

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL USA 3/2026

(Please use this reference in your reply)

23 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on the issue of human rights and transnational corporations and other business enterprises and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 53/3 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **alleged intimidation and harassment of, threats to, forced closure of business interests of and destruction of property of Mr. Clement Muiruri Kamau in the context of his monitoring and exposure of alleged human rights violations in Murang'a County, Kenya.**

Clement Muiruri Kamau is chairman of the Kagama Community Action Forum (KCAF), a community-based organisation located in Murang'a County, which documents alleged human rights abuses in the surrounding areas, including on an 22,000-acre pineapple plantation owned by the US-domiciled food production and distribution company Del Monte Foods Inc (Del Monte) in Thika. Public roads run through the plantation. The KCAF has recorded hundreds of alleged human rights violations carried out by private security guards at the farm. Mr. Kamau has been a key source of information and visit-facilitator since 2022 for a number of international media organisations reporting on these alleged violations, including the Guardian and the Bureau of Investigative Journalism (TBIJ).

According to the information received:

On various occasions over the past three years, Mr. Kamau has been subjected to threats, harassment, physical attack, closure of his business interests and destruction of his property, in apparent retaliation for his work monitoring alleged human rights violations, supporting victims of alleged violations and collaborating with international media organisations to expose such violations. In particular, his assistance to journalists working with the Guardian and TBIJ on an investigation into deaths at the Del Monte farm appears to have exacerbated the risks he faces. The joint media investigations, the first article of which was published in June 2023, examined four deaths allegedly linked to Del Monte security guards. The four individuals had reportedly gone to the farm to steal pineapples.

A series of follow-up stories examined further alleged human rights violations, including killings, at the farm. In July and August 2023, the KCAF wrote to a

number of UK-based supermarkets which stocked Del Monte pineapples sourced from Kenya informing them of the alleged human rights violations at the Del Monte plantation. The following year, several of those supermarkets stopped stocking Del Monte Kenya products. That same year, Del Monte created a new role of ‘human rights manager’ on its Thika plantation, in response to the allegations made in the reporting facilitated by Mr. Kamau. Further human rights abuses linked to Del Monte’s private security guards were alleged and reported on in 2024 and 2025, with Mr. Kamau again playing a key role in guiding and interpreting for journalists and documenting evidence.

On 29 August 2023, during the period in which he was cooperating with the media outlets on their investigation, Mr. Kamau received an anonymous text message warning him to “keep media out of Del Monte farm” and that he should not “blame us in case of anything”. He received a second message from the same number on 9 October 2023, which stated: “We kindly requested you to desist but seem not to. Don’t say you were never warned.” Mr. Kamau reported these messages to Ngoingwa Police Station in Thika. It is not known whether any action was taken.

On 24 and 25 December 2023, Mr. Kamau was part of a search party trying to locate a further four individuals who had disappeared from the area around the Del Monte plantation in the preceding days. The four had allegedly been on the farm to steal pineapples. Their bodies were found in the Chania River on 24 and 25 December 2023. While assisting family members in retrieving the bodies from the river, Mr. Kamau was allegedly offered a bribe by the-then head of the local Ngati Police Station if he helped “slow down the case”. Ngati Police Station is located within the area of the pineapple fields. When he refused the bribe, Mr. Kamau was warned of “dire consequences” and told that he would soon be added to the “agenda” of the Government.

On the night of 24 February 2024, as Mr. Kamau drove home from a friend’s house along the Thika-Kenol Highway, a black SUV which had been following him and flashing its lights swerved in front of him, causing Mr. Kamau to crash into another car. Although Mr. Kamau escaped on foot and hid, physical evidence pertaining to a human rights abuse petition relating to alleged violations at the Del Monte farm, which he would file at the Thika High Court, was stolen by unknown assailants. Mr. Kamau reported this incident to the Thika Police Station and Ndururumo Police Station, Gatanga on 27 February 2024. He has not been informed of any investigation which has taken place nor has he been returned any of his stolen items.

