

Mandate of the Independent Expert on the enjoyment of human rights by persons with albinism

REFERENCE: AL
KEN 4/2015:

24 September 2015

Excellency,

I have the honour to address you in my capacity as Independent Expert on the enjoyment of human rights by persons with albinism pursuant to Human Rights Council resolution 28/6.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received **concerning the alleged attack against Mr. Enock Jamenya, a 56 years old man with albinism.**

According to the information received:

On 10 September 2015, Mr. Enock Jamenya was attacked in Gavudunyi village, district of Vigha, Kenya. Three assailants, armed with "panga" knives, entered the victim's house at night time. They requested money and told the victim they would cut his ear to sell in Tanzania. They then assaulted Mr. Jamenya.

During the attack, Mr. Jamenya was cut at the left ear, as well as at the arm, neck, and fingers. The assailants left without succeeding in taking any body part with them. The victim was found unconscious the next morning by his son. He was transported to the Hamisi Sub-District Hospital, and later referred to the Vihiga District Hospital due to the gravity of his wounds. According to information received, Mr. Jamenya succumbed to his injuries.

While I do not wish to prejudge the accuracy of this allegation made available to me, I express grave concern about the alleged attack against Mr. Jamenya, a person with albinism, as it appears to have had the purpose of using, or selling for use, his body parts for witchcraft purposes. In this context, further concerns are expressed about the physical and mental integrity of persons with albinism who are at risk of attacks resulting in death and mutilation, as well as in the trafficking of body parts.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. I would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on, and when available the results of, any investigation and inquiry carried out in relation to this case including efforts made to ensure that perpetrators of the alleged acts are brought to justice.
3. Please provide the full details of strategies and protective measures put in place by your Excellency's Government to ensure the physical and mental integrity and security of persons with albinism.
4. Please provide updated disaggregated data on the cases of abduction, killing and /or dismembering of persons with albinism registered in Kenya, as well as on the number of prosecutions and convictions.

I would appreciate receiving a response within 60 days.

While awaiting a reply, I urge that all necessary measures be taken, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations and to fight against the trafficking of body parts.

It is my intention to publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that I have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Ikponwosa Ero
Independent Expert on the enjoyment of human rights by persons with albinism

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, I would like to recall the fundamental principles as set forth in the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights to which your country is a party.

I wish to draw your Excellency's Government's attention to Articles 3 of the Universal Declaration of Human Rights and 6 (1) of the International Covenant on Civil and Political Rights, to which your Government acceded on 1 May 1972, which guarantee the right of every individual to life and security and not to be arbitrarily deprived of his life.

Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).