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PRESS STATEMENT

FOR IMMEDIATE RELEASE

High Court Rules on the Kenya Human Rights Commission Petition on deregistration

The High Court delivered judgment in a petition by the Kenya Human Rights Commission (KHRC) challenging the decision of the Non-Governmental Organizations Coordination Board (NGO Board) which threatened to cancel the registration certificate and freeze the accounts for the organization.

Justice Louis Onguto found that the failure by the NGO board to give the KHRC a hearing before arriving at a decision to cancel its registration was a violation of the constitutional right. Justice Onguto further stated that this was compounded by the fact that the NGO board failed to furnish written reasons to the Kenya Human Rights Commission when the organization repeatedly wrote asking for such reasons.

The judge concluded that the decision by the NGO board to commence the process of deregistration against the Kenya Human rights Commission “was riddled with impropriety and procedural deficiencies contrary to article 47 and 50(1) of the Constitution.”

On 29th October 2015, the NGO board issued a press statement to the effect that it had carried out a forensic audit on 10,015 NGOs, among them the Kenya Human Rights Commission, which allegedly established that a total of 957 NGOs had failed to account for funds they had received despite numerous reminders from the board. The board announced that it had, with immediate effect, initiated the de-registration of 957 of these NGOs, among them the KHRC, and had forwarded the list to several public authorities to effect the de-registration process.

The board claimed that KHRC had failed to account for Sh. 1, 210, 961,093 a fact that it failed to substantiate when asked to do so by the KHRC or in court when the KHRC filed proceedings against the board. The then Cabinet Secretary, Anne Waiguru, a day after had issued a notice cancelling the deregistration process but asked all NGOs to take steps to comply.

“The High Court judgement was a vindication of the innocence of the Commission and a conformation of the arbitrariness on which the process commenced by the NGO board was based.” Stated George Kegoro, Executive Director, Kenya Human Rights Commission.

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The KHRC hopes that the NGO board and the government of Kenya will ensure that there is an enabling environment for a free and vibrant civil society and other independent voices and organizations in the society.

-ENDS-

Background information about the KHRC

The Kenya Human Rights Commission was founded in 1991 and registered in Kenya in 1994 as a national non-governmental organisation (NGO). The core agenda and mandate of the Commission has been campaigning for the entrenchment of human rights-centred governance at all levels. Its founders include Professor Makau Mutua, who is also its current chair, current Chief Justice Willy Mutunga, who also served as its past Executive Director, and UN Rapporteur Maina Kiai.

Lawyer George Kegoro serves as its current Executive Director.

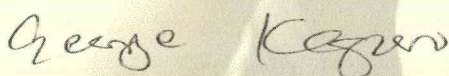
The KHRC has been a lead advocate and supporter for justice struggles. The Commission was behind the successful litigation in London, which resulted in the award of reparations for Mau Mau veterans. It was also behind the litigation of the Nyayo chamber torture victims. It has also supported successful litigation on the rights of workers in the tea industry. KHRC has also conducted authoritative research on various aspects of human rights as evidenced in their digital library.

The KHRC has during its existence hosted several organisations in their formative stages as a way of supporting and entrenching a culture of human rights and democracy in Kenya.

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