

2012-2013

BIENNIAL REPORT



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Abbreviations and Acronyms

ALC	African Leadership Centre	TISA	The Institute for Social Accountability
AfriCOG	Africa Centre for Open Governance	IBP	International Budget Partnerships
ALRMP	Arid Lands Resource Management Project	IEBC	Independent Electoral and Boundaries Commission
ASP	Assembly of States Parties	ICJ-K	International Commission of Jurists-Kenyan section
AU	African Union	IJF	Investigative Journalism Fellowship
BVR	Biometric voter registration	KICA	Kenya Information and Communication (Amendment) Act, 2013
CAJ	Commission on the Administration of Justice	KPTJ	Kenyans for Peace with Truth and Justice
CIC	Commission for the Implementation of the Constitution	NGOs	Non-governmental organizations
CSOs	Civil society organisations	NTV	Nation Television
CDF	Constituency Development Fund	OGP	Open Government Partnership
CBEF	County Budget and Economic Forum	OSIEA	Open Society Institute - East Africa
CRECO	Constitution and Reform Education Consortium	PIN	Parliamentary Initiatives Network
DAI	Development Alternatives Incorporated	PEV	Post-Election Violence
DFID	Department for International Development	PBO Act	Public Benefits Organisations Act, 2013
DPP	Director of Public Prosecutions	PFM Act	Public Financial Management Act
EACC	Ethics and Anti-Corruption Commission	SME	Small and Medium Enterprises
EU	European Union	TI-Kenya	Transparency International - Kenya
EVID	Electronic Voter Identification	TOC	Transnational Organised Crime
EVIDs	Electronic Voter Identification (Kits)	UN	United Nations
FAQs	Frequently Asked Questions	US	United States of America
ICC	International Criminal Court	UNCAC	United Nations Convention against Corruption
ICT	Information and Communication Technology	UNODC	United Nations Office on Drugs and Crime
ICTJ	International Centre for Transitional Justice	VJM Act	Vetting of Judges and Magistrates Act
IEA	Institute of Economic Affairs		

Foreword

2012 provided both challenging and encouraging signs for AfriCOG's work. While AfriCOG continued to undertake its trademark cutting-edge research and promote the entrenchment of good governance principles in Kenya's laws and institutions, the impact of its work was nonetheless frustrated by a seemingly determined anti-reform wave that sought (and in some cases succeeded) to reverse and block the positive changes made in the country since the passing of the new constitution in 2010.

During 2013, AfriCOG's work was shaped by drastic changes in the country's political landscape against the backdrop of the 2013 presidential elections petition, the transition to devolved governance and the Kenyan government's national, regional and international mobilisation against the ICC - the latter as a result of two on-going high-profile Kenyan cases

at the Court involving President Uhuru Kenyatta and Deputy President William Ruto. The new Jubilee administration embarked on a well-orchestrated crackdown on alternative voices and sought to significantly diminish civic space. In response to the evolving operating environment, AfriCOG has reviewed its strategic plan and looks towards realigning its work in 2014 and beyond to the new realities.

AfriCOG remains committed to building and entrenching an anti-corruption culture through informed and determined action in the region's public and private sectors, and to the realisation of its vision of a country in which citizens and civic institutions are vigilant over public life and actively watch over the politics and economy of Kenya.

Executive Summary

2012 and 2013 were high-activity years for AfriCOG, with the March 2013 General Elections as a focal point. AfriCOG rolled out a number of related research and advocacy initiatives in the run up to the elections and spearheaded several initiatives as a follow up. This report highlights activities and accomplishments during the reporting period under each of our four strategic priority areas: Research, Advocacy, Policy Partnerships, and Dissemination and Linkages.

