

URGENT ACTION

INDIGENOUS COMMUNITY FORCIBLY EVICTED

Kenyan authorities are forcibly evicting the Sengwer Indigenous community from their ancestral home, the Embobut forest. The evictions have been carried out by the authorities in violation of the Constitution, a High Court injunction and international human rights law, through a conservation project funded by the European Union.

Since 29 December 2017, the Kenya Forest Service (KFS) operating under the authority of the Ministry of Environment and Natural Resources has been carrying out forced evictions of members of the **Sengwer Indigenous community** in Embobut forest, Cherengany Hills Complex in the western highlands of Kenya. The forced evictions are being carried out despite a High Court injunction that forbids the eviction or arrest of Sengwer residents in the forest. 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.

According to reports from affected community members and national and international media outlets, around 100 armed KFS guards are present in the forest who have burnt at least 50 huts and fired shots into the air. On 9 January, guards reportedly fired, without hitting, shots at Paul Kiptoga, one of the community elders, as he was making his way to a meeting about the evictions with government officials. Thus far, the community has received only limited support from media, civil society, and the judiciary due to the forced evictions being executed during holiday seasons and therefore not attracting international attention.

The Embobut Forest is part of an area included in a conservation programme financed by the European Development Fund of the European Union (EU). The EU has a duty to mitigate risks of such human rights violations being perpetrated by carrying out robust human rights due diligence processes. On 10 January Sengwer community leaders and Amnesty International secured a public commitment from the Government of Kenya for an independent investigation into the forced evictions and community dialogue with all stakeholders. However, despite a commitment by the Sengwer leaders to conserve the forest, the government declined to announce an end to forced evictions and harassment by KFS. The community remains at risk.

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

- Immediately order the cessation of forced evictions in Embobut forest;
- Ensure that all those affected by the forced evictions are allowed to return to their lands and no further retaliation happens to Sengwer activists;
- Urgently follow up and facilitate an independent investigation into the ongoing forced evictions.

PLEASE SEND APPEALS BEFORE 23 FEBRUARY 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@kenyaforestservice.org

Salutation: Dear Sir

Cabinet Secretary

H.E. Prof. Judi Wakhungu

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. HIS EXCELLENCY MR LAZARUS OMBAI AMAYO, Kenya High Commission, 45 Portland Place, London W1B 1AS, Tel: 0207 636 2371, Fax: 0207 323 1932, www.kenyahighcom.org.uk, info@kenyahighcom.org.uk

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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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. 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. The institutional support the EU is providing through the funding of this programme risks assisting the KFS and consequently, the Ministry of Environment and Natural Resources in the human rights violations they are committing in the Embobut Forest.

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.

UA: 6/18 Index: AFR 32/7704/2018 Kenya Date: 12 January 2018