

## Appendix I: Letters to Cabinet Secretaries and National Land Commission

### *Letter to Ministry of Lands*

July 6, 2018

Hon Faridah Karoney,  
The Cabinet Secretary,  
The Ministry of Lands,  
Ardhi House,  
1st Ngong Avenue,  
Off Ngong Road,  
P.O. Box 30450 – 00100, Nairobi, Kenya.



Dear Sir/Madam,

I am writing in relation to a joint research we are carrying out with the National Coalition on Human Rights Defenders, a Kenyan human rights NGO, regarding the plight of activists working on issues relating to the Lamu Port, South Sudan, Ethiopia Transport (LAPSSET) corridor. We are also keen on the environment for activists who have been focusing on land acquisition and compensation for the LAPSSET project, especially in Lamu county.

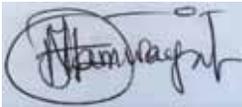
We would like to request a meeting with you or your officers to discuss the above issues as they relate to the LAPSSET project. We would appreciate if the meeting could be scheduled before July 23, 2018. Our staff have been in touch with the National Land commission on this but have not been successful in securing an appointment.

As you know, Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and documented violations of human rights by successive governments and non-state actors in Kenya for more than 25 years.

Your staff can contact me regarding scheduling for the meeting. I am currently in Nairobi and I can be reached at \_\_\_\_\_ or by email at [mattheo@hrw.org](mailto:mattheo@hrw.org).

We would greatly appreciate the opportunity to engage with you and look forward to scheduling an appropriate date and time.

Sincerely,

A handwritten signature in black ink, appearing to read "Otsieno Namwaya", enclosed within a light blue rectangular box.

Otsieno Namwaya  
Human Rights Watch  
Nairobi

*Letter to Ministry of Energy*

June 27, 2018

Hon Charles Cheruiyot Keter  
Cabinet Secretary,  
Ministry of Energy,  
Nyayo House,  
Kenyatta Avenue.  
P. O. Box 30582 – 00100,  
Nairobi, Kenya



[HRW.org](http://hrw.org)

Dear Sir,

I am writing in relation to joint research we are carrying out with the National Coalition on Human Rights Defenders, a Kenyan human rights NGO, regarding the plight of activists working on issues relating to the Lamu Coal Plant.

We would like to request a meeting with you or your officers to discuss the above issues as they relate to the Lamu Coal Plant. We would appreciate if the meeting could be scheduled before July 23, 2018.

As you know, Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and investigated human rights by successive governments and non-state actors in Kenya for more than 25 years.

Your staff could contact me regarding scheduling for the meeting. I am currently in Nairobi and I can be reached by email at [mattheo@hrw.org](mailto:mattheo@hrw.org).

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Sincerely,

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Otsieno Namwaya  
Human Rights Watch  
Nairobi

*Letter to National Land Commission*

June 27, 2018

The Chief Executive Officer,  
The National Land Commission,  
Ardhi House,  
1st Ngong Avenue,  
Off Ngong Road,  
P.O. Box 44417 – 00100, Nairobi, Kenya



HRW.org

Dear Sir/Madam,

I am writing in relation to joint research we are carrying out with the National Coalition on Human Rights Defenders, a Kenyan human rights NGO, regarding the plight of activists working on issues relating to the Lamu Port, South Sudan, Ethiopia Transport (LAPSSET) corridor. We are also keen on the environment for activists who have been focusing on land acquisition and compensation for the LAPSSET project, especially in Lamu county.

