees also reported experiences of intimidation and harassment within the workplace, painting a broader picture of systemic violation of labour and union rights.
116. The Commission reported a disturbing history of sexual violence allegedly perpetrated by BATUK personnel, citing findings from the ***Truth, Justice and Reconciliation Commission (TJRC) Report (Annex 3)***. A particularly harrowing account involved 30 women from Archer's Post who were reportedly gang-raped by British soldiers, some at knifepoint and others within their own manyattas. The soldiers are said to have preyed upon women engaged in routine activities such as fetching water and firewood.
117. According to the TJRC Report, such assaults led to fear, trauma, and a disruption of the socio-economic stability of affected households. Despite the gravity of these allegations, the Kenyan and British governments have done little to provide redress or ensure accountability. The British government is said to have acknowledged receipt of complaints but failed to undertake DNA testing, even in the face of the presence of mixed-race children in the area, and has not shown a genuine commitment to prosecuting the perpetrators.
118. Furthermore, a 2013 Report by Amnesty International documented at least 650 rapes between 1965 and 2001 in villages such as Dol Dol and North Nanyuki. KHRC continues to receive similar complaints. However, many of the cases are now legally unviable due to the passage of time and evidentiary challenges stemming from cultural taboos and the remoteness of the affected communities. Victims often face stigma and social exclusion, with some cases leading to marital breakdowns. Children born from these assaults face ridicule, identity crises, and societal rejection, resulting in lifelong marginalisation.

5.4 Ethics and Anti-Corruption Commission

119. The Ethics and Anti-Corruption Commission (EACC) vide written submissions dated 1st August 2024 (***Annex 19***) submitted as follows –
120. BATUK is not a Kenyan Public entity and consequently its operations are not within the mandate of the Commission. However, the Commission received three (3) reports concerning BATUK and processed them as follows –

No	Allegation	Status
1.	On 11 th March 2021, EACC received allegations against BATUK in Laikipia County concerning – (a) Casual employees not transiting to permanent employment despite working since 2006.	The report was considered a labour issue, and the complainant advised.

	(b) Nepotism by human resource officers who employ their relatives from outside Laikipia County, disregarding locally qualified people.	
2.	<p>On 7th March 2013, EACC received allegations of malpractices involving BATUK officers in collusion with public officers in Nanyuki.</p> <p>The specific allegations are –</p> <p>(a) BATUKS Quarter Master, the Regimental Sergeant Major (RSM) and the Commanding officer allegedly received bribes to allow traders dealing in curios to conduct their businesses within the army's camps restricted areas, which is reportedly illegal. The officers reportedly demand for KES 500,000 per trader and later take 30% of total sales from the traders.</p> <p>(b) It is also alleged that some of the shops sell mobile phones and accessories, which are brought into the country illegally without paying import duty. The shops and businesses in the restricted areas reportedly operate without permits, business licenses, and other revenues to the council and allegedly avoid paying taxes.</p> <p>(c) The officers reportedly buy personal cars and register with British Army number plates or make their own fake British Army plates and attach to the vehicles. When they leave the country, they sell the vehicles to Kenyans.</p> <p>(d) The RSM who has been at the station for 4 years is reported to be involved in the illegal trade of smuggle AFKO Cigarettes out of the country using BATUKS security containers. These containers are reportedly never inspected by Customs Officers</p>	Referred to the Ministry of Defence, Ministry of Internal Security and KRA for further action.
3.	On 9 th December 2010, the Commission received an allegation that the complainant had worked for the British Army as a cleaner for 4 years but was dismissed without dues.	The report was considered a labour issue, and the complainant advised.

5.5 The Africa Centre for Corrective and Preventive Action

121. The Africa Centre for Corrective and Preventive Action appeared before the Committee on **3rd September 2024** (*Annex 20*) and submitted as follows –

122. Since the commencement of their operations in Kenya, and notwithstanding the existence of a binding agreement, BATUK has been implicated in numerous atrocities against Kenyan citizens and the environment, thereby infringing upon the sovereignty of the people of Kenya. The fundamental right to life, as enshrined in the Constitution, has been gravely violated, while the right to a clean and healthy environment has been subjected to egregious abuse.

5.5.1 The Case of Robert Swara Seurei

123. The late Robert Swara Seurei, aged 28, resided with his aunt, Ms. Irene Kipsuge, and his grandmother, Ms. Cheptoo, in a two-house compound in Ndemu Village, Daiga Location. Like

many villagers, the family engaged in peasant farming. One of their houses functioned both as a kitchen and as Robert's dwelling, while the other served as the family's living quarters.

124. Around the year 2007, Mr. Seurei secured employment as a locally engaged civilian with the British Army, tasked with clearing debris after an army exercise at Ole-Naishu Range. At the conclusion of the training, he unknowingly carried home an explosive, allegedly mistaking it for a candle. Upon reaching home, he showed it to his aunt and grandmother, optimistically stating that they would no longer need to purchase paraffin for lighting. However, Ms. Irene, skeptical of the object, warned him against lighting it within the compound.
125. As night fell, Mr. Seurei retrieved the explosive from his belongings and attempted to ignite it. The device detonated with devastating force, causing a fatal explosion. The blast was so powerful that fragments of his flesh were lodged in the ceiling, and his body was mutilated beyond recognition, making it exceedingly difficult to obtain a death certificate.
126. The incident inflicted profound trauma on the family. Their house caught fire, and Ms. Cheptoo, who was thrown off her chair by the explosion, sustained serious chest injuries and lost her hearing. She remained psychologically disturbed and never fully recovered until her demise. The family was burdened with continuous medical expenses for her care. Ms. Irene also suffered greatly from the ordeal.
127. It recently emerged, following an inquiry by UK Member of Parliament Kenny MacAskill, that the British Army had conducted an internal investigation immediately after the incident. The investigation concluded that: -
 - (a) Mr. Seurei, as a locally employed civilian, removed an explosive from the range, mistakenly describing it as a candle, and later attempted to ignite it, leading to his death.
 - (b) Several factors contributed to the incident, including: -
 - (i) Language barriers.
 - (ii) Inadequate supervision.
 - (iii) Premature removal of safety posts marking hazardous areas before a thorough daylight inspection.
 - (iv) Incorrect fitting of a safety fuse, which resulted in the explosive failing to detonate as intended during the training exercise.

5.5.2 The Case of Lisoka Lesasuyan

128. On or about 7th November 2015, while BATUK was conducting a training exercise in Laikipia County, an unauthorised explosive was left unattended. A minor, Lisoka Lesasuyan, came across the device and, unaware of its dangers, began playing with it. The explosive detonated, causing life-altering injuries, including: -
 - (a) Traumatic amputation of the left forearm.
 - (b) Severe facial injuries, including the rupture of his right eye.
 - (c) Multiple lacerations on his chest.
 - (d) Gangrenous infection of his right forearm and hand.
129. Upon filing *Miscellaneous Civil Application No. 1 of 2018* at the High Court in Nanyuki, an ex gratia settlement of **KES 10,108,500.00** was awarded. However, this payout was based on an assumption that there was only a 50% likelihood that the injuries were caused by UK-fired explosives. New evidence now indicates that Lisoka, who requires prosthetic limbs for life, should have received a higher compensation amount. This information was never disclosed to his father, who accepted a reduced "no liability" settlement from Britain's Ministry of Defence on the premise that the explosive could have been of Kenyan military origin.

130. Further investigation established that Lisoka sustained his injuries after picking up a mortar fuse from an area used for live-fire training by both UK and Kenyan forces. The fuse had failed to ignite upon impact and remained dormant until he handled it. The training ranges, which are not fenced off, are frequently accessed by farmers, villagers, and nomadic communities.
131. A subsequent internal British military investigation in 2016 – reported publicly for the first time – found that: -
- (a) 57 fuses had detached from mortars fired in Kenya, posing significant hazards to civilians.
 - (b) Soldiers responsible for range clearance lacked confidence in handling unexploded ordnance.
 - (c) UK military exercises in Kenya generated enough debris to fill 13 shipping containers.
 - (d) The process for tracking unexploded ammunition was flawed and unsafe.
132. It was also revealed that the specific type of mortar fuse involved in Lisoka’s incident was withdrawn from British Army service in 2019 due to its toxic composition.

5.5.3 The Case of Charles Ngare

133. In October 2010, Charles Ngare and his friends were walking home from school when they encountered a British military truck stuck in the mud. The soldiers signaled for assistance, prompting the boys to help push the vehicle. Unfortunately, during their efforts, the truck slid back into the ditch, crushing Charles’ leg. The soldiers transported him to their barracks, where they falsely claimed that they had found an injured boy by the roadside and had taken him to hospital out of goodwill. The incident changed Charles’ life irreversibly. In 2018, he revived his case seeking justice, but it was dismissed on the grounds of limitation of time (*Annex 21*).

5.5.4 Compensation and Land Ownership

134. Between 2010 and 2016, the UK military disbursed approximately GBP 7 million to a limited number of landowners in Laikipia, as per official accounts from the UK’s Ministry of Defence, analyzed by Declassified UK. A military spokesperson stated that “landowners are compensated at the appropriate rate for the use of their land.” Notably, Lolldaiga Conservancy alone received GBP 1.2 million in compensation, though recent figures remain undisclosed.
135. During this period, the estate was under the ownership of Robert Wells, whose grandfather acquired the land during colonial rule. Following a major fire linked to military exercises, Wells sold a significant portion of his family’s stake in Lolldaiga. Subsequently, property records indicate that approximately GBP 5 million worth of land and real estate have been acquired in rural England under his wife’s name.
136. While conservancy owners such as Wells profit substantially by leasing parts of their estates for military training, the burden of environmental destruction and associated costs is shouldered by the local communities and the Kenyan government. The greenhouse gas emissions from the training activities – generated by an estimated 10,000 rotating troops, over 1,000 military vehicles, helicopters, and jet aircraft – cannot be accurately measured. The UK does not account for these emissions, leaving the people of Laikipia to deal with the environmental consequences without any mitigation or responsibility from BATUK.

5.5.5 Effects on Small-Scale Farmers and Pastoral Communities

137. The military training exercises have severely impacted local wildlife, resulting in increased human-wildlife conflict. The extensive and intensive battle noise simulations during exercises disrupt animal habitats, forcing them to migrate into villages. As a result, local communities suffer from property destruction and injuries inflicted by frightened and aggressive animals, particularly during training seasons.
138. Mr. Musobek, an activist who has spent nearly 25 years advocating against elephant invasions in Umande and Daiga from Lolldaiga, affirms that whenever the military detonates explosives

in Lolldaiga, wildlife instinctively flees toward quieter and safer community farmlands. This has led to extensive damage to crops, livestock, and human settlements. Additionally, the explosions and artillery fire have negatively impacted the landscape, wildlife, and bird populations.

139. Despite these well-documented consequences, no independent study has been conducted to assess the full impact of military training on biodiversity. As early as 2003, Kenya's Parliamentary Standing Committee on Human Rights concluded that the issue of human-wildlife conflict in the Daiga areas of Laikipia was severe. However, the affected communities remain impoverished and have received no substantial assistance.
140. Twenty years later, no proper fencing has been constructed around Lolldaiga Conservancy to prevent wildlife incursions. The responsibility for addressing the problem has been shifted onto Kenyan taxpayers through a compensation scheme that absolves the conservancy owners – who profit from tourism and military leases – of any accountability.

5.5.6 Use of White Phosphorus in Training Exercises

141. It has been disclosed by UK Defence Minister James Heappey that British soldiers have used white phosphorus mortar rounds in training exercises in Kenya “where conditions have permitted their use.” He stated that the chemical is deployed for illumination during night training and for creating smoke screens.
142. While white phosphorus is not classified as a banned chemical weapon, its effects are highly destructive and comparable to such weapons. Human Rights Watch has described white phosphorus as “notorious for the severity of the injuries it causes,” noting that it “deeply burns human flesh.” If white phosphorus fragments enter the bloodstream, they can trigger multiple organ failure, and wounds previously dressed can reignite upon the removal of bandages.
143. The dangers of white phosphorus are well-documented, and its use has caused widespread suffering in various conflicts. Deploying such a hazardous substance in training exercises near civilian populations poses a grave risk to human life. The continued use of white phosphorus in BATUK's training operations is unacceptable and must be halted immediately to protect the safety and well-being of local communities.

5.6 Water Resources Authority

144. The Water Resources Authority (WRA) appeared before the Committee on 24th September 2024 (*Annex 22*) and submitted as follows –
145. The Timau River borders Lolldaiga to the south and later joins other rivers before flowing into the Greater Ewaso Nyiro. There had been no noticeable changes in water quality as a result of BATUK activities.
146. In response to concerns raised by residents during the Committee's public hearings in Laikipia County regarding BATUK's use of explosives and reports of illnesses such as eye and respiratory conditions linked to water consumption, the WRA has consistently monitored water quality at both the entry and exit points of the Timau River.
147. Water samples are collected once every three months using established parameters, and based on the data collected, no significant changes in water quality have been detected. The WRA attributed this to the presence of a buffer zone that helped prevent impurities from the Lolldaiga fire incident from affecting the river to any measurable extent during their monitoring. The validity of public concerns related to waterborne illnesses, including eye and respiratory complications, is uncertain.
148. On the frequency and procedures of water quality monitoring, the WRA standard procedure mandates water sampling every three months for the Timau River. In contrast, more frequent

testing is conducted in areas such as affluent treatment sites. Impromptu water testing is also carried out whenever public complaints are raised.

149. On community concerns and public engagement, WRA conducted environmental impact assessment (EIA) in collaboration with local leaders. The results of the EIA indicated no major changes in the water quality of the Timau River. On whether the findings of the environmental impact assessment were shared with the public, the role of WRA was limited to collecting strategic samples, while the consultant engaged for the EIA was responsible for disseminating the results to the public.
150. On the impact of the Lolldaiga fire on boreholes, WRA submitted that borehole water in the region is sourced from multiple underground layers, each of which is sealed with protective barriers to prevent contamination from external sources. As a result, boreholes were not significantly affected by the Lolldaiga fire incident.

5.7 National Museums of Kenya

151. The National Museums of Kenya (NMK) appeared before the Committee on 26th September 2024 (*Annex 23*) and submitted as follows –
152. Archaeological sites in areas affected by BATUK activities primarily comprise obsidian tools, pottery features, and places of worship. The region holds a diverse range of archaeological assets, including burial cairns, rock shelters, iron-working sites, rock art, old bomas, and scattered artefacts such as pottery, arrowheads, and obsidian. Historically, the area has been occupied by herder communities, making it likely that additional undiscovered archaeological sites exist.
153. The Laikipia Plateau has yielded significant archaeological assemblages from the Early Stone Age (ESA), including Acheulean hand axes dating from approximately 1.7 million to 300,000 years ago, as well as hominid fossil remains. Evidence of Middle Stone Age (MSA) technology, estimated to be between 280,000 and 40,000 years old, has also been documented. However, only one rock shelter site – Shulumia, near the Mukogodo Hills – has been excavated. The Later Stone Age (LSA) is also represented in the region, characterized using reduced stone tool technology, reliance on non-local raw materials, increased mobility, and cultural exchanges, as evidenced at the Kakwa Lelash and Shulumia rock shelters in Laikipia. Some of these rock shelters provide evidence of human occupation spanning from prehistoric to recent times.
154. The cultural significance of rock art in Laikipia was highlighted, with motifs such as concentric circles and geometric designs linked ethnographically to Maasai meat feasting ceremonies. The region also holds a rich historical narrative, having been inhabited by various communities, including the Maasai and Samburu, and later large-scale ranch owners.
155. Rock shelters containing archaeological remains and rock art in Samburu County have not been damaged by BATUK activities. However, no heritage assessment has been conducted to determine whether the Lolldaiga fire incident caused any damage to national heritage sites.
156. While BATUK does not provide direct support to NMK, it has facilitated NMK's fieldwork for the archaeological assessment. BATUK has assisted in identifying undocumented soldiers who perished in World Wars I and II, ensuring that those who were not properly honoured receive recognition.
157. Concerns were raised about a potential conflict of interest regarding the Archaeological Assessment Report, which was sponsored by BATUK. NMK assured the Committee that although BATUK had initiated the audit and received a copy of the report, it did not influence the findings. The audit was conducted independently at BATUK's request.

5.8 Ministry of Environment, Climate Change and Forestry

158. The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, Hon. Aden Bare Duale, appeared before the Committee alongside Director General, NEMA, Mr. Mamo Boru Mamoon on 1st October 2024 (*Annex 24*) and submitted as follows –
159. The Environmental Impact Assessment (EIA) process is conducted by NEMA-registered experts, who prepare and submit EIA reports to NEMA for review and licensing before a project is approved. Section 58 of the *Environmental Management and Coordination Act (Cap. 387)* mandates that all new projects undergo an environmental and social impact assessment before commencement. This requirement ensures that potential environmental and social impacts are identified and that appropriate mitigation measures are incorporated. Compliance with this legal framework is important in ensuring environmentally sound and sustainable projects.
160. BATUK, as a project proponent, submitted an Environmental Audit Report (Ref. No. NEMA/EA/LKP/5/2/959) to NEMA in 2021 for its proposed Laikipia Airbase Development project, currently referred to as BATUK Nyati Barracks. NEMA subsequently issued License No. 10709 for the project. However, a review of records at NEMA indicates that BATUK has not conducted an Environmental and Social Impact Assessment (ESIA) for its training grounds. Given this non-compliance with environmental regulations, NEMA has been directed to take immediate enforcement action to ensure that BATUK adheres to environmental sustainability requirements in its training grounds in Samburu and Laikipia. NEMA will undertake routine environmental monitoring and inspections to ensure that the activities of BATUK do not degrade the environment.
161. On 23rd March 2021, a fire outbreak occurred during a routine BATUK training exercise at the Lolldaiga Conservancy, consuming over 12,000 acres of vegetation. Following the incident, BATUK engaged NEMA-registered environmental experts to conduct an environmental assessment on the socio-economic, ecological, land, water, and air quality impacts of the fire. In line with the *Environmental (Impact Assessment and Audit) Regulations, Legal Notice 101 of 2003*, a multi-sectoral team, including NEMA, monitored the restoration efforts, which involved the use of seed balls and natural regeneration methods. However, the local community filed ELC Petition No. 2 of 2021 at the Environment and Land Court in Nanyuki regarding the fire incident. The Court directed the matter to the Intergovernmental Liaison Committee for resolution through the relevant Ministries of the Governments of Kenya and the United Kingdom.
162. In compliance with the *Environmental Management and Coordination (Waste Management) Regulations, Legal Notice 121 of 2006*, BATUK has engaged a NEMA-licensed hazardous waste handler for the disposal of hazardous waste. Under the *Sustainable Waste Management Act (Cap. 387C)*, BATUK has established a waste sorting station at Nyati Barracks. All waste generated from training areas is consolidated at the station, checked for unexploded ordnance (UXO) to ensure safety before entering civilian waste streams, and subsequently segregated for disposal through licensed contractors. BATUK maintains tracking records and documentation for waste disposal, including biomedical and hazardous waste, in accordance with regulatory requirements.
163. In adherence to the *Environmental Management and Coordination (Water Quality) Regulations, Legal Notice 120 of 2006*, NEMA ensures BATUK's compliance with water quality analysis and the acquisition of an Effluent Discharge License. BATUK contracts NEMA-accredited companies such as SGS to conduct effluent discharge and analysis. Previous sample analyses indicate that effluent discharge parameters meet NEMA standards, except for slight deviations in colour, which require corrective measures. Although NEMA does not currently have regulations specific to the use of explosives, the *Environmental Management and Coordination (Management of Toxic and Hazardous Chemicals and Materials) Regulations, Legal Notice 182 of 2024*, govern the movement, manufacture, and handling of chemicals,

including explosives. However, storage, handling, and use of explosives in BATUK training areas are managed by KDF technicians. Given the restricted access to these areas, NEMA lacks the capacity to effectively monitor BATUK's use of explosives.

