

URGENT ACTION

400 FAMILIES FORCIBLY EVICTED

Some 400 Kenyan families were forcibly evicted on 10 May from an informal settlement in the capital, Nairobi. They are homeless and in urgent need of food, water and shelter. Police, who were providing security for the eviction, used live ammunition and teargas.

Nearly 400 homes were destroyed in a forced eviction carried out at **City Carton** (also known as City Cotton) in Nairobi West, in the Kenyan capital, after the settlement was cordoned off by 170 police officers between 4 and 5 am on 10 May. Residents were woken by groups of young men who burst into their homes and forced them out before demolishing the informal settlement using crowbars and sledgehammers. This happened during the rainy season, when temperatures can drop to 10C and there can be heavy rain at night.

The District Commissioner denied any knowledge of the eviction. Senior police officers told Amnesty International the demolitions had been carried out by young men hired by the owners of the City Carton land. The police officers also said they had provided security for the eviction on the orders of the Milimani Law Courts in Nairobi. The police fired live ammunition – residents reported at least five gunshots and showed Amnesty International two cartridge cases found in the rubble – and at least five teargas canisters during the operation.

City Carton residents had been given no opportunity to engage in any consultation with the authorities. Rumours of a possible eviction had spread in the settlement but no notice was given to them, despite attempts by some residents to find out about a possible eviction from the local authorities. They were therefore unprepared. Most Carton City residents interviewed reported looting and theft by the men who demolished their homes; the local Chief Inspector acknowledged that over 150 residents had made complaints. Some residents were also beaten. By late morning the police and those carrying out the eviction had retreated, and many residents returned to what remained of their homes. Most of those forcibly evicted were now homeless, and told Amnesty International that they feared the police and young men would return to flatten the settlement entirely and fence off the area.

Please write immediately in English or your own language:

- Urging the City Governor to stop any further attempt to demolish City Carton settlement, ensure that all those forcibly evicted have immediate access to food, water, healthcare services and shelter, and are provided with effective remedies, including adequate alternative housing and compensation for any losses;
- calling on the President to ensure that legal safeguards against forced evictions are in place before any further evictions are carried out;
- urging the Inspector General of Police to ensure that immediate and impartial investigations are carried out into the 10 May forced eviction of residents of the City Carton settlement in Nairobi.

PLEASE SEND APPEALS BEFORE 26 JUNE 2013 TO:

Nairobi county governor

Dr Evan Kidero
City County of Nairobi
P.O. Box 30075-00100
Nairobi, Kenya
Email: info@nairobi.go.ke
Salutation: Dear Governor Kidero

Inspector General of Police

Inspector General of Police
David Kimaiyo
Bruce House 14th Fl
Kaunda Street
P.O. Box 30083-00100
Nairobi, Kenya
Email: kimaiyodm@gmail.com
Salutation: Dear Inspector General

President

His Excellency President Uhuru Kenyatta
Harambee House, Harambee Ave
P.O. Box 30510
Nairobi, Kenya

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

400 FAMILIES FORCIBLY EVICTED

ADDITIONAL INFORMATION

The City Carton settlement, established in 1966, is one of the smaller informal settlements in Nairobi. There are approximately 144 informal settlements in Nairobi which are home to at least 2 million people.

Article 43 of the Kenyan Constitution recognizes the right to adequate housing. Courts in Kenya have clarified in three different cases that the constitutional right to housing includes the right not to be forcibly evicted.

Kenya is obliged under a range of human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to refrain from and prevent forced evictions.

As a state party to the International Covenant on Economic, Social and Cultural Rights, the Kenyan government is obliged to "respect, protect and fulfill the right to adequate housing." The UN Committee on Economic, Social and Cultural Rights (CESCR) has emphasized that evictions may be carried out only as a last resort, once all other feasible alternatives have been explored. Forced evictions are prohibited. Even when an eviction is considered to be justified, it can only be carried out when appropriate procedural protections are in place, including consultation with those affected, notice of eviction, adequate alternative housing and compensation for all losses prior to the eviction, regardless of whether they rent, own, occupy or lease the land or housing in question. Evictions must also not render anyone homeless. The prohibition on forced evictions includes those carried out by private third parties.

International human rights monitoring bodies and Kenyan NGOs have repeatedly highlighted concerns about forced evictions and threats of mass forced evictions in Kenya. Among those who often suffer the most are women and children. At City Carton, one woman told Amnesty International that the young men came into her house and tried to get her to undress. Twenty-one-year-old Mariam said that her seven-month-old child became sick and had to be taken to a nearby hospital after a teargas canister was fired close to them.

Name: Residents of the City Carton settlement

Gender m/f: Both

UA: 123/13 Index: AFR 32/004/2013 Issue Date: 15 May 2013