



National Integrity Alliance
Leadership With Integrity

THE RED CARD CAMPAIGN

DEMAND FOR INTEGRITY IN GOVERNANCE

FOR IMMEDIATE PRESS RELEASE

Thursday, 18th July 2024

In the wake of the recent nationwide protests, the National Integrity Alliance stands in solidarity with the families of those who lost their lives during the protests, those injured, unlawfully arrested and abducted. We are appalled by the gross disregard for human life, peoples' rights, and the rampant corruption that has permeated every level of our public sector. We are staring at the blatant disregard for leadership and integrity provisions as espoused by the Constitution, especially in the appointment and conduct of public officers. This has competently eroded public trust in the governance of public affairs.

William Ruto's dismissal of the Cabinet does not in any way address the deep-seated rot within our governance structures, for which he must take full responsibility. The dismissal of cabinet and the resignation of the former Inspector General of Police, Japhet Koome, must be accompanied by concrete measures and immediate actions to restore public confidence, guarantee justice, accountability, and integrity, so as to address the underlying issues of corruption, impunity, and systemic failures. These situations present an unprecedented crisis in governance.

In light of the above, the National Integrity Alliance unequivocally calls for the following actions:

1. **The dismissed Cabinet Secretaries should not hold public or state offices again.** The cabinet secretaries appointment process was flawed from the onset geared towards rewarding political cronies. During the vetting process, the National Integrity Alliance made detailed submissions on some of the nominees and even parliament had

reservations on some of them. While William Ruto cited Article 152(5)(b) which mandates him powers to dismiss Cabinet Secretaries, this provision does not provide grounds upon which the President makes his decision. Since William Ruto did not cite grounds for dismissing his Cabinet Secretaries, we fear that the President might apply the same provision of law under Article 152(5) (a) to re-assign his Cabinet Secretaries to different Ministerial portfolios. On dismissing the cabinet, William Ruto based his decision upon “... his reflection and listening keenly to what the people of Kenya have said and after a holistic appraisal of the performance of the cabinet...” Among the grievances Kenyans raised include the government’s failure to adhere to the requirements under Chapter 6 of the Constitution of Kenya, 2010 on Leadership and Integrity, specifically Article 73 which requires state officers to exercise authority in a manner that is consistent with the Constitution, demonstrate respect for the people of Kenya, promotes public confidence in the offices they serve and brings honour to the nation and their respective offices. However, Kenyans have been aggrieved by gross misconduct of the majority of the former cabinet secretaries. In addition, there has been no political accountability for various corruption cases exposed under the Kenya Kwanza regime such as the fake fertiliser, mosquito nets, and edible oils corruption scandals and the failed government-to-government (G-to-G) oil deal. We demand that investigations into these cases must be instituted, and swiftly concluded and those culprits should be barred from holding state/public offices.

2. We demand that the Ethics and Anti-Corruption Commission (EACC) **commences lifestyle audits** and investigations targeting recently sacked Cabinet Secretaries and other public officers that citizens have profiled for displaying obscene opulence that do not align with their declared sources of income. These individuals **must be held accountable** for their time in office to ensure that public funds were not mismanaged or siphoned through corrupt practices. EACC must take timely and decisive action to restore public trust and demonstrate that no one is above the law.

3. **Parliament has failed Kenyans in its representation, legislative and oversight mandate;** this is the time for Parliament to redeem itself in line with the mood of the country. The National Assembly must also move to act on the Lifestyle Audit legislation that has been pending since 2019 and other anti-corruption measures, including the criminalization of illicit enrichment, establishing obligations for regular declarations of assets, incomes and interests, as well as Unexplained Wealth Orders. With the appointment of a new Cabinet in the offing, it is critical that measures to verify wealth declarations are put in place to guard against falsified, under-reported or exaggerated declarations. The Parliamentary Committee on Appointments and the National Assembly at large, while vetting nominees for Cabinet Secretary, must consider only persons who are in compliance with the leadership and integrity tenets as enshrined in Chapter 6 of the Constitution. They must not repeat the mistakes they made in 2022 while vetting nominees, they made a mockery of the constitutional provisions on leadership and integrity by disregarding key public concerns on the conduct of the Cabinet secretary nominees and did not take considerations raised on the suitability of some of the nominees, in line with the provisions on ethics and integrity. This has been witnessed even in the controversial Finance Bill 2024, where public views were disregarded by Parliament.

We also note that the Conflict of Interest Bill that is pending in the National Assembly, with proposed amendments from the Senate that would result in weakening the deterrent effects against state officials conducting business with the government or awarding tenders to relatives and should therefore be rejected by the National Assembly.