164. Environmental audits confirm that BATUK has been conducting UXO risk assessments, maintaining Range Logs for all live firing exercises as per the *Kenya Ministry of Defence's Handbook of Defence Land Ranges Safety*. Under the *Environmental Management and Coordination Act, Cap. 387*, the Ministry of Environment, Climate Change, and Forestry, through NEMA, is mandated to monitor and assess all activities that could impact the environment. NEMA achieves this through environmental audits, compliance reviews, and routine monitoring. While BATUK has undertaken UXO risk assessments, environmental inspectors should be granted unrestricted access to training areas to ensure full compliance with environmental regulations.
165. Section 2A of the *Environmental Management and Coordination Act, Cap. 387*, obligates all entities to cooperate with state agencies in protecting and conserving the environment. BATUK must, therefore, adhere to all environmental regulations, implement its Environmental Management Plans, and comply with recommendations from annual environmental audits. Any non-compliance detected during these reviews results in enforcement actions, including environmental improvement orders, notices, and restoration orders. NEMA has issued a Restoration Order to BATUK to ensure full compliance with environmental laws.
166. To mitigate environmental degradation, strong consideration should be given to locating semi-permanent or permanent infrastructure away from ecologically sensitive areas. Where feasible, BATUK should position its training camps and structures on degraded sites such as old livestock bomas to minimise habitat disruption. Infrastructure and transport tracks should be regularly monitored to prevent parallel tracking and boundary encroachment. BATUK should undertake a mapping exercise to identify areas with rich biodiversity, particularly habitats around water points, riparian zones along the Ewaso Ngi'ro River, and ecologically sensitive regions. Baseline data should be collected to assess environmental impacts, determine negative effects, and implement targeted mitigation measures.
167. BATUK should conduct periodic environmental assessments within its training areas to identify and mitigate degradation risks, with findings reported to NEMA for regulatory oversight. Continuous engagement with local communities is necessary to address their concerns, raise awareness about environmental impacts, and enhance community support. The Ministry of Environment, Climate Change, and Forestry, through NEMA, will continue monitoring BATUK's activities to ensure conservation efforts, including reduced land clearance, restoration of native species, and rehabilitation of degraded sites.
168. The Ministry will ensure that BATUK's operations do not involve the use of hazardous chemicals near human settlements or fragile ecosystems. All proposed activities and projects by BATUK must undergo environmental impact assessments before implementation. Public participation and community engagement should be integral components of the environmental assessment process to enhance transparency and accountability.
169. The Ministry of Environment, Climate Change, and Forestry is committed to ensuring a clean and healthy environment for all Kenyans, as enshrined in the Constitution of Kenya. This commitment includes strengthening environmental compliance, enhancing regulatory monitoring, and deploying enforcement measures to prevent environmental harm. The Ministry has directed NEMA to ensure BATUK fully complies with the Restoration Order and that all activities align with environmental sustainability principles.

170. NEMA will continue to monitor all regulated entities in Kenya, including BATUK, to ensure adherence to environmental laws. As part of ongoing efforts to strengthen environmental governance, NEMA is reviewing the environmental regulatory framework to address emerging domestic and transboundary environmental challenges. A broad range of legal instruments is being considered to ensure that activities conducted by BATUK do not negatively impact the environment.
171. NEMA's Laikipia and Samburu County Directors of Environment have been instructed to ensure that BATUK complies with all environmental regulations to prevent environmental degradation in both counties. On the issue of BATUK's activities within private conservancies, the Ministry of Environment, Climate Change, and Forestry will ensure that these conservancies adhere to environmental laws and sustainability standards.
172. The Defence Cooperation Agreement (DCA) between Kenya and the United Kingdom has not yet been signed due to Parliament's insertion of new clauses regarding Corporate Social Responsibility (CSR) and the criminal liability of BATUK personnel in Kenya. The resolution of these clauses will determine the finalisation of the agreement, ensuring that BATUK's operations align with Kenya's environmental, legal, and social governance frameworks.

5.9 Kenya Wildlife Service

173. The Director General, Kenya Wildlife Service (KWS), Prof. Erustus Kanga, appeared before the Committee alongside the Director Wildlife Security and the Director Wildlife and Community Service on 1st October 2024 (*Annex 25*) and submitted as follows –
174. Kenya's total land area is 582,642 square kilometres, with 2.2% comprising surface water. Approximately 60% of Kenya's wildlife seasonally utilises corridors and dispersal areas in community and private lands, providing connectivity and complementing national parks and reserves. The *Wildlife Conservation and Management Act, Cap. 376*, recognises conservancies as a legal form of wildlife land use, allowing individuals or communities owning land inhabited by wildlife to establish conservancies or sanctuaries. Section 39 of the Act provides for the establishment of conservancies, but the regulations governing their registration are yet to be gazetted, resulting in all conservancies operating on a self-regulating basis.
175. Kenya currently has over 215 conservancies across 28 counties, occupying more than 12% of the country's landmass. These conservancies include 110 operational conservancies, 42 emerging conservancies, four proposed marine conservancies, and 76 community conservancies. For effective conservation, conservancies are grouped into Regional Associations, now recognised by law as Community Wildlife Associations, to enhance cooperation, planning, and large-scale management. Conservancies vary in structure, governance, financial capacity, biodiversity, and habitat, but they share a common objective of promoting co-existence between people and wildlife.
176. In Samburu County, all conservancies are unregistered and exist as community conservancies, relying on communal land ownership. Sera Conservancy spans 159,000 acres and hosts a BATUK training camp at Losesia Community Land. The other nine conservancies – Westgate, Meibae, Kalama, Ngilai Central, Ngilai West, Nalowon, Kalepo, Ngoteiya, and Ltungai – do not host BATUK training. Similarly, Laikipia County hosts a mix of private, community, and co-managed conservancies, with some operating under leasehold tenure. Among the 34 conservancies in Laikipia, Loldaiga Conservancy, Mpala Research Centre, Ol Maisor Farm Conservancy, Ole Naishu Conservancy, and Oldonyo Lemburoi Ranch accommodate BATUK training activities. The rest do not host BATUK, but most remain unregistered, lacking formal management plans.

177. The BATUK military training exercises are characterized by loud explosive noises, which have been linked to the displacement of wildlife from conservancies and ranches into neighbouring villages. Wildlife movement patterns, particularly involving elephants and buffaloes, have resulted in the invasion of villages in Daiga Location, including Nginyei, Muramati, and Nyakumu. These incidents are frequent in Laikipia East, where BATUK conducts training at Loldaiga and Ole Naishu conservancies. KWS personnel have been deployed on constant patrols, significantly increasing operational costs, including expenses for fuel, blank ammunition, and manpower. KWS is not aware of any compensation strategies initiated by BATUK for damages caused to affected communities.
178. Several measures have been put in place to mitigate environmental damage and monitor and protect wildlife. BATUK and conservancy teams have undergone training on firefighting techniques. BATUK has also adopted environmentally safe fire-lighting apparatus that does not generate sparks. Military exercises are conducted in demarcated areas with minimal wildlife presence, while firebreaks have been established across landscapes. Conservancy personnel have been trained in fire response and firefighting skills, and specific vehicles and aircraft are designated for patrols and emergency response.
179. To ensure that BATUK training activities do not adversely impact wildlife, KWS has taken several measures. The agency has drafted regulations for conservancies, which are pending Parliamentary approval. KWS has advised BATUK to utilise areas with lower wildlife populations for training. Additionally, more KWS officers have been deployed to monitor BATUK activities to minimise environmental disturbances.
180. On the impact of conservancies on government revenue from tourism, there is no structured revenue-sharing formula between conservancies and the government. However, the entire tourism value chain remains immense and beneficial to the economy. Currently, the Government of Kenya does not derive direct revenue from conservancies. As wildlife is state property, conservancies act as custodians, but any damages caused by wildlife are compensated by the State in accordance with the existing wildlife compensation framework.

5.10 Inspector General of Police

181. The Inspector General of Police, Mr. Douglas Kanja, appeared before the Committee alongside the Director of the Directorate of Criminal Investigations, Mr. Mohamed Amin, the Director of Homicide Department, Mr. Martin Nyuguto, the National Police Service Spokesperson, Ms. Resila Onyango, and Mr. James Muriithi on 1st October 2024 and submitted as follows –
182. On reported criminal activities –

Matter	Details	Status
<i>Murder of Agnes Wanjiru Wanjiku</i>	Disappearance reported at Nanyuki Police Station, OB No. 38 of 5/6/2012. Inquest filed before Principal Magistrate's Court, Nanyuki, Inquest No. 8 of 2028, where Presiding Magistrate, Hon. Njeri Thuku opined that murder was committed by BATUK soldiers and directed exhaustive investigation by DCI.	DCI Homicide Department assumed the conduct of the matter with a supplementary Mutual Legal Assistance (MLA) issued through the Office of the Attorney General.
<i>Killing of Tilam Leresh</i>	Incident of 10 th June 2012 at Ol Kanjau training field, Archers Post, Samburu. The DCI Homicide Department took over the matter, which proceeded as Isiolo Chief	The DCI undertook to execute the warrant once legal prerequisites are satisfied and

	Magistrate's Court, Inquest No. 2 of 2024, where the court ruled that the deceased was shot by Sgt. Madison Brian George and that no evidence existed that the deceased fired at BATUK soldiers. The court directed the arrest and charge of Sgt. Madison with murder.	to prefer the appropriate charge.
<i>Stealing by servant (BATUK garage)</i>	Reported 12/12/2021 at Nanyuki Police Station by Edward Mungai. John Kahuria captured on CCTV removing motor vehicle parts valued at KES 20,000 from the BATUK garage and loading them into his vehicle without authority. No recovery made.	Charged under s.281 Penal Code; withdrawn under s.87A CPC due to non-availability of witnesses.
<i>Stealing by servant (raw meat at the main gate)</i>	Reported 24/9/2023 at Nanyuki Police Station by John Hines (BATUK). Search by G4S at main gate found 1 kg stolen raw meat on a worker (James/John Kahuria).	Charged under s.281 Penal Code and withdrawn under s.87A CPC owing to the value of items.
<i>Stealing by servant (Nyati Barracks consignment)</i>	Reported 8/6/2023 at Nanyuki Police Station. Complainant Warrant Officer Juan Edwards, British, reported that truck PR27AB left the camp with suspected stolen goods. Interception and recovery effected.	Accused Isaac Drago Achira was arrested and charged under s.281 Penal Code; withdrawn under s.87A CPC due to unavailability of complainants.

183. On assessment of UXO risk and mitigation in BATUK areas of operation –

- (a) BATUK predominantly operates in Samburu and Isiolo counties.
- (b) BATUK issues training notices to the police and local administration, indicating training periods and advising communities to keep off active training areas.
- (c) Current BATUK training is undertaken within private conservancies, reducing direct contact with communities. BATUK training is conducted jointly with KDF, and Explosive Ordnance Disposal (EOD) capability is provided by the KDF Engineers Brigade (Isiolo) to locate, render safe and dispose of UXO.
- (d) DCI Bomb & Hazardous Materials Disposal Section maintains two bomb disposal teams in Nyeri and Isiolo with capabilities for UXO/IED disposal, post-blast investigations, forensic examination of explosive devices, and awareness training nationwide. Owing to the above multi-agency coordination, the threat from UXO remains very low.

184. On the identification regulations of personnel and vehicles, the NPS has no recorded instances of violations by BATUK personnel or vehicles regarding identification requirements. The NPS has no record of any BATUK member apprehended or arraigned for offences not arising in the ordinary course of duty.

185. On institutional capability and cooperation –

- (a) The Homicide Department comprises well-trained detectives with continental-standard capacity. Investigative progress to date includes suspect identification through independent police work rather than media claims.

- (b) There are continuous engagements with UK military authorities and two deployments to the UK in furtherance of the investigations.
- (c) There is ongoing collaboration with BATUK on SGBV case management through PoliCare at Nanyuki Police Station, a one-stop facility integrating medical services and police investigations to ensure dignified, confidential victim handling.

5.11 Kenya Revenue Authority

186. The Kenya Revenue Authority (KRA) submitted written submissions dated 14th October 2024 (*Annex 26*) to the Committee and stated as follows –

187. KRA administers the East African Community Customs Management Act (EACCMA), 2004, as provided for in the First Schedule to the KRA Act. EACCMA 2004 outlines provisions that grant privileged bodies and institutions the authority to enter goods for home use under the exemption regime. In accordance with the Fifth Schedule to the Act, goods imported or purchased before clearance through customs by or on behalf of privileged persons and institutions are entered duty-free. KRA officers are stationed at designated entry points to ensure strict compliance with the exemption regime, verifying that all cargo declared under the provisions of the Act meets the necessary requirements.

188. The British Army Training Unit in Kenya (BATUK) is designated as a privileged institution under Item 3, Part A of the Fifth Schedule to the EACCMA 2004. Goods imported by BATUK for use at its facilities in Kenya are cleared under the exemptions granted by the National Treasury and Economic Planning pursuant to Article 13, Paragraph 1-13 of the Defence Cooperation Agreement between Kenya and the United Kingdom. Under this Agreement, BATUK operates two infantry training facilities in Kenya, namely, Nyati Barracks in Nanyuki and Kifaru Barracks in Kahawa Garrison, which function in collaboration with the Kenya Defence Forces (KDF). These facilities are classified as restricted installations, and KRA has no control over the use of motor vehicles within these premises.

Number of motor vehicles imported by BATUK between 1st January 2019 and 30th August 2024

No.	Description	Quantities	CIF Value (KES)
1.	Motor vehicles for transport of goods	49	605,237,510.02
2.	Motor vehicles for the transport of persons	154	549,484,991.37
3.	Special purpose motor vehicles (firefighting engines, cranes, etc.)	20	401,651,276.47
Total		223	1,556,373,777.86

189. In terms of tax obligations, BATUK is subject to income tax, including corporate income tax and Pay as You Earn (PAYE). While BATUK is currently compliant with its PAYE filing obligations, the organization has yet to file its corporate income tax returns. PAYE returns submitted through the iTax system indicate that BATUK employs 604 individuals, remitting between KES 9 million and KES 12 million per month in PAYE tax payments. However, outstanding PAYE liabilities amount to KES 9,415,708, comprising principal tax, penalties, and accrued interest for various tax periods, including July 2021, April 2018, May 2017, and earlier tax periods dating back to 2016.

Outstanding PAYE Liabilities

Tax Period(s)	Principal Tax (KES)	Fines (KES)	Penalty (KES)	Interest (KES)	Total Amount Payable (KES)
July 2021	418,120	-	20,906	158,886	597,912
April 2018	13,000	-	1,668,330	10,010	1,691,340
May 2017	1,351	-	1,719,928	1,189	1,722,468
December 2016	450	-	1,669,064	419	1,669,933
November 2016	450	-	2,008,619	423	2,009,493
September 2016	450	-	1,723,681	432	1,724,563
Total	433,822	-	8,810,528	171,358	9,415,708

190. On the availability and sale of contraband goods, including mobile phones and accessories, within BATUK establishments, both Nyati Barracks and Kifaru Barracks are classified as restricted installations and are not accessible to KRA officials. Thus, KRA is not in a position to verify or comment on the alleged presence and sale of contraband goods within these establishments. Goods imported by BATUK are cleared by Customs in accordance with the Fifth Schedule to the EACCMA 2004 and the Defence Cooperation Agreement between Kenya and the United Kingdom, utilizing the available customs systems, including Simba 2005/2015 and the Integrated Customs Management System (iCMS).
191. Regarding the alleged smuggling of AFCO cigarettes out of the country by a Regimental Sergeant Major using BATUK security containers, KRA has deployed non-intrusive verification tools, including scanners at the Port of Mombasa and border stations, to detect any concealment or contraband within export containers. There is currently no record of any reported smuggling of AFCO cigarettes out of the country involving BATUK security containers. Any investigation into such allegations would require an official complaint to be filed with KRA to initiate a formal inquiry.
192. On the measures taken to ensure compliance with local customs laws by BATUK soldiers, these personnel primarily enter the country through various border points, with Jomo Kenyatta International Airport (JKIA) serving as the main entry hub. All arriving passengers, including BATUK personnel, as well as imported cargo, are subjected to customs checks conducted by Customs Enforcement Officers stationed at border entry points and airports. These officers are trained to conduct physical inspections and ensure compliance with customs and tax laws. KRA employs advanced surveillance mechanisms, including sniffer dogs (K9 units), cargo scanners, body scanners, and Close Circuit Television (CCTV), to inspect goods and monitor arriving passengers.
193. KRA further collaborates with other Partner Government Agencies (PGAs), including the Diplomatic Police, Interpol, the Ministry of Defence, the Ministry of Foreign Affairs, Port Health, Immigration Services, the Anti-Counterfeit Authority, the Kenya Bureau of Standards (KEBS), and the Kenya Plant Health Inspectorate Service (KEPHIS), to ensure compliance with statutory laws and regulations governing imports and customs clearance. The Ministry of Defence maintains a liaison office at JKIA to provide guidance on matters related to the clearance of BATUK personnel and equipment.

194. During routine enforcement operations, KRA recorded one interception incident on 10th November 2023 at JKIA, in which a BATUK soldier was found in possession of a pair of handcuffs without the requisite documentation. The handcuffs were returned to the officer upon presentation of a valid permit and relevant documentation from BATUK, confirming compliance with applicable regulations.
195. KRA remains committed to upholding due diligence in the execution of its mandate, ensuring that all cargo, including motor vehicles imported by BATUK, is cleared in accordance with the exemption regime, given that BATUK is recognized as a privileged institution under EACCMA 2004 and the Defence Cooperation Agreement between Kenya and the United Kingdom. KRA continues to facilitate trade, administer tax laws, and protect society by enforcing the existing legal and regulatory frameworks that govern tax administration and customs procedures. The Authority remains steadfast in its commitment to compliance with all applicable laws while carrying out its mandate in trade facilitation, tax administration, and the protection of national interests.

5.12 Ministry of Labour and Social Protection

196. The Ministry of Labour and Social Protection submitted written submissions dated 18th November 2024 (*Annex 27*) to the Committee and stated as follows –
197. BATUK installations and their activities fall under the ambit of the KDF. While the Occupational Safety and Health Act, Cap 236A, does not exempt workplaces under KDF, impromptu workplace inspections are not conducted due to security protocols in all KDF premises. However, periodic inspections with prior notice have been undertaken at the Laikipia and Samburu KDF bases.
198. BATUK employs a total of 489 workers at Nyati Barracks and 60 workers at Archer's Post Training Area. The Deputy Commander serves as the Chairperson of the Safety and Health Committee, which is responsible for workplace safety and compliance. A UK-trained Occupational Safety and Health professional, Mr. Kenneth Nicholas Mooney, has been appointed as the full-time officer in charge of safety and health across all BATUK operations in Kenya. He is based at Laikipia Airbase, Nanyuki, and is a member of the management team.
199. BATUK has developed an Occupational Safety and Health Policy, which has been communicated to all employees and displayed in prominent locations at worksites. The policy is available in both English and Kiswahili. Both Nyati Barracks and Archer's Post Training Areas are registered under the Occupational Safety and Health Act, Cap 236A, with registration numbers 0005786 and 005436, respectively. Visitors and contractors accessing BATUK facilities receive health and safety instructions outlining their responsibilities, expected conduct, and emergency reporting procedures. These instructions are also available in both English and Kiswahili.
200. Annual statutory Occupational Safety and Health Audits are conducted, along with Fire Safety Audits. BATUK has a structured Safety and Health Committee chaired by the Deputy Commander. Annual refresher training sessions are provided for the Occupational Safety and Health Committee, Fire Safety, and First Aid. A policy is in place for the provision and use of PPE, with protective clothing and equipment issued at the departmental level based on the nature of work. A "Before and After Use Register" is maintained in each department and forwarded to the Safety and Health Department for monitoring. Changing rooms are well-maintained and kept clean, with adequate facilities for storing clothing not worn during working hours. Training on PPE use is conducted through induction courses and toolbox talks, while the SHEF Advisor oversees the replacement of worn-out PPE.

