



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

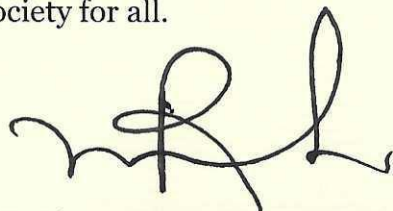
PRESS STATEMENT

UPDATE ON THE SHAKAHOLA MASSACRE CASE

1. Reference is made to our Press Statement dated **25th April 2023**, regarding an update on the matters relating to the Shakahola Massacre. The Director of Public Prosecutions (DPP) now provides a status update.
2. On **12th June, 2023**, the Office of the Director of Public Prosecutions (ODPP) successfully sought orders to have 66 survivors (adults) then accommodated at a rescue center to be remanded at the Shimo La Tewa Maximum Remand and the Shimo La Tewa Women's Remand. The said survivors had gone on a hunger-strike and needed to be forcefully fed. One of the survivors was rushed to the hospital for emergency treatment and her life was saved.
3. The ODPP simultaneously secured court orders for the transfer of Paul Mackenzie and 30 other suspects from Police remand to Prison remand after they had gone on a hunger-strike. Unfortunately, one of the suspects lost his life by starvation while undergoing treatment.
4. On **10th July, 2023**, the Prosecution team held a consultative meeting at the ODPP Mombasa Office with stakeholders in the criminal justice system on the status of the investigations into the Shakahola Massacre and particularly the status of survivors thereof. The meeting included officers from the National Police Service (NPS), the Prisons Department, and representatives from the Mombasa and Kilifi County Directorate of Health Services.

5. In addition, on **19th July, 2023**, a team from the ODPP appeared before the Senate *ad hoc* Committee investigating the proliferation of religious organizations and the circumstances leading to the deaths of more than 400 people in Shakahola, Kilifi County.
6. On **28th July, 2023**, the ODPP made an application before court seeking further detention of the 66 survivors as suspects in Kilifi, Malindi and Shimo La Tewa GK Prisons pending completion of investigations.
7. On **31st July, 2023**, the court allowed an application made by the ODPP to have Paul Mackenzie and others detained further pending completion of investigations. However, at the expiry of the days sought, police investigations remain incomplete on crucial aspects of the case.
8. Pursuant to the ODPP applications before court, the National Counter-Terrorism Centre (NCTC) was authorized to conduct counselling and psycho-social support to the respondents. Medical treatment is a right of all persons accommodated at a detention facility, their innocence or guilt notwithstanding.
9. Further, the State Department for Correctional Services through an application by the ODPP have prepared Social Inquiry Reports for each of the respondents. These reports will assist the court to inquire into the suitability of their release pending investigations and trial. The respondents have been considered suicidal or rather pose a self-harm risk as reflected in the rulings of the court.
10. The Office is currently awaiting the results of the DNA analysis undertaken by the Government Chemist Department and the reports are expected to be availed between two (2) to three (3) months.
11. The matter is scheduled for **mention on 19th October, 2023** in respect of Mackenzie and his 29 co-suspects, and on **23rd October, 2023** in respect of the 66 suspects, for further directions on the hearing of ODPP's application for further detention of the respondents for a period of 180 days.

12. The continued detention of the suspects is necessitated by the fact of the evolving nature of the investigations, including incomplete DNA extraction, analysis, interpretation and validation necessary for identification of the deceased and completing postmortem reports. The entire process is delicate, laborious and time consuming given the large number of bodies to be identified.
13. The Prosecution team handling the Shakahola massacre case will review the investigation files between **23rd and 28th October 2023**, to determine whether or not the facts disclose any criminal culpability taking into account the relevant laws and Decision to Charge Guidelines, 2019.
14. The Prevention of Terrorism Act No. 30 of 2012 permits the detention of suspects pending conclusion of investigations into offences committed under the Act for up to 360 days. The complexity, magnitude and evolving nature of the Shakahola massacre investigations requires sufficient time to properly conclude investigations so as to safeguard the rights of the victims and their families towards a fair trial.
15. The ODPP is committed to providing the police with the necessary support needed to complete their investigations and has endeavoured to work with all agencies involved in the matter in the pursuit of justice for the victims of Shakahola while doing what is necessary to preserve the health and lives of the suspects.
16. The ODPP reaffirms its commitment to promoting human rights and calls on all individuals and organizations to work together to create a peaceful and equitable society for all.



RENSON MULELE INGONGA, OGW
DIRECTOR OF PUBLIC PROSECUTIONS

Dated: Wednesday, 18th October, 2023