



Gideon Gathaara
Conservation Secretary
Ministry of the Environment and Natural Resources
NHIF Building, 12th Floor
Ragati Road
Upperhill
Nairobi

1 January 2018

AFR 32/7661/2018

Dear Mr Gathaara,

Evictions in Embobut Forest on 29 December 2017 and 1 January 2018

Amnesty International expresses its grave concern at reports that the Kenya Forest Service (KFS) carried out a number of forced evictions of members of the Sengwer community in Embobut forest (Cherengany Hills Complex) on Friday 29 December 2017 and today, 1 January 2018.

The forced evictions were carried out despite a High Court injunction that forbids the eviction or arrest of Sengwer who are resident in the forest, pending the hearing of a challenge to the legality of the January 2014 mass evictions. The forced evictions constitute violations of human rights, including the rights of the Sengwer to housing, and to their ancestral lands, under international law, African Union human rights standards, and the Constitution of Kenya.

According to a number of consistent reports from affected community members, and interviews by national media outlets, KFS guards burnt at least 15 huts, fired shots into the air, and shot dead a number of animals belonging to Sengwer community members. While the KFS had issued an advance warning saying that evictions would happen from 5pm on 29 December, it is reported that the guards moved into the forest and began forcibly evicting Sengwer community members from 10am on that day. The timing of the forced eviction, between Christmas and New Year, meant that the community struggled to mobilise support to contest the action, including through the media, civil society and the judiciary.

Since January 2014, Amnesty International has received reports from the Sengwer and other sources of at least 13 actions to forcibly evict them. We have interviewed over 100 Sengwer community members and found that the evictions which they were victims of did not comply with international human rights standards.

In addition, Amnesty International, despite several requests, has not been granted permission to visit the forest and independently interview members of the Sengwer living there.

Amnesty International calls on the Ministry to:

- Immediately order the cessation of forced evictions in Embobut forest;
- Investigate reports of evictions on 29 December and 1 January 2018, and to ensure that necessary action is taken against individuals responsible if there is evidence of criminal responsibility or administrative failings, in compliance with national and international standards of due process;
- Ensure that all those affected by the forced evictions are allowed to return to their lands and are provided access to remedies including compensation for losses that they might have incurred;
- Provide a guarantee to the Sengwer that there will be no further evictions, or arrests of Sengwer on the basis of their presence in Embobut, and enter into good faith negotiations with the Sengwer regarding the status of the forest and its management in the interests of conservation.

Yours sincerely,

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