



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CERD/GH/mja/vdt

7 March 2014

Excellency,

I write to inform you that in the course of its 84<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination received information on recent developments regarding the situation of the Sengwer indigenous peoples, submitted by non-governmental organisations. The information alleges that the Kenya Forest Services (KFS) have been carrying out large-scale forced evictions the Sengwer indigenous peoples from their traditional lands in the Cherangany Hills with the support of police units since 10 January 2014.

The Committee regrets that it has not received a reply to its previous letter dated 30 August 2013 on the same matter.

The information received sets out allegations that the Kenya Forest Services (KFS) have burned the houses and possessions in the Embobut Forest affecting an estimated number of 2, 500 households, including those in the Lelan/Kamolokon and Kapolet forests. As a consequence, thousands of families have been displaced while some Sengwer indigenous peoples remain in the forest reserve without shelter and others have left the forest to live at the periphery. The information also claims that these actions took place despite an injunction by the Kenyan High Court of 21 November 2013 forbidding any eviction of the Sengwer indigenous peoples as well as an order by the Judge of the Eldoret High Court to the police preventing anyone from breaching the injunction.

The organizations submitting the information claim that the evictions constitute a threat to the physical and cultural survival of the Sengwer indigenous peoples. They also claim that your Government has not consulted the Sengwer peoples to seek alternative solutions and has not provided compensation to those who have been already evicted.

His Excellency

Mr. John Otachi Kakonge

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The Committee reiterates its concern that these allegations, if verified, could hinder the full enjoyment of rights under the Convention. In this regard, the Committee refers to its General Recommendation 23 on the rights of indigenous peoples in which the Committee calls upon the State parties "to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and natural resources and, where they have been deprived of their lands and territories traditionally occupied otherwise inhabited or used without their prior, free and informed consent, to take steps to return those lands and territories".

The Committee also recalls the recommendation made in paragraph 17 of the Committee's concluding observations of 2011 relating to the State party (CERD/C/KEN/CO/1-4, para. 17) where the Committee requested the State party to respond to the decisions of the African Commission of Human and People's Rights regarding the forced evictions of the Ogiek and Endoris indigenous peoples and ensure that marginalised peoples receive appropriate redress.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee urges Kenya to consult the Senwger indigenous peoples and to provide adequate compensation for evictions that already took place. The Committee requests that the State party submit information on all of the issues and concerns as outlined above, and in its previous letter dated 30 August 2013, in its combined fifth to seventh periodic reports due on **13 October 2014**.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of Kenya, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,

José Francisco Calí Tzay  
Chair

Committee on the Elimination of Racial Discrimination