201. BATUK has implemented an online platform known as DURALS for reporting and recording accidents and incidents. While the online system is in use, accident records are also maintained in the General Register as required by the Occupational Safety and Health Act, Cap 236A. Workplace accidents are reported to the Laikipia DOSHS office within the stipulated timelines, and BATUK has recently transitioned to the DOSHS online platform for reporting occupational accidents and diseases. Between 2016 and 2024, a total of 56 workplace accidents were reported, with 55 classified as minor and one as fatal. The reported incidents included 13 cases of slips and falls, 9 cases of cuts from sharp objects, 8 road traffic accidents, 12 impact injuries related to tool handling, and 4 cases of insect bites.
202. Fire safety measures are in place, with adequate firefighting equipment, including portable fire extinguishers of dry chemical powder, water, foam, and carbon dioxide types, as well as fire blankets. Wheeled fire extinguishers are also available, and maintenance logs are kept for every section. Clearly marked fire and emergency exits are available throughout the facility, all of which open outward. Fire drills are conducted regularly, and a Fire Action Plan has been developed, circulated, and posted in prominent locations. Fire detectors are installed in every room, and fire alarms were tested during the most recent inspection.
203. Temporary workers are hired based on operational needs, with some engaged for five-day periods and others for six to seven weeks, depending on the tasks assigned, such as vehicle cleaning, infantry store work, and tent construction. Regardless of whether they are Kenyan or British, all workers receive standard PPE according to the tasks they perform. Toolbox talks are conducted for temporary workers upon their arrival and on a need basis.
204. Although BATUK does not use major hazardous chemicals, it stores and manages diesel, oils, lubricants, petrol, methylated spirit, alcohol, and cleaning detergents, all of which have Material Safety Data Sheets (MSDS). The facility has established a well-defined system for managing these materials, including isolated storage areas with appropriate safety precautions and signage. Several types of plant equipment are in use at BATUK facilities, including cranes, forklifts, air receivers, and local exhaust ventilations. However, these have not been examined under the Occupational Safety and Health Act, Cap 236A. Upon inquiry, BATUK cited military reasons for the lack of examinations.
205. Since 2022, no occupational hygiene measurements have been conducted. The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005, require noise measurements to be carried out at least once every twelve months to determine the prevailing noise conditions, with a lower exposure limit of 90dB(A). BATUK has not conducted medical surveillance or medical examinations of workers, as required under the Occupational Safety and Health Act, Cap 236A, and the Factories and Other Places of Work (Medical Examination) Rules, Legal Notice No. 24 of 2005.
206. A medical center is available within the facility to provide primary healthcare services and referrals for cases requiring further medical attention. Fully stocked first aid boxes are available in every department, and first aid signage is prominently displayed, listing the names of trained first aiders and the locations of first aid boxes.
207. All workplace equipment is accompanied by standard operation manuals written in English. BATUK carries out high-risk activities such as confined space work, mechanical works, petroleum installations, gas system operations, and high-voltage power supply maintenance. A documented Permit to Work System regulates these activities, with permits valid for a maximum of nine hours and issued by an authorised engineer. Bi-annual inspections of electrical installations are conducted by a qualified electrician in compliance with the Factories and Other Places of Work Act (Fire Risk Reduction) Rules, Legal Notice No. 59 of 2007.

208. BATUK has implemented safety measures for electrical risk management, including awareness training, PPE issuance, and the use of Standard Operating Procedures (SOPs) and safety signage. A Lockout Tagout (LOTO) system is employed for all electrical work to ensure the isolation of live terminals and guarantee worker safety.
209. Welfare facilities provided include access to wholesome drinking water, changing rooms, an officers' mess, a gym, showers, and eating cafes. Adequate sanitary facilities are available and are designated separately for male and female workers. Additionally, a visitor/customer sitting area has been established.
210. Additionally, the Ministry of Labour and Social Protection submitted written submissions dated 20th January 2025 (*Annex 28*) to the Committee and stated as follows: -
211. The Ministry of Labour and Social Protection, in collaboration with COTU-Kenya, FKE, and ILO, has implemented various measures to promote decent work, fair treatment, workplace diversity, and legal protection for all workers in Kenya. Labour officers conduct routine and targeted workplace inspections to ensure compliance with labour laws. In cases where violations are identified, they have the authority to issue contravention notices, recommend penalties, mediate disputes, or escalate cases to the Employment and Labour Relations Court for appropriate redress.
212. In a letter referenced MLSP/NUK/ADM/01, dated 21st November 2024, the Ministry requested a meeting to discuss issues raised during the stakeholder engagement on the inquiry into the conduct of BATUK. In response, emails dated 21st and 22nd November 2024 from Mr. John Green, the Civilian Labour and Business Adviser at BATUK, indicated that after consultations with the BATUK Chief of Staff, it was recommended that the request for information be submitted through a "note verbale." This request would need to be issued by the originator of the inquiry and directed to the Ministry of Defence for consideration.
213. The emails outlined the formal protocol for addressing inquiries related to allegations raised by the Departmental Committee on Defence, Intelligence, and Foreign Relations. BATUK maintained that due to the nature of the Committee's inquiry, responses must adhere to specific diplomatic procedures, requiring submission of a "note verbale" to the Ministry of Defence. Upon receipt, the Defence Relations Office (DRO), would review the request before forwarding it to the British High Commission for further action.
214. BATUK indicated its inability to respond directly to the Ministry of Labour and Social Protection regarding the issues raised, emphasizing strict adherence to established diplomatic protocols governing such engagements.

5.13 Ministry of Interior and National Administration

215. The Ministry of Interior and National Administration submitted written submissions dated 3rd March 2025 (*Annex 29*) to the Committee and stated as follows –
216. Kenya and the UK enjoy a longstanding and strategic bilateral partnership, grounded in cooperation across various sectors such as trade, investment, tourism, defence, security, anti-piracy, counterterrorism, and climate change. BATUK's operations in Kenya form a critical aspect of this relationship, particularly in the context of security cooperation. BATUK also serves as a source of employment for the local population and has facilitated several community development initiatives in host regions.
217. The DCA currently governing BATUK was signed on 27th July 2021, superseding the 2015 Agreement that expired on 6th October 2021. The Cabinet Secretary for Defence, Dr. Monica Juma, formally submitted the 2021 Agreement to the National Assembly on 6th September 2021. During the 12th Parliament's vetting process, the County Government of Laikipia submitted a

memorandum expressing serious concerns regarding BATUK's activities. These concerns highlighted specific incidents including the Lolldaiga Hills Conservancy fire, the 2012 murder of Agnes Wanjiru Wanjiku allegedly committed by BATUK soldiers, and the injury sustained by a minor, Lisoka Lesasuyan, caused by UXO on or about 7th November 2015.

218. On 13th April 2023, the National Assembly approved the DCA, subject to key reservations. These included the amendment of Article 6(5) to include murder as an offence triable under Kenyan jurisdiction, and the amendment of Article 23 to provide for CSR obligations for visiting forces. These resolutions were officially submitted to the UK Government. However, no formal response has been received, and as a result, the Agreement ratified by the National Assembly is yet to take effect due to the outstanding reservations.
219. Several unresolved grievances linked to BATUK's operations were noted. These include the persistent presence of UXOs, which has led to injury, loss of life, and environmental degradation. One recent incident, recorded under OB No. 06/08/05/2024 at Archers Post Police Station, involved a 14-year-old boy, Ltauri Letitiya, who lost two fingers due to a UXO-related injury. The Losesia community remains uncompensated for land used by BATUK. Further, instances of child neglect have been reported involving British nationals alleged to have fathered children with local women, while residents engaged in clearance of ordnance continue to lack protective gear. Locals have also been exposed to danger when herding livestock or performing duties near active training zones.
220. Concerns were also raised regarding the low pay received by local employees, which is deemed inconsistent with the hazardous nature of their work. Despite the availability of skilled local labour, access to job opportunities remains limited. Serious allegations of sexual and violent crimes have surfaced, most notably the murder of Agnes Wanjiru, which came to public attention in 2021. While the DCI Homicide Unit has identified a prime suspect and three key witnesses, the UK authorities have not surrendered the suspect to Kenya for prosecution. This has significantly undermined public trust and fostered perceptions of impunity.
221. To enhance safety and public awareness, National Government Administrative Officers (NGAOs) have conducted sensitisation barazas and public forums to educate communities on UXO-related risks. Security stakeholders have also maintained engagement with residents regarding the identification and handling of dangerous remnants of military activity.
222. To further safeguard affected communities, a number of interventions have been proposed. These include the provision of protective equipment for workers and residents in high-risk areas, implementation of capacity-building initiatives on UXO risks, comprehensive clearance of active and inactive explosive devices from training areas, and a review of compensation policies to ensure fair remuneration relative to the risk involved. Dialogue between BATUK and host communities has been promoted through liaison teams and community forums. In addition, local alternative dispute resolution (ADR) mechanisms have been used to address grievances.
223. To strengthen oversight and promote compliance with Kenyan law, it is proposed that stakeholder engagements be conducted more frequently to develop shared operational understandings. Moreover, local administrators should receive training and awareness-raising sessions focused on BATUK's structure, obligations, and operating procedures.

5.14 The Federation of Women Lawyers (FIDA) Kenya

224. The Executive Director of FIDA-Kenya, Ms. Anne Ileri appeared before the Committee on 4th March 2025, alongside Ms. Janet Anyango, the Deputy Executive Director and the Head of Programmes, Ms. Elizabeth Gichohi, Programmes Officer, Ms. Valdivia Kibunja, Programmes Officer, and Mr. Dennis Otieno, Senior Legal Counsel, and submitted (*Annex 30*) as follows: -

225. On GBV and the need for accountability, complaints have been received regarding various forms of GBV, including sexual violence, rape, and physical abuse allegedly perpetrated by BATUK personnel. These reports have been documented through networks of paralegals, male champions, CBOs, and women's rights groups, some of whom have first-hand accounts from affected communities.
226. A comprehensive public inquiry is necessary to establish the extent of violations and ensure perpetrators face administrative, disciplinary, or criminal action. Adequate reparations should be provided to survivors and their families, addressing physical and psychological harm, as well as material damages suffered.
227. On strengthening legal protection and support for GBV survivors, there is a need to enhance advocacy and legal protection for GBV survivors under the Victims Protection Act, the Witness Protection Act, the Sexual Offences Act, and the Children's Act, 2022. A structured and well-resourced support system should provide legal representation and psychosocial assistance to affected individuals.
228. Community-level capacity-building programs should be conducted to raise awareness on legal protections and referral pathways available to survivors. Sensitization forums should be established in communities surrounding BATUK operations to improve GBV prevention and response efforts. The National Legal Aid Service Scheme should be strengthened to ensure free legal assistance for victims at the sub-county level.
229. Protection of survivors and witnesses must be a priority. In cases where BATUK soldiers are arrested and facing prosecution, measures should be implemented to safeguard victims from intimidation, retaliation, or further harm before legal proceedings commence.
230. On the need to review the DCA and legal accountability for BATUK personnel, the DCA between Kenya and the United Kingdom requires urgent review to ensure that BATUK soldiers accused of crimes, including rape, are prosecuted under Kenyan law rather than being repatriated to the UK. If prosecution in Kenya is not feasible, clear provisions should require British authorities to hold the soldiers accountable upon their return to the UK.
231. Restorative justice should be made available to survivors, as provided under Article 159 of the Constitution of Kenya. Reparations should be transformative, ensuring that survivors receive long-term support to improve their quality of life beyond mere restitution. A compensation fund, financed by the UK Government, should be established to provide financial relief for victims, covering physical and mental harm, material damages, and reintegration efforts.
232. On compensation and support for children born as a result of BATUK-related GBV, a structured fund should be established to provide for their upkeep, education, and healthcare. Strategic impact litigation should be pursued against the British Government in the High Court of Justice in London to ensure that mothers of these children receive appropriate compensation and support. Legal action should be guided by international human rights standards, including the UDHR, the CEDAW, and the UN Convention on the Rights of the Child.
233. On community engagement and capacity building, communities must be actively engaged in decision-making processes related to military agreements and human rights protections. Advocacy campaigns should be conducted at the national and grassroots levels to educate communities on the implications of the DCA. Training sessions should also be organized for community leaders and women's rights groups on relevant legal frameworks. Local organizations, government agencies, and international NGOs should partner to implement long-term community safety programs aimed at mitigating the impact of BATUK's presence.

234. On strengthening reporting and accountability, a toll-free GBV reporting line should be operationalized to ensure that survivors can report cases promptly and access support services. Regular biannual assessments should be conducted to document prevalent GBV cases, affected regions, and emerging trends. A multi-agency collaboration should be established between the Ministry of Defence, the Ministry of Gender, the National Police Service, the ODPP, and the KNCHR to enhance the reporting, investigation, and prosecution of human rights violations linked to BATUK. A local oversight committee, comprising community leaders, local administration, and CSOs, should be formed to monitor BATUK operations and ensure compliance with human rights standards.
235. On the legal representation and access to justice for GBV survivors, investigations into violations allegedly committed by BATUK personnel must be thorough, impartial, and victim-centered. A Special Tribunal should be established, equipped with legal and human rights experts, to ensure that GBV cases are handled efficiently and sensitively. Survivors must receive free legal representation and psychosocial support, ensuring that justice is accessible without financial barriers.
236. On concerns regarding the DCA and BATUK's conduct, there is an increasing perception that BATUK personnel operate with impunity, circumventing justice and suppressing attempts to hold them accountable for violations against local communities. A widespread distrust in Kenyan institutions, particularly in law enforcement agencies, has persisted due to historical failures in investigating and prosecuting crimes involving foreign military personnel.
237. Although Kenya has adequate legal frameworks to address these violations, implementation remains hampered by budgetary constraints. The DCA must be reviewed to incorporate human rights clauses that explicitly protect Kenyans from military-related abuses. Kenya should renegotiate the terms of the DCA, ensuring that the Government of Kenya asserts itself as an equal partner in military cooperation agreements. If the UK Government is unwilling to uphold Kenya's human rights obligations, then alternative options for military training should be explored.

5.15 Ministry of Lands, Public Works, Housing and Urban Development

238. The Principal Secretary, State Department for Lands and Physical Planning, Hon. Nixon Korir appeared before the Committee on 4th March 2025, alongside Mr. David Nyandoro, the Chief Land Registrar, and Mr. Herbert Were, Director of Valuation in the State Department for Lands and Physical Planning, and submitted (*Annex 31*) as follows –
239. BATUK operates two installations, the Nyati Barracks, located at Laikipia Airbase in Nanyuki, which serves as the headquarters and hosts accommodation, mess, stores, and offices; and Kifaru Barracks, situated within Kahawa Barracks in Nairobi, which functions as a rear base and logistical hub under the Kenya Army.
240. The identified parcels of land associated with BATUK operations include Laikipia Airbase, comprising LR Nos. 10422/2, 9626, 9465, 9957/2, and 2828, as well as Kahawa Barracks, situated on LR No. 28828. The land ownership and legal status of these parcels indicate that many were previously under private ownership before being acquired by the Government of Kenya through compulsory acquisition.
241. LR No. 9626, measuring 1,484 acres, was originally registered in favor of William Donald Randal for a term of 960 years before being transferred to Mohammed Investment Trust Limited in 1968. In 2003, a portion of 582.1 hectares was surrendered to the Government through compulsory acquisition.

242. LR No. 9465, covering 1,429 acres, was initially registered in favor of William Randall for a 959-year lease, later transferred to Mohammed Investment Trust Limited in 1968, and subsequently, 453.9 hectares were surrendered to the Government in 2003.
243. LR No. 2828, measuring 7,832 acres, was first registered to William Donald Bastard for a 969-year lease before being transferred to Weruini Lands Limited in 1979, after which it was surrendered to the Government in 1988 through compulsory acquisition. Gazette notices confirm that LR Nos. 9957/2, 10422/2, and 28826 were also compulsorily acquired.
244. Records on land agreements between BATUK and private ranches or local communities are not available. Therefore, no documentation exists regarding the terms, conditions, or compensation arrangements for these land-use agreements.
245. Matters relating to claims of unprocedural evictions of locals during military training exercises, land degradation, and disparities in compensation between local community landholders and foreign landowners fall under the mandate of the Ministry of Defence, NLC, NEMA, and the County Government of Laikipia. The community lands in question remain unregistered and are therefore under the jurisdiction of the County Government.
246. Physical planning is now a devolved function. The role of the Ministry in land-use planning for is limited to providing support to counties, and as such, there is no direct oversight over land-use planning in these areas. Some of the land used by BATUK for training consists of private ranches and unregistered community lands, and without formal lease agreements, the Ministry lacks capacity to monitor or regulate their usage. The Ministry of Defence, as the custodian of the DCA, is likely to have records of any lease agreements that exist.
247. While foreign entities and individuals are legally allowed to lease land in Kenya, BATUK's operations fall under a government-to-government arrangement governed by the DCA. Direct lease agreements between BATUK and private landowners for training purposes are inconsistent with the legal framework governing its presence in Kenya. BATUK should engage the Government to designate appropriate training areas rather than negotiating directly with private or community ranches, ensuring that all land-use arrangements align with established legal and regulatory frameworks.
248. The need for enhanced inter-agency coordination in monitoring and regulating land use for military training activities remains apparent. The lack of official records on BATUK's engagement with private and community landholders raises concerns regarding compliance with legal and procedural requirements.

5.16 National Land Commission

249. The National Land Commission (NLC) submitted written submissions dated 4th March 2025 (*Annex 32*) to the Committee and stated as follows –
250. The acquisition of land for the Nanyuki Aerodrome, designated as a base for the Kenya Air Force, was undertaken in 1968 pursuant to Gazette Notice No. 2974 dated 5th November 1971. The process was initiated at the request of the then Ministry of Lands and Settlement, acting under Section 6(2) of the Land Acquisition Act, 1968, through the Commissioner of Lands. Compensation for the acquired land was duly effected on 8th February 1972.
251. Subsequent acquisitions followed under Gazette Notice No. 3022 dated 12th October 1973, and Gazette Notice No. 2179 dated 23rd July 1976, with Notice of Taking Possession issued vide Gazette Notice No. 2180 of the same date. A letter dated 9th March 2016 was addressed to the Principal Secretary, Ministry of Land, Housing and Urban Development, requesting the Director of Surveys to undertake a final survey of the acquired parcels. The Ministry took up the request, and the parcels were subsequently vested with the Ministry of Defence.

252. BATUK operates from two principal bases, Nyati Barracks, Laikipia Air Base (LAB) in Laikipia and Kifaru Barracks, Kahawa Garrison in Nairobi. The acquisition process outlined above pertains specifically to Laikipia Air Base, while Kahawa Garrison functions as a rear base and logistical hub. The Laikipia base serves as the headquarters, accommodating personnel and providing mess facilities, stores, and offices, whereas military training exercises are conducted within private ranches in Laikipia County.
253. Two such private ranches, namely Oldaiga and Tomlinson Private Ranches, have been identified. However, matters concerning the legal status and ownership of the said parcels fall within the purview of the Ministry of Lands, Public Works, Housing, and Urban Development, being the custodian of land records. Similarly, any agreements between Kenya Defence Forces (KDF) and the respective private ranches regarding land use are best addressed by the KDF, which is better placed to provide the requisite details on such agreements.
254. Concerning land use agreements between BATUK and local communities or the government, there is no privity to any such arrangements. Consequently, there is no position to provide information or respond to allegations by some community members regarding inadequate compensation for the use of their land for military training. Additionally, no complaints or allegations from local communities concerning the lack of compensation for the said use of their land have been received.
255. On the issue of alleged unprocedural evictions during military exercises, there is no information on such claims, nor any reports regarding land degradation or discriminatory compensation between community landholders and foreign landowners. Similarly, no awareness of any land-related disputes arising from BATUK's operations, either with KDF or with private ranches from whom land has been leased. Consequently, no position to provide details on any such disputes or on any measures taken to ensure that public land is safeguarded against inappropriate use or alienation.
256. However, collaboration with both national and county governments ensures prudent management and protection of public land. Further, no evidence suggesting contravention of these safeguards has been identified.

