



Petition in respect of cessation of movement directive against Old Town residents, Mombasa

We, the undersigned,

Are adult citizens of Kenya, residing in Mombasa County. We represent the Old Town Residents Association, Muslims for Human Rights (MUHURI) and Okoa Mombasa Coalition respectively.

Old Town Residents Association (OTRA) is an association that brings together residents to deliberate and resolve the challenges they confront and to achieve socio-economic, educational and civic development.

Muslims for Human Rights (MUHURI) is a non-governmental organization based at the Kenyan Coast with the objective of contributing towards the promotion, protection and enjoyment of human rights by all.

Okoa Mombasa is a coalition of workers' unions, businesses, professional associations, civil society organisations and others who have come together out of concern for the livelihoods and wellbeing of the residents of Mombasa. We believe in and defend the values of freedom, equality and solidarity. We are committed to ensuring local participation in decisions that affect the use of local resources.

WE draw the attention of the Senate to the following:

Kenya officially recorded its first Covid-19 case on 12 March 2020. The Ministry of Health identified the Counties of Nairobi and Mombasa as epicenters for the disease, despite there being no evidence offered to support the same. Within these Counties, Eastleigh in Nairobi and Old Town in Mombasa were singled out as allegedly being hotspots for the disease, and as a result of the political pressure evidenced at a function held at Fort Jesus, Mombasa presided by the Governor of Mombasa.

On 6th May 2020, the Cabinet Secretary Mutahi Kagwe issued a gazette notice demarcating the specific areas in which the cessation of movement order was to be enforced. The gazette notice indicated the northern border as Mlango wa papa road. However, despite this, the northern border was extended to include Mji wa Kale, Tijara, Madobini, and Mswalani ending at Kilifi at Fayaz Bakery entrance. This extension caused misery, hardships to many additional families who would otherwise not have been included in the cessation of movement notice.

On 20th May 2020, the cessation of movement directive was extended to 6th June 2020, when it was finally lifted.

Although the Cabinet Secretary indicated how many positive cases were from Eastleigh or Old Town, there was no evidence presented to justify identifying these two areas as hotspots or as necessitating cessation of movement - or for lifting the cessation of movement directive for that matter. Areas such as Kilimani and Kawangware in Nairobi County had previously been labelled hotspots but had not been locked down. Additionally, when the lockdown was lifted no indication was given as to what changes had occasioned the opening up.

Neither the residents of Old Town nor their leadership were consulted in the process of decision-making on the cessation of movement. They were not engaged as partners in efforts to contain the Corona virus and therefore, were unable to convey their concerns to the appropriate authorities. The imposition of such an extreme measure that purports to contain a danger whose evidence was not provided and whose effects were not evident was inevitably considered to be retribution for political reasons re the infamous "Fort Jesus declaration" mentioned above.

The residents of Old Town feel they have been subjected to religious persecution as the lockdown was timed to coincide with the holy month of Ramadhan and just before Eid-ul-Fitr.

From a survey conducted during the 'lockdown', it was evident that over 90% of the 1000 or so residents interviewed had not been tested, and the vast majority did not know anyone who had been tested, who had tested positive for Covid-19 or died from the virus. Many Old Town residents do not believe that the Corona Virus is real or that it can affect them. Only a small proportion of residents volunteered to get tested. Cessation of movement was not well received and was rather perceived as punishment and an unfair targeting of Old Town residents.

Although some residents received food donations and some access to water, the cessation of movement had adverse effects on the residents of Old Town. Access to non-Covid-19 related medical care was lacking. The impacts of the 'lockdown' affected nearly every aspect of the residents' lives. Residents were unable to earn a living or even look for work, resulting in lack of money to pay rent, or cater for other needs and expenses. The inability to continue with studies, attend congregational religious observances and prayers, meet with family and friends, attend burials, all had a negative psychological and social impact on the residents.

THAT

We forwarded the survey report to both the National Government/PS Health and the Mombasa County Government/CS Health. We expressed our view that poor communication and lack of engagement between the Ministry of Health, County Government and the residents of Old Town led to the disappointment, anger and perceptions of injustice and discrimination felt by the residents. We suggested a meeting between the County Government and the leadership of the Old Town Resident Association initially, and subsequently with the residents of Old Town, during which residents would have an opportunity to seek responses to their concerns. We also requested that the authorities release to us relevant statistic or other information, the basis on which Old Town was declared a hotspot and therefore subject to cessation of movement.

We did not receive any acknowledgement or response to our letter.

THAT

We confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body.

WHEREFORE your humble petitioner prays that the Senate—

- Require that the County Government provide justification for the cessation of movement directive, particularly given that other neighborhoods in Mombasa and Nairobi that might similarly be considered hotspots were not subjected to the extreme measure of cessation of movement.
- Require that County Government reimburse relevant residents the expenses paid for quarantine recalling that the Government undertook to pay for quarantine.
- Require compensation for loss of businesses and livelihoods psychological traumas and all other expenses incidental thereto.
- Require the County Government to engage with the residents of Old Town to resolve and redress the grievances generated by the cessation of movement directive.

Name of petitioner: Mbwana Abdalla Mohamed 

Full Address: Renaissance Centre, Kaunda Avenue, Kizingo, P.O. Box 81168 -80100 Mombasa, Kenya.

National ID. or Passport No: 16071663

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- Require compensation for loss of businesses and livelihoods, psychological trauma and all other expenses incidental thereto.
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Name of petitioner: Khelef Khalifa 

Full Address: Muslims for Human Rights – MUHURI, 1st Floor, Shree Links Building, Next to Links Plaza, Links Road, Nyali, P. O. Box 42261 – 80100, Mombasa, Kenya

National ID. or Passport No : 8383686