

OUR REF:
YOUR REF: T.B.A
DATE: 28TH JANUARY 2025

CHAIRPERSON
AFRICAN UNION
AFRICAN UNION HEADQUARTERS
P.O. BOX 3243, ROOSVELT STREET W21K19
ADDIS ABABA
ETHIOPIA.

CHAIRPERSON
THE AU COMMISSION
AFRICAN UNION HEADQUARTERS
P.O. BOX 3243, ROOSVELT STREET W21K19
ADDIS ABABA
ETHIOPIA.

Dear Sirs,

RE: DISCRIMINATION FACED BY THE KENYAN NUBIANS.

We have been instructed by *Nubian Rights Forum* (hereinafter referred to as “our client”), to write to you and address you as hereunder:

Nubian Rights Forum was formed in **1997** as a human rights movement and was officially registered in 2011 by the Ministry of Gender and Social Development.

On or About the **11th day of April 2023**, our client was registered under section 10 of the Non-Governmental Organization Co-ordination Act.

Our client was registered to help in advocating for the rights of the Nubian Community by providing a forum to come up with policies and advance their fundamental rights as to citizenship, land tenure and all other emerging issues to help in the development of the Nubian Community.

The Nubians were settled as ex- Sudanese soldiers in various parts of Kenya by the British Army and are predominantly in Nairobi, Kisii and Kisumu.

The Nubians having been settled in Kenya by the British Army were seen to have been compensated for their service in lieu of reparation by the British Army.

The Nubian community history goes back to around second half of nineteenth century. In Kibra where they were settled on the **4197 acres**, the land was allocated and set up as a military settlement zone dedicated to ex- Sudanese soldiers recruited to serve British Imperial East African Rifles in recognition of their distinguished service.

Being a formidable force and the spine in the early colonial military, they were initially meant to provide the vital security necessary to be deployed wherever the British wanted to venture in the region.

All the historical injustices and discrimination faced by the Nubian Community as to registration documents like the birth certificates and identity cards have alienated them from any socio-economic empowerment and left them in a state of statelessness.

The Nubian community has suffered immense discrimination over the years as to their identity as they have always found it challenging when it comes to issues of applying for their identity cards as they are forced to undergo a verification process which other Kenyans do not undergo making it discriminatory.

The discrimination has far reaching consequences as the lack of citizenship documents and their rights to the land tenure they occupy has caused the community to live in abject poverty as the lack of identification documents prevents them from accessing any form of employment and the lack of a secure land tenure prevents them from and social and development progress in life hence making them live in slums like Kibra in Nairobi.

The land in Kibra which the Nubian Community was settled by the British for the service during the world war measuring 4197 acres was demarcated in **1934** but successive Kenyan Governments have discriminated against the Nubian Community failing to grant them the title for the land and only resulted in granting 288 acres by the **Former President Uhuru Kenyatta** after various attempts by the community to have a title for the land so as to be able to develop the land which has turned into a slum due to lack of development.

However, the current administration under the leadership of **H.E William Samoei Ruto** has embarked on a slum upgrading project that will further disenfranchise the Kibra Nubian as the title issued to them by the Former President Uhuru Kenyatta, is in the danger as the Nubian community will be displaced and have nowhere else to go as that is the only place they call home having even buried their families there.

In addition, to the Kibra Nubian issue as to discrimination and lack of a secure tenure, the Nubians in Mumias are also in court seeking protection against the Kakamega County Government which

wants to take away their land. The Kibos Nubians have the same issues and are currently in court where they are seeking the right to registration as citizens.

This discrimination over the years has made the Nubian Community living in Kenya has led to the community being poor where only **5% of the community is rich while 95% remains in total poverty** and unable to fend for themselves.

The constant discrimination is against the United Nations Sustainable Development Goals like:

1. *No poverty*
2. *Zero hunger*
3. *Good health and well-being*
4. *Quality education*
5. *Clean water and sanitation*
6. *Decent work and economic growth*
7. *Reduced inequalities*
8. *Sustainable cities and communities*

Consequently, our client avers that the Nubian Community and in particular the Kibra Nubian's title is in danger as the President has power and his slum upgrading will displace them leading to further discrimination which will in turn leave the Nubian community no other choice than to sue the British Government as the Nubian Community were part of the ex-Sudanese soldiers in the King African Rifles.

Our client seeks your intervention in the matter so as to protect the Nubian Community which has endured a lot of discrimination and alienation and in doing so you can be guided by the **Extraordinary session of the African Commission on Human and Peoples' Rights decision in Gambia** held from **19-28 February 2015**. Where the Nubian Community in Kenya had taken a complaint against the Republic of Kenya and the same has not been implemented to date.

Yours faithfully,

Noordean Khagai & Co. Advocates

Noordean Khagai

Encl.

Cc; Nubian Rights Forum