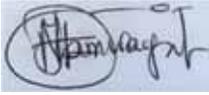
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Otsieno Namwaya  
Human Rights Watch  
Nairobi

## Appendix II: Letters to LAPSSET, Private Companies, Inspector General of Police

### Letter to LAPSSET



HRW.org

November 20, 2018

Silvester Kasuku,  
Chief Executive Officer,  
LAPSSET Corridor Development Authority,  
Chester House, 2nd Floor,  
Koinange Street,  
P.O. Box 45008-00100,  
Nairobi, Kenya,  
Tel: (020) 2219098

Email: [info@lapsset.co.ke](mailto:info@lapsset.co.ke)

**Re: Harassment and intimidation of Lamu activists campaigning on LAPSSET and associated projects**

Dear Sir,

We are writing on behalf of Human Rights Watch and the National Coalition of Human Rights Defenders to request information about how LAPSSET Corridor Development Authority is responding to reports of harassment and intimidation of activists who have been campaigning on issues around Lamu – Port – South Sudan – Ethiopia Transport (LAPSSET) project and associated projects.

Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and investigated human rights by successive governments and non-state actors in Kenya for more than 25 years. The National Coalition of Human Rights Defenders, Kenya (NCHRD-K), founded in 2007 to help activists overcome challenges they face in the course of their work, is a membership organization drawn from organizations and individual human rights defenders across Kenya and the region.

Our organizations carried out joint research in Lamu county in May and August 2018 into reports of harassment and intimidation, mainly by police and other government officials, of rights activists campaigning on the environmental and health concerns arising out of LAPSET and other associated projects such as the planned coal fired power plant. We plan to publish our findings and recommendations by the end of this year.

The activists and residents of Lamu County have expressed concerns about the impacts of largescale projects – especially the port and the coal-fired powerplant -- on the environment and on livelihoods, especially of fishermen. They have also complained of the economic effects of land acquisition for the various components.

The activists we interviewed expressed concerns that the LAPSET port construction and other components could destroy mangrove forests that are breeding grounds for fish and other marine animals, expropriate farming lands without adequate or timely compensation, contaminate water sources due to the waste discharge, and contribute to climate change through increased greenhouse gas emissions.

Communities and activists have also raised concerns about the impact of land acquisition by LAPSET components on their livelihoods. The activists also argue that the planned Lamu coal power plant, a LAPSET associated project, will emit smoke that contains hazardous particulate matter, discharge waste effluents into the sea that could kill fish and other sea animals, and further emit coal dust that poses serious health risks to those residing near coal plants, including cancer. Fishermen from the surrounding areas have alleged this will make the fishing waters less bountiful, affecting their livelihoods. Activists also contend that consultations for these projects were not adequate.

The focus of our research was the obstacles faced by activists speaking up about these issues. We documented incidents of harassment, intimidation and other abuses against at least 35 activists over the past five years. The activists, who include private citizens, members of national and local civil society organizations, and fishermen, farmers and others whose livelihoods are at risk, reported being harassed, intimidated and arrested or detained without being formally charged with a crime.

Activists were arrested while holding public meetings, during peaceful demonstrations, or while conducting Lamu port site visits. In at least 15 instances, police accused activists of having links or being sympathetic to Al-Shabab.

In 2016, two activists – Ali Bunu from Pate Island and Mohamed Avukame from Manda Island – disappeared, and Ali Bunu is presumed dead after being kidnapped. We understand that police have failed to investigate the disappearances, which appear to be linked to their activism and among a larger number of more than 40 disappearances at the coast since 2014. The two cases of

disappearances are part of a broader pattern of abuses against environmental and land rights activists in Lamu and police failure to investigate them.

We found the abuses reported have undermined the ability of activists to continue legitimate campaigns for a clean and healthy environment, especially in the absence of accountability for those responsible for these abuses.

In the interests of obtaining a thorough, balanced, and objective understanding of the issues, we are writing to get police perspective on these matters so that we can incorporate your views into our forthcoming report. We kindly request that you respond to the questions below in writing by December 10, 2018. Your responses will be reflected in our forthcoming report, and we may publish your responses in full. Any other comments or information that you can provide us would be appreciated.

