



June 14th 2018

➤ **To the kind attention of the Government and of the Authorities
of Republic of Kenya and of East Africa**

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➤ **UN Special Rapporteurs on Human Rights**

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➤ **Promoter organization of the International Tribunal on Evictions**

International Alliance of Inhabitants
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➤ **Social movement**

Bunge La Mwananchi
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➤ **Civil Society**

➤ **Media of Kenya and International**

Official communication of ITE Recommendations 6th Session International Tribunal on Evictions

Case Kenya: Violent evictions of the Masai in the name of protecting wildlife to support elite tourism

The International Tribunal on Evictions (ITE) is a people's and opinion tribunal established in 2011 by the International Alliance of Inhabitants and civil society organisations for the World Zero Evictions Days to practically and interactively put forced evictions from around the world in the dock. The Tribunal relies on the expertise of a well respected and competent international Jury, as well as on the International Covenant on Economic, Social and Cultural Rights and other instruments of international law, and pass judgement on real cases of forced evictions that constitute human rights violations, as well as Recommendations in order to address the situation.

The Jury of the ITE 6th Session, held in Venice, Italy, from 28 to 30 September 2017, listened to the testimonies of evictions, reports and proposals of recommendations of inhabitants and communities from 5 continents, all of whom are affected by evictions and human rights violations caused by tourism development.

The cases selected and judged include:

- [India: Expropriation and evictions to make room for a third airport for the national capital, New Delhi](#)
- [Sri Lanka: Land grabbing for tourism development, Paanama Village](#)

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- [Argentina: Evictions and gentrification in the historic neighbourhood of La Boca, Buenos Aires](#)
- [Kenya: Violent evictions of the Masai in the name of protecting wildlife to support elite tourism](#)
- [Italy: Fake tourist rentals on the Island of Pellestrina, Venice](#)

One such case affect the inhabitants of the territory ruled by your Gouvernement.

The inaugural message at ITE 6th Session by Leilani Farha, the UN Special Rapporteur on the Right to Adequate Housing, underlined the legal obligations of Countries to comply with relevant human rights provisions, especially with regard to Article 11 of International Covenant Economic Social and Cultural Rights and confirmed her acknowledgment of and support for the International Tribunal on Evictions.

The ITE Jury, composed of concerned experts and representatives from international and local organisations with expertise in human rights and tourism, has proven evidence presented by the cases that tourism development puts profits before local communities and their well-being. This leads to violations of national laws and human rights provisions which are legally recognised by Countries that have ratified the relevant International Covenants. Analysis of the tourism-related cases shows that the loss of local residents' shelter, housing and land, often by violent means and sometimes with the loss of human lives, frequently also resulting in loss of access to resources upon which their livelihood depends, triggers additional human right violations.

Such violations, resulting from evictions, as mentioned several times by the UN Special Rapporteur on the Right to Housing, are incompatible with the respect of international covenants. Therefore, the ITE issued a judgment of condemnation of such violations and Recommendations, general and specific, for the 5 cases, with concrete proposals aimed at full respect for human rights law. These Recommendations, in Annex, are sent to the responsible Governments, the UN Special Rapporteurs, the civil society organizations, as well as widespread internationally to inform the public opinion.

We believe that dialogue between yourselves and the representatives of communities facing evictions will help you to understand that human rights, community and responsibility are the foundations of real and fair development in your territories. We support improvements in infrastructural and other development that achieves equitable and adequate living standards, not in violation of international and national legality at the expense of the inhabitants, but including them, protecting and promoting their rights and interests by seeking solutions that do not result in marginalisation, in poverty and in the destruction of communities and livelihoods.

>>> We invite you, though, to implement the ITE Recommendations with the collaboration of the relevant stakeholders, in particular the organizations of the victims of the evictions and of the international networks with experience in these issues.

>>> We also ask you to prepare, together with all relevant stakeholders, periodic Report on the implementation of these Recommendations, with deadline 30/09/18.

We inform you that, in agreement with the UN Special Rapporteurs, we will notify to them such Report, and any further violations of human rights in the cases in question, so that they will act accordingly.

We wait for reception confirmation and for your concrete answers.

**Soha Ben Slama, Coordinator ITE (Tunisia)
for the Steering Committee of International Tribunal on Evictions**

**Cesare Ottolini, IAI global Coordinator (Italy)
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