As part of its *Policy Engagement* work, in 2012, AfriCOG undertook a review of the draft of the Freedom of Information Bill from the Commission for the Implementation of the Constitution (CIC) and thereafter provided suggestions for its amendment. The organisation also wrote an advocacy article on parliamentary amendments to various sections of the Leadership and Integrity Bill, which in AfriCOG's view, severely watered down the spirit of the legislation. As a member of the Parliamentary Initiatives Network (PIN) leadership and integrity thematic group, AfriCOG made proposals towards strengthening the Bill, which were submitted to the CIC in a formal memorandum.

Still under policy partnerships, originating from its membership on the founding international steering committee of the Open Government Partnership (OGP), AfriCOG successfully promoted the adoption by the Government of Kenya of the OGP and supported the development of a country action plan that was presented to the OGP in 2012. AfriCOG was a member of an open government and open data task force at the ICT Board under the Ministry of ICT, which pushed forward development

of initiatives in the area. AfriCOG participated in meetings, and webinars promoting open government around the African region, among others with the World Bank Institute. AfriCOG also led the development of the programme for the first Africa regional conference on the OGP facilitated by the Kenya ICT Board. Soon after, at the request of the Information, Communication and Technology Cabinet Secretary, Dr. Fred Matiangi, AfriCOG was a lead organisation in the formation of a roundtable on open governance and freedom of information, comprising civil society members and staff from the Cabinet Secretary's office.

During the reporting period, in its capacity as a member of the coordination committee of the United Nations Convention against Corruption (UNCAC), AfriCOG attended the Implementation Review Group meeting in Vienna, Austria and participated in identifying governance challenges and good practices, as well as considering regional technical assistance requirements.

In 2013, AfriCOG's Executive Director was appointed to the Advisory Board of the Geneva-based Global Initiative against Transnational Organised Crime where she is contributing to regenerating debate around organised crime. In similar vein, AfriCOG contributed to the work of the United Nations Office on Drugs and Crime (UNODC) through research on corruption in the small and medium enterprises (SME) sector in Kenya. The emerging report, which makes recommendations on the prevention of corruption in the sector, was disseminated to all parliamentarians, as well as to SME networks.

During the reporting period, the third phase of AfriCOG's Investigative Journalism Fellowship – the organisation's flagship media policy partnership programme – selected three new fellows through a competitive process. Interest in the fellowship was high, with journalists in different areas of journalism submitting their story ideas, and some applying from other countries. The four emerging investigative pieces were each scheduled for various advocacy and awareness-raising purposes. The second phase of the fellowship resulted in six robust investigative pieces published in both print and broadcast mainstream media.

As the lead convener and host of the KPIJ Secretariat during the reporting period, AfriCOG was instrumental in working towards justice for post-election violence victims through a variety of advocacy strategies including press statements, strategic meetings (including an international roundtable) international presentations and publications, as well as participation at Assembly of States Parties meeting at The Hague. Through the KPIJ coalition, AfriCOG lobbied Parliament and engaged in public media dialogue regarding the implementation of the Constitution.

Following the 2013 General Elections, AfriCOG sought to create publicity on the flawed procurement of electronic voter registration kits and the impacts on the election process, and to seek accountability through the judicial system. AfriCOG also took up litigation to pursue the integrity of public institutions and justice with regards to the appointment of the Director of Public Prosecutions, the appointment of the Ethics and Anti-Corruption Commission (EACC) Director, the suspension of recording of statements from security officers on post-election violence and the vetting of judges and magistrates.

As part of its dissemination and linkages activities, AfriCOG published a wealth of knowledge products emerging from its credible research and monitoring projects. The organisation's audience includes over 35 civil society organisations in Kenya, over 15 media houses, over 5,000 Twitter followers, 2,000 Facebook fans and more than 500 public officials and elected representatives. These publications, in the form of reports, briefs, policy papers, a newsletter, and frequently asked questions (FAQs) were also disseminated during key events, including World Anti-Corruption Day celebrations, International Justice Day, and various launches, such as that for the Inaugural Kenya Governance Report and the People's Court website.