Sincerely,



Jehanne Henry  
Associate Director  
Human Rights Watch  
K-REP Centre, 2nd Floor, Suite 2B  
Wood Avenue, off Lenana Road  
P.O. Box 51696-00100, GPO  
Nairobi, Kenya  
Email: [henryj@hrw.org](mailto:henryj@hrw.org)  
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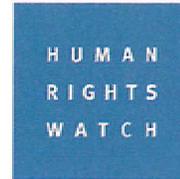
Kamau Ngugi,  
National Coordinator  
National Coalition of Human Rights  
Defenders - Kenya,  
P. O. Box 26309-00100  
Nairobi, Kenya  
Tel: +254-712632390/ +254 716 200 100  
Email: [dkngugi@hrdcoalition.org](mailto:dkngugi@hrdcoalition.org)

**Questions for LAPPSET Corridor Development Authority on abuses against Lamu environmental activists**

1. Are you aware of the impacts on livelihood and environment that are alleged by the activists? If so, what steps have you taken to respond to their concerns and address potential impacts?
2. What is your process to ensure consultation with affected communities is robust and ongoing? How do you communicate with communities about potential impacts of your projects, and the steps you are taking to address them? Can you provide documentation of consultations?
3. Are you aware of any threats or attacks against activists in Lamu county campaigning against the anticipated effects of the LAPSSET projects? What do you think is the cause of these threats and who are the perpetrators? What steps are you taking to ensure that activists can speak freely about their concerns regarding LAPSSET projects without threat of retaliation?
4. Is the LAPSSET administration aware of public protests in relation to the project components? How have Kenyan authorities responded to these protests?
5. Do you have any human rights policies or guidelines that would be relevant to protecting the rights of environmental and land activists campaigning around the proposed Lamu coal fired power plant? Have you assessed human rights risks associated with the LAPSSET corridor?
6. What steps do you take to ensure that police provide security for your operations in line with respect for human rights?
7. What steps do you take to record and report allegations of credible human rights abuses by public security in your areas of operation to appropriate government authorities?
8. Have you ever reported incidents of human rights abuses in the past, and if so, what was the result? Have you ever encouraged investigation of allegations of human rights abuse by public security forces?
9. What communications do you have with police regarding their role in public meetings about LAPSSET and associated projects? Do they inform you about arrests made at such meetings? What steps do you take to ensure activists are not harassed at these meeting, and are given the opportunity to speak freely without fear of retaliation?

## Letter to Inspector General of Police

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HRW.org

November 20, 2018

Joseph Kipchirchir Boinett,  
Inspector General of Police,  
Kenya Police Service,  
Jogoo House, Harambee Avenue  
PO BOX 30083,  
Nairobi, Kenya.  
Telephone: (020) 341411/6/8,

Email: [info@kenyapolice.go.ke](mailto:info@kenyapolice.go.ke)

**Re: Harassment and intimidation of Lamu activists campaigning on LAPSSET and associated projects**

Dear Sir,

We are writing on behalf of Human Rights Watch and the National Coalition of Human Rights Defenders to request information about how Kenya Police Service is responding to reports of harassment and intimidation of activists who have been campaigning on issues around Lamu – Port – South Sudan – Ethiopia Transport (LAPSSET) project and associated projects.

As you know, Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and investigated human rights by successive governments and non-state actors in Kenya for more than 25 years. Human Rights Watch is committed to producing material that is comprehensively documented, verified and objective. The National Coalition of



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Human Rights Defenders, Kenya (NCHRD-K), founded in 2007 to help activists overcome challenges they face in the course of their work, is a membership organization drawn from organizations and individual human rights defenders across Kenya and the region.

Our organizations carried out joint research in Lamu county in May and August 2018 into reports of harassment and intimidation, mainly by police and other government officials, of rights activists campaigning on the environmental and health concerns arising out of LAPSET and other associated projects such as the planned coal fired power plant. Our findings and recommendations will be published in a joint report before the end of this year.

We documented various incidents of harassment, intimidation and other abuses against at least 35 activists over the past five years. The activists, who include private citizens, members of national and local civil society organizations, fishermen, farmers and others whose livelihoods are at risk, reported being harassed, intimidated and arrested or detained without being formally charged with a crime.

