



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Petition 19 of 2013**

**KITUO CHA SHERIA.....PETITIONER**

**AND**

**THE ATTORNEY GENERAL.....RESPONDENT**

**RULING/DIRECTIONS**

This is a case filed in public interest by Kituo Cha Sheria seeking to enforce the rights and fundamental freedoms of refugees currently in Kenya. By a notice published in the Daily Nation on 18<sup>th</sup> December 2012, the Commissioner of Refugees Affairs issued a press release where it stated that the Government of Kenya has decided to stop reception, registration and close down all registration centres in urban areas with immediate effect. It stated that all asylum seekers/refugees will be registered and hosted at the refugee camps. It added that all asylum seekers and refugees from Somali should report to Dadaab refugee camps while asylum seekers from other countries should report to Kakuma refugee camp. The notice directed UNHCR and other partners serving refugees to stop providing direct services to asylum seekers and refugees in urban areas and transfer the same services to refugee camp.

Annexed to the founding affidavit before the court is a letter from the Office of the President dated 16<sup>th</sup> January 2013 evincing the Government's intention to move all urban refugees to the Dadaab and Kakuma Refugee Camps and ultimately to return to their home countries after the necessary arrangements are put in place.

I am satisfied that in view of the international obligations Kenya has with respect to refugees and the fact that under our Constitution refugees are vulnerable persons, the petitioner has an arguable case before the court. In order to secure the hearing of the grievances, I direct as follows;

- (1) A conservatory order be and is hereby issued prohibiting any State officer, public officer agent of the Government from implementing the decision evidenced by and/or contained in the Press Release dated 18<sup>th</sup> December 2012 pending further orders of this court.
- (2) The order shall remain in force until 4<sup>th</sup> February 2013 when the matter will be fixed for directions and further orders as to hearing of the petition.
- (3) The respondents shall file and serve the replying affidavit within 7 days from today and the petitioner shall file its response within 4 days thereafter.

**DATED and DELIVERED at NAIROBI this 23<sup>rd</sup> day of January 2013**

**D.S. MAJANJA**

**JUDGE**