

URGENT ACTION

WORRYING CRACKDOWN ON KENYAN DEFENDERS

Kenya's NGO Coordination Board threatened to arrest George Kegoro, Executive Director of Kenya Human Rights Commission (KHRC), Gladwell Otieno, Executive Director of African Center for Open Governance (AfriCOG) and Maina Kiai, former UN Special Rapporteur and a member of AfriCOG's Board of Directors on 16 August.

George Kegoro, Executive Director of KHRC, **Gladwell Otieno**, Executive Director of AfriCOG, and **Maina Kiai**, former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and a member of AfriCOG's Board of Directors, came under attack from Kenya's NGO Coordination Board on 14 - 16 August. The NGO Coordination Board is responsible for registering, facilitating and coordinating all national and international non-governmental organizations (NGOs) operating in Kenya. The NGO Coordination Board accused the two organizations, KHRC and AfriCOG on 14 and 15 August respectively of financial and regulatory impropriety and called upon the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI) and the Central Bank of Kenya (CBK) to take actions against them, including freezing their accounts and arrest and prosecute AfriCOG's directors and board members.

On 16 August, KRA officers accompanied by police raided AfriCOG's offices and showed warrants that were inconsistent with the accompanying affidavits. The officials stated they were seeking to conduct an operation pursuant to the NGO Coordination Board's directive. The acting Cabinet Secretary for the Ministry of Interior and Coordination of National Government called the raid off as it was being conducted.

On 20 August, Maina Kiai was briefly detained at Jomo Kenyatta airport for approximately two hours and had to seek clearance from the Director of Immigration to be able to travel out of the country.

Amnesty International is concerned that the threats to shut down these leading human rights and governance organizations and the continued threats of arrest of human rights defenders is intended to intimidate and harass them in an attempt to silence them and prevent their legitimate human rights work.

Please write immediately in English, Kiswahili or your own language:

- Urging the Kenyan authorities to rein in the NGO Coordination Board to stop all forms of harassment, intimidation and attacks on civil society organizations and human rights defenders;
- Urging the Kenyan authorities to effectively implement the Public Benefits Organization Act of 2013 to ensure a safe and enabling environment for civil society to be able to work without fear of reprisals;
- Calling on them to refrain from bringing criminal charges or any other proceeding against human rights defenders that stem solely from the peaceful exercise of their rights.

PLEASE SEND APPEALS BEFORE 3 OCTOBER 2017 TO:

(Acting) Cabinet Secretary
Dr Fred Matiang'i
Ministry of Interior & Coordination
of National Government
Harambee House, Harambee Avenue
P.O Box 30510 - 00100
Nairobi, Kenya
Email: ps.interior@kenya.go.ke
Salutation: Dr Fred Matiang'i

President of the Republic of Kenya
Uhuru Kenyatta
Office of the President
Harambee Avenue
P.O.Box 62345-00200
Nairobi, Kenya
Email: mwenda.njoka@gmail.com
Salutation: Your Excellence

And copies to:
Cabinet Secretary
Dr Amina Mohamed
Ministry of Foreign Affairs and
International Trade
Old Treasury Building,
P.O Box 30551 - 00100
Nairobi, Kenya
Email: cabsecmfa@gmail.com

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LAZARUS OMBAI AMAYO, Kenya High Commission, 45 Portland Place, London W1B 1AS, Tel: 0207 636 2371, Fax: 0207 323 1932, www.kenyahighcom.org.uk, info@kenyahighcom.org.uk

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

WORRYING CRACKDOWN ON KENYAN DEFENDERS

ADDITIONAL INFORMATION

On 8 August Kenya held general elections. The results were contested by the opposition coalition, National Super Alliance (NASA). The two organizations under attack, KHRC and AfriCOG, are part of a coalition of civil society organizations in Kenya, 'Kura Yangu, Sauti Yangu' [My Vote, My Voice] working on and monitoring the elections. They have released reports and findings that have called into question the election processes and outcomes.

Kenya's NGO Coordination Board announced it was deregistering the KHRC on 14 August, accusing the organization of operating illegal bank accounts, failing to pay its taxes, employing foreigners without work permits, and making secret payments to its board members, one of whom was the outgoing director of Amnesty International's East Africa regional office. The NGO Coordination Board previously tried to deregister KHRC in 2015, accusing them of the same offences. The High Court in petition 495 of 2015 found that *"the adverse actions taken by the respondent (NGO Coordination Board) in commencing the deregistration of the Petitioner (KHRC) and further in ordering the freezing of the Petitioner's bank accounts ... is unconstitutional, null and void."*

On 15 August, it sent a separate letter to the Director of Criminal Investigations accusing AfriCOG of failing to register as an NGO, and asking him to close it down and arrest its directors and members. On 16 August, AfriCOG was raided by KRA officials accompanied by police. The two organizations were not able to respond to the accusations, a right protected under Kenya's Constitution and international treaties to which Kenya is a party. AfriCOG is a company limited by guarantee and is under no obligation to register with the NGO Coordination Board. The two organizations have since challenged these directives in court.

UA: 198/17 Index: AFR 32/6971/2017 Issue Date: 22 August 2017