5.17 Ministry of Defence

257. The Ministry of Defence submitted written submissions dated 12th March 2025 (*Annex 33*) to the Committee and stated as follows –
258. Negotiation of a five-year DCA with the United Kingdom follows a structured process involving internal stakeholder participation, including the Attorney General, the National Treasury and Economic Planning, the Immigration Department, the Kenya Revenue Authority, and the Ministry of Foreign and Diaspora Affairs, before engaging the UK. Once consensus is reached, the agreed text is submitted for Cabinet approval before being tabled before the National Assembly for ratification. The current DCA, negotiated and agreed upon in 2021, was submitted to the National Assembly, which ratified it with reservations requiring the inclusion of murder as a crime under host nation jurisdiction and the incorporation of CSR in the community relations clause. These reservations were officially communicated to the British High Commission through the Ministry of Foreign and Diaspora Affairs, and the Ministry is awaiting an official response.
259. Oversight of BATUK activities to ensure compliance with operational integrity, safety protocols, established military standards, environmental regulations, and human rights obligations is provided for in the DCA, the Status of Forces Agreement (SOFA), and other mechanisms. The Inter-Governmental Liaison Committee (IGLC) is responsible for monitoring implementation, while a KDF Liaison Officer is permanently attached to BATUK for

- coordination purposes. Concerns regarding harm allegedly caused by BATUK activities in Samburu, Laikipia, and Isiolo Counties should be brought before the IGLC, which will engage relevant authorities, primarily the National Police Service, to determine the appropriate course of action. Complaints received by the Liaison Officer are relayed as necessary.
260. Independent investigations into complaints from the general public do not fall within the legal mandate of the Ministry of Defence. Investigations can only be conducted where KDF personnel are involved or incidents occur within KDF camps. Complaints received are referred to the relevant authorities, with access to BATUK facilitated through its Defence Attaché.
261. With respect to accountability, Section 37 of the Kenya Defence Forces Act provides that any treaty or agreement governing the use of military forces must define the legal status of deployed foreign personnel, the conditions of operation for local and foreign military forces, and the compensation framework for local communities in case of accidents. Furthermore, such agreements must safeguard the interests of local communities and ensure that foreign military personnel remain subject to the Constitution and all laws of Kenya.
262. Prior to live-firing exercises, liaison with local communities is undertaken to mitigate harm, and clearance of unexploded ordnance is conducted after each exercise. Article 8 of the DCA requires both the Host Nation and Visiting Forces to ensure environmental protection, restoration, and preservation of training areas and installations. BATUK is required to comply with Kenyan environmental laws and regulations, with NEMA conducting inspections to ensure adherence.
263. A petition filed in *Nyeri ELC No. 2 of 2021, African Centre for Corrective and Preventive Action & Others v. Lolldaiga Hills Limited & Others* alleged environmental violations linked to a fire at Lolldaiga Ranch. The High Court ruling of 10th March 2022 referred the matter to the IGLC and the Defence Ministries of Kenya and the UK for resolution as provided in the DCA, with orders to establish the extent of environmental damage, facilitate cooperation for environmental restoration, and submit a settlement to the court within 14 days. The UK High Commissioner has been receiving compensation claims, which are forwarded to assessors in the UK for review. The assessment of claims related to BATUK activities is ongoing, and once finalized, a consent settlement will be filed in court, with the Ministry of Defence advocating for settlement from the British Government.
264. Training activities are limited to gazetted military training areas, and the issue of relocating BATUK training to less sensitive regions has not arisen. Protection of human rights is provided for under the Kenya Defence Forces Act, international instruments, and the DCA. The Ministry of Defence is aware of ongoing investigations into past misconduct by BATUK soldiers, including the death of Agnes Wanjiku, where efforts are underway to finalize a Mutual Legal Assistance (MLA) framework for the repatriation of British suspects.
265. Apart from the Lolldaiga fire case, the Agnes Wanjiku matter, and a pending traffic claim against British truck registration O/BM 87, no other formal complaints against BATUK have been recorded. No security threats posed by BATUK operations have been reported to the Ministry of Defence. Engagement with local communities is facilitated through National Government Administration Officers and a KDF Liaison Officer. Article 11 of the DCA provides clear guidelines for civil claims and liability, ensuring a legal framework for addressing grievances.
266. The National Assembly included a reservation in the DCA requiring the integration of CSR initiatives to prioritize community welfare. The DCA is reviewed and renegotiated every five years, and any significant changes in policy regarding BATUK's presence in Kenya would have major implications for Kenya-UK bilateral relations.

267. No details regarding alleged harm caused by BATUK operations have been provided. A claims procedure for the Lolldaiga fire incident was established under the IGLC as per court orders, with liability assessment entrusted to the British Government. Compensation procedures for affected communities are governed by the Kenya Defence Forces Act.
268. Periodic environmental assessment reports are submitted to NEMA, and fire clearance measures are undertaken immediately following live-firing exercises. Obligations under the DCA ensure that BATUK operations respect Kenyan sovereignty and the welfare of local populations. To enhance transparency and accountability in future military cooperation agreements with foreign entities, adherence to the Treaty-Making and Ratification Act will be strictly ensured.

5.18 National Intelligence Service

269. The National Intelligence Service (NIS) vide letter dated 10th April 2025 (*Annex 34*), noted that the Service has no direct involvement in the administrative and operational oversight of BATUK. It submitted, however, that any information obtained on BATUK's conduct would be of assistance in the inquiry.

5.19 Ministry of Foreign and Diaspora Affairs

270. The Ministry of Foreign and Diaspora Affairs vide submissions dated 2nd July 2025 (*Annex 35*) submitted as follows –
271. The Governments of Kenya and the UK have long enjoyed a defence cooperation relationship, formalised through DCAs renewed periodically. The most recent DCA was signed on 27th July 2021 to enhance defence cooperation between the two States through a structured framework. The DCA established BATUK and provided for the exchange of experience and knowledge in military operations. It replaced the previous Agreement signed in 2015, which expired on 6th October 2021.
272. The 2021 Agreement covers a wide scope of defence and security cooperation, including entry requirements for members of the visiting forces, regulation of defence items, control and oversight of military exercises, environmental protection, criminal jurisdiction, taxation, peacetime military activity, and the training of both military and civilian personnel. In addition to maintaining the provisions of the 2015 Agreement, the current DCA introduces key advancements such as provisions for counterterrorism and information operations training, a defence civilian component, and express coverage of medical research services. It further provides for multilateral training exercises and improved controls over defence items, particularly arms and ammunition.
273. Environmental protections have also been strengthened under the DCA. The Host Nation now holds an express entitlement to verify the environmental safeguards implemented by the visiting forces. Community protections have been enhanced as well; Article 23 now provides for compensation in instances where injury, loss or damage arises from sexual exploitation committed by visiting troops. The Agreement enters into force once both Parties complete their respective internal procedures, including parliamentary approval, and remains valid for a period of five years. It may be amended by mutual written consent or terminated by either Party through six months' written notice.
274. The Ministry is responsible for diplomatic facilitation and coordination on matters arising under the DCA, including engagement between BATUK, the Ministry of Defence, and other relevant government agencies. Additionally, it acts as the primary channel of communication with the United Kingdom through the British High Commission in Nairobi and the Kenyan High Commission in London. The Ministry played a leading role in facilitating the negotiation of the

- 2021 DCA and continues to monitor its implementation. Article 24 of the DCA establishes the IGLC, composed of senior military officers and civilian officers from both Parties, tasked with administering and overseeing the implementation of the Agreement.
275. Communication concerning BATUK operations is routinely transmitted by the Ministry, including responses to emerging issues. Notably, the Ministry engaged the UK Government regarding the March 2021 wildfire incident at Lolldaiga Conservancy. The UK acknowledged, through diplomatic correspondence, that the fire had been accidentally caused by one of BATUK's exercising troops. The UK High Commission subsequently undertook a claim assessment for possible compensation. The Ministry also facilitated the request by NEMA to conduct a guided inspection of BATUK's facilities, in accordance with its statutory environmental oversight role.
276. The Kenya–UK defence relationship is managed through the DCA and governed under broader frameworks including the annual Defence Ministerial Meetings and biennial IGLC sessions, the most recent of which took place on 17th October 2023 at Defence Headquarters, Nairobi. Beyond these formal structures, Kenya and the UK maintain continuous diplomatic channels through which accountability is pursued upon the emergence of any incident involving visiting forces.
277. The National Assembly ratified the DCA on 13th April 2023, subject to specific reservations. These included concerns regarding Article 6(5), which failed to include the offence of murder among those triable under Host Nation jurisdiction, and Article 23 on Corporate Social Responsibility obligations of the visiting forces. Following parliamentary ratification, the Ministry formally communicated the reservations to the British High Commission and sought the UK Government's position on the proposed amendments. Further internal consultations have been initiated by the Ministry, in collaboration with the Ministry of Defence, with a view to amending the Agreement before its commencement.
278. The Ministry has maintained a comprehensive record of diplomatic communications and bilateral engagements relating to BATUK, including all correspondence dating from the initial negotiations of the Agreement to its current implementation phase. These engagements underscore the seriousness with which the Government has approached the issue of accountability and the safeguarding of national interests.
279. Article 6(12) of the DCA imposes a mutual obligation on both Parties to cooperate in criminal investigations, including the sharing of evidence. Article 6 further provides for the Host Nation's jurisdiction over a range of criminal offences committed by members of the visiting forces, including sexual offences, torture, inhumane or degrading treatment, transnational organised crime, slavery, robbery, and crimes against national security. These provisions empower Kenya's investigative and prosecutorial agencies to address alleged violations committed within its territory by visiting personnel, subject to the jurisdictional guidelines under the Agreement.
280. Environmental protection remains a significant focus of the 2021 DCA, particularly under Article 8. The visiting forces are obligated to avoid actions harmful to human health, property, flora, and fauna. Relevant Kenyan authorities, including NEMA, are permitted to conduct regular inspections of the training areas to verify compliance. The Ministry has previously facilitated such inspection requests, and where findings arise, the appropriate follow-up actions are coordinated with the Ministry of Defence.
281. Financial obligations under the DCA are governed by Article 14, which provides that all costs incurred are subject to the national laws of the respective Parties. Where services or supplies are not rendered on a gratuitous basis, the Parties are expected to negotiate fair terms of payment either in cash or kind.

282. While the Ministry lacks investigative powers, it serves as a facilitator when such issues arise. Any allegations of wrongdoing by BATUK personnel are referred to the Ministry of Defence for follow-up. The Ministry also supports law enforcement engagement with implicated BATUK personnel by arranging appointments and communicating official requests through Notes Verbales addressed to the British High Commission.
283. Article 23 of the DCA provides for the payment of compensation where the UK is found liable for harm or loss caused to members of the local community, including cases involving sexual exploitation. Article 24 further mandates the IGLC to safeguard the rights of victims and ensure that appropriate redress mechanisms are enforced.
284. The DCA is implemented in full conformity with Kenyan laws and remains subject to continuous review in line with national sovereignty, public interest, and security considerations. The Ministry reaffirmed its commitment to facilitating engagements under the DCA in a manner that upholds Kenya's dignity, international standing, and the rights of its citizens.

5.20 Office of the Attorney General and Department of Justice

285. The Office of the Attorney General and Department of Justice vide written memorandum dated 4th July 2025 (*Annex 36*) submitted as follows –
286. The Office of the Attorney General and Department of Justice has received allegations implicating BATUK in acts amounting to human rights violations, including but not limited to: civilian deaths, torture, mistreatment and harassment, unlawful detention, and forced evictions of Kenyan nationals residing or operating in proximity to BATUK's training areas.
287. Article 6(9) of the DCA between Kenya and the UK provides that the Attorney General (or Minister of Justice) of the Host Nation may issue a certificate of public interest, where, in their opinion, the public interest or interest in the administration of justice warrants the exercise of primary jurisdiction by the Host Nation. Upon issuance, such certificate is to be forwarded to the IGLC and to the Sending Nation for further consideration pursuant to Article 24 of the DCA.
288. In 2020, following an inquest by the Principal Magistrate at Nanyuki Law Courts into the death of Agnes Wanjiru, the Attorney General issued a formal certificate of public interest and recommended that the Government of Kenya assert primary jurisdiction in the matter, as permitted under Article 6(9) of the DCA.
289. In *Petition No. 2 of 2021, African Centre for Corrective and Preventive Action & 3 Others v Lollidaiga Hills Ltd & Others*, the Court Nyeri Environment and Land Court (ELC) found that –
- (a) The Defence Cooperation Agreement dated 9th December 2015 waived diplomatic immunity to the extent expressly stated within the agreement, and therefore, the Court held that it possessed jurisdiction to hear the petition;
 - (b) The petitioners were first required to exhaust the dispute resolution mechanisms provided under the DCA before approaching the courts; and
 - (c) BATUK does not enjoy blanket immunity from either civil or criminal liability for offences committed within the Republic of Kenya.
290. Regarding the existing prosecutorial challenges relating to crimes allegedly committed by BATUK personnel, including those of a grave nature, such matters fall under the prosecutorial mandate of the ODPP.
291. On jurisdiction over BATUK personnel, Article 6 of the DCA provides that the Host Nation shall have jurisdiction over members of the visiting forces, civilian components, or their dependants for criminal offences committed in contravention of Kenyan law, customary

international law, or any relevant treaty or agreement to which Kenya is a party. However, this jurisdiction is limited in the following instances:

- (a) Where the offence is solely against the property or security of the Visiting Forces;
- (b) Where the offence is solely against another member of the Visiting Forces, civilian component, or a dependant; and
- (c) Where the offence arises out of an act or omission committed in the course of official duty.

292. Article 6(5) of the DCA excludes certain serious crimes from the scope of “official duty”, including sexual offences, torture, inhumane or degrading treatment, transnational organised crime, slavery, offences against national security, and robbery, among others.

293. However, there is a lacuna in the legal framework: the offence of murder, despite its gravity, is not explicitly listed under Article 6(5) as an offence deemed outside the course of official duty. As such, any claim of immunity or exclusion of Kenyan jurisdiction in a murder case remains subject to the discretionary determination of the IGLC. This presents a significant obstacle to justice; hence, the DCA should be amended to include the offence of murder in the list of offences that shall not be deemed to have been committed in the course of official duty. The elements of the offence of murder, involving premeditation and unlawful killing, fall outside the reasonable scope of any official military duty, and therefore, should not be shielded by any jurisdictional immunity.

294. Concerning transparency and public accountability, the DCA does not provide explicit modalities for access to operational information relating to the Visiting Forces. In view of Article 35 of the Constitution, which guarantees the right of access to information, there is a need to establish a public information portal to provide accessible and timely updates on BATUK operations, including safety measures, environmental protection protocols, and community engagement activities. Additionally, there is a need to conduct public sensitisation campaigns to raise awareness among affected local populations and the formal recognition of the right of communities to raise concerns and to have such concerns addressed through their legal representatives or local government authorities.

5.21 Office of the Director of Public Prosecutions

295. The Office of the Director of Public Prosecutions (ODPP) vide written submissions dated 13th November 2025 (*Annex 37*) submitted as follows –

296. To ensure timely and impartial prosecution of BATUK-related offences, practical measures implemented /proposed include –

- (a) Establishment of dedicated teams or task forces for cross-jurisdictional and BATUK-related cases;
- (b) Instructions to the IG of Police to secure and preserve evidence and to initiate legal action, including arrest and court proceedings, to prevent suspects from fleeing the country; and
- (c) Enhanced collaboration with the Ministry of Foreign and Diaspora Affairs and relevant authorities in the United Kingdom to ensure cooperation in matters such as detention, questioning, and enforcement of travel restrictions.

297. Lawful emergency or provisional court orders may be sought to address imminent flight risks posed by suspects. The formation of specialist case review teams dealing specifically with BATUK matters is a positive development contributing to more focused and efficient prosecutorial responses.

298. Civil settlements, including private or financial agreements between parties, do not bar criminal proceedings initiated by the ODPP. There is a need for a statutory obligation to notify the ODPP

of any such agreements and a restriction on confidentiality clauses that may conceal crimes, to safeguard criminal investigations from being undermined by out-of-court settlements.

299. With respect to the murder of Ms Agnes Wanjiru, an extradition request was transmitted through the OAG to the Central Authority of the UK. The accused has been arrested by UK authorities and is currently in custody pending bail proceedings. The matter has been listed for case management in the United Kingdom on 9th December 2025.
300. In relation to other unresolved deaths linked to BATUK, each matter is reviewed on its own merits. Where police investigations are incomplete, the DPP may direct further inquiries under Article 157 and determine the viability of prosecution. Where new, credible evidence is brought forward, previously closed files may be reopened, and further investigative steps initiated.
301. Allegations involving sexual and gender-based violence (SGBV), including rape, sexual exploitation, and sexual abuse, are treated with urgency and sensitivity. A dedicated SGBV division within the ODPP is tasked with monitoring and ensuring the appropriate handling of such cases in line with victim-sensitive prosecutorial standards.
302. The DCA does not preclude the prosecution of BATUK personnel by Kenyan authorities. The ODPP has, where appropriate, pursued extradition requests and undertaken related legal processes. In the matter of Agnes Wanjiru, the ODPP reviewed the investigative file, directed that the named suspect be charged with murder, oversaw the issuance of a warrant of arrest, and subsequently forwarded a formal extradition request to the UK Central Authority.
303. Where joint investigations have been necessary, Kenyan law enforcement agencies, including DCI, have worked with UK counterparts, as noted in the Agnes Wanjiru case.
304. Incidents of witness intimidation have been reported in certain BATUK-related matters. The Witness Protection Act (*Cap. 79*) and the Witness Protection Agency provide statutory mechanisms for witness protection, including relocation and confidentiality mechanisms. The ODPP relies on these legal protections and requests protective measures at the earliest opportunity. There is a need to strengthen enforcement against witness intimidation, increase resourcing of witness protection programmes, and strengthen enforcement for retaliation in foreign-related matters.
305. The internal organisational structure of the ODPP includes specialist divisions such as the International Crimes and International Criminal Court (ICC) Division. Support for the operationalisation and adequate resourcing of these units was identified as necessary to effectively manage foreign military-related and complex cross-border prosecutions.
306. To improve Kenya's extradition framework, there is a need for the consolidation and modernisation of existing laws by merging the Extradition (Contiguous and Foreign Countries) Act (*Cap. 76*) and the Extradition (Commonwealth Countries) Act (*Cap. 77*) into a single unified statute. There is also a need to eliminate the fragmented schedules and the introduction of minimum mandatory sentences for extradition offences.

CHAPTER SIX

6.0 BRITISH ARMY TRAINING UNIT KENYA (BATUK)

307. The British Army Training Unit Kenya (BATUK) vide undated submissions forwarded through the Ministry of Foreign Affairs to the National Assembly vide letter dated 22nd October 2025 (*Annex 38*) submitted as follows –

6.1 BATUK's Role and Operations in Kenya

308. BATUK is globally recognised as a premier centre for light infantry training and serves as a crucial element of UK-Kenya military cooperation. Every year, over 1,100 Kenya Defence Forces (KDF) personnel from the Kenyan Army, Air Force, and Navy benefit from training and exercises conducted jointly with the British Armed Forces, both in Kenya and in the UK. These activities include large-scale joint exercises (involving 300–450 KDF personnel from combat and artillery units at a time) as well as specialist engineering and medical training exercises. BATUK also supports the development of Kenyan military capabilities in strategic communications and cyber warfare, and it provides pre-deployment training for KDF units prior to their deployment on operations such as the African Union Mission in Somalia.

309. The UK invested approximately KES 651 million (about £3.75 million) in the last financial year to support the modernisation of the KDF under the Defence Cooperation Agreement (DCA) of 2015. BATUK's presence in Kenya also yields substantial local economic benefits. Locally, BATUK spends around KES 8.6 billion per annum (roughly £50 million each year) in Nanyuki and Nairobi on its operations. This expenditure covers a range of needs, including the use of civilian-contracted helicopters, housing and training area leases, shipping and logistics, vehicle maintenance, and the salaries and medical insurance of locally employed staff, as well as other training-related costs. While much of this investment is centered in the Nanyuki area (the location of BATUK's main base), the submission noted that it has positive ripple effects across the Kenyan economy. The £50 million annual spending figure does not include the personal expenditure of BATUK's UK personnel, their families, or the approximately 6,000 visiting British servicemembers who train in Kenya each year – these are believed to inject several more million pounds sterling into local businesses and communities.

310. BATUK is also a significant employer of Kenyans, directly supporting the local workforce. It currently employs approximately 600 Kenyan nationals as permanent staff, and during intensive training periods, it engages up to 3,000 additional Kenyan workers on a temporary (casual) basis. This means that roughly 70% of all BATUK's employees in a given year are Kenyan citizens, a proportion higher than in any other country hosting British military training. This level of local employment provides a major economic benefit to the surrounding communities, through both wages and related spending. Beyond its direct military activities, BATUK strives to be a responsible and community-focused organization, contributing to local development through what it calls five pillars of support: water, environment, health, education, and sport. BATUK indicated that it has implemented numerous community projects across these areas (details of which are provided in a later section), in partnership with local stakeholders, to improve public utilities, schools, healthcare, and recreational facilities.

6.2 UK–Kenya Defence Cooperation Agreement and the IGLC

311. The defence relationship between the UK and Kenya is governed by the Defence Cooperation Agreement (DCA) signed in 2015, which is a legally binding treaty between the two governments. This agreement establishes the formal framework for defence cooperation and outlines the terms under which BATUK and other UK military activities operate in Kenya. Key provisions of the DCA address the use of training areas, the handling of equipment and materiel, jurisdiction over offences, and various logistical arrangements that enable the British military

presence, such as vehicle registration, taxation exemptions, import/export regulations for equipment, and entry and movement procedures for personnel. The DCA also sets forth mechanisms for the settlement of disputes that may arise under the agreement, and confirms how legal jurisdiction is determined for any offences involving UK personnel in Kenya.

