

URGENT ACTION

PEACEFUL PROTESTOR SHOT DEAD BY POLICE

Jackson Maina Kihato, an unarmed 74-year old man was shot by police on 19 July, in Kabete NITD, Nairobi. He had been caught up in protests against forced evictions that had happened on 10 July, where an estimated 1,000 people were forcibly evicted from their homes and market stalls destroyed.

The protestors were mainly women who had been trading on the part of the site that had been a market before it was demolished. The protestors blocked the road next to the site in order to demonstrate. Police arrived and sprayed tear gas in order to disperse them. However, the protestors used wet cloths to prevent the tear gas from having an effect and did not disperse. Police then beat the protestors with batons as they attempted to clear the road.

Reports indicate that on seeing a woman being badly beaten by a policeman, Jackson Maina Kihato approached another policeman and said that the police should not beat people up in that way. The policeman, who was standing a short distance away from him, shot him in the chest. By the time medical assistance help came, he had died. Jackson Maina Kihato and his wife were both traders in Kabete NITD before it was demolished.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging the Police Commissioner to promptly investigate the death of Jackson Maina Kihato and ensure that the perpetrator is brought to justice in a fair trial that does not lead to imposition of the death penalty.
- Calling on the Police Commissioner to ensure that police respect the right of people to freedom of peaceful assembly and do not use excessive force to disperse unarmed protestors.
- Calling on the Police Commissioner to ensure the implementation of reforms aimed at achieving police accountability, including by establishing an independent civilian body to investigate complaints against the police.
- Urging the Town Clerk to ensure that all those who are homeless as a result of the forced evictions have immediate access to food, water and shelter;
- Calling on the Town Clerk to ensure that all those who were forcibly evicted are provided with access to adequate alternative housing or stalls and compensation for all their losses;
- Calling on the Town Clerk to guarantee that no further forced evictions will take place at the settlement.

PLEASE SEND APPEALS BEFORE 01 SEPTEMBER 2010 TO:

Commissioner of Police

Mr. Mathew Kirai Iteere
Kenya Police Headquarters
Vigilance House, Harambee Avenue,
PO BOX 30083,
Nairobi, Kenya

Email: commissioner@police.go.ke

Salutation: Dear Commissioner

Town Clerk

Mr Philip Kisia
Nairobi City Council
City Hall Annex
PO Box 30075, Nairobi, Kenya

Fax: + 254 20 22 17704

Email: townclerk@nairobi-city.co.ke

Salutation: Dear Mr Kisia

and copies to:

Minister for Provincial Administration
and Internal Security

Hon. Prof. George Saitoti

Harambee House, Harambee Avenue

PO Box 30510-00100 Nairobi

Kenya

Email: Waziri.pais@gmail.com

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the First update of UA: 160/10 Index: AFR 32/009/2010, 10 July 2010. Further information:

www.amnesty.org/en/library/info/AFR32/009/2010/en

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ADDITIONAL INFORMATION

Just before midnight on 10 July, residents and market traders in Kabete NITD watched as a bulldozer from the Nairobi City Council destroyed approximately 470 market stalls and an estimated 100 homes. Though rumours had spread that forced evictions were imminent, no notice or information was given to the residents or traders, and they were not consulted. Many people were asleep and had only minutes to evacuate their homes before they were destroyed. Many people lost all their belongings. Most of the market traders forcibly evicted from their stalls lost all their wares and had their livelihoods destroyed. Some were later able to continue trading on the rubble of their former stalls after the eviction. However, on 13 July a bulldozer returned, again flattening the market area. According to sources in Kenya, most of the market traders are women. The forced evictions have driven them and their dependents even deeper into poverty. Hundreds of people, mainly women and children, have been left without shelter, and are sleeping in the open without blankets or warm clothes during the coldest month in Kenya. Many of them have no money to buy food or other essential items. Residents believe that another part of the settlement, home to an estimated 250 people, is at imminent risk of being demolished, and its residents forcibly evicted

The government of Kenya has been responsible for repeated mass forced evictions since the establishment of the very first informal settlements in Kenya. Threats of mass forced eviction remain real for many residents of informal settlements and slums.

The settlement of Kabete NITD (Native Industrial Training Department) was established in 1974. The land is owned by the government of Kenya. In 2007, Nairobi City Council issued an eviction notice to the community ordering all inhabitants to vacate the area within 48 hours. As a result of legal action they were able to halt the eviction.

Women are disproportionately affected by forced evictions. As a result of the evictions many women and children were left homeless and have been sleeping out in the cold of Nairobi's winter. The women traders have been unable to trade and therefore unable to provide food and other essential items for themselves and their dependents. Before the protests started, a group of women went to the District Commissioner's office and they left their children there while they went back to the site to carry out the demonstration. The group of women are reported to have told the District Commissioner that they were leaving their children there as they are unable to provide for them.

Market traders have reported that the District Commissioner visited the site following the protests and said that the traders could continue to trade on the land and that the land belonged to the government. However, the District Commissioner said that no structures could be built by either residents or traders on the land that they had previously occupied.

Serious concerns have been raised by Amnesty International and other organizations regarding police excesses, including the widespread use of torture and police killings/extra-judicial executions in Kenya.

The rights to peaceful assembly and association are guaranteed in Articles 10 and 11 of the African Charter on Human and Peoples' Rights and Articles 21 and 22 of the International Covenant on Civil and Political Rights, to which Kenya is a state party.

Further Information on UA: 160/10 Index: AFR 32/010/2010 Issue Date: 21 July 2010

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