Activists were arrested while holding public meetings, during peaceful demonstrations, or while conducting Lamu port site visits. In at least 15 instances, police accused activists of having links or being sympathetic to Al-Shabab.

In 2016, two activists – Ali Bunu from Pate Island and Mohamed Avukame from Manda Island – disappeared, and Ali Bunu is presumed dead after being kidnapped. We understand that police have failed to investigate the disappearances, which appear to be linked to their activism and among a larger number of more than 40 disappearances at the coast since 2014. The two cases of disappearances are part of a broader pattern of abuses against environmental and land rights activists in Lamu and police failure to investigate them.

We found the abuses reported have undermined the ability of activists to continue legitimate campaigns for a clean and healthy environment, especially in the absence of accountability for those responsible for these abuses.

In the interests of obtaining a thorough, balanced, and objective understanding of the issues, we are writing to get police perspective on these matters so that we can accurately reflect your views in our forthcoming report. We kindly request that you respond to the questions below in writing by December 3, 2018. Your responses will be reflected in our

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forthcoming report. Any other comments or information that you can provide us would be appreciated.

Sincerely,



Jehanne Henry  
Associate Director  
Human Rights Watch  
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Wood Avenue, off Lenana Road  
P.O. Box 51696-00100, GPO  
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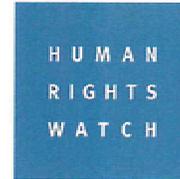
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Email: [dkgugi@hrdcoalition.org](mailto:dkgugi@hrdcoalition.org)

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### Questions for police on abuses against Lamu environmental activists

1. During our research between May and August 2018, we found indications that police may be implicated in abuses against some 35 environmental and land rights activists in Lamu county, including threats, beatings, arbitrary arrests, prosecutions and unjustifiably breaking up public meetings. In some examples, we found that police have without reasonable ground accused at least 15 activists of either having links with or being sympathetic to Al-Shabab. These police abuses against activists have rarely been investigated, even in the few instances where the cases have been widely publicized and thus well known. What is your view on this situation?
2. Is your office aware of arrests, detentions, or threats against environmental and land rights activists in Lamu, and if so, how has your office responded to reports of such abuses?
3. On May 25 this year, police arrested two activists from Lamu Youth Alliance for staging what was otherwise a legal, peaceful protest against the Lamu coal plant. Could you share the circumstances under which police in Lamu have taken steps to prevent demonstrations/protests around LAPSET and associated projects such as the coal fired power plant?
4. Our researchers found that at least two people – Ali Bunu from Pate Island and Mohamed Avukame from Manda Island – were kidnapped in 2016 and 2017 respectively by people residents believe were security officers. Although media and other reports have suggested they have had links with Al – Shabab, our research found that they were just environmental and land rights activists campaigning on issues around LAPSET. Could you please share your understanding of what happened to these two activists?
5. What measures have police taken to provide redress to the activists who have been victims of abuse by police in Lamu county?
6. What long term measures have police put in place to ensure that environmental and land activists in Lamu campaigning on LAPSET and associated projects are free to do their work without undue harassment and intimidation?
7. Are you aware of environmental and land rights activists in Lamu who have been accused of either having links to or being sympathetic to Al - Shabab simply because of their activism around LAPSET and associated projects?

# Letter to Amu Power



HRW.org

November 20, 2018

Cyrus Kirima,  
Chief Operating Officer,  
Amu Power,  
Geminia Insurance Plaza,  
Third Floor,  
PO BOX 30083,  
Nairobi, Kenya.  
Phone: +254 20 2725334/5

Email: info@amupower.co.ke

**Re: Harassment and intimidation of Lamu activists campaigning on LAPSSET and associated projects such as Coal Power Plant**

Dear Sir,

We are writing on behalf of Human Rights Watch and the National Coalition of Human Rights Defenders to request information about how Amu Power is responding to reports of harassment and intimidation of activists who have been campaigning on issues around Lamu – Port – South Sudan – Ethiopia Transport (LAPSSET) project and associated projects such as the proposed Lamu coal fired power plant.

Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and investigated human rights by successive governments and non-state actors in Kenya for more than 25 years. The National Coalition of Human Rights Defenders, Kenya (NCHRD-K), founded in 2007 to help activists overcome challenges they face in the course of their work, is a membership organization drawn from organizations and individual human rights defenders across Kenya and the region.



Our organizations carried out joint research in Lamu county in May and August 2018 into reports of harassment and intimidation, mainly by police and other government officials, of rights activists campaigning on the environmental and health concerns arising out of LAPSET and other associated projects such as the planned coal fired power plant. Our findings and recommendations will be published in a joint report before the end of this year.

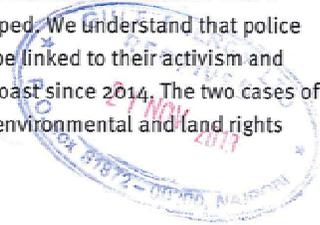
The activists and residents of Lamu County have expressed concerns about the impacts of largescale projects – especially the coal-fired power plant – on the environment and on livelihoods, especially of fishermen. They have also complained of the economic effects of land acquisition for the various components.

The activists argue that the planned Lamu coal power plant will emit smoke that contains hazardous particulate matter, discharge waste effluents into the sea that could kill fish and other sea animals, and further emit coal dust that poses serious health risks to those residing near coal plants, including cancer. The activists have also expressed concerns about land acquisition without timely or adequate compensation, water pollution due to the waste discharge, and the impacts of climate change brought about by increased greenhouse gas emissions. Fishermen from the surrounding areas have alleged these impacts will make the fishing waters less bountiful, affecting their livelihoods. Activists also contend that consultations for these projects were not adequate.

The focus of our research was the obstacles faced by activists speaking up about these issues. We documented incidents of harassment, intimidation and other abuses against at least 35 activists over the past five years. The activists, who include private citizens, members of national and local civil society organizations, and fishermen, farmers and others whose livelihoods are at risk, reported being harassed, intimidated and arrested or detained without being formally charged with a crime.

Activists were arrested while holding public meetings, during peaceful demonstrations, or while conducting Lamu port site visits. In at least 15 instances, police accused activists of having links or being sympathetic to Al-Shabab.

In 2016, two activists – Ali Bunu from Pate Island and Mohamed Avukame from Manda Island – disappeared, and Ali Bunu is presumed dead after being kidnapped. We understand that police have failed to investigate the disappearances, which appear to be linked to their activism and among a larger number of more than 40 disappearances at the coast since 2014. The two cases of disappearances are part of a broader pattern of abuses against environmental and land rights activists in Lamu and police failure to investigate them.



We found the abuses reported have undermined the ability of activists to continue legitimate campaigns for a clean and healthy environment, especially in the absence of accountability for those responsible for these abuses.

In the interests of obtaining a thorough, balanced, and objective understanding of the issues, we are writing to get police perspective on these matters so that we can incorporate your views into our forthcoming report. We kindly request that you respond to the questions below in writing by December 10, 2018. Your responses will be reflected in our forthcoming report, and we may publish your responses in full. Any other comments or information that you can provide us would be appreciated.

