



International Center for Policy and Conflict

Press Statement

IDPs Resettlement Plan Unconstitutional

Saturday October 17, 2009, Nairobi: The International Center for Policy and Conflict is abhorred by government of Kenya unconstitutional treatment of Internally Displaced Persons (IDPs). The fundamental rights of all IDPs were being disregarded in a massive, protracted and reiterated manner. These gross violations are due to structural failures of the government, seen as a whole.

We are further shocked that the Kenya National Commission on Human Rights (KNCHR) can tolerate such an affront to the fundamental human rights of Kenyan citizens. The KNCHR should immediately seek a High Court special constitutional writ of protection of human rights of the IDPs against inhumane and degrading treatment by the Government of Kenya and/or its agencies; and demand for specific governmental action to rectify the situation.

It is the responsibility of the KNCHR to exercise its statutory mandate effectively in seeking, on behalf of the IDPs and any other Kenyan, an immediate judicial injunction against actions or omissions of any public authority that violates their fundamental rights.

ICPC is gravely concerned that Kenyan government can gather moral and political courage to perpetuate egregious violations of IDPs' basic human rights. This unconstitutional state of affairs is a consequence of lacking reforms or creation of the basic institutional infrastructure to protect rights which would guarantee positive duties and responsibilities of the government to the population.

The enforced return or resettlement, currently underway, without adequately addressing the IDPs' concerns is tantamount to sending people to their deaths. This runs counter to the principle of voluntariness that should be present in returns or resettlement. Furthermore, although promised, security is either lacking or non-existent. Given the nature of the conflict, it is unrealistic to assume that the armed police located in temporary posts would be able to adequately provide permanent protection or security.

The unending structural problem of the internal displacement in Kenya is caused by the deep gap that exists between what the law protects for the IDPs, on the one hand, and the scant financial resources allocated to protect and assist IDPs, as well as the State's precarious institutional capacity to implement public policies, on the other.

Signed by

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