4. We also demand that in line with Section 35 (3)(c) of the Judicial Service Act, the Chief Justice, through National Council on the Administration of Justice (NCAJ) should initiate an **independent enquiry and judicial review of all graft-related cases that were**

withdrawn by the Office of the Director of Public Prosecutions (ODPP) against public officers appointed by William Ruto's regime, for instance, some of the cases that ODPP withdrew soon after William Ruto took office, and some of these individuals appointed into key executive positions; (*Geoffrey Mwangi former CEO, NHIF and 17 others – Ksh 1.1 billion; Rigathi Gachagua - Deputy President & 9 others –Ksh 7.3 billion; Wambui Mary - Communications Authority of Kenya chairperson – Tax evasion case - Ksh 2.2 billion; Aisha Jumwa – Former CS – graft case - Ksh 19 million; R. V Ben Chumo & others –Ksh 400 million; R v Dr Ken Tarus & 8 others - Ksh 159 million*). Also, cases in which suspects have been acquitted but which trial magistrates and Judges have called out the ODPP for 'dereliction of duty' leading to prosecution-aided acquittals. A case in point is the acquittal of former treasury Cabinet Secretary (CS) Henry Rotich and eight co-defendants of corruption-related charges linked to the troubled construction of Aror and Kimwarer dams. As such, the judicial review of dropped graft cases is crucial to ensure that the withdrawal of cases was conducted transparently and that justice is served without favouritism or political interference. Further, in the recent judgment quashing the appointment of Antony Mwaura, Chair Kenya Revenue Authority, as he was appointed while facing corruption and economic crime charges, sets precedence on the moral and ethical bar set by Chapter 6 on leadership and integrity with the ruling stating that the appointment was an indictment of insensitivity towards the significance and the place of national values, leadership and integrity as stated in the Constitution. The ruling impedes that public appointments should be in line with the constitutional provisions on leadership, integrity, and national values. By thoroughly examining the circumstances and reasons behind the withdrawal of these cases, the NCAJ can help restore public confidence in the justice system and uphold the principles of accountability and the rule of law. An independent enquiry will also deter any potential abuse of power and reinforce the integrity of judicial processes in Kenya.

5. **We demand a complete overhaul and accountability of Kenya's Security Infrastructure.** Our security apparatus have remained a tool of repression and are serving the interests of the regime in power as opposed to ensuring public safety and enforcement of the rule of law. This is manifested in the systemic atrocities committed against the people of Kenya from the colonial and post-independent regimes to date. The current situation manifesting in the senseless execution of peaceful demonstrators, arbitrary arrests and torture of unarmed Kenyans, heinous abductions, incarcerations, and the use of lethal weapons despite a court order against the same. With the recent shooting of a journalist in Nakuru, the abduction of Macharia Gaitho – a veteran Kenyan journalist, and the dismembered and unidentified corpses found in Kware, Mukuru kwa Njenga, this criminal conduct is a manifestation of how low the security system has descended.

We demand a reconstruction of the security apparatus to align with Article 238 (2) b of the Constitution which provides that national security shall be pursued in compliance with the law and with utmost respect for the rule of law, democracy and fundamental freedoms.

We demand the National Security Council, chaired by William Ruto take full political responsibility for commissioning atrocities against protesters and political accountability for the former CSs Kithure Kindiki and Aden Duale for the roles they played in the execution of these atrocities against protesters.

We demand accountability and individual responsibility for former Interior Cabinet Secretary Kithure Kindiki, former Inspector General of Police Japhet Koome, Acting Inspector General of Police Douglas Kirocho Kanja, Nairobi Police Commander Adamson Bungei, National Intelligence Service (NIS) Director General Noordin Haji, Mohamed Amin, Director of Criminal Investigations, **Isaiah Murangili 'alias' Ndumba** who was captured on camera shooting Rex Maasai and a group of journalists. Others

are all the regional, county and station commanders across the country where killings were witnessed during the protests.

We demand that the Independent Policing Oversight Authority (IPOA) undertake full investigations into the atrocities mentioned above, failure to which, we will take legal action against them.

END

For further information, please contact: communications@nia-ke.org

REDCARD CAMPAIGN

The #RedCard Campaign seeks to bar aspirants that fall short of the ethical standards of integrity from assuming elective or appointive office. The new spirit of active citizenship across all levels of society and government must be catalysed to enforce existing robust laws and institutions and roll back the future abuse of public office and theft of public resources. The Red Card Campaign has three objectives. They are 1.) Public education against corruption and abuse of office 2.) De-campaign aspirants who fall short of the ethical threshold of Chapter 6, and 3.) Institute legal proceedings for the removal of those who win the elections despite their demonstrated unethical behaviour.

THE NATIONAL INTEGRITY ALLIANCE (NIA)

The National Integrity Alliance (NIA) is a citizen-centred integrity and anti-corruption coalition comprising Transparency International Kenya (TI-Kenya), Inuka Kenya Ni Sisi!, and The Kenya Human Rights Commission (KHRC). NIA seeks to breathe life into the constitutional promise on Integrity by catalysing frontline ethics and anti-corruption institutions, and active citizens to Detect, Deter, Disrupt and Defeat corruption at all levels of society.

Chapter 6 is an Ethical Standard for all Aspirants to serve Public Office

www.nia-ke.org | Twitter: @RedCardKE | #RadaNilIntegrity | #RedCard2022