

URGENT ACTION

NEW THREATS AGAINST INDIGENOUS COMMUNITY

The Sengwer Indigenous community are facing new threats of eviction. On 21 January, a local government official announced intensified security operations to “flush out” everyone from the forest, who, he alleges, are “all criminals and cattle-rustlers”. Sengwer community member Robert Kirokich Kibor was shot at and killed and David Kosgei Kiptilkesi was seriously injured by gunshots during an eviction on 16 January.

The Sengwer Indigenous community in Embobut forest, Cherengany Hills Complex in the western highlands of Kenya are facing new threats of forced eviction after an operation carried out in December 2017 by the Kenya Forest Service (KFS). Latest reports from affected community members indicate that over 30 armed KFS guards’ burnt houses and destroyed cattle pens in the forest on 5 February 2018. This happened despite the community having obtained a renewed injunction requiring the government to respect the status quo in the forest on 22 January. Also, the forced evictions violate the human rights of the Sengwer, including their right to housing and to their ancestral lands, under international law, African Union (AU) human rights standards, and the Constitution of Kenya. The Embobut Forest is part of an area included in a conservation programme financed by the European Development Fund of the European Union (EU). On 17 January, the EU announced a suspension of the funding for the project. The Government has insisted that the evictions will continue nonetheless.

Individuals in the community including community leaders and human rights defenders are being targeted by the authorities. On 16 January, KFS officers reportedly shot and killed 45 year old Robert Kirokich and seriously injured 35 year old David Kipkosgei Kiptikesi. Both were unarmed and were herding cattle in the Kapkok glade at the time. Elias Kimayo, a Sengwer leader and human rights defender has been informed by his contacts that he is under surveillance from the authorities, his phone is being tracked and the KFS wants to “eliminate” him.

Please write immediately in English, Swahili or your own language urging the Kenyan authorities to:

- Take immediate steps to ensure that Sengwer leaders and human rights defenders are not harassed, threatened and intimidated for exercising their human rights;
- Stop the forced evictions of the Sengwer community, and ensure they are allowed to return to their ancestral land in Embobut Forest;
- Ensure that an immediate, independent and thorough investigation takes place into the forced evictions and violence in Embobut forest, in particular the killing of Robert Kirokich, and ensure that those responsible for excessive use of force, including murder, are held accountable in line with due process requirements;
- Engage with the Sengwer community on a new approach to conservation in Embobut forest which recognises their role as co-managers, co-conservators and owners of the land.

PLEASE SEND APPEALS BEFORE 28 MARCH 2018 TO:

Director of the Kenya Forest Service

Emilio N. Mugo
Kenya Forest Service Director's Office
P.O Box 30513-00100
Nairobi, Kenya
Email: director@kenyaforests-service.org

Salutation: Dear Sir

Cabinet Secretary

Keriako Tobiko
Ministry of Environment and Natural Resources
NHIF Building, 12th Floor,
Ragati Road, Upperhill
P.O BOX 30126-00100 Nairobi, Kenya
Email: cs@environment.go.ke

Salutation: Dear Cabinet Secretary

And copies to:

Ambassador of the European Union
Delegation to Kenya
H.E. Ambassador Stefano Dejak
Union House, Ragati Road
P O Box 45119 00100
Nairobi, Kenya
Email: stefano.dejak@eeas.europa.eu

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 6/18. Further information:

<https://www.amnesty.org/en/documents/af32/7704/2018/en/>

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ADDITIONAL INFORMATION

Embobut is one of the administrative wards for the Marakwet East Constituency in Elgeyo-Marakwet County in Kenya. The Embobut forest is home to the Sengwer people, Indigenous people who have been living in the forest for centuries. The Sengwer are hunter-gatherers and bee-keepers. They are asking for the government to recognise their land rights in Embobut and to work with them to develop a conservation protocol for the forest. It was home to many other communities when the January 2014 evictions began, but most of them have now left except for the Sengwer.

In May 2017, the African Court on Human and Peoples' Rights found the Kenyan government guilty of illegally evicting the Ogiek Indigenous people from Mau forest. The Court found that the government wrongly cited conservation as a justification for the eviction, as the conversations did not prove that the Ogiek who were carrying out deforestation. Many experts see the Mau case as providing an important precedent for forest communities' rights in Kenya and elsewhere.

Since January 2014, Amnesty International has received reports from the Sengwer and other sources of at least 13 actions to forcibly evict them, and found that the evictions did not comply with international human rights standards. In April 2017, Elias Kimaiyo, a community leader and activist, was shot at and beaten by forest guards while filming evictions, and his camera and laptop taken away. To this date no action has been taken by police against the forest guards responsible, and Kimaiyo's equipment has not been returned. Despite several requests, Amnesty International has not been granted permission to visit the forest and independently interview members of the Sengwer living there. The forced evictions, arrests, and the destruction of Sengwer people's homes and belongings have had dire consequences on the community; many of the community members are living in destitution as a result.

The government says the community agreed to leave the forest, but they were given no choice. A cash compensation programme, set only after the forced evictions had started, was mired in corruption, with many legitimate forest residents excluded.

The European Development Fund has been financing the Water Towers Protection and Climate Change Mitigation and Adaptation Programme, a conservation programme aimed at preserving ecosystem services in Mount Elgon and the Cherangany Hills. The government accuses the Sengwer of degrading Embobut forest and has been carrying out evictions since January 2014 allegedly for conservation purposes. On 17 January, the EU announced a suspension of the funding for the project, condemning the killing of Kirotych and the use of force by forest guards. Amnesty International fully supports a resumption of the project under conditions that fully guarantee that the human rights of all affected communities will be respected, protected and fulfilled.

Government donors, such as the EU, have a duty to mitigate risks of human rights violations being perpetrated by regularly carrying out robust human rights due diligence processes. A borrower government's failure to uphold its human right obligations does not absolve international donors of their responsibility for negative human rights impacts of projects or policies they support. Donors and financial institutions providing project funding should ensure that they undertake robust human rights due diligence in order to identify and prevent, or mitigate any risks to human rights that may result from the project.

On 17 January, the EU announced a suspension of the funding for the project, condemning the killing of Kirotych and the use of force by forest guards.

Name: Sengwer Indigenous community
Gender: Both

Further Information on UA: 6/18 Index: AFR 32/7868/2018 Issue Date: 14 February 2018