Sincerely,



Jehanne Henry  
Associate Director  
Human Rights Watch  
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Wood Avenue, off Lenana Road  
P.O. Box 51696-00100, GPO  
Nairobi, Kenya  
Email: [henryj@hrw.org](mailto:henryj@hrw.org)  
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Kamau Ngugi,  
National Coordinator  
National Coalition of Human Rights  
Defenders - Kenya,  
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Nairobi, Kenya  
Tel: +254-712632390/ +254 716 200 100  
Email: [dkgugi@hrdcoalition.org](mailto:dkgugi@hrdcoalition.org)

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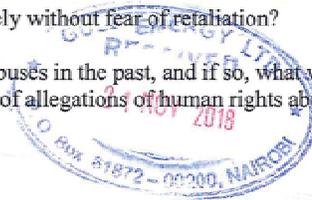
Francis Njogu  
Chief Executive Officer  
Gulf Energy Limited Geminia,  
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Nairobi, Kenya

James Mworira  
Centum  
Chief Executive Officer  
9th Floor (or 8th Floor), South Tower, Two  
Rivers  
P.O. Box 10518-00100  
Nairobi, Kenya



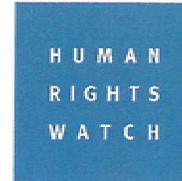
**Questions for police on abuses against Lamu environmental activists**

1. Do you have any human rights policies or guidelines that would be relevant to protecting the rights of environmental and land activists campaigning around the proposed Lamu coal fired power plant?
2. Do you have policies to ensure public participation that also protect various forms of environmental, social and human rights activism?
3. Your company's website mentions a grievance mechanism. Have members of the public filed any grievances under this mechanism? Could you provide more information on the nature of the grievances and how have these grievances, if any, have been handled?
4. Are you aware of the impacts on livelihood and environment that are alleged by the activists? If so, what steps have you taken to respond to their concerns and address potential impacts?
5. What is your process to ensure consultation with affected communities is robust and ongoing? How do you communicate with communities about potential impacts of your projects, and the steps you are taking to address them? Can you provide documentation of consultations?
6. What steps do you take to ensure that police provide security for your operations in line with respect for human rights?
7. Are you aware of any threats or attacks against activists campaigning against the planned coal-fired power plant in Lamu county? What do you think is the cause of these threats and who are the perpetrators? What steps are you taking to ensure that activists have the ability to speak freely about their concerns regarding LAPSSSET projects without threat of retaliation?
8. Is the Amu Power management aware of public protests in relation to the power plant? How have you responded to these protests?
9. What communications do you have with police regarding their role in public meetings about Amu Power's coal fired power plant? Do they inform you about arrests made at such meetings? What steps do you take to ensure activists are not harassed at these meeting, and are given the opportunity to speak freely without fear of retaliation?
10. Have you ever reported incidents of human rights abuses in the past, and if so, what was the result? Have you ever encouraged investigation of allegations of human rights abuse by public security forces?



# Letter to Centum

*Adale 7758 245*



HRW.org

November 20, 2018

Cyrus Kirima,  
Chief Operating Officer,  
Amu Power,  
Geminia Insurance Plaza,  
Third Floor,  
PO BOX 30083,  
Nairobi, Kenya.  
Phone: +254 20 2725334/5

Email: [info@amupower.co.ke](mailto:info@amupower.co.ke)

Re: Harassment and intimidation of Lamu activists campaigning on LAPSSET and associated projects such as Coal Power Plant

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The activists and residents of Lamu County have expressed concerns about the impacts of largescale projects – especially the coal-fired power plant – on the environment and on livelihoods, especially of fishermen. They have also complained of the economic effects of land acquisition for the various components.

The activists argue that the planned Lamu coal power plant will emit smoke that contains hazardous particulate matter, discharge waste effluents into the sea that could kill fish and other sea animals, and further emit coal dust that poses serious health risks to those residing near coal plants, including cancer. The activists have also expressed concerns about land acquisition without timely or adequate compensation, water pollution due to the waste discharge, and the impacts of climate change brought about by increased greenhouse gas emissions. Fishermen from the surrounding areas have alleged these impacts will make the fishing waters less bountiful, affecting their livelihoods. Activists also contend that consultations for these projects were not adequate.