312. Article 6 of the DCA delineates criminal jurisdiction between the two countries. Under this provision, Kenya retains jurisdiction over all offences committed by UK military personnel against Kenyan nationals, except in cases where an offence occurred during the personnel performing official duty. The agreement lists certain serious offences, notably including sexual offences, over which Kenya will automatically exercise jurisdiction, regardless of whether the servicemember was on official duty. In practice, this means that if a UK soldier is accused of a crime like rape, sexual assault, homicide, or other grave offense against a Kenyan, Kenyan authorities have the primary right to investigate and prosecute, unless the act was strictly service-related and occurred during official duties. These jurisdictional arrangements are a foundational element of the DCA and underscore the principle that British personnel in Kenya are subject to Kenyan law, especially for crimes against local citizens. The DCA further confirms that British troops must respect the Constitution, laws, and regulations of Kenya during their stay.
313. To oversee the implementation of the DCA and address any issues arising from it, the agreement provides for the Inter-Governmental Liaison Committee (IGLC). The IGLC is a bilateral forum composed of senior officials and military officers from both Kenya and the UK. Members include officers of at least Colonel rank and high-ranking civilian officials from each side. The IGLC meets at least twice per year and serves as the primary platform for the two governments to review the defence partnership, coordinate activities, and resolve disputes related to the DCA. One of the IGLC's key functions is to determine how jurisdictional responsibility is assigned in specific cases that may be ambiguous or sensitive. The process is designed to ensure that any decisions by the IGLC are made jointly and take full account of the public interest in both countries, as well as the opinions of each country's Attorney General. Should the IGLC be unable to reach consensus on a particular issue or dispute, the matter would be escalated through diplomatic and political channels for resolution at a higher level.
314. A revised DCA was signed in 2021 by the former UK Secretary of State for Defence (Rt. Hon. Ben Wallace) and Kenya's former Cabinet Secretary for Defence (Dr Monica Juma). This updated agreement is intended to modernise and strengthen the defence relationship. However, the Kenyan Parliament, upon considering the DCA's ratification, outlined two reservations. The UK continues to actively engage with the Government of Kenya regarding these reservations to address any outstanding issues. The DCA remains the essential foundation for the UK's partnership approach in defence matters, and the IGLC mechanism helps ensure that Kenya's priorities and viewpoints are central in guiding UK defence activities on Kenyan soil.

6.3 Oversight and Inspection of BATUK Activities

315. BATUK operates under extensive oversight from both Kenyan and British authorities to ensure transparency, safety, and accountability. Multiple layers of independent inspection and auditing are in place to scrutinise BATUK's operations and facilities on an ongoing basis. For instance, BATUK reports formally to the IGLC twice a year (at the IGLC's biannual meetings) about its activities, compliance with agreements, and any issues of note. BATUK is also inspected by British military authorities to verify that its training practices, safety procedures, and conduct remain up to standard. The former Kenyan Cabinet Secretary for Defence personally inspected all BATUK's activities on 1st December 2023. The Kenya Defence Forces have embedded liaison staff within BATUK: two KDF officers (a Major and a Warrant Officer) are permanently posted at BATUK's Nyati Barracks. These KDF liaison officers are granted full access to BATUK's routine meetings, planning conferences, training exercises, and community

engagements, as well as to interactions BATUK has with local leaders, police, and military commanders.

316. BATUK is also subject to environmental audits and specialized safety inspections to ensure it complies with all relevant Kenyan laws and environmental regulations. BATUK undergoes annual environmental audits by both Kenyan and UK authorities, in line with Kenya's Environmental Management and Co-ordination Act (EMCA) and associated regulations. Each audit report since 2015 has been duly submitted to Kenya's National Environment Management Authority (NEMA) headquarters. The most recent audits (for the 2024–2025 cycle) returned positive assessments of BATUK's environmental performance. In Samburu, where one of BATUK's training areas is located, the audit concluded that *"BATUK has consistently enhanced its Environmental Health and Safety management since 2015."* In Laikipia (the county that hosts BATUK's main base and other training lands), auditors found a high level of compliance with environmental health and safety regulations, and noted that BATUK was adhering to the environmental management plans established when its operations began. The audit of BATUK's newest base, Kifaru Barracks, similarly reflected favourably on BATUK's compliance record.
317. The maintenance and safety of BATUK's training infrastructure and ranges are overseen by the UK's Defence Infrastructure Organisation (DIO), which operates at arm's length from BATUK itself. The DIO is a specialised division of the UK MOD responsible for managing and auditing military infrastructure, including overseas training areas. This separation is intended to ensure impartial oversight of the facilities that BATUK uses. The DIO subjects the training areas and infrastructure to rigorous, multi-tiered inspection regimes on a regular schedule:
- (a) From a training-area assurance perspective, DIO officials conduct a monthly Range Administering Unit (RAU) audit at each allocated training site. These audits verify that BATUK's use of the land is in compliance with the licences and agreements in place (through KMOD and landowners) and that all training activities fall within the permitted parameters for that area. RAU audits check that BATUK is using the ranges responsibly and legally, adhering to agreed conditions such as boundaries, types of exercises, and safety measures.
 - (b) The UK MOD inspection team, known as the Land Training Advisory Ranges (LTAR) team, conducts an external inspection once per year. This annual inspection is carried out by experts independent of BATUK's chain of command. The LTAR inspection assesses compliance with all safety and operational standards and ultimately authorises the continued use of the training areas under the terms of the licensing agreement with Kenya. They review everything from range safety procedures to environmental impact, ensuring that BATUK's training sites meet the strict standards set out in UK Defence regulations and the DCA.
 - (c) Range Safety Audit Team from the UK MOD, which is independent of both BATUK and the British Army's operational command, carries out inspections of the training areas every three years. The purpose of this team is to review compliance with UK Ordnance Safety Regulations and other technical safety standards related to firing ranges. They check, for example, that procedures for handling ammunition and explosives are safe and that risk mitigation measures are effective.
 - (d) The DIO is also subject to a separate Remote Overseas Professional Inspection regime performed by an independent contractor. It involves annual inspections covering a wide array of infrastructure elements. The submission noted that around 500 individual reports are produced each year for DIO to act upon. These cover everything from electrical and mechanical systems, building conditions, and water treatment facilities to fuel storage and dangerous goods handling at BATUK sites. Any issues identified in these reports must be

addressed by the DIO and BATUK, ensuring continuous improvement and hazard remediation.

318. The British military medical clinic at Nyati Barracks (BATUK's main base) is integrated into the UK's Defence Medical Services network as a primary healthcare center for personnel. It undergoes regular statutory inspections by the UK's Defence Medical Services Regulator, ensuring that clinical practices meet Defence healthcare standards. Furthermore, because the clinic provides healthcare services analogous to those in the UK, it is also inspected by the Care Quality Commission (CQC) on a three-year cycle. Inspection frequency can be adjusted by the CQC and military regulators based on a risk assessment approach, meaning that if a particular concern arises, inspections may occur more frequently. These British regulatory inspections are complemented by Kenyan oversight: a Kenyan Health and Safety inspection team visits BATUK's medical and camp facilities annually to ensure compliance with Kenyan workplace safety and public health requirements. The most recent joint health and safety inspection, conducted from 2nd to 4th December 2024, covered Nyati Barracks as well as BATUK's secondary location at Kifaru Barracks and the Archer's Post training area. The submission reported that no adverse findings were noted during that visit, indicating that BATUK's medical services and health and safety practices met the expected standards.
319. BATUK operates a helipad and a refueling facility at its base to support helicopter operations (which are typically provided by civilian contractors). These aviation facilities are provided by a civilian-owned, civilian-operated contractor, meaning that some air operations support is outsourced to local or international companies. All such facilities are subject to annual inspections by the Kenya Civil Aviation Authority (KCAA) to ensure they meet Kenyan civil aviation regulations for safety, fueling, and maintenance. BATUK adheres to UK military aviation standards: the submission noted that a thorough second-party aviation safety assurance review was successfully carried out by Litson & Associates (an independent aviation safety auditing firm) in 2023. Besides this, a broader internal review process ensures that each outpost or detachment of BATUK meets UK safety and quality benchmarks on a yearly basis.

6.4 Governance, Accountability, and Ethical Conduct

320. The UK Ministry of Defence takes allegations of misconduct, including fraud and corruption, very seriously. BATUK has occasionally faced allegations of fraudulent activity or financial irregularities, but formal cases have been rare. In the past four years, only one case of alleged fraud involving BATUK was raised through the IGLC framework during the 12th IGLC meeting in September 2024. Upon agreement in the IGLC, that allegation was referred for investigation led by the Royal Military Police (RMP). The RMP investigation into that case is ongoing. Outside of this isolated instance, no known cases of fraudulent procurement, illicit land deals, or other financial impropriety linked to BATUK's operations.
321. To ensure strong governance and prevent misconduct, BATUK employs multiple internal auditing and control mechanisms. A BATUK Governance Officer conducts regular finance and governance audits internally, examining accounts and compliance with procurement rules. Additionally, the headquarters overseeing BATUK's activities (the UK Army's Collective Training Group) performs six-monthly audits of BATUK's accounts to double-check financial management and adherence to budgets. External oversight bodies from the UK have examined BATUK's affairs: the UK's National Audit Office (NAO) carried out a visit and review in the second quarter of 2025 (the final report from this review is pending completion), and the MOD's own Defence Fraud and Engagement Team conducted an inspection as well. No adverse findings were reported from these external reviews, suggesting that BATUK's financial practices and controls met the required standards at the time of inspection.

322. The UK MOD is not aware of any evidence of collusion between BATUK personnel and Kenyan security forces or other parties to suppress or dismiss complaints, nor any evidence of attempts to intimidate, bribe, or coerce victims of alleged wrongdoing into silence. If any such evidence were to emerge, the UK MOD would regard it with utmost seriousness and ensure a thorough investigation.
323. There is absolutely no place for sexual exploitation and abuse in the British Army. Any form of sexual exploitation or abuse (SEA) is contrary to the values of the British military, preying on the vulnerable and undermining the very principles a soldier is meant to uphold. UK Ministers and military Service Chiefs are fully committed to eradicating unacceptable behaviour and have implemented robust strategies to that end.
324. Zero Tolerance to Sexual Exploitation and Abuse policy was introduced in July 2022 across the UK Armed Forces as Joint Service Policy (JSP 769) as part of a comprehensive effort to crack down on sexual misconduct. It built upon earlier reforms and preventive measures that the MOD had put in place to tackle unacceptable sexual behaviour within the military. The Zero Tolerance policy sends a clear, top-down message that sexual exploitation, abuse, or any related misconduct will not be tolerated under any circumstances, whether on operations abroad or at home. The MOD not only established this policy but is also committed to continuously reviewing and reinforcing it to ensure it is properly applied. Every allegation of unacceptable sexual behaviour is meant to be met with decisive action, which can include administrative or disciplinary measures up to and including discharge (dismissal) from the Armed Forces, as well as criminal prosecution where appropriate.
325. A Service Inquiry was conducted to specifically review the conduct of British Army personnel in Kenya and to assess the effectiveness of measures against SEA. This Service Inquiry (codenamed “SI Sennen”) concluded its work and published its findings in August 2025. According to the inquiry’s report, transactional sex, sexual relations involving an exchange of money or favours, which can often be exploitative, was found to still be occurring among some British personnel in Kenya, though at a “low to moderate” level. The inquiry noted that such behaviour should not be happening at all, underlining a zero-tolerance expectation. The report observed that since the introduction and enforcement of the Zero Tolerance SEA policy (JSP 769), which was fully in effect by November 2022, there had been a significant reduction in incidents involving British service members in Kenya. Out of approximately 7,666 UK military personnel who had been deployed to or trained in Kenya since November 2022, only nine incidents of alleged unacceptable sexual conduct were reported. This low number suggests a marked improvement compared to prior years, indicating that preventive measures and strict enforcement were yielding results.
326. To mitigate this risk, the inquiry recommended maintaining all the preventive and disciplinary measures that had been put in place since 2022. These measures include strong command-led training and briefings on expected conduct, the use of curfews and out-of-bounds designations to limit opportunities for misconduct, a strict sanctions regime for those who break rules, certain movement restrictions and controlled “booking in/out” systems for personnel when leaving camp, and an active presence and oversight by the Royal Military Police (RMP) in BATUK’s areas of operation. All these are designed to deter inappropriate behaviour and allow for swift action if rules are violated.
327. The Service Inquiry made four specific recommendations, all of which the Army and MOD are adopting. These recommendations are –
- (a) implement additional standalone training across the British Army focused specifically on the prevention of sexual exploitation and abuse (to reinforce understanding and awareness beyond Kenya deployments alone);

- (b) adopt a presumption in favour of applying the harshest permissible penalties for offenders found guilty of SEA-related infractions to strengthen deterrence and signal how seriously such cases are treated;
 - (c) ensure that the Army's internal policies mirror the Defence-wide zero tolerance policy, effectively translating the joint policy into service-specific regulations and guidance, so there is no ambiguity or gap in enforcement; and
 - (d) formalize the practice of appointing a "nominated responsible individual" at any unit social events or gatherings.
328. All British personnel deploying to Kenya are thoroughly briefed on their responsibilities and the standards of conduct expected of them. They are subject not only to Kenyan law but also continuously under UK law through the Armed Forces Act 2006. During the Reception, Staging, Onward Integration (RSOI) process that all troops undergo upon arriving in Kenya, they receive comprehensive orientation, including cultural awareness training and clear instructions to respect Kenyan customs, local communities, and the rule of law. The values and standards of the British Army, which include Courage, Discipline, Respect for Others, Integrity, Loyalty, and Selfless Commitment, with the mandate that all behaviour must be lawful, appropriate, and totally professional, are reinforced at every stage.
329. BATUK maintains a dedicated 18-person Royal Military Police detachment on site, providing a ready means to report and investigate any allegations of misconduct by service personnel. The presence of RMP personnel ensures that any potential crime or disciplinary breach can be addressed immediately under military law, and, where required, in cooperation with Kenyan law enforcement. BATUK's leadership is not aware of any instance where an incident or allegation was covered up or failed to be reported to Kenyan authorities. Under the DCA, if an accusation concerns a serious criminal offence such as murder, sexual assault, or serious bodily harm, there is a clear procedure: the matter will be investigated either by the Kenyan National Police or by the UK Service Police, depending on the circumstances. In practice, if a serious crime is alleged and it falls under Kenyan jurisdiction, Kenyan police will take the lead with full cooperation from the UK side; if it falls under UK jurisdiction, the UK Service Police would handle it, but still in liaison with Kenyan authorities via the IGLC.
330. The UK MOD acknowledged awareness that there have been instances and allegations of children fathered by UK Service personnel in Kenya. However, such matters have not been formally raised to BATUK by the Kenya Police Service or by the Kenyan Ministry of Defence. To facilitate open communication on such issues, BATUK's staff now includes a Kenyan Police liaison officer, a serving Kenya Police Service officer who works with BATUK, to ensure that local law enforcement has a direct channel for engagement on any issues involving the local population. In the absence of a criminal accusation of wrongdoing or a specific concern raised by local authorities, the MOD would not ordinarily investigate or intervene in personal matters such as paternity claims.
331. However, any allegation indicating an abuse of power or a sexual offence would be taken very seriously and, in line with the DCA, the UK would investigate or support an investigation as appropriate. The UK's zero-tolerance approach to SEA means that any personnel found to have violated the policy face severe consequences, including dismissal from service and/or criminal prosecution. Many of these situations are highly sensitive, and sometimes allegations might involve what are claimed to be consensual relationships, which complicates the matter. As for child support, paternity claims against UK servicemen are treated as private civil matters to be handled through appropriate legal channels. The UK Government will cooperate with local child support enforcement mechanisms. In Kenya, the National Council for Children's Services is the

relevant authority for any mother seeking assistance in pursuing a paternity or child maintenance claim.

332. In 2003, the Royal Military Police initiated Operation TASKER to investigate a series of historic claims that had surfaced. These claims included allegations that several Kenyan women had been raped or sexually assaulted by British soldiers in past decades, and that British military authorities stationed in Kenya at the time were aware of these incidents but took no action. Additionally, Op TASKER examined an allegation that British soldiers were involved in the murder of a Kenyan woman named Ms Mantoi Kaunda in 1995. Given the gravity of these allegations, the RMP's investigation was subjected to extra layers of scrutiny and transparency. Before concluding Op TASKER, all the gathered case evidence was reviewed externally, first by a dedicated Serious Cases Review Team from Devon and Cornwall Police in the UK, and then by the British Army's legal service branch. The outcome of the reviews was that the evidence was deemed insufficient to charge any individual British soldiers with the alleged crimes.
333. Regarding the specific murder allegation from 1995, the investigation into Ms Mantoi Kaunda's death was conducted with the knowledge and authority of the Kenyan Government, and throughout the process, jurisdiction remained with the Kenyan Police. Ultimately, no charges were brought in that case either. However, should any new information or evidence come to light concerning these or other historic incidents, it would be taken seriously and reviewed by the appropriate authorities, either the UK's Defence Serious Crime Command or the Kenyan police.

6.5 Local Employment and Economic Impact

334. BATUK is a major local employer: it has over 600 Kenyan permanent staff on its payroll, and in 2024 it additionally hired about 3,000 Kenyans on short-term contracts to support various training exercises. Around 70% of BATUK's total workforce is Kenyan each year, which is higher than in any other country where the British Army conducts overseas training. BATUK's leadership considers this a point of pride and a deliberate effort to maximise local economic benefit and community goodwill. The wages and benefits provided to these employees help support many Kenyan families and inject money into the local economy of Laikipia, Samburu, and Nairobi counties.
335. The overall annual expenditure of BATUK (approximately £50 million or KES 8.6 billion per year) is another significant contribution to the economy. BATUK spends the money on hiring civilian helicopters to provide air support during exercises, payments for housing rentals and training area leases, costs of shipping and logistics, vehicle maintenance contracts with local firms, the salaries and medical insurance for Locally Engaged Civilians (LECs) who work for BATUK. It also includes the procurement of materials and services for the training exercises themselves. While Nanyuki is the focal point of much of this spending, the positive economic impact extends beyond Nanyuki; for instance, suppliers and contractors from other parts of Kenya also benefit, and Nairobi-based businesses provide support services and equipment. BATUK's presence has spurred growth in sectors like hospitality, transport, and retail in these areas, due to the demand generated by the base and the personnel stationed there.
336. The spending by the British soldiers and their families who rotate through Kenya provides an additional economic boost. The personal expenditure of approximately 6,000 visiting UK service personnel each year, on local shops, restaurants and tourism, together with that of any accompanying family members, contributes several million pounds sterling more into the Kenyan economy annually. This is on top of the official £50 million operational spending.

6.6 Labour Practices and Staff Welfare

337. BATUK works in close cooperation with the Kenyan Government Labour Offices in Nairobi and Nanyuki to manage its hiring of local personnel. All recruitment and employment practices are designed to adhere strictly to Kenyan labour laws and regulations, as well as to UK policies on fair employment. BATUK has made adjustments to ensure equity and local inclusion in hiring. For example, after engaging in discussions with the County Governors of Samburu and Laikipia, BATUK revised its hiring processes to better align with the local leaders' guidance. This has involved prioritising employment opportunities for people living closest to the areas where work or training is taking place. BATUK aims to distribute the short-term jobs among those local communities who are directly affected or involved, rather than bringing in workers from farther away.
338. On procurement, the British Army's Land Warfare Centre (LWC) is responsible for handling BATUK's contracts and tenders. The LWC follows the UK Government's competition and procurement policies, which emphasise fair and open competition to obtain value for money and transparency. This means Kenyan businesses can bid for contracts to supply goods and services to BATUK, and these tenders are awarded based on merit and compliance with the relevant rules, rather than through any arbitrary or preferential treatment.
339. The relationship between the UK MOD and its employees, whether UK citizens or Kenyan locals, depends on the nature of the employment and the role of each staff member. The terms and conditions of service can differ for UK personnel and Kenyan nationals, reflecting the differing requirements and legal frameworks for each. For instance, British military personnel and UK civil servants working with BATUK often require specific security clearances, military qualifications, or may be subject to postings and rotations as per UK military policies. Conversely, Kenyan employees are hired under Kenyan employment terms for local positions. Some positions within BATUK can only be filled by British military or UK civil service members for security and training competency reasons. However, for all open positions that are available to civilians, the recruitment process is fair, transparent, and merit-based. Applications for jobs are invited through an online recruitment platform, which is the same system used by the UK MOD for hiring and aligns with the UK Civil Service Commission's principles.
340. All staff working in BATUK are provided with any necessary training and equipment to perform their duties safely and effectively. For example, if local staff are hired as drivers, they receive training on BATUK's vehicle safety standards; if they are range wardens, they are trained in UXO recognition. BATUK also hires qualified Kenyan nationals with disabilities, in line with the Kenya Employment Act, which encourages non-discrimination and reasonable accommodation. Where possible, BATUK will make reasonable adjustments to the workplace or role to enable an individual with a disability to be employed. However, in some instances, the nature of a particular job may inherently preclude someone with certain disabilities, even after accommodations, especially in roles with rigorous physical demands or critical safety requirements. In such cases, BATUK must place safety and role requirements first, but it strives to find opportunities where disabled individuals can serve in other capacities.
341. BATUK offers a comprehensive medical and healthcare insurance package for all permanent locally engaged staff. This is arranged through a Kenyan corporate medical insurance provider and, according to the submission, costs BATUK over £1.5 million per year. The insurance coverage is quite generous by local standards: it includes not only the employee but also their spouse and up to three dependent children. This means families of Kenyan staff have access to healthcare under this plan, which is a significant benefit in a country where private medical insurance can be costly. The insurance contract covers even casual (temporary) support staff during their period of employment with BATUK. Thus, a worker hired on a short 6- or 8-week contract is still insured for health care for the duration of that contract.

