

15th August 2017

## **THE KENYA HUMAN RIGHTS COMMISSION DENOUNCES ATTEMPT OF ILLEGAL DE-REGISTRATION BY THE NGO COORDINATION BOARD**

The Kenya Human Rights Commission (KHRC) takes great exception to a document circulating amongst the local media and various social media platforms supposedly from the Executive Director of the NGO Co-ordination Board, Mr. Fazul Mohammed who purportedly proceeds to deregister KHRC. This is sadly yet another chapter in attempts to harass and intimidate KHRC at the hands of the NGO Co-ordination Board and more specifically Mr. Fazul Mohammed himself. The particulars cited in this letter are baseless allegations that have been directed at KHRC since 2015 and we have consistently addressed and disposed of them each time.

It was alleged then as it is now, that KHRC has operated illegal accounts, failed to abide by its statutory tax obligations, concealed transactions in relation to its board members and made false declarations to the NGO Coordination Board. In what is a recurring trend, KHRC has been condemned unheard by the NGO Coordination Board in clear violation of the Constitution as well as statutory and procedural provisions on this matter. KHRC in fact sought legal redress on these matters specifically in 2015 and obtained a clear judgement against them in [\*Kenya Human Rights Commission v Non-Governmental Organisations Co-Ordination Board \[2016\] eKLR\*](#). In this case, Justice Louis Onguto found that the failure by the NGO Coordination Board to either give notice or a hearing to KHRC before arriving at a decision to cancel its registration was a violation of its constitutional rights and that this failure was compounded when the NGO board failed to furnish written reasons to the KHRC when the organization wrote asking for such reasons.

It is therefore a travesty of justice that the NGO Coordination Board and in particular Mr. Fazul Mohammed would insist on flagrant abuse of office in total disregard of KHRC's constitutional rights and the authority of the Courts. Let it be clear that KHRC maintains the highest level of financial and operational integrity as demonstrated by our consistent and full compliance with all statutory obligations. We are up to date in our filings with the NGO Coordination Board as well as other statutory bodies and have received no queries or citations with respect to our filings. The logical conclusion therefore is this is an act of intimidation and attempt to shrink civic space rather than enforcement of the law. The brazen nature of this attempt also calls to question whether this errant public officer enjoys political support to undertake such abuse of office.

Because the substance of this latest attack mirrors that which KHRC experienced in January 2017 and before that in 2015 when it obtained the High Court Judgement, KHRC remains ready to yet again seek legal recourse to prohibit this unconstitutional action and also to seek redress for the defamatory nature of these baseless, false and malicious accusations.

Let us take a moment to reflect on our supposed accuser Mr. Fazul Mohammed:

- He has failed the integrity test and stands indicted by the office of the Ombudsman for lacking the requisite academic qualifications to hold his current position, found him culpable for gross abuse of office and recommended that he be surcharged for the more than KES 8 million he has earned since his appointment not to mention being charged in court for forgery.

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- He has previously been dismissed from his position on account of his conduct by the Cabinet Secretary for Devolution and Planning and only received a reprieve when the docket was transferred to the Ministry of Interior.
- He continues to invoke powers his office has never possessed and purports to instruct other State agencies such as the Kenya Revenue Authority and the Central Bank to execute his unconstitutional directives.
- The Ethic and Anti-Corruption Commission (EACC) did publish in a gazette notice dated 31<sup>st</sup> March 2017 that corroborated the findings of the ombudsman that Mr. Mohammed possesses fraudulent academic documents.

We will confront this smear campaign and stand steadfast in defence of civic space and other constitutionally safeguarded liberties that will never be conceded on account of actions lacking in integrity and good faith.



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