Excessive Force and evictions leads to killings of the Sengwer community in Embotut forest, Elgeyo Marakwet County

The Kenya National Commission on Human Rights, National Coalition for Human Rights Defenders, Amnesty International Kenya, Katiba Institute and other undersigned organizations express their grave concern at reports received from community representatives, that yesterday, 16 January 2018, Kenya Forest Service (KFS) officers shot and killed Robert Kiroitch and seriously injured David Kosgei Kiptilkesi, members of the Sengwer Indigenous people, in Embobut forest, Cherangany Forest Complex in the western highlands of Kenya. We are reliably informed that both were unarmed and herding cattle in the Kapkok glade at the time.

As human rights organizations, we call for David Kosgei Kiptilkesi to immediately get medical care and for his release. Community representatives informed Amnesty International that the KFS took Kiptilkesi to a KFS camp and are still holding him there. We further call on the Kenyan Government to conduct an immediate, thorough, effective, independent and impartial investigation into the shooting of these two Sengwer community members.

Since 29 December 2017, the KFS has been carrying out forced evictions of members of the Sengwer Indigenous community. Live ammunition has been fired repeatedly throughout these operations and community leader Paul Kiptuka was fired upon while leaving his home in the forest on January 9 2018, but he escaped unhurt. These forced evictions violate the human rights of the Sengwer people, including their right to housing and to their ancestral lands, under international law, as well as African Union (AU) human rights standards and the Constitution of Kenya.

Five days ago, Sengwer leaders called on the Kenyan Government to immediately halt the forced evictions in Embobut forest and ensure that all those affected by the forced evictions are allowed to return to their lands, without retaliation or threat of retaliation against Sengwer activists. The Government denied that forced evictions were taking place.

A thorough, effective, independent and impartial investigation into the death and serious injury of Robert Kiroitch and David Kosgei Kiptilkesi, respectively, as well as the shootings, forced evictions and excessive use of force since 29 December 2017, must now be carried out immediately. The right to life is one of the most sacrosanct rights and freedoms in the Kenyan Bill of Rights and Constitution.

17 January 2018 Statement condemning Sengwer loss of life in Embotut Forest, Elgeyo Marakwet 1
Yesterday’s shooting which killed Robert Kiroth and seriously injured David Kipkosgei Kiptikesi also seriously jeopardises the viability of the WaTER project, a Euro 31 million European Union (EU) funded conservation and climate change mitigation project important for 11 counties of Kenya, including the Cherangany Forests Complex. In the past, the European Parliament, the United Nations and EU Delegation have been clear that the project cannot proceed in the presence of human rights violations. That line has now been crossed.

Consequently, we demand that:

The Government of Kenya immediately:
- Immediately ensures that David Kiptikesi gets the medical attention he needs and is released;
- Halts the KFS/security operation in the Embobut forest
- Institutes a 60-day moratorium to forced evictions to allow dialogues to take place or until such a time that the Government complies with human rights standards;
- Ensures that all those affected by the forced evictions are allowed to return to their lands, without retaliation or threats of retaliation and no that further harm is inflicted upon members of the Sengwer community;
- Ensures that those responsible for the excessive use of force, including unlawful killing, are held accountable, including through a prosecution in compliance with national and international standards of due process, without recourse to the death penalty; and
- Allows an independent investigation by Kenya National Commission on Human Rights into the forced evictions and violence in Embobut forest.

European Union immediately:
- Suspends the WaTER project until the Government guarantees a permanent halt to these violent forced evictions, allows the Sengwer to return to the forest, and the independent investigation by the KNCHR is complete.

Signed

Kenyan National Commission for Human Rights

Katiba Institute

Amnesty International Kenya

National Coalition for Human Rights Defenders

Signed: Wednesday 17 January 2018
NOTES: