

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Kenya must end evictions as fears intensify

Amnesty International today urged the Government of Kenya to immediately end mass evictions in Nairobi over concerns that many of the evictions being carried out are forced evictions.

Officers from the regular and administrative police, and the general service unit, acting with officials from the Kenya Airports Authority (KAA) and the city council carried out demolitions of homes and other buildings and evictions of residents in Kyang'ombe informal settlement on 22 October, Kenya Ports Authority (KPA) settlement on 29 October, the non-slum settlement of Syokimau on 12 November, and a settlement in Embakasi where Maasai *manyattas* were demolished on 17 November. All of the settlements are located close to the Jomo Kenyatta International Airport. Evictions have also taken place in Mitumba informal settlement located near Wilson Airport, Nairobi on 19 November; and in settlements close to the Moi Airbase in Eastleigh, Nairobi on 22 November

Thousands of people are believed to have been affected by these evictions led by the KAA over the last four weeks. KAA officials maintain that the evictions are necessary because the settlements are in restricted flight paths and around the restricted airport areas, and need to be demolished to avert potential air disasters in future. However, Amnesty International believes that these evictions have been carried out in blatant disregard for Kenya's obligations under international human rights standards with regards to evictions.

The authorities carrying out these evictions have an obligation under international human rights standards to only evict people as a last resort, once all other feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. In fact, in at least two settlements, Kyang'ombe and KPA, the eviction went ahead in spite of a temporary injunction stopping the eviction from taking place, pending the hearing of cases regarding ownership of the land on which the settlements are built.

Before any eviction can take place, there has to be genuine consultation with the affected people, prior 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. No one should be rendered homeless or vulnerable to other human rights violations as a consequence of an eviction. Instead, residents affected by these evictions all claim that they did not get reasonable notice before the evictions took place, that they were not given an opportunity to challenge the evictions, and that they were not offered any alternative housing. The evictions in Kyang'ombe settlement took place with no warning, in the middle of the night. Residents barely had time to salvage some possessions before their homes were demolished.

Residents from Kyang'ombe told Amnesty International that a car drove around the community throwing eviction notices out of the windows some three months prior to the October evictions. These notices were in specific reference to the need to move from the flight path of the Jomo Kenyatta International Airport. However the residents were not clear about the geographical scope of the stated flight path and hence whether these eviction notices related to some people or everyone in the settlement. Community leaders said that following receipt of these notices they wrote to the KAA requesting clarification on the boundaries of the flight path.

They received no response. The leaders also explained that they had heard that eviction notices issued by the KAA were published in some newspapers a week before the evictions but that most of the residents had not seen these notices because they do not read the newspapers.

The Minister for Transport stated in a parliamentary address on 15 November that the government would not compensate, resettle or provide any residents of Kyang'ombe and Embakasi who lost their homes with alternative accommodation. On 16 November, a day after the Minister made this statement, the High Court of Kenya once again affirmed that forced evictions are a violation of the right to adequate housing enshrined in Article 43 (1) (b) of Kenya's constitution.

Amnesty International is concerned that these cases of forced evictions come against the backdrop of an explicit recognition of the right to adequate housing under Article 43(1) of the Constitution. In recent court cases the High Court has interpreted this right to include a prohibition on forced evictions and the right of affected people to an effective remedy. The current evictions are also happening despite a longstanding commitment by the government of Kenya to adopt legal guidelines on evictions. Various drafts and a proposed law on evictions have been shared for debate with the local civil society by the Ministry of Lands. The Kenyan government must halt these evictions and place a moratorium on evictions until a legal framework which complies with international human rights standards is put in place to govern evictions.