On 8 March 2024, the Marang’a Deputy County Commissioner allegedly issued a verbal order to shut down Mr. Kamau’s business, the Fine Touch Club, which was located on his family property. The premises also served as KCAF’s headquarters. Both operations were forcibly shuttered, resulting in loss of business and loss of office space for KCAF. KCAF had consistently recorded alleged human rights violations by private security guards at the Del Monte farm in the preceding years. On issuing the order at Mr. Kamau’s premises, the Commissioner allegedly publicly claimed that Mr. Kamau was a “threat to

community peace” and accused him of inciting local youths against Del Monte and encouraging pineapple theft.

On 1 April 2024, Mr. Kamau was one of a number of named petitioners who filed a constitutional petition against Del Monte at Thika High Court. The suit sought to hold Del Monte responsible for alleged killing and violence by security guards at the plantation. The case was dismissed on 6 February 2025 for “lack of jurisdiction”.

On 23 October 2024, Mr. Kamau, along with a KCAF lawyer and three staff members of another non-governmental organisation, went to the offices of the Deputy County Commissioner to brief the Commissioner on the petition KCAF, the other non-governmental organization and others had filed against Del Monte at the Thika High Court. The lawyer representing KCAF also urged the Commissioner to permit Mr. Kamau to reopen his Fine Touch Club business and the KCAF offices. Shortly after the meeting concluded, the Commissioner allegedly telephoned Mr. Kamau and reprimanded him for bringing people to the offices, telling him that he would “deal with” him accordingly. He further allegedly said, “We will not allow you to continue ruining the names of multination corporations here”. Mr. Kamau subsequently reported this threat to the Kenol Police Station, who referred him to the Area Officer Commanding Police Division (OCPD), because the allegation referred to a senior official. After calling the Commissioner in Mr. Kamau’s presence in relation to the allegation, the OCPD allegedly said to Mr. Kamau, “for your own safety, just let this go. There is no need to create enmity with these powerful people; they will simply finish you”.

In 2022, Mr. Kamau invested 5,000,000 Kenyan Shillings (c 38,760 USD) to construct and open a restaurant for police officers within the grounds of Kabati Police Station to run as a business interest. He was also contracted to provide meals for detainees. In what is believed to be an act of retaliation for his human rights work, the OCPD, based at Kandara Sub County Administrative Office, refused in October 2024 to sign a cheque for services provided in the previous year.

On 29 October 2024, Mr. Kamau was informed that the funds had been released for payment. When Mr. Kamau’s wife went to the Kandara Sub County Administrative Office to collect the payments, she was refused service. She returned the following day, only to be allegedly told by the OCPD to get paid “by the media”. The money was not provided.

Later that same day, 30 October 2024, the OCPD accompanied by five armed police officers, arrived at Kabati Police Canteen and served Mr. Kamau’s wife a termination notice for her and her husband’s business contract, telling her that she and her husband would “face the music”. The order was signed by the OCPD and cited a letter from the Deputy Inspector General of the Kenya Police Service, but evidence of such a letter was not provided, nor was any reason given for the contract termination. The reported presence of five armed police officers along with a high-ranking officer to serve an administrative notice also appeared highly unusual. The business premises were demolished on 17 December 2025,

without any prior formal notice, avenue for appeal or administrative hearing. No compensation has been provided to Mr. Kamau.

The closure of this business and the demolition of the property, coupled with the closure of Mr. Kamau's other business, the Fine Touch Club, left him and his wife without an income, which led to a redemption notice for the sale of his family properties, some of which had been provided as collateral for a bank loan.

In December 2024, in response to ongoing intimidation and harassment, Mr. Kamau temporarily relocated to a safe house.

In September 2025, Mr. Kamau was informed by a former police officer that he was under police surveillance and that his network of contacts and sources was being investigated. On 22 September 2025, Mr. Kamau was abducted by a number of men, some of whom claimed to be police officers, while he was at the site of his former business, the Fine Touch Club. He was forced into the boot of a car and driven for approximately two hours before being released on the outskirts of Thika town. On releasing him, his abductors warned him to end his opposition to the levelling of a football pitch and volleyball court, used by local youth but at risk of suspected land-grabbing. Mr. Kamau did not file a police report for fear of further retaliation.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we express grave concern at the alleged intimidation and harassment of, threats to and forced closure of business interests of Mr. Kamau. These measures appear to have been taken in retaliation for his work helping to expose alleged human rights violations, including at the US-headquartered Del Monte pineapple plantation in Thika, as well as for exercising his right to freedom of expression, including expressing his views opposing the levelling of sports facilities and other projects by a private company.