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Sincerely,



Jehanne Henry  
Associate Director  
Human Rights Watch  
K-REP Centre, 2nd Floor, Suite 2B  
Wood Avenue, off Lenana Road  
P.O. Box 51696-00100, GPO  
Nairobi, Kenya  
Email: [henryj@hrw.org](mailto:henryj@hrw.org)  
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Kamau Ngugi,  
National Coordinator  
National Coalition of Human Rights  
Defenders - Kenya,  
P. O. Box 26309-00100  
Nairobi, Kenya  
Tel: +254-712632390/ +254 716 200 100  
Email: [dkngugi@hrdcoalition.org](mailto:dkngugi@hrdcoalition.org)

CC:

Francis Njogu  
Chief Executive Officer  
Gulf Energy Limited Geminia,  
Insurance Plaza, Kilimanjaro Ave – Upperhill  
P. O. Box 61872-00200  
Nairobi, Kenya

**James Mworira**  
Centum  
Chief Executive Officer  
9th Floor (or 8th Floor), South Tower, Two  
Rivers  
P.O. Box 10518-00100  
Nairobi, Kenya



### Questions for police on abuses against Lamu environmental activists

1. Do you have any human rights policies or guidelines that would be relevant to protecting the rights of environmental and land activists campaigning around the proposed Lamu coal fired power plant?
2. Do you have policies to ensure public participation that also protect various forms of environmental, social and human rights activism?
3. Your company's website mentions a grievance mechanism. Have members of the public filed any grievances under this mechanism? Could you provide more information on the nature of the grievances and how have these grievances, if any, have been handled?
4. Are you aware of the impacts on livelihood and environment that are alleged by the activists? If so, what steps have you taken to respond to their concerns and address potential impacts?
5. What is your process to ensure consultation with affected communities is robust and ongoing? How do you communicate with communities about potential impacts of your projects, and the steps you are taking to address them? Can you provide documentation of consultations?
6. What steps do you take to ensure that police provide security for your operations in line with respect for human rights?
7. Are you aware of any threats or attacks against activists campaigning against the planned coal-fired power plant in Lamu county? What do you think is the cause of these threats and who are the perpetrators? What steps are you taking to ensure that activists have the ability to speak freely about their concerns regarding LAPSSSET projects without threat of retaliation?
8. Is the Amu Power management aware of public protests in relation to the power plant? How have you responded to these protests?
9. What communications do you have with police regarding their role in public meetings about Amu Power's coal fired power plant? Do they inform you about arrests made at such meetings? What steps do you take to ensure activists are not harassed at these meeting, and are given the opportunity to speak freely without fear of retaliation?
10. Have you ever reported incidents of human rights abuses in the past, and if so, what was the result? Have you ever encouraged investigation of allegations of human rights abuse by public security forces?



# Letter to Gulf Energy



HRW.org

November 20, 2018

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Re: Harassment and intimidation of Lamu activists campaigning on LAPSSET and associated projects such as Coal Power Plant

Dear Sir,

We are writing on behalf of Human Rights Watch and the National Coalition of Human Rights Defenders to request information about how Amu Power is responding to reports of harassment and intimidation of activists who have been campaigning on issues around Lamu – Port – South Sudan – Ethiopia Transport (LAPSSET) project and associated projects such as the proposed Lamu coal fired power plant.

Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. We have monitored and investigated human rights by successive governments and non-state actors in Kenya for more than 25 years. The National Coalition of Human Rights Defenders, Kenya (NCHRD-K), founded in 2007 to help activists overcome challenges they face in the course of their work, is a membership organization drawn from organizations and individual human rights defenders across Kenya and the region.

Our organizations carried out joint research in Lamu county in May and August 2018 into reports of harassment and intimidation, mainly by police and other government officials, of rights activists campaigning on the environmental and health concerns arising out of LAPSSET and other associated projects such as the planned coal fired power plant. Our findings and recommendations will be published in a joint report before the end of this year.

The activists and residents of Lamu County have expressed concerns about the impacts of largescale projects – especially the coal-fired power plant – on the environment and on livelihoods, especially of fishermen. They have also complained of the economic effects of land acquisition for the various components.