342. The Land Warfare Centre (LWC) conducts an annual review of the pay scales for Locally Engaged Civilians (LECs) employed by BATUK. In 2024, the LWC directed a more comprehensive UK MOD pay and conditions review for LECs in BATUK. This review incorporated labour market data from Kenya, including the 2024 report by the Federation of Kenya Employers, to benchmark BATUK's pay and conditions against prevailing standards in Kenya. The review was carried out in accordance with the MOD's Statement of Civilian Personnel Policy, ensuring that any changes would be consistent with MOD guidelines and fair labour practices. It was completed in June 2025, and its recommendations were approved and endorsed by both the Land Warfare Centre and the DIO's Overseas Training and Delivery division in August 2025.
343. BATUK does not hire casual labourers directly through informal means, but rather follows structured channels agreed upon with the KDF to source temporary workers. Short-term (casual) employees are engaged through three primary routes –
- (a) The local Government Labour Offices, which can provide lists of registered labourers or help coordinate hiring in communities;
 - (b) A locally elected committee of representatives, for instance, community elders or representatives who liaise with BATUK to identify people in the area who need work and are suitable for the roles; or
 - (c) The relevant landowner's office when training occurs on private land, as large ranches or conservancies often have staff or community networks that can supply labour.
344. These routes were formalised in an agreement made in 2024, in which a KDF Liaison Officer participated alongside BATUK and the Kenyan Labour Office to ensure transparency and fairness in how casual workers are recruited.
345. Casual employment contracts offered by BATUK last no more than 8 weeks (two months) per contract, which is in accordance with Kenyan employment law governing temporary contracts. BATUK maintains two standardised rates of pay for casual workers: one rate for unskilled labour and a higher rate for skilled labour. BATUK recently completed a review of casual wages and decided to implement a significant pay increase effective 1st November 2025. The new pay rates represent a 25% increase for unskilled casual staff and a 23% increase for skilled casual staff. These casual pay rates are favourable compared to what Kenyan employers in the same regions pay for similar work and far exceed the minimum wage when calculated on an hourly basis.
346. BATUK encourages an open environment where employees can raise any concerns about their working conditions or treatment. There is an internal grievance process available for staff to lodge complaints or grievances. Employees should feel free to use these channels without fear. BATUK is not aware of any cases of retaliation against workers who have questioned their conditions or alleged unfair dismissal.
347. If employees violate rules or are implicated in misconduct, BATUK follows a set procedure consistent with both UK MOD civilian employment regulations and Kenyan labour law. In instances where employees have been dismissed and they felt it was unjust, some have exercised their right to appeal the termination through the Kenyan legal system. In cases brought before the Employment and Labour Relations Court (ELRC) in Nyeri, the court upheld BATUK's decisions, finding that the proper procedures were followed. Specifically, the judges were satisfied that BATUK had "*proved substantive and procedural fairness*".

6.7 Use of Land for Training and Environmental Safeguards

348. BATUK only conducts training on land that is properly authorised for military training use, either Kenyan government land gazetted for that purpose or private land obtained with

permission. BATUK utilises gazetted Kenyan Military Training Areas such as Archer's Post Training Area in Samburu County and, on occasion, private ranches or conservancies in Laikipia and surrounding regions, but only after obtaining licenses or leases from the landowners with KMOD's approval. Article 9 of the DCA outlines provisions for granting access to training facilities, and BATUK's use of any training area is individually authorised through the KMOD in accordance with these terms. For each county where training occurs, BATUK secures an annual Single Business Permit from the county government, which is a local requirement for any ongoing enterprise or activity.

349. Before any new site is used for training, a full Environmental Impact Assessment (EIA) is conducted, as mandated by Kenyan law. All land BATUK has used for training underwent such assessments to identify potential environmental and social impacts and to propose mitigation measures. The UK MOD routinely implements a suite of measures to mitigate the impact of training on both the environment and the local communities at each location. This can include controlling the timing and location of exercises to avoid sensitive seasons like wildlife breeding periods or times of drought, and engaging with community leaders beforehand to address concerns.
350. BATUK's use of Archer's Post has been reduced since October 2024 due to a legal challenge raised via the National Land Commission (NLC). The NLC identified a dispute concerning the ownership of a portion of the Archer's Post area that BATUK was using. The legal challenge was upheld in favour of the claimants, indicating that part of that land was not rightfully KMOD's or that there were unresolved ownership issues. Consequently, the KMOD instructed BATUK to cease all training activities on the contested portion of the area. Since then, BATUK has limited its exercises to a smaller section of Archer's Post that is confirmed to be owned by the KMOD. All use of this area is now closely coordinated with and approved by KMOD to ensure there are no further infringements.
351. Training exercises include both live-fire and blank-fire drills with small arms. However, heavy weapons usage is limited: live firing of larger ordnance is confined to appropriate areas. Specifically, 105 mm artillery shells and 81 mm mortar rounds are only fired live within the Archer's Post Training Area, which is vast and remote enough to safely accommodate their impact. No live heavy artillery is used outside designated safe zones. BATUK does not deploy heavy armoured vehicles such as tanks or tracked armoured personnel carriers in Kenya, as these could cause significant environmental degradation and are not needed for the light infantry training profile. Instead, the exercises typically involve infantry fighting skills, tactics, and some light vehicles.
352. For mobility, larger support vehicles like trucks are required to stay on established roads or tracks to avoid creating new paths or eroding soil off-road. Only smaller, lighter 4x4 vehicles such as Land Rovers or their equivalent are permitted to manoeuvre off established tracks, and even those are used judiciously to prevent unnecessary damage to vegetation or soils. BATUK emphasised that it erects no permanent structures on training lands. Any temporary facilities are removed at the end of an exercise. After each training exercise concludes, BATUK undertakes to restore the land to its original state as much as possible, for example, filling in dug fire pits or trenches, removing any debris, and generally ensuring the site is clean. This restoration is not just a practice but a requirement: before handing the land back, BATUK must satisfy the landowner or KMOD that the area is in acceptable condition.

6.8 Safety Measures for Training and Wildlife Protection

353. BATUK has developed Range Standing Orders and safety protocols to govern how all training is conducted in Kenya. These standing orders detail every aspect of safe training practices, from

handling of weapons and movement of troops to environmental precautions and emergency procedures. All soldiers and officers training under BATUK in Kenya are required to familiarise themselves with these orders.

354. BATUK provides an extensive pre-training preparation package to every unit or individual coming to train. This preparation includes specialized briefings and education aimed at preventing accidents and minimizing the impact on the local environment and communities. For example, one component is a “wildlife awareness” training video developed specifically for Kenya, which soldiers must watch. This video educates incoming troops on the types of wildlife they may encounter, instructs them on how to behave if they encounter wild animals, and emphasises that Kenyan wildlife must not be harmed or unduly disturbed. There is also emphasis on preventing bushfires, a known risk during training. Troops are taught fire prevention methods and how to use available firefighting equipment effectively so that if a small fire starts, they can contain it before it spreads.
355. BATUK employs local range wardens and liaison staff who have deep experience and knowledge of the training environments. Many of these wardens have worked in the area for years and are familiar with the terrain, community sensitivities, and environmental considerations. They play a key role in range clearance, guiding troops, and advising on local conditions. These wardens receive additional wildlife training from a research institute in Laikipia County, which likely helps them advise the soldiers on how to avoid conflicts with wildlife and what to do if animals wander near exercise areas.
356. Before any military activity begins in an area, BATUK coordinates with local land managers or owners. The specific locations planned for live firing or other high-impact activities are communicated in advance, which allows livestock owners or farmers to relocate their animals and equipment temporarily out of harm’s way. Immediately before live firing, BATUK implements a well-established clearance protocol. This involves aerial surveillance of the designated impact area, using helicopters and drones, to ensure that no people are in or near the danger zone. These aerial checks also look for wildlife; if large or potentially endangered animals are spotted within or near the target area, measures are taken to avoid harming them. BATUK’s procedure requires that once an area is declared clear, live firing must commence within 30 minutes. If, for some reason, the firing does not start in that window, the clearance process has to be conducted again before any shooting can begin.
357. Ranchers have reported that wildlife, especially larger species like elephants, have become accustomed to the sounds of live firing and are not unduly panicked or driven off their natural ranges by the training activities. The animals have habituated to periodic noise in the distance, and it does not significantly disrupt their movement patterns or breeding. This feedback was shared during annual Environmental Audit meetings and quarterly meetings that BATUK holds with landowners and land managers. Nonetheless, BATUK continuously exchanges information with ranch managers about wildlife sightings and movements, adjusting training schedules or locations if a particular area is known to have, for example, a herd of elephants passing through or an endangered species sighted. The DIO range team keeps close contact with the ranch staff, and this adaptive management helps avoid negative wildlife encounters or habitat damage.
358. BATUK maintains high environmental standards in all its training operations across Laikipia and Archer’s Post, reflecting robust policies the UK MOD has developed for conducting military training in sensitive habitats worldwide. In many places where the British military trains, the training areas double as protected habitats that host rare flora and fauna; thus, the MOD has experience in balancing training needs with conservation. BATUK’s regulations in Kenya are stricter than those in the UK because of the sensitivity of the local environment and the status of some species under the International Union for Conservation of Nature (IUCN) listings.

359. Officials from NEMA conducted an in-person observation of BATUK's training control procedures in November 2024, at the request of the Kenyan Parliament. NEMA inspectors were able to see firsthand how BATUK plans a range exercise, clears the area, conducts the firing, and mitigates impacts.

6.9 Munitions Use and Unexploded Ordnance (UXO) Management

360. BATUK follows comprehensive safety directives for all ordnance and munitions used during training. All usage of firearms, artillery, explosives, and pyrotechnics is governed by the UK MOD's Defence Ordnance, Munitions and Explosives Regulations, which BATUK implements fully in Kenya. BATUK has specific safety and usage instructions for every type of munition or pyrotechnic item, and these are detailed in official training pamphlets. For example, there are strict guidelines on how to handle misfires, how far from roads or settlements certain weapons can be fired, and what weather conditions must be like, for instance, no firing of certain flares in high winds during drought conditions, to avoid fire spread.

361. White phosphorus can be found in certain smoke rounds and illumination rounds used by militaries, but it is highly incendiary and poses environmental and health hazards. British forces have not used any munitions containing phosphorus in Kenya since 2022. In the past, British training exercises did occasionally use smoke shells for 81 mm mortars or 105 mm artillery that contained phosphorus to generate smoke screens, but this practice has ceased. To address any legacy of such usage, BATUK conducts an annual Explosive Ordnance Clearance (EOC) operation in areas like Archer's Post, where those munitions were fired. These clearance operations have removed debris or any UXO that remained from past exercises. There is no residual phosphorus contamination or UXO risk from those munitions now, as they have been diligently cleared. All current types of ammunition used in its Kenyan training have been thoroughly assessed for their environmental impact, ensuring they are as safe as possible. For instance, if a new type of training round is introduced, it undergoes an impact assessment covering fragmentation, chemical composition to ensure it won't cause undue harm to the soil, water, or living organisms.

362. The general principle BATUK follows is that the same rules and restrictions that apply to munitions use in the UK apply in Kenya, and in fact, they often impose even stricter controls in Kenya. For example, if a certain kind of live firing exercise is allowed on UK ranges only with specific precautions, in Kenya, they might add extra precautions or limit the number of such exercises. BATUK also remains responsive to local requests regarding munitions: if a landowner or community expresses concern about certain munitions, BATUK is willing to omit or adjust the use of those munitions in that area.

363. BATUK engages in continuous public consultation and communication with communities around its training areas to keep them informed about upcoming activities. They maintain open lines through which residents can contact the Range Training Safety Officers to ask questions or report concerns. This includes informing herders of a planned live-fire exercise, so they know how to avoid a certain grazing area that day or responding to a resident who calls in to report they found something suspicious in the field that looks like unexploded ordnance.

364. On UXO, it can be challenging to determine the provenance of any found UXO, especially given that Kenyan forces also train in some of these areas, and some could date back many years. For instance, if a villager finds an old mortar bomb, it could be British or Kenyan, particularly if it's rusted or of a common type. Regardless, BATUK's policy is to respond to and safely dispose of any UXO reports they receive, no matter the origin. They have explosive ordnance disposal (EOD) experts who can be dispatched to neutralise or remove UXO whenever one is reported by the community or discovered during their own sweeps.

365. To proactively deal with UXO, BATUK runs an annual exercise known as Exercise “RANGE SWEEP”. During Range Sweep, EOD teams systematically comb through known training areas to find and clear any UXO or dangerous remnants of ordnance. This exercise is combined with community engagement projects aimed at UXO awareness. For the local populations living around training zones, BATUK provides education on the dangers of picking up or tampering with unexploded munitions. They train villagers, including schoolchildren in some cases, on recognising UXO and the importance of reporting it to authorities rather than handling it. They distribute information on how to quickly contact BATUK or the Kenyan police if they find something suspicious.
366. After each training exercise concludes, BATUK follows a strict handover protocol for the land. The landowner or their appointed representative will inspect the area alongside BATUK personnel. Together, they check for any damage to infrastructure, any trash or military material left behind, and any environmental issues like deep rutting or oil spills. BATUK takes responsibility for repairing any damage or cleaning up any mess resulting from the exercise. The DIO often handles these remediation efforts, for example, fixing a broken fence or reseeded grass in an area churned up by vehicles. Only once the landowner/manager is fully satisfied is the process completed. The owner or manager then signs a training area handover certificate to formally acknowledge that BATUK has returned the land in acceptable condition and that any issues have been addressed. This certificate is an important record that ensures accountability and that no disputes arise later about lingering damage. BATUK complies with Kenya’s Environmental Management and Co-ordination Act (EMCA) and the Environmental (Impact Assessment and Audit) Regulations of 2003 (as revised), which govern how such activities and audits are to be done.
367. In the past 12 months, BATUK received four call-outs for suspected UXO in its areas of operation, but upon response, only two of those cases turned out to be actual UXO. In both confirmed cases, BATUK’s EOD team dealt with the ordnance, and none of these incidents resulted in any injuries. UK MOD expresses deep regret over past incidents where UXO did cause harm. In 2007, Mr Robert Swara Seurei was killed after he picked up an old explosive, and in 2015, Mr Lisoka Lesasuyan was severely injured by a UXO he encountered. BATUK is prepared to continue responding to any UXO threats and to consider compensation or assistance where the British military is found to have responsibility.

6.10 Incident Responses and Environmental Accountability

368. The Lolldaiga Hills wildfire, which occurred on the Lolldaiga Conservancy in March 2021 during a British training exercise, was a major event that caused widespread environmental damage and affected local communities. The process of addressing claims and compensating victims took far longer than anyone would have hoped, which led to considerable frustration and hardship in the interim for those communities. The case was highly complex, involving many claimants (over 7,000 Kenyan residents) and multiple legal and diplomatic considerations, including questions of sovereign immunity that had to be resolved in Kenyan courts. After protracted negotiations and legal processes, the UK MOD was pleased to announce a global settlement on 21st August 2025 with the claimants’ legal representatives. This settlement amounted to approximately KES 500 million (about £2.9 million) to be paid out to the affected community members as compensation for the losses and damage caused by the fire.
369. The UK MOD funded an independent environmental assessment of the Lolldaiga Conservancy after the fire. This assessment, which was carried out by experts commissioned by Lolldaiga Hills Ltd, aimed to determine the ecological impact of the blaze and guide restoration efforts. The assessment found that the fire had indeed caused substantial harm, noting, for example, “*impact on vegetation*” and the “*potential proliferation of invasive species*” in the aftermath.

Based on these findings, a series of environmental rehabilitation initiatives was implemented. Since 2021, steps have been taken to encourage natural regeneration of the grasslands and the Afro-montane forest areas that were affected. This includes measures like reseeded grass, controlling invasive plant species that might colonise the burned area, and perhaps planting indigenous tree saplings in areas that were heavily burned. Efforts were also made to reduce human-wildlife conflict in the surrounding community, which might have been exacerbated if wildlife ranges or migratory routes were altered by the fire. BATUK has complied with all environmental and wildlife protection laws in Kenya, and it has not faced any government sanctions or penalties for environmental. The 2024 NEMA Inspection Report confirmed BATUK's active efforts to follow Kenyan environmental laws. The Kenyan Environment and Land Court indicated satisfaction with the actions taken by the British side in addressing the incident and its aftermath. UK MOD does not know any outstanding court orders pertaining to compensation rulings beyond the settled matters.

6.11 Community Engagement and Development Initiatives

370. BATUK concentrates its community outreach in five key areas: water, education, health, environment, and sport. Working in collaboration with local stakeholders, including community leaders, local government officials, and Kenyan civil society organisations, BATUK aims to identify needs and implement projects that primarily benefit local communities around Nanyuki, Laikipia, Samburu, and other areas impacted by its operations. In the last financial year alone, BATUK reported delivering 72 community projects across these pillars, demonstrating the scope and importance of this aspect of their mission.
371. Under an initiative referred to as Exercise WATER PLUS, BATUK supports projects to improve access to clean water in remote or underserved areas. In 2024, BATUK helped install or restore water infrastructure at 29 schools and orphanages, enabling these institutions and the children they serve to have reliable water access, which might include drilling boreholes, installing water tanks, or setting up rainwater harvesting systems. At the request of and in partnership with local Members of Parliament, BATUK has occasionally used its engineering units and vehicles to deliver essential water supplies by truck to communities in need, especially during drought periods or when local water systems fail. Since 2020, BATUK has assisted in the construction or repair of 20 boreholes and 7 sand dams.
372. In the last year, BATUK undertook projects at 48 schools and orphanages, including building renovations, classroom improvements, provision of furniture, and setting up water harvesting schemes to supply those schools with water. BATUK provided material support to students: 36 schools (benefiting about 15,000 children) received donations of academic supplies, as well as essential items like bedding, clothing, and food for those in boarding or orphanage care. BATUK constructed a second dormitory at Tharua Special School, which presumably serves children with special needs or disabilities.
373. BATUK has actively supported local healthcare facilities and public health initiatives. It has refurbished local health centres to improve medical service delivery; the most recent example given was the Ontulili Health Centre, which benefited from renovation works courtesy of BATUK's outreach program. In terms of public health promotion, BATUK has provided "period packs" to 1,000 young girls. BATUK also prepared and distributed medical starter kits to volunteer community healthcare workers, ensuring these volunteers have basic medical supplies and tools to carry out essential healthcare services in remote villages. For expectant mothers, BATUK delivered baby care packages as an incentive for pregnant women to seek prenatal care and deliver in hospitals or health centers rather than at home.

374. BATUK runs a recurring medical outreach exercise known as Exercise HARAKA SERPENT. This exercise, conducted in cooperation with county governments and Kenya's Beyond Zero campaign, brings British Army medics together with Kenyan military and civilian medical personnel to offer free medical services in local communities. In 2024, during one such exercise, the submission states that over 17,000 patients received consultations, treatment, or surgeries they needed. Through these outreach programs, BATUK has saved 10 lives and restored 64 sight. In 2025, a similar exercise was conducted that provided free medical services to over 3,000 residents of Laikipia and Samburu counties, in partnership with the Kenya Defence Forces medical teams.
375. BATUK has also collaborated on initiatives aimed at strengthening local capacity to address social issues such as gender-based violence. In 2021, BATUK supported the Kenyan National Police Service and the UK's REINVENT programme in constructing a special Police Centre at Nanyuki Police Station dedicated to handling Sexual and Gender-Based Violence (SGBV) cases. BATUK has participated in and supported Kenyan-led initiatives in assisting the Horn of Africa Institute's anti-Female Genital Mutilation (FGM) workshop in Isiolo County and aiding the Mukogodo Girls' Empowerment Programme. In 2023, BATUK supported the KDF in the joint construction of the Counter-Insurgency, Counter-Terrorism and Stabilization Operations (CITSO) Foundation.
376. BATUK's community efforts also embrace environmental conservation and recreational development. BATUK personnel and funds have been used to plant 300 fruit trees in local communities. BATUK volunteers have helped with fencing improvements and ground clearance at local animal sanctuaries, supporting wildlife conservation efforts by improving the infrastructure of sanctuaries or conservancies. BATUK has also participated in town clean-up events, such as one organised in the Majengo area, collecting rubbish and beautifying public spaces.
377. Sports is another area where BATUK contributes, recognising the importance of sports in youth development and community cohesion. BATUK runs or sponsors a wide programme of sports support. This ranges from providing coaching and training clinics for local sports teams and officials to donating sports kits and equipment to schools, clubs, and youth groups who may lack proper gear. BATUK has also offered local sponsorships for sports tournaments and events, helping to fund competitions or leagues in the community. On the infrastructure side, BATUK recently assisted in the refurbishment of a local sports stadium, likely upgrading facilities such as the pitch, seating, or locker rooms to benefit both players and spectators. Additionally, British Army engineers have helped with the grading of sports fields at schools using their equipment to level and improve playing surfaces so that schoolchildren have safer, better fields for football, athletics, and other activities.

