



March 30th 2020

Hon. Keriako Tobiko
Cabinet Secretary Ministry of Environment and Forestry

Mr. Julius Kamau
Chief Conservator of Forests, Kenya Forest Service

Mr. Alex Lemarkoko
Kenya Forest Service Commandant

Nairobi
Kenya

General Recommendations International Tribunal on Evictions on climate change
Case: Kenya - Forceful Eviction of the Sengwer Embobut

The International Tribunal on Evictions (ITE) organized its 9th Session on Evictions due to Climate Change in Santiago de Chile and Madrid (5-8/12/2019) in interaction with the COP 25 negotiations.

The ITE is a peoples' and opinion tribunal established in 2011 by the International Alliance of Inhabitants and civil society organizations as tool of the Zero Evictions Campaign to put forced evictions from around the world in the dock. The Tribunal relies on the expertise of an international Jury of well-respected and competent individuals, as well as on the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other instruments of international law, in order to pass judgment on real cases of forced evictions that constitute human rights violations, and , issued recommendations for solutions that respect human rights and the environment.

The ITE Jury:

- Leilani Farha, UN Special Rapporteur on the Right to Housing, Canada
- Agustin Territoriale, Human Rights Lawyer, Argentina
- Alejandra Vania Cajas, Lawyer, Chile
- Ana Sugranyes, Architect, Housing and Housing Committee, College of Architects, Chile
- Diego Lillo Goffreri, Lawyer, Environmental Justice Clinic, Chile
- Gabriela Burdiles Perucci, Human Rights Lawyer, FIMA-SCAC, Chile
- Hung-Ying Chen, Urban Planner, ITE Asia-East Session Coordinator, Taiwan/UK
- Ignacio Silva, national legal chief legal Inmobiliaria Social de TECHO, Chile
- Toñi Vasquez, Activist, PAH International Commission, Spain
- Juridical support: Julietta Perucca, Human Rights Lawyer, Canada

One of the cases received and selected by the ITE Steering Committee involved the your Excellency's Government.

Here you can find the formal complaint, received by the ITE Steering Committee, about the alleged case of eviction:

[Kenya - Forceful Eviction of the Sengwer Embobut](#)

The evictions of the Sengwer Embobut People in Kenya, caused by the Water Project under the pretext of the forest protection and climate change mitigation, violate the rights of communities of people which, in reality, have been preserving it for centuries.

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You can also find the General Recommendations issued by this Jury of the ITE based on the facts received and in light of your Governments international human rights obligations.

We, the International Tribunal on Evictions, offer you the opportunity to respond to the issues raised with reference to the international obligations undertaken by your country through the ratification of the International Covenant on Economic, Social and Cultural Rights and other International Covenants, inviting you to review.

We hope these findings spark a dialogue between your Excellency's government and the representatives of the communities that have filed their complaint to the ITE Steering Committee.

30 days from today's date, the Final Recommendations will be sent to your Excellency's Government, as well as to the relevant bodies of the United Nations, to interested civil society and human rights groups.

The implementation of the recommendations will be subject to a monitoring mechanism as indicated within the General Recommendations.

We hope your Excellency's Government could provide us with answers by 30/09/2020 in preparation for COP 26.

Looking forward to your comments and available for any further information, please accept the assurances of our highest consideration.

Annex:

General Recommendations ITE Session on Climate Change

The ITE Steering Committee:

- Soha Ben Slama, Coordinator of the International Tribunal for Evictions, IAI Coordinator in Tunisia
- Cesare Ottolini, IAI Global Coordinator, Unione Inquilini, Former member of the UN Habitat Advisory Group on Forced Evictions, Italy
- Mike Davies, Coordinator of IAI Anglophone Africa, co-founder of Smart Harare, Zimbabwe
- Rob Robinson, Coordinator of the USA-CANADA of the IAI, NESRI, co-founder and member of the Take Back the Land leadership committee, New York, USA
- Varghese Theckanath s.g., Founder and director of the Social Institute Montfort, Hyderabad, India
- Hung-Ying Chen, Urban Planner University of Durham, co-founder and member of the Executive Committee of the Taiwan Alliance Against Forced Evictions, coordinator of the East Asia ITE session, Taiwan/UK
- Ernesto Jimenez Olin, Coordinator of the Committee for the colony Valle Gómez, Monitoring and Evaluation Committee of the Human Rights Program of the Federal District, Mexico