The activists argue that the planned Lamu coal power plant will emit smoke that contains hazardous particulate matter, discharge waste effluents into the sea that could kill fish and other sea animals, and further emit coal dust that poses serious health risks to those residing near coal plants, including cancer. The activists have also expressed concerns about land acquisition without timely or adequate compensation, water pollution due to the waste discharge, and the impacts of climate change brought about by increased greenhouse gas emissions. Fishermen from the surrounding areas have alleged these impacts will make the fishing waters less bountiful, affecting their livelihoods. Activists also contend that consultations for these projects were not adequate.

The focus of our research was the obstacles faced by activists speaking up about these issues. We documented incidents of harassment, intimidation and other abuses against at least 35 activists over the past five years. The activists, who include private citizens, members of national and local civil society organizations, and fishermen, farmers and others whose livelihoods are at risk, reported being harassed, intimidated and arrested or detained without being formally charged with a crime.

Activists were arrested while holding public meetings, during peaceful demonstrations, or while conducting Lamu port site visits. In at least 15 instances, police accused activists of having links or being sympathetic to Al-Shabab.

In 2016, two activists – Ali Bunu from Pate Island and Mohamed Avukame from Manda Island – disappeared, and Ali Bunu is presumed dead after being kidnapped. We understand that police have failed to investigate the disappearances, which appear to be linked to their activism and among a larger number of more than 40 disappearances at the coast since 2014. The two cases of disappearances are part of a broader pattern of abuses against environmental and land rights activists in Lamu and police failure to investigate them.

We found the abuses reported have undermined the ability of activists to continue legitimate campaigns for a clean and healthy environment, especially in the absence of accountability for those responsible for these abuses.

In the interests of obtaining a thorough, balanced, and objective understanding of the issues, we are writing to get police perspective on these matters so that we can incorporate your views into our forthcoming report. We kindly request that you respond to the questions below in writing by December 10, 2018. Your responses will be reflected in our forthcoming report, and we may publish your responses in full. Any other comments or information that you can provide us would be appreciated.

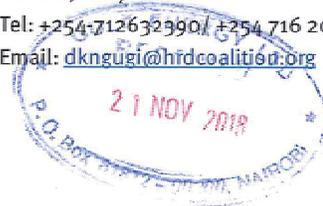
Sincerely,



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### Questions for police on abuses against Lamu environmental activists

1. Do you have any human rights policies or guidelines that would be relevant to protecting the rights of environmental and land activists campaigning around the proposed Lamu coal fired power plant?
2. Do you have policies to ensure public participation that also protect various forms of environmental, social and human rights activism?
3. Your company's website mentions a grievance mechanism. Have members of the public filed any grievances under this mechanism? Could you provide more information on the nature of the grievances and how have these grievances, if any, have been handled?
4. Are you aware of the impacts on livelihood and environment that are alleged by the activists? If so, what steps have you taken to respond to their concerns and address potential impacts?
5. What is your process to ensure consultation with affected communities is robust and ongoing? How do you communicate with communities about potential impacts of your projects, and the steps you are taking to address them? Can you provide documentation of consultations?
6. What steps do you take to ensure that police provide security for your operations in line with respect for human rights?
7. Are you aware of any threats or attacks against activists campaigning against the planned coal-fired power plant in Lamu county? What do you think is the cause of these threats and who are the perpetrators? What steps are you taking to ensure that activists have the ability to speak freely about their concerns regarding LAPSET projects without threat of retaliation?
8. Is the Amu Power management aware of public protests in relation to the power plant? How have you responded to these protests?
9. What communications do you have with police regarding their role in public meetings about Amu Power's coal fired power plant? Do they inform you about arrests made at such meetings? What steps do you take to ensure activists are not harassed at these meeting, and are given the opportunity to speak freely without fear of retaliation?
10. Have you ever reported incidents of human rights abuses in the past, and if so, what was the result? Have you ever encouraged investigation of allegations of human rights abuse by public security forces?