CHAPTER SEVEN

7.0 COMMITTEE OBSERVATIONS

7.1 Issues for Consideration

378. The Committee considered the following issues for determination during the inquiry as per the terms of reference –

- (a) To investigate alleged ethical breaches related to ethical misconduct, including corruption, fraud, discrimination, abuse of power, and other unethical behaviours.
- (b) To investigate allegations of human rights violations including mistreatment, torture, unlawful detention, killings, or any other violations of internationally recognised human rights standards.
- (c) To assess BATUK’s operational integrity especially safety protocols, compliance with legal requirements and adherence to established military standards.

379. The Committee considered submissions from members of the public and other stakeholders and observed that –

7.2 Ethical Breaches

7.2.1 Lack of Transparency and Fair Compensation

380. There were allegations of opaque compensation practices and lack of good faith in addressing harm and land use grievances. For instance, it was alleged that BATUK offered an *ex-gratia* payment for Lisoka Lesasuyan’s injuries based on an unverified claim that the British ordnance was only “50%” responsible. The Committee was informed that this assessment lacked independent verification and that the boy’s father was not fully informed of this apportionment during settlement negotiations.

381. Many submissions revealed that BATUK has, on diverse occasions, failed to comply with court orders on compensation arising from accidents and environmental degradation linked to its activities. For instance, Mr. Longoro Mutunge, who suffered severe injuries due to an explosive left behind by BATUK, submitted that he was awarded KES 7 million but has only received KES 100,000.

382. It was submitted that BATUK compensation arrangements appear biased in favour of private landholders, who receive substantial lease fees for hosting BATUK training activities. In contrast, Kenyan community lands that are equally impacted by the activities receive negligible or no compensation. For example, the Committee received submissions indicating that while private ranches like Lolldaiga enjoy formal agreements and financial returns from BATUK training, neighbouring communities bear the brunt of environmental degradation, UXOs, and land access restrictions without any equivalent compensation.

383. The issue of uncompensated land use is especially acute in areas such as Losesia and Doldol, where BATUK has reportedly conducted training activities on titled community land for decades without formal leasing arrangements or payment. Testimony from community representatives confirmed that Camp Simba and Camp Twiga were established on communal land in Laikipia County, yet the local populations have never received royalties or rent despite repeated petitions to Parliament and other authorities. The Committee finds that this pattern of unauthorised land use represents a historical injustice and a breach of trust between BATUK and host communities.

384. In 2015, BATUK shifted significant training operations from community land in Doldol to the privately-owned Lolldaiga Conservancy. However, this relocation did not alleviate local grievances; it instead deepened perceptions of inequity, with the locals alleging that BATUK

signed an agreement with the owner, who is currently properly compensated for the use of the conservancy.

7.2.2 Sexual Exploitation, Neglect, and Discrimination

385. BATUK soldiers have engaged in sexual relationships with local women which has resulted in raising "fatherless" children. In Doldol and other affected areas, dozens of children have been fathered by British soldiers who returned home, leaving behind single mothers facing stigma and financial hardship.

386. There are no legal mechanisms in place, either under the Kenyan or British military systems to hold these soldiers accountable for child support or to assist the mothers. Local officials and NGOs such as FIDA-Kenya highlighted that these children and their mothers suffer in silence, invisible victims of BATUK's presence, and called for formal mechanisms to compel support and offer remedies.

387. The limited jurisdiction of Kenyan authorities over foreign troops, combined with the absence of an independent reporting channel for abuses, has created a culture of impunity in which BATUK personnel could engage in sexual exploitation without fear of consequence. These ethical breaches, exploitation of local women and neglect of resulting children are among the gravest failures of BATUK's conduct, violating basic human dignity and the values of the partnership between Kenya and the UK.

7.2.3 Allegations of Unethical Behaviours and abuse of power

388. Evidence revealed concerns regarding indiscipline, misconduct, and abuse of power by BATUK personnel in public spaces within Nanyuki and the surrounding areas. Witnesses described frequent altercations involving BATUK soldiers in bars, social venues, and town centres, often involving intoxication, disorderly conduct, and in some cases violent or sexually aggressive behaviour. It was submitted that some soldiers were implicated in sexual assaults and physical confrontations occurring in entertainment establishments.

389. The Committee also took note of the shocking episodes that offended public sensibilities, including an incident allegedly involving Nepalese Gurkha soldiers integrated into BATUK who were alleged to have publicly exposed themselves, urinated on streets, and exhibited their genitalia to bystanders in Nanyuki.

390. The persistence of these behaviours was attributed, in part, to the jurisdictional constraints faced by Kenyan law enforcement. Public hearings highlighted that while Article 6 of the DCA provides Kenya with primary jurisdiction over visiting forces in principle, it places significant limitations on when Kenyan authorities may arrest or charge BATUK officers for offences committed in Kenya, especially when they are on "official duty". Public hearings also highlighted that this gap hampers Kenyan authorities' ability to enforce local law against off-duty misconduct by foreign soldiers, allowing repeat offences to occur without accountability.

391. This environment has contributed to what witnesses described as a "culture of impunity". Soldiers implicated in rape, assault, or other serious misconduct were reportedly repatriated, quietly disciplined, or subjected only to internal administrative processes rather than brought before Kenyan courts. The Committee noted that the case of Ms. Agnes Wanjiru, whose 2012 murder in Nanyuki remained unprosecuted for years despite public outcry. Although the AG and ODPP have since issued formal steps seeking the extradition of the suspect following renewed investigations, the prolonged absence of accountability fuelled local frustrations and eroded confidence in the justice system.

7.3 Human Rights Violations

392. BATUK's operations in Kenya have resulted in multiple instances of human rights abuses, including preventable deaths, physical harm, and environmental degradation that have significantly impacted livelihoods.

7.3.1 Loss of Life and Bodily Harm

393. The evidence presented revealed that BATUK's training activities have resulted in multiple preventable deaths and serious injuries to Kenyans. Submissions highlighted the death of Mr. Robert Swara Seurei, who unknowingly carried home a UXO from a BATUK range. Witnesses also testified about the maiming of Lisoka Lesasuyan, a child who lost both arms and an eye after encountering a UXO negligently left in a BATUK training field.

394. The Committee also received evidence on the unlawful killing of Mr. Tilam Leresh, a herder shot by BATUK soldier Sgt. Lee Maddison in 2012. Testimony submitted to the Committee confirms that a formal *Inquest No. 2 of 2014* found that Sgt. Maddison should be charged with murder, yet no arrest or prosecution has taken place in either Kenya or the UK.

395. It was submitted that Mr. Charles Ngare got injured while assisting BATUK soldiers. Witnesses alleged that BATUK subsequently constructed a false narrative about the circumstances of his injury to evade responsibility and compensation liability.

396. Many Kenyans now live with permanent disabilities caused by explosions, blasts, and accidents linked to BATUK's negligent handling of ordnance. Community submissions included accounts of children losing limbs, villagers suffering shrapnel injuries, permanent hearing loss, fractures, and other traumatic harms after contact with UXOs. For instance, Mr. Longoro Mutunge suffered multiple fractures and dental injuries from a UXO.

7.3.2 Sexual Offences

397. Disturbing evidence emerged of sexual misconduct by BATUK soldiers and a systemic failure to prevent or address the resulting harm. Community witnesses reported multiple incidents of rape and sexual assault perpetrated by BATUK soldiers, many involving young local women. In some cases, victims attempted to seek justice; initial police reports were made, but these cases were later mysteriously dropped or "settled" without the victims' involvement, leaving survivors without redress. One witness recounted that a rape case filed against BATUK soldiers was abandoned by authorities, denying the victim any justice.

398. BATUK conducted an inquiry into a series of rape allegations in 2003–2004, however, there was no evidence or findings released, thereby dismissing all but a handful of cases as "false". This culture of silence and impunity has allowed sexual violence to persist.

7.3.3 Displacement and Economic Exploitation

399. Testimony presented to the Committee revealed that BATUK's trainings disrupt local communities' access to land and livelihoods. Residents of Laikipia North and Samburu submitted that during BATUK training seasons, pastoralist communities are barred from accessing grazing areas without sufficient notice or consultation. Witnesses described these displacements as unprocedural and abrupt, with reports that communities are often simply instructed by soldiers or local intermediaries to vacate areas during training periods without prior notice or alternative arrangements.

400. The impacts of BATUK activities extend to property damage and environmental degradation with serious economic consequences. The Lolldaiga fire caused widespread destruction of pasture and ecological systems, with knock-on effects including loss of livestock, reduced grazing capacity, stress on water supplies, and long-term damage to household assets. Evidence from the inquiry revealed that communities suffered structural damage to homes and water

infrastructure from vibrations and explosions. These harms disproportionately affect pastoralist and smallholder communities who rely directly on agriculture for survival.

7.4 BATUK's operational integrity, safety protocols and compliance with legal requirements

7.4.1 Negligence in Handling Military Waste

401. There was a pattern of negligence by BATUK in handling hazardous military waste. Submissions by numerous witnesses revealed that UXOs and other hazardous remnants from training exercises were often left behind on training grounds with insufficient warning signs or clearance, making them easily accessible to local civilians. In one case, a local employee, Mr. Robert Swara Seurei, unknowingly carried home an explosive device he found while clearing debris at the Ole-Naishu Range, mistaking it for a candle. When he attempted to light it for illumination, the UXO detonated with devastating force, killing him and injuring his family.
402. Another victim, a child named Lisoka Lesasuyan, suffered life-changing injuries after encountering an undetonated explosive left unattended on a BATUK training field in 2015. The device detonated while Lisoka was playing with it, resulting in the traumatic amputation of his left forearm, the loss of an eye, and severe wounds to his chest.
403. Mr. Longoro Mutunge testified that he sustained severe injuries from a buried explosive encountered in his youth; a Kenyan court awarded him KES 7 million in damages, yet to date BATUK has paid him only KES 100,000. Community members in Laikipia and Samburu recounted many other incidents of UXOs left on grazing lands and home steads.
404. Testimony from local leaders and officials indicated that BATUK's safety practices fell below the standards observed by KDF in similar training contexts. It was testified that, unlike the KDF, which cordons off live-fire ranges, issues clear warnings to nearby communities, and conducts post-exercise clearance of UXOs, BATUK demonstrated laxity in its approach.
405. Civilians hired to collect spent shells, shrapnel, and other debris submitted that they were not provided with any protective gear, training, or hazard information, even when handling potentially toxic or explosive materials. Community members also testified that local volunteers who helped extinguish the massive Lolldaiga conservancy fire suffered burns and respiratory injuries due to a lack of proper firefighting equipment and protective clothing.
406. Such negligent handling of UXOs and toxic materials not only breaches basic ethical standards of duty of care but also puts Kenya in violation of its international obligations. Failure to safely dispose of munitions contravenes Kenya's commitments under the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*.

7.4.2 Unregulated Use of Conservancies for Military Training

407. Evidence received by the Committee revealed that BATUK conducts military exercises within privately owned and community-owned conservancies. ACCPA noted that BATUK's use of private conservancies such as Lolldaiga has occurred in the absence of formalized oversight mechanisms. In one documented incident, BATUK's activities caused a devastating fire that destroyed over 10,000 acres of the Lolldaiga Conservancy and neighbouring community land. Communities around Lolldaiga and Ol Maisor reported being denied access to their grazing areas and ancestral lands whenever BATUK operations commenced, with little to no notice or consultation provided in advance.
408. The lack of clear oversight mechanisms has enabled informal or opaque land-use arrangements between BATUK and private conservancy owners. Testimony highlighted that BATUK entered direct agreements with owners of ranches, including Lolldaiga and Ol Maisor, without public disclosure of terms or safeguards for surrounding communities. These arrangements have been

criticised for lacking standardisation, transparency, and mechanisms to ensure community participation or environmental compliance. The informality of such agreements has created opportunities for exploitation, with deals structured privately between BATUK and landowners rather than through publicly accountable governmental processes.

409. Witnesses stated that BATUK has irregularly used community land in Losesia and Doldol since the early 1980s. NLC confirmed that it had no record of any valid or current agreements between the Government of Kenya/KDF and private ranches such as Ol Daiga or the ranch owned by the Tomlinson family for BATUK's training use. The NLC stated that if agreements existed, they had not been filed with or approved by the Commission, and if they did not exist, BATUK's activities on those lands were irregular. Similar concerns were raised regarding Lolldaiga Conservancy, where BATUK conducts extensive training despite the absence of evidence of a formally registered land-use agreement.
410. Witnesses alleged that private landowners hosting BATUK exercises have benefited significantly from these arrangements, receiving substantial leasing fees and compensation for use of their ranches, while similar community lands receive no compensation at all. However, NLC submitted that it had not received complaints from communities regarding land compensation related to BATUK's use of private or community land. This assertion was in sharp contrast to numerous grievances presented during public hearings, where community members repeatedly raised concerns about denial of access, environmental harm, and lack of compensation. This disconnect revealed a serious accountability gap and demonstrated a breakdown in communication between local communities, the NLC, and security-sector authorities, leaving affected groups without proper channels to raise their grievances.
411. Evidence received also indicated that unregulated training in ungazetted conservancies exposes pastoralists and farmers to serious safety risks. Witness testimony highlighted that many conservancies lack clearly demarcated safety perimeters, signage, or public notice mechanisms, leaving communities unaware when live-fire exercises are underway. The Ministry of Environment, Climate Change and Forestry emphasised the ecological sensitivity of areas such as Lolldaiga and urged BATUK to map out and avoid biodiversity-rich zones, including riparian corridors around the Ewaso Ng'iro River, during training operations.
412. BATUK's use of conservancies appears to be conducted largely at its own discretion, outside a clear statutory framework and with limited government supervision. This unregulated model undermines ethical standards by sidelining community rights, bypassing formal land-use authorisation processes, and neglecting environmental due diligence obligations. The reliance on privately brokered arrangements, rather than gazetted and regulated military training zones, creates an informal system vulnerable to abuse and inconsistent with principles of accountability and public interest.

7.4.3 Environmental Degradation and Ecological Impact

413. The Committee found that BATUK's activities have inflicted serious environmental harm in training areas and surrounding regions, with corresponding impacts on health, livelihoods, and conservation. These findings touch on the right to a clean and healthy environment, which is protected under Article 42 of the Constitution.

7.4.3.1 Degradation of the Environment

414. The Committee received extensive evidence of environmental degradation caused by BATUK's activities. Many witnesses expressed concern that BATUK's military exercises have caused serious ecological damage in the training areas of Laikipia and Samburu, with corresponding harm to public health, livelihoods, and conservation efforts.

415. The most devastating incident highlighted was the Lolldaiga fire of March 2021. Evidence traced the origin of the fire to BATUK's training exercises, reportedly sparked by white phosphorus munitions. The resulting fire consumed over 12,000 acres of vegetation and blanketed neighbouring villages in toxic smoke.
416. Residents submitted that they suffered respiratory problems and eye irritation due to the allegedly toxic fumes, and several women suffered miscarriages. One witness recounted that her brother died from complications linked to the smoke exposure. Livestock grazing on pastures coated in soot and chemical residue fell ill, died, and some miscarried.
417. Despite the impact of the Lolldaiga fire incident, the neighbouring communities submitted that they have not received any meaningful compensation. A community leader from Muramati observed that four years after the fire, residents have not been compensated. A youth representative noted that while the KWS received payments for wildlife losses after the incident, local villagers' claims have not been settled. In 2022, the High Court ordered Kenyan and UK authorities to assess the damage and undertake reparations, but progress has been very slow.
418. Communities living around BATUK training sites also reported contamination of soil and water resources. Residents in Laikipia testified to unusual spikes in livestock illnesses and even cases of cancer among villagers, which they suspect are linked to long-term exposure to military explosives and chemicals. A youth representative submitted that a collector dam near Lolldaiga was allegedly contaminated by runoff from BATUK activities, damaging crops and causing livestock illnesses.
419. However, WRA reported that its regular water-quality monitoring in the area has not detected significant pollution in the Timau River, which drains the Lolldaiga region. WRA officials attributed the lack of observable chemical residues in the river to a natural buffer zone of vegetation that helped prevent impurities from the fire and training exercises from reaching the watercourse. They noted that deep boreholes were similarly protected by geological barriers and showed no signs of contamination from surface activities. This disconnect between official monitoring and community experience points to the need for continued independent assessments to fully resolve local concerns.
420. Community members and local leaders expressed fear that BATUK uses white phosphorus munitions. The Committee noted that a UK Defence Minister publicly acknowledged British troops have used white phosphorus mortar rounds during exercises in Kenya "where conditions permit," ostensibly for illumination and smoke screens. Human Rights Watch has described white phosphorus as "notorious for the severity of the injuries it causes," including deep burns that can reignite on contact with air and potential organ failure if the substance enters the bloodstream. Witnesses cited the Lolldaiga fire itself as an example, alleging it was ignited by white phosphorus.

7.4.3.2 Wildlife and Biodiversity Impacts

421. BATUK activities have significantly disturbed local wildlife and ecosystems in Samburu and Laikipia. These regions host rich biodiversity, including elephants, big cats, and rare species such as the Grevy's zebra. Loud explosions, heavy troop movements, and occasional training-related bushfires have disrupted wildlife habitats and migration corridors, often driving animals into nearby farms and settlements. For instance, the Lolldaiga fire consumed over 10,000 acres of vegetation and caused widespread destruction of flora and fauna, forcing wildlife to flee the area, leading to human-wildlife conflict.
422. KWS reported a notable rise in wildlife injuries and displacement incidents coinciding with BATUK training exercises. KWS submitted that elephants and buffaloes are frequently driven out of the training conservancies (Lolldaiga and Ole Naishu) into neighbouring villages

whenever exercises are underway. KWS personnel have had to conduct constant patrols to handle these incidents, incurring significant operational costs in the process. Despite the damages caused by fleeing wildlife, KWS indicated it is not aware of any compensation or mitigation measures initiated by BATUK to address the impacts on affected communities.

423. Mr. Musobek submitted that whenever BATUK detonates explosives in Lolldaiga, wildlife “instinctively flees toward quieter and safer community farmlands,” resulting in extensive damage to crops, livestock, and homesteads. He noted that the continual explosions and artillery fire have negatively impacted the local landscape, wildlife, and even bird populations in the area. Environmental experts and conservancy managers also warned that unregulated military activity within wildlife conservancies is encroaching on critical habitats, exacerbating human-wildlife conflict and endangering already vulnerable species.
424. The Cabinet Secretary for Environment BATUK has not conducted ESIA contrary to section 58 of the Environmental Management and Coordination Act (*Cap. 387*). It was submitted that NEMA only learned of BATUK’s non-compliance after the fact and has since been directed to take enforcement action against these activities. NEMA officials testified that they will institute routine environmental monitoring and inspections of BATUK’s training grounds to ensure no further degradation of the environment. However, NEMA noted that it lacks the capacity to effectively monitor BATUK’s use of explosives in restricted training areas, meaning certain impacts may still go unchecked. The Ministry of Environment emphasised the ecological sensitivity of many conservancies and urged that BATUK should map out and avoid biodiversity-rich zones.
425. According to the NMK, the Laikipia–Samburu region contains a diverse range of archaeological and heritage assets, including ancient obsidian tools, pottery, rock art sites, historic worship places, and burial cairns. These cultural resources could be damaged by intensive military training activities. However, no heritage impact assessments have been conducted alongside BATUK’s operations. NMK noted that after the Lolldaiga fire of 2021, no survey was done to determine whether any national heritage sites were damaged.

