

URGENT ACTION

HUNDREDS AT RISK AFTER FORCED EVICTIONS

Hundreds of people have been made homeless and urgently need food, water and shelter, following a mass forced eviction by the government of Kenya. The forced eviction affected an estimated 1,000 residents and market traders in the settlement of Kabete NITD, in the capital, Nairobi. Other residents of the settlement believe they are at imminent risk of forced eviction.

Just before midnight on 10 July, residents and market traders in Kabete NITD watched as a bulldozer from the Nairobi City Council destroyed approximately 470 market stalls and an estimated 100 homes. Though rumours had spread that forced evictions were imminent, no notice or information was given to the residents or traders, and they were not consulted. Many people were asleep and had only minutes to evacuate their homes before they were destroyed. Many people lost all their belongings. Most of the market traders forcibly evicted from their stalls lost all their wares and had their livelihoods destroyed. Some were later able to continue trading on the rubble of their former stalls after the eviction. However, on 13 July a bulldozer returned, again flattening the market area. According to sources in Kenya, most of the market traders are women. The forced evictions have driven them and their dependents even deeper into poverty. Hundreds of people, mainly women and children, have been left without shelter, and are sleeping in the open without blankets or warm clothes during the coldest month in Kenya. Many of them have no money to buy food or other essential items. Residents believe that another part of the settlement, home to an estimated 250 people, is at imminent risk of being demolished, and its residents forcibly evicted.

The market traders had been relocated to Kabete NITD only two months ago by the government. In accordance with international law, those affected were consulted over a period of months, the evictees were given adequate notice and a comprehensive relocation plan. The recent forced evictions from Kabete NITD have been carried out without any of these safeguards and have completely disregarded the relocation plan that had been agreed with the communities.

PLEASE WRITE IMMEDIATELY in English or your own language, calling on the Nairobi City Council and Town Clerk:

- to ensure that all those who are homeless as a result of the forced evictions have immediate access to food, water and shelter;
- to ensure that all those who were forcibly evicted are provided with access to adequate alternative housing or stalls and compensation for all their losses;
- to guarantee to the residents of Kabete NITD that no further forced evictions will take place at the settlement;
- to identify in consultation with those affected all feasible alternatives to eviction, put in place procedural and legal safeguards and develop a comprehensive relocation and compensation plan for the affected communities;
- to ensure an immediate end to forced evictions and destruction of livelihoods in Kenya.

PLEASE SEND APPEALS BEFORE 26 AUGUST 2010 TO:

Director of City Planning

Mr Patrick Tom Odongo
Nairobi City Council
City Hall Annex
PO Box 30075, Nairobi, Kenya
Email: rickodongo@yahoo.com
Salutation: Dear Mr Odongo

Town Clerk

Mr Philip Kisia
Nairobi City Council
City Hall Annex
PO Box 30075, Nairobi, Kenya
Fax: + 254 20 22 17704
Email: townclerk@nairobi-city.co.ke
Salutation: Dear Mr Kisia

And copies to:

Minister of Local Government
Hon Wycliffe Musalia
Ministry of Local Government
Jogoo House A, Taifa Road
PO Box 30004, Nairobi, Kenya
Email: info@primeminister.go.ke

Also send copies to diplomatic representatives of Kenya accredited to your country, and to representatives of your own country based in Nairobi. Call on them to visit Kabete NITD and raise the case urgently with the Kenyan government. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

HUNDREDS AT RISK AFTER FORCED EVICTIONS

ADDITIONAL INFORMATION

The government of Kenya has been responsible for repeated mass forced evictions since the establishment of the very first informal settlements in Kenya. Threats of mass forced eviction remain real for many residents of informal settlements and slums.

The settlement of Kabete NITD (Native Industrial Training Department) was established in 1974. The land is owned by the government of Kenya. In 2007, Nairobi City Council issued an eviction notice to the community ordering all inhabitants to vacate the area within 48 hours. As a result of legal action they were able to halt the eviction.

International human rights monitoring bodies and NGOs have for many years highlighted concerns about the pattern of forced evictions and threats of mass forced evictions in Kenya. The Kenyan government has committed to creating national eviction guidelines, which would ensure that adequate safeguards are put in place to address these concerns but has not done so. In November 2008 the UN Committee on Economic, Social and Cultural Rights recommended that protection against forced eviction should be included in Kenya's new constitution. In 2009 it called for the establishment of a legal framework for eviction based on internationally acceptable guidelines. A national task force is already in place in the Ministry of Lands to develop such a framework. In the absence of such guidelines, large-scale forced evictions of people living in informal settlements are regularly carried out in a manner that contravenes international human rights standards.

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." This includes a prohibition on forced evictions. Forced evictions also contravene Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to protection of the law against arbitrary or unlawful interference with a person's privacy, family or home. Kenya is party to the ICCPR. The African Commission on Human and Peoples' Rights has also affirmed that forced evictions contravene the African Charter on Human and Peoples' Rights, to which Kenya is a party.

UA: 160/10 Index: AFR 32/009/2010 Issue Date: 15 July 2010