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

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what steps your Excellency's Government has taken or is considering to take, including policies, legislation, and regulations, to uphold its obligations to protect against reported human rights abuses linked to Del Monte Foods Inc, ensuring that business enterprises domiciled in its territory and/or jurisdiction conduct human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights, including the right to a healthy environment, throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights.

3. Please describe the guidance, if any, that your Excellency's Government has provided to Del Monte Foods Inc on how to respect human rights throughout its operations in line with the UN Guiding Principles. This guidance may include measures, inter alia, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts.
4. Please provide specific information on any steps that may have been taken by the USA's embassy in Kenya to support human rights defenders from communities directly and indirectly affected by Del Monte Foods Inc's activities, in line with the US State Department Guidance on Human Rights Defenders. If no such action has been taken, please explain why.
5. Please provide information on the measures that your Excellency's Government is taking or considering taking to ensure that persons affected by activities occurring outside your territory by business enterprises domiciled in your jurisdiction have access to remedy in your country, through State judicial or extra-judicial mechanisms.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that leverage is exerted so that the alleged violations can be halted and their re-occurrence prevented and, in the event that the investigations support or suggest the allegations to be correct, the accountability of any person(s) responsible for the alleged violations is ensured.

Please note that similar letters addressing these issues are sent to the Government of Kenya and the President of the company Del Monte Foods Inc (Del Monte).

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Damilola S. Olawuyi
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In particular, we wish to refer to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which the US ratified on 8 June 1992, which guarantees the right to freedom of opinion and expression. This right is also provided for by article 19 of the Universal Declaration on Human Rights (UDHR).

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed and that restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

Further, Human Rights Council resolution 12/16 called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Finally, in relation to the allegations that Mr. Kamau has been targeted due to his human rights work, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would like to draw particular attention to the following provisions of the Declaration:

- Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

In addition, we would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. The Guiding Principles have been established as the authoritative global standard for all States and businesses to prevent and address business-related adverse human rights impacts. These Guiding Principles are based on the recognition of:

- a) "The existing obligations of States to respect, protect and fulfill human rights and fundamental freedoms;
- b) The role of business enterprises as specialized bodies or corporations performing specialized functions, which must comply with all applicable laws and respect human rights;

- c) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The obligation to protect, respect and fulfill human rights, recognized in conventional and customary law, entails the duty of the State not only to refrain from violating human rights, but also to exercise due diligence to prevent and protect individuals from abuses committed by non-State actors (see, for example, Human Rights Committee general comment No. 31, para. 8). Consistent with these legal obligations, Guiding Principle 1 reiterates the State's duty to "protect against human rights abuses within its territory and/or jurisdiction by third parties, including business enterprises." In addition, guiding principle 3 reiterates that States should take appropriate measures to "prevent, investigate, punish and redress such abuses through effective policies, laws, regulations and adjudication". Furthermore, this requires, inter alia, that a State "provide business enterprises with effective guidance on how to respect human rights throughout their operations". Finally, in accordance with recognized conventional and customary international law (see, for example, article 2(3) of the International Covenant on Civil and Political Rights), the Guiding Principles reiterate that States should ensure that victims have access to an effective remedy in cases of adverse human rights impacts related to business activities.

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide remedies when they have caused or contributed to adverse impacts. The Guiding Principles have identified two main components of the corporate responsibility to respect human rights, which require that "enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities and address those impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly related to operations, products or services by their business relationships, even if they have not contributed to those impacts." (guiding principle 13). The commentary to guiding principle 13 notes that business enterprises may be affected by adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties. (...) The "activities" of business enterprises are understood to include both actions and omissions; and their "business relationships" include relationships with business partners, entities in their value chain and any other non-State or State entity directly linked to their business operations, products or services.

States may be considered to have breached their international human rights law obligations when they fail to take appropriate measures to prevent, investigate and remedy human rights violations committed by private actors. While States generally have discretion in deciding on such measures, they must consider the full range of permissible preventive and remedial measures.