7.4.4 Legal Accountability and Access to Justice

426. The Committee’s observations point to systemic deficiencies in both the Kenya-UK defence agreements and in domestic processes that have allowed offenders to escape punishment and left victims without remedies.
427. It was submitted that the UK–Kenya DCA of 2021 largely places visiting BATUK soldiers under UK jurisdiction, granting them near-complete immunity from Kenyan criminal law. It was further noted that no BATUK member has ever been prosecuted in Kenya for serious crimes committed on Kenyan soil. It was also stated that the UK’s Overseas Operations Act 2021 further widens the gap by imposing strict time-limits and barriers on prosecuting UK personnel for overseas conduct. Despite domestic laws ostensibly requiring foreign forces to remain subject to Kenyan law, perpetrators have gone unpunished, undermining Kenyan sovereignty and the rule of law.
428. Witnesses reported that suspected BATUK abuses are not only unpunished but actively covered up. For instance, it was submitted that an internal BATUK inquiry into the alleged rapes and injuries was “buried” and its evidence destroyed, and the official report on Lisoka Lesasuya, a civilian injured by UXO withheld from the victim’s family and the Kenyan authorities. BATUK personnel were also accused of providing false accounts to mislead investigators in the case of a boy named Charles Ngare, and of collecting and hiding evidence in cases of rape and explosive injuries. It was further submitted that whenever a BATUK member is implicated, police files often “go missing” and complainants are intimidated into silence.

429. It was submitted that the DCA establishes an IGLC and KDF Liaison Officers to address community issues, but these mechanisms are “ineffective and opaque”. The Ministry of Defence acknowledges that it cannot process complaints unless they involve Kenyan military personnel or property, implying that civilian grievances are rarely addressed. The invited stakeholders reported no record of formal complaints against BATUK, save for the few high-profile incidents, despite the numerous allegations received by the Committee during public hearings. It was also noted that local police have a limited mandate for BATUK cases, leaving them “incapacitated” to assist victims.
430. It was submitted that community members have no accessible way to report incidents or even to obtain information about BATUK activities. Members of the public called for the establishment of formal channels to receive and handle complaints. It was submitted that the communication void led to unrest among unemployed youth who staged protests near BATUK sites in April 2024 when their grievances were ignored.
431. Oversight of BATUK by Kenyan authorities is severely limited by design. The DCA does not require BATUK to give advance notice of exercises, so training often proceeds without timely briefings to Kenyan regulators. Moreover, the UK Ministry of Defence retains exclusive control over any investigation into BATUK-related incidents “committed in the course of official duty”, which forms the bulk of murder cases, therefore classifying the findings even when civilians are harmed.

7.4.5 Community Engagement and Social Responsibility

432. The engagement between BATUK and the local communities in its areas of operation has been woefully insufficient. A recurring theme in witness testimonies was that communities feel marginalized and voiceless in decisions directly affecting their lives, and that BATUK has not meaningfully invested in local development to offset the disruption caused.

7.4.5.1 Lack of Consultation in Decision-Making

433. It was submitted that BATUK has consistently made unilateral decisions regarding training activities, land use, and other operational matters, without consulting local stakeholders. Community representatives, including group ranch leaders, elders, and county officials, are seldom involved in determining when or where exercises occur or in managing associated risks. Several communities reported that military convoys often arrive and commence exercises without prior notice or explanation. In Laikipia North, witnesses stated, “*BATUK just shows up and starts exercises; the community only finds out when cows start dying or people get hurt.*”

7.4.5.2 Insufficient Corporate Social Responsibility (CSR)

434. It was submitted that BATUK’s contributions to local development have been minimal and disproportionate to the scale of impact caused by its operations. Community members and leaders characterized BATUK’s assistance as “tokenism.” It was submitted that BATUK has undertaken a few development projects, such as road construction, schools and hospitals in Samburu and Laikipia. Despite the distress caused by the Lolldaiga fire, affected persons have not been compensated, nor has BATUK invested in local health facilities to address the aftermath.
435. BATUK often channels its limited assistance through selected political figures or national officials, rather than engaging grassroots leadership. This practice has led to misaligned priorities and the exclusion of genuine community participation.
436. The absence of meaningful and sustained community development initiatives represents a serious shortcoming. Given BATUK’s decades-long presence in Kenya, the affected areas

should reflect a visible, positive legacy, such as improved education, access to water, and employment opportunities, which are currently lacking.

7.4.5.3 Erosion of Community Trust

437. Owing to persistent exclusion from decision-making, unresolved grievances, and minimal local benefits, relations between BATUK and surrounding communities have significantly deteriorated. Many residents expressed deep mistrust toward both BATUK and Kenyan authorities, perceiving that diplomatic and military considerations are being prioritised over the welfare of Kenyan citizens.

438. BATUK operates with impunity and shows little regard for local lives or opinions. This perception has revived historical sensitivities, with several witnesses invoking memories of colonial-era injustices by British forces. The Ex-Mau Mau Veterans Association reminded the Committee that discontent with British military presence in Kenya has longstanding roots and warned that current incidents risk perpetuating these historical grievances.

7.4.6 BATUK's Non-Cooperation with the Departmental Committee on Defence, Intelligence and Foreign Relations

439. Pursuant to Article 125 of the Constitution, Parliamentary Committees are vested with powers equivalent to those of the High Court to summon any person to appear before them for the purpose of giving evidence or providing information. Throughout the inquiry, the Committee faced considerable obstacles in securing cooperation from BATUK. Despite multiple correspondences (*Annex 39*), BATUK demonstrated a pattern of unresponsiveness and evasion, frustrating the Committee's constitutional mandate to establish the facts surrounding serious allegations made by citizens.

440. BATUK consistently invoked immunity, citing provisions of the DCA, and evading direct engagement with the Committee. Instead, BATUK channelled its communications to the Committee through the Ministry of Foreign and Diaspora Affairs and the Ministry of Defence, thereby undermining the inquiry.

441. After months of non-responsiveness, BATUK ultimately responded via an undated written memorandum transmitted through the Ministry of Foreign and Diaspora Affairs (*Annex 39*). The response comprised unsigned submissions presented without an official letterhead, lacking any authentication or attribution to BATUK or any competent authority legally mandated to speak on its behalf. This response fell short of the standards of official government-to-government or inter-institutional communication and demonstrates total disregard for the authority of Parliament.

442. The manner in which BATUK engaged with the Committee reflects not only institutional contempt but also a broader disregard for the sovereignty of the people of Kenya, whose will is expressed through Parliament. The dismissive attitude of BATUK sets a dangerous precedent that undermines Kenya's legislative authority, public accountability, and the rights of affected communities. It reveals gaps in the enforcement and accountability mechanisms in the DCA.

7.5 Legal Status of the Defence Cooperation Agreement

443. In 2015, the UK and Kenya signed a Defence Cooperation Agreement (DCA) to strengthen defence ties and address common security challenges. This agreement entered into force on 11th October 2016 and, pursuant to Article 26 (2) of the agreement, remained in effect for a period of five (5) years.

444. On 27th July 2021, Kenya and the UK signed another DCA which replaced a previous DCA signed in 2015 and expired on 6th October, 2021.

445. Pursuant to the Treaty Making and Ratification Act, Cap 4D, the agreement was submitted to the National Assembly on 6th September 2021 for ratification. However, the agreement was not concluded by the end of the term of 12th Parliament.
446. The agreement was resubmitted on 22nd November, 2022, and after consideration, the Departmental Committee on Defence, Intelligence and Foreign Relations recommended approval of the agreement with two (2) reservations—
- (a) Article 6 (5) of the agreement should be amended by inserting a new paragraph immediately after paragraph (h) to include murder as one of the offences which are under the jurisdiction of the Host Nation;
 - (b) and Article 23 of the agreement to include Corporate Social Responsibility.
447. The report was tabled in the House on 21st March 2023 and was thereafter debated and adopted by the House on 13th April 2023 thereby approving ratification of the DCA with the aforementioned reservations.
448. The DCA is however yet to be ratified by Kenya due to unresolved issues that arose between the UK and Kenya after the National Assembly approved ratification with aforementioned reservations.
449. Therefore, the 2015 DCA expired in 2021 while the 2021 DCA is yet to be ratified. This raises a legal issue as to the legal framework under which BATUK is training.
450. An analysis of the 2015 DCA reveals that Article 26(5) provided for a savings provision for the provisions relating to jurisdiction, civil claims and liabilities, the protection of information and the financial arrangements between the Parties for as long as necessary. However, the agreement is ambiguous as to whether this savings provision provides a lifeline for the entire expired agreement.
451. It is therefore critical that the legal status of the DCA between the UK and Kenya is swiftly resolved.

7.6 Cases Involving BATUK

452. During the inquiry, the Committee also noted the following cases involving BATUK –

NO.	CASE CITATION	NATURE OF CASE	PARTICULARS
1.	<i>Guya v British Army Training Unit (BATUK) Kenya</i> [2025] KEELRC 1874 (KLR)	Employment Dispute	This is a consolidated case of five (5) employment disputes between BATUK and five employees who alleged unlawful termination. The court found that their termination was lawful and procedurally sound since the employees were dismissed on account of theft, which was proven in court. The case was dismissed in favour of BATUK.
2.	<i>Mufuma v British Army Training Unit Kenya</i> [2025] KEELRC 35 (KLR)	Employment Dispute	This was an application to the Court seeking leave to file an appeal out of time, which was dismissed by the Court in favour of BATUK.

3.	<i>Maiyan Holdings Limited v Defence Infrastructure Organization (Ministry of Defence United Kingdom) & another</i> [2024] KEHC 4730 (KLR)	Commercial Case	This was an application by BATUK seeking to dismiss the case where the Plaintiff was claiming that there was a breach of contract to lease houses. The court dismissed the application, thereby allowing the case against BATUK to proceed.
4.	<i>Wambu v British Army Training Unit Kenya (BATUK)</i> [2023] KEELRC 1945 (KLR)	Employment Dispute	This was an employment dispute between BATUK and an employee. The Court found that the BATUK dismissed the claimant unfairly and unlawfully and awarded a sum of Kshs. 1,025,702.92 to the claimant.
5.	<i>BATUK Unit Kenya v Mutahi</i> [2023] KECA 1417 (KLR)	Employment Dispute	This was an employment dispute between BATUK and an employee. The Court of Appeal upheld the decision of the High Court and found that the BATUK had dismissed the claimant unfairly and unlawfully thereby dismissed an appeal by BATUK.
6.	<i>African Centre for Corrective and Preventive Action & 6 others v Lolldaiga Hills Limited & 2 others; Kenya Wildlife Service & another (Interested Parties)</i> [2022] eKLR	Environment Case	The petitioners contended that in a training exercise, the BATUK caused a fire that damaged the flora and fauna of over 10,000 acres in the Lolldaiga Hills. The Court stayed the suit and referred the matter to the Inter-Governmental Liaison Committee as envisaged in the Defence Cooperation Agreement between the Government of Kenya and the UK.
7.	<i>Nixon Mwai Kimiti v British Army Training Unit Kenya</i> [2019] KEELRC 1738 (KLR)	Employment Dispute	This was an employment dispute between BATUK and a former employee who claimed that he was constructively dismissed. The court held that the claimant did not prove the claim of constructive dismissal and dismissed the case in favour of BATUK.
8.	<i>Joseph Kairu Mutahi v British Army Training Unit Kenya</i> [2018] KEELRC 1875 (KLR)	Employment Dispute	This was an application for stay of the decision of the lower court, which had awarded compensation for unfair termination to the Claimant. The court granted the stay but ordered the deposit of half of the decretal sum in an interest-earning account in the joint names of the

			advocates for the parties, pending the outcome of the appeal.
9.	<i>Abdisatar Sheikh Hassan v Katherine Russel</i> [2017] KEHC 8192 (KLR)	Traffic Accident	This was a traffic accident case where the Magistrate Court had dismissed the claim for compensation of material damages on account that the court did not have jurisdiction to hear the matter based on the principle of sovereign immunity, given the fact that the Defendant was a British national who was on duty at the time of the accident. On appeal, the High Court held that this was a civil case which was not covered by the immunity provided in the MOU between the Government of Kenya and UK. The court reinstated the case.
10.	<i>Danson Mwangi Kirobi v British Army Training Unit in Kenya</i> [2017] KEELRC 1449 (KLR)	Work-Injury Claim and Employment Dispute	This claimant, who was a former employee of BATUK, claimed for compensation of work injuries as well as compensation of alleged unfair termination. The court held that the claim was time-barred, having been filed outside the limitation of actions period.
11.	<i>SGT Catherine Elizabeth Russell v Republic</i> [2016] KEHC 6828 (KLR)	Criminal Case	This was a criminal case where a soldier of BATUK was charged with the offence of careless driving contrary to section 49 of the Traffic Act. Although it was argued that the trial court lacked jurisdiction since the accused as a soldier with BATUK and enjoyed immunity, the court allowed the case to proceed and ruled that the UK authority should assist the Kenya government with the arrest of the appellant. However, orders of stay of execution of this judgement were obtained in the case of Catherine Elizabeth Russel v Republic [2016] KECA 190 (KLR).
12.	<i>Reuben Ikatwa & 17 others v Commanding Officer British Army Training Unit Kenya & another</i> [2015] KEELRC 1 (KLR)	Employment Dispute	This was an employment dispute between BATUK and several employees. The Court found that the termination was lawful and procedurally sound since the employees were dismissed as a result

			of false claims made by the employees in respect of their subsistence allowance, which was proven in court. However, the court held that despite dismissal, the employees were entitled to gratuity.
13.	<i>Dennis Waweru Macharia v British Army Training Unit Kenya</i> [2015] KEELRC 475 (KLR)	Employment Dispute	This was an employment dispute between BATUK and a former employee, who claimed that he has been unlawfully terminated. The Court found that the termination was not unfair and dismissed the case, in favour of BATUK.
14.	<i>Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals & Allied Workers (Kudheha) v British Army Training Unit Kenya</i> [2015] KEELRC 839 (KLR)	Labour Dispute	This was a case by a trade union against BATUK on the basis that their members were being harassed and intimidated with terminations for unionization. The union sought for orders from the Court that BATUK be directed to deduct and remit union dues and to enter recognition and commence negotiations of a collective agreement. The Court held that BATUK does not fall under the purview of the Claimants Constitution pursuant to section 54 of the Labour Relations Act and hence lacks the requisite standing to seek recognition by BATUK. The court dismissed the claim.
15.	<i>John Kaluai & 4 others v Colonel Mark Christie & another</i> [2014] KEHC 6110 (KLR)	Commercial Case	The Plaintiff filed a suit seeking an injunction against the Defendant, who was working with BATUK, from terminating a tenancy agreement. The Plaintiff claimed that the unilateral decision to terminate the tenancy was illegal contrary to the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act. The court held that even though there was a valid contractual relationship, it did not meet the requirements of a landlord, tenant relationship, therefore the court dismissed the suit.
16.	<i>Wataalamu Construction Works vs British Army Training Liason Staff Kenya Ministry of Defence of the</i>	Commercial Case	This was an application to dismiss the suit for want of prosecution, where the Plaintiff has sued BATUK

	<i>Government of United Kingdom</i> [2003] KEHC 559 (KLR)		for allegedly terminating a contract. The court dismissed the application by BATUK and ordered the Plaintiff to obtain a hearing date.
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CHAPTER EIGHT

8.0 COMMITTEE RECOMMENDATIONS

453. Based on the evidence on record and analysis thereof, the Committee recommends as follows:

8.1 On BATUK's Ethical Breaches

- (1) The Ministry of Defence, in consultation with the Office of the Attorney-General to develop, within three (3) months of the adoption of this Report by the House, amendments to the Kenya Defence Forces Act to incorporate—
 - (a) a visiting Forces Code of Conduct;
 - (b) provisions on zero-tolerance for SGBV with survivor support and child-support enforcement;
 - (c) environmental obligations;
 - (d) social responsibility; and
 - (e) civilian oversight mechanisms.
- (2) The Ministry of Foreign and Diaspora Affairs to initiate negotiations with the UK Government to implement, within three (3) months of the adoption of this Report by the House, mechanisms to hold BATUK soldiers accountable for child support to children born out of consensual relations, including DNA-testing and psychosocial support for children fathered by BATUK soldiers.

8.2 On BATUK's Human Rights Violations

- (3) The Office of the Attorney-General to collaborate with the UK Central Authority in the extradition proceedings of Mr. Robert James Purkiss (the suspect in murder case of Ms. Agnes Wanjiru) pursuant to the Mutual Legal Assistance Act Cap 75A, Laws of Kenya and the Extradition Act, 2003 Cap 41 of UK Public General Acts, including providing evidence and availing witnesses and report on the progress of the case to the National Assembly every three (3) months.
- (4) The Office of the Director of Public Prosecutions to initiate an inquest into the murder of Mr. Robert Swara Seurei within three (3) months of the adoption of this Report by the House and report on the progress to the National Assembly within three (3) months thereafter.
- (5) The Directorate of Criminal Investigations to investigate the alleged cases of murder of Kenyan citizens by BATUK soldiers reported by the Kenya National Commission on Human Rights within six (6) months of the adoption of this Report by the House and report on the progress to the National Assembly within three (3) months thereafter.
- (6) The Ministry of Foreign and Diaspora Affairs to initiate negotiations with the UK Government to implement, within three (3) months of the adoption of this Report by the House, restorative justice measures including compensation and psychosocial support for historical victims of sexual offences perpetrated by BATUK.
- (7) The Directorate of Criminal Investigations to investigate the alleged cases of sexual offences by BATUK soldiers including historical cases documented in the Truth, Justice and Reconciliation Commission report dated 3rd May 2013 within six (6) months of the adoption of this Report by the House and report on the progress to the National Assembly within three (3) months thereafter.
- (8) The National Legal Aid Service to establish, within six (6) months immediately after the adoption of this Report by the House, a *Survivor Liaison Unit in Isiolo, Laikipia and Samburu counties*, in line with the Legal Aid Act, Cap. 16A., to offer legal aid to victims of crimes and other civil claims linked to BATUK personnel.

- (9) The National Legal Aid Service to take measures to assist victims in the settlement of civil claims including cases of injuries sustained and loss suffered as a result of BATUK operations or activities reported by the Kenya National Commission on Human Rights within six (6) months of the adoption of this Report by the House.
- (10) The National Police Service, in collaboration with the Office of the Director of Public Prosecutions and the Ministry of Defence, to establish within three (3) months of the adoption of this Report by the House, a **Military-Linked Crimes Taskforce** to oversee evidence preservation, case tracking, and expedited investigation and prosecution of offences committed by foreign military personnel, and to table progress reports to the National Assembly every six (6) months.

8.3 On BATUK’s Operational Integrity

- (11) The Chief Land Registrar, in collaboration with the National Land Commission and the relevant county governments, to prepare, within six (6) months of the adoption of this report by the House, a **Land Use Register** of all parcels utilised by BATUK, indicating tenure, legal basis, duration, and community compensation arrangements, and to table to the National Assembly, within three (3) months thereafter, an audit of historical and current BATUK land-use agreements with recommendations for regularization.
- (12) The National Environmental Management Authority to direct BATUK to undertake an Environmental Impact Assessment on its training grounds, within three (3) months of the adoption of this Report by the House and thereafter conduct an environmental audit within three (3) months upon receipt of the assessment pursuant to the Environmental Management and Coordination Act, Cap. 387 and report to the National Assembly within three (3) months thereafter.
- (13) The Kenya Wildlife Service to prepare, within six (6) months of the adoption of this Report by the House, a wildlife displacement and damage report for areas affected by BATUK training, with policy recommendations for mitigation and restitution and report to the National Assembly within three (3) months thereafter.
- (14) The Ministry of Defence, jointly with BATUK, to operationalize within six (6) months of the adoption of this Report by the House, a written **Range Safety and Ordnance Clearance Standard Operating Procedure** requiring 100% accounting of expended munitions, UXO clearance within two (2) weeks after each exercise, publication of clearance completion reports with local authorities, and adoption of multi-agency emergency response plans supporting nearby health facilities and first responders.

8.4 On the Defence Cooperation Agreement

- (15) The Ministry of Defence to submit to the National Assembly, within one (1) month immediately after the adoption of this Report by the House, a comprehensive report on the status of the Kenya – UK Defence Cooperation Agreement.

SIGNED:  DATE: 25/11/25

THE HON. NELSON KOECH, M.P.
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE
 AND FOREIGN RELATIONS**

THE NATIONAL ASSEMBLY
PAPERS LAD

DATE: 25 NOV 2025 DAY: TUESDAY

HON. KIMANI UTHURU-GWATHI
 MAJORITY LEADER

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