
PRESS RELEASE - THE OBSERVATORY

KENYA: Authorities should re-register leading human rights NGOs harassed for election monitoring work

Paris-Geneva, August 16, 2017 – One week after the elections, Kenya's NGO Coordination Board de-registers the Kenya Human Rights Commission (KHRC) and the Africa Centre for Open Governance (AfriCOG) and instructs authorities to restrain their work. The Observatory for the Protection of Human Rights Defenders (an FIDH-OMCT partnership), denounces this as a retaliation against the involvement of both organisations in monitoring the elections.

On August 14, 2017, three days after the contested official results of the Kenyan elections were announced, the local media leaked a letter in which Mr. Fazul Mohammed, the Executive Director of the NGO Coordination Board, stated that KHRC had been de-registered on grounds of tax evasion, illegal bank accounts and illegal hiring of expatriates. They also requested the Central Bank of Kenya to freeze KHRC's assets and the Kenya Revenue Authority (KRA) to recover accrued taxes. This letter has not yet been sent to KHRC.

"KHRC has been at the frontline of human rights work in Kenya. There is no doubt that this is a retaliation of their human rights monitoring of the elections. This is a shameful move that calls again into question the role of the NGO Coordination Board and the need to urgently implement the Public Benefit Organisation (PBO) Act as adopted in 2013" declared Alice Mogwe, FIDH Secretary General.

Ahead of the elections, KHRC and FIDH published a joint report criticising the lack of reforms in the security and judiciary sectors¹. KHRC has also been vocal in highlighting several concerns about the electoral process and the violence in the aftermath of the electoral results. KHRC and its partners have been considering the option of filing a petition to challenge procedural irregularities in the elections results.

KHRC is regularly harassed by the NGO Coordination Board which has been leading a smear campaign against the organisation on similar baseless grounds since 2015. These same allegations were successfully challenged by KHRC before the High Court in 2015² but this didn't stop the NGO Coordination Board from reviving these matters in late 2016³ and now against the backdrop of the just concluded elections.

In addition, on August 15, 2017, the NGO Coordination Board instructed the Directorate of Criminal Investigations to immediately shut down AfriCOG, an independent non-profit organisation working on governance and public ethics issues in both the public and private sectors to address the structural causes of the crisis of governance in Kenya, and arrest its directors for allegedly failing to register and operating illegal bank accounts. Recently, AfriCOG had filed a case seeking to compel the Independent Electoral and Boundaries Commission to open up the electoral roll for scrutiny. The case is due to be heard by the High Court on August 17, 2017.

On August 16, 2017, the police and KRA attempted to raid AfriCOG premises in Nairobi but failed after being denied entry over claims that the court order presented was illegal. Shortly after, Mr. Fred Matiang'i, acting Interior Cabinet Secretary, has directed the NGO Coordination Board to suspend any actions against KHRC and AfriCOG pending investigation to review the compliance status of the two organisations.

¹ See FIDH-KHRC joint report ["Kenya's Scorecard on Security and Justice : Broken Promises and Unfinished business"](#), August 2017.

² See [Kenya Human Rights Commission v Non-Governmental Organisations Co-Ordination Board](#) [2016] eKLR

³ See the Observatory [Press release](#), published on January 13, 2017.

“The Observatory has strongly urged the Kenyan authorities to protect human rights defenders in this electoral context, but the attacks have increased since the beginning of the election. Kenyan authorities must seriously improve the safety of human rights defenders and put immediately an end to any forms of harassment against civil society”, said OMCT Secretary General Gerald Staberock.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and OMCT. The objective of this program is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

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