

# URGENT ACTION

## EVICTED RESIDENTS VULNERABLE TO COVID-19

Despite obtaining interim orders from the Environment and Lands Court halting the evictions, more than 7,000 households of Kariobangi Sewerage Farmers Slum, Korogocho Market, Kisumu Ndogo and Nyayo Village, Nairobi, Kenya, were forcibly evicted by the Nairobi City Water and Sewerage Company (NCWSC) between 4 and 6 May. Residents have title deeds to their homes and have been paying levies to the county government for the land. The NCWSC has rendered residents homeless during the Covid-19 pandemic, increasing their vulnerability to contracting the virus.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**H.E Uhuru Kenyatta**

*The President of the Republic of Kenya and Commander in Chief of the Armed Forces*

*Office of the President*

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*Dear H.E, President Uhuru Kenyatta,*

*I am very concerned that more than 7,000 households from Kariobangi Sewerage Farmers Slum, Korogocho Market, Kisumu Ndogo and Nyayo Village have been left homeless after facing forced eviction by the NCWSC between 4 and 6 May.*

*On 2 May, the Officer Commanding Police Division of Starehe Division and Deputy County Commissioner told residents of Kariobangi Sewerage Farmers Slum to vacate their homes and allow NCWSC to use the land to which they claimed ownership. However, residents have title deeds and have been paying land rates or levies to the government for the land. On 3 May, the residents sought and obtained an interim order from the Environment and Land Court to halt the eviction until the matter was heard on 7 May. However, according to residents, NCWSC representatives tore up the court order when it was presented to them and proceeded to demolish homes.*

*Access to adequate housing is critical to protection from Covid-19, preventing its spread and recovering from it. The forced eviction is a violation of the right to adequate housing and the resulting homelessness has increased the vulnerability of the affected residents to contracting the disease I am very concerned that in the context of this deadly pandemic, residents are now exposed to the cold and rain, and have no form of shelter, water, food, or sanitation facilities.*

*In light of the above, I call on you to:*

- Announce a moratorium on evictions in Kenya for the period of the Covid-19 pandemic;*
- Ensure that victims of the forced eviction from Kariobangi Sewerage Farmers Slum, Korogocho Market, Kisumu Ndogo and Nyayo Village are provided with emergency alternate housing, effective remedy and relief;*
- Initiate an inquiry into the disregard of the Environment and Lands Court orders by the NCWSC and ensure that those responsible are held to account;*
- Announce a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that they comply with international human rights standards and national laws.*

*Kind regards*

## ADDITIONAL INFORMATION

Since 1996, residents from Kariobangi Sewerage Farmers Slum have been paying the Nairobi County Government land rates and have title deeds that establish their ownership of the land that they are living on. The residents have records of their land tax payments in the form of receipts dating back to 1996. In April 2019, the residents were issued with a notice of eviction letter by the Cabinet Secretary of Lands and the Nairobi County government. Following this, there was no further information from the government about the eviction, compensation or resettlement.

In response to the verbal orders to vacate, on 3 May 2020, the Environment and Lands Court certified the case filed by Kariobangi Sewerage Farmers Self Group as urgent and scheduled a hearing on Thursday 7 May 2020. The court also issued an interim order to halt the evictions until the matter was heard on 7 May.

The Nairobi City Water and Sewerage Company Ltd carried out the forced evictions in a bid to reclaim the land from the residents. They were accompanied by the Deputy County Commissioner (DCC), the area chief and administrative police. The Nairobi City Water and Sewerage Company Ltd (NCWSC) was incorporated in December 2003 under the Companies Act cap 486 and is a wholly-owned subsidiary of Nairobi City County.

The right to adequate housing has been entrenched as a justiciable right in the Constitution of Kenya. Article 43(1)(b), provides that 'every person has the right to accessible and adequate housing and reasonable standards of sanitation'. 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. The UN Committee on Economic, Social and Cultural Rights has emphasized that evictions may be carried out only as a last resort, once all feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the people affected, adequate and reasonable notice, adequate alternative housing and compensation for all losses, safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. Governments are required to ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction. International human rights standards also state that even where evictions are deemed to be justified, states must ensure that they put in place all safeguards and due process requirements.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** [English]

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** [18 June 2020]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Group [Them/They]