

URGENT ACTION

OVER TWO THOUSAND PEOPLE RISK FORCED EVICTION

The Deep Sea Community in Nairobi, Kenya is once again at imminent risk of forced evictions. On 1 February, the Deputy County Commissioner (DCC) of Westlands Subcounty informed residents of the informal settlement that they had four days to vacate their homes to pave way for an EU funded road construction project. Failure to which he threatened that the government would forcibly take over the land.

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

Cabinet Secretary
Hon Fred Matiangi
Ministry of interior & coordination of national security
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Salutation: Honourable, Minister

Dear Honourable Minister,

More than two thousand residents of Deep Sea informal settlement in Westlands, Nairobi are at risk of imminent forced evictions. The residents told Amnesty International that on 1 February, the Deputy County Commissioner (DCC) of Westlands Subcounty together with officers from other stations, eight of whom were armed, visited the informal settlement. The DCC informed the residents that they had four days to vacate the area designated for a European Union (EU) funded road construction project, or the government would take the land by force.

Since 2015, the residents have been engaged in resettlement negotiations with the Kenya Urban Roads Authority (KURA). The residents have reiterated that they are not opposed to the construction of the road, but they would like KURA to respect their right to adequate housing. They have also called for the eviction process to be in line with international human rights standards on evictions including: adequate notice of evictions, a process of genuine consultation with all those affected, and steps taken to ensure that no one is rendered homeless as a result of the eviction. Although KURA previously agreed to purchase land for resettlement and the community identified nine different pieces of land, delays on KURA's part resulted in the land no longer being available for purchase. This latest threat of evictions is seen by Deep Sea residents as KURA's lack of commitment to genuine consultation and the on-going negotiations.

The Deep Sea community has faced forced evictions and multiple threats of forced evictions since 2009. Only two months ago, the community representatives leading the negotiations alleged receiving death threats from a Nairobi county official. They were told if they did not pull out of the of the negotiations and vacate the road reserve, "Amnesty would collect bodies in Deep Sea and make noise over bodies instead of houses".

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

- Ensure that no forced evictions occur in Deep Sea and the residents are not rendered homeless;
- Ensure that residents of Deep Sea are allowed to continue with the ongoing resettlement negotiations without fear of threats or intimidation;
- Ensure that all evictions comply with Kenya's national and international human rights obligations.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Deep Sea is an informal settlement in Nairobi with close to 12,000 residents. Since 2009, the Deep Sea community has been under the threat of forced eviction, triggered by the planned construction of the 'Missing Link' road by Kenya Urban Roads Authority (KURA) with the funding of the European Union (EU). The road would pass through the trading centre and main road at Deep Sea affecting about 2,000 residents. It will be 1.6 km in length and is being built to connect two major roads, Limuru Road and Thika Road.

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 to 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 because 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: 20 03 2019

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

NAME AND PREFERRED PRONOUN: Deep Sea Community Residents (They/their)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr32/8829/2018/en/>