

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR 32/007/2007 (Public)
News Service No: 096
30 May 2007

Kenya: Thousands forcibly evicted from Kenya's forests

Between 2004 and 2006, a massive programme of forced evictions was carried out in forest areas of Kenya. Houses, schools and health centres were destroyed, and many families were rendered homeless. Estimates indicate that in six forests alone, more than one hundred thousand persons were forcibly evicted. Forced evictions in a number of forest areas are reportedly continuing and humanitarian groups have expressed growing concerns about the ongoing increase in internally displaced persons from forest areas in Kenya. The Government of Kenya has in the past indicated that evictions in forest areas will continue.

Amnesty International, the Geneva-based Centre on Housing Rights and Evictions (COHRE), Hakijamii Trust and the Kenya Land Alliance conducted a fact-finding research mission in October 2006 to two areas of the Mau Forest complex (Maasai Mau and Sururu forests) in Kenya to investigate the extent of forced evictions and other related human rights violations. The Kenya National Commission on Human Rights accompanied the mission. Following this mission, the coalition is releasing a report, *Nowhere to go: Forced Evictions in Mau Forest, Kenya*.

Under international human rights law there can be no justification for forced evictions. The coalition is concerned that while the goal of forest protection is a legitimate one, the means by which the Government of Kenya has sought to achieve it is not. The coalition further believes that the appropriate manner to reconcile the Kenyan government's interest in environmental protection, and Kenya's human rights obligations to ensure the right to water and a healthy environment on the one hand, with its obligation to respect, protect and fulfil the right to adequate housing on the other (including the obligation to refrain from forced evictions) is to ensure that evictions are a last resort, are only carried out where necessary, and always in a manner compatible with international human rights law.

The fact-finding mission found that the cases of forced evictions in Mau forest reveal a failure by the Kenyan authorities to abide by international human rights law and standards in respect of evictions. The notice provided was inadequate and confusing and there was no consultation with residents or effort to find an alternative to evicting them from their homes. None of the evictions was carried out on the basis of a court order; on the contrary, a court injunction halting evictions was ignored. Forced evictions were executed with excessive force and the authorities responsible for ensuring respect for the law failed to take appropriate action to stop the abuses or to investigate allegations of human rights violations. Many people were left without shelter, livelihoods, and many lost their possessions.

The coalition deplores the widespread forced evictions in Kenya that continue to be carried out without viable alternative accommodation being made available to those affected. It urges the Kenyan Government to live up to its international human rights obligations, ensure legislation and guidelines are adopted to regulate evictions and act immediately to provide secure and appropriate accommodation for all forcibly evicted families.

Amnesty International, COHRE, Hakijamii, Kenya Land Alliance and Kenya National Commission on Human Rights make the following recommendations, among others, to the Government of Kenya:

- o Immediately stop the practice of forced evictions from forest areas and declare and enforce a moratorium on all mass evictions until: (a) guidelines and laws are in place to ensure that any eviction conforms with international human rights standards; (b) there is a thorough consultation with the affected communities and support organisations, which planned evictions are absolutely necessary.
- o Complete the drafting of the national guidelines on evictions, currently being led by the Ministry of Lands, in order to guide the elaboration of plans and legislation with regard to evictions, including in forest areas. The national guidelines should specifically address the issue of evictions in forest areas.
- o Ensure that victims of forced evictions in the Mau Forest Complex (Maasai Mau and Sururu) all other forest areas are provided with assistance in accordance with international human rights standards, including access to resettlement sites with effective access to basic services and schools.
- o Move swiftly to put in place a comprehensive relocation and compensation plan for any proposed evictions, including in forest areas. The resettlement plan must be in accordance with international human rights standards.
- o Ensure that each case of illegal or irregular land allocation is investigated separately as to the origins of the allocation, and establish a land tribunal for such purposes as suggested by the Ndungu Commission.
- o Coordinate the various activities of Government ministries and agencies that are concerned with forests and/or evictions, and give instructions to all relevant authorities that any evictions may only be carried out in full compliance with international human rights law and standards.

To see a full copy of the report *Nowhere to go: Forced Evictions in Mau Forest, Kenya*, please go to <http://web.amnesty.org/library/index/engaf320062007>