Despite these remarkable achievements, the reporting period was not without challenges, including: legal attempts to muzzle civil society and the media; a non-responsive government; and a negative perception of the organisation in certain parts of the country - largely due to AfriCOG's stand on justice and accountability for victims of the 2007/8 post-election violence.

Going forward, AfriCOG's focus will be on implementing a priority reform programme that seeks to contribute significantly to strengthening the Constitution's good governance outcomes, with the aim of meeting Kenya's development goals of poverty reduction and sustainable economic growth. AfriCOG's work will be organised around three central thematic areas: anti-corruption and economic regulation; electoral justice and criminal accountability; and organisational development and sustainability. The organisation also plans to publish the following: the Kenya Governance Report 2013; an extractive industries scoping study brief, a brief on pathways to devolving national organs, a report on tracking and monitoring constitutional implementation, and a brief on county budgeting - lessons from the Financial Year 2013/2014.

About AfriCOG

Who we are

AfriCOG is an independent, non-profit civil society organisation committed to addressing the structural and institutional causes of corruption and bad governance, whilst promoting permanent civic vigilance. AfriCOG is also the founding member and secretariat for Kenyans for Peace with Truth and Justice (KPTJ), a coalition of civil society organisations and individuals. KPTJ's primary objective is to achieve justice for victims of the post-election violence through revealing the truth about the 2007 elections. KPTJ also seeks to ensure accountability, credible transitional justice and constitutional reforms as a means to a just, sustainable peace and a resilient democracy.

Vision

AfriCOG's vision is a country whose citizens are permanently vigilant on activities in the public realm.

Mandate

AfriCOG's mandate is to provide cutting edge research and monitoring on governance and corruption issues in both the private and public sector; to build the capacity of its partners and other NGOs to meet new challenges in their work; and to advise on issues related to governance and anti-corruption.

What We Do

AfriCOG's activities seek accountability and transparency in public affairs, and aim to influence public policy and promote permanent civic vigilance among citizens on anti-corruption issues and governance reforms. This is achieved through progressive research, constant monitoring, evidence-based advocacy and effective policy partnerships with like-minded organisations (both local and foreign). Our programmes lie in the spheres of economic governance, extractive industry governance, electoral reform, public policy and investigative journalism.

Our Approach & Strategic Priorities

Research

We use our research to advise policy makers, to inform and strengthen policy partnerships and to produce quality publications. We have researched, hosted and participated in workshops, roundtable meetings and dialogues, towards the best possible implementation of the Constitution.

Advocacy

We strive to influence legislation, regulation, public policy and practice through strategic, pre-emptive, governance and anti-corruption interventions and activities, including packaging and disseminating information.

Policy Partnerships

We reach out to like-minded groups and mobilise new constituencies for reform to counter corruption in Kenya, and to establish a deep-rooted culture that rejects corruption and bad governance at all levels. These policy partnerships may be permanent based on enduring, structural thematic issues, or temporary, built around transient issues.

Dissemination and Linkages

We package our research into quality publications and disseminate them through a multi-media strategy. We actively seek and maintain linkages with progressive partners with a vested interest in good governance including other civil society groups, the media and the private sector.

Highlights and Achievements

Research and Advocacy



Kenya Governance Report 2012

The report highlights constitutional implementation, governance reform and efforts against corruption. AfriCOG, together with partners, Citizens Coalition for Constitutional Culture, Uraia Trust, CRECO Kenya and the Movement for Political Accountability, also hosted an open forum at Ufungamano House in Nairobi, attended by members of the public, members of the judiciary, the Transition Authority, and former Minister for Justice and Constitutional Affairs, Eugene Wamalwa. During the launch a paper was presented, analysing the progress to date on implementing the Constitution, including transparency, public participation and the Constitutional reform provisions. Alongside the governance report, this formed the basis of rich discussions around constitution implementation.



Kenya Governance Report 2011

This is the first in a series of annual reports that review issues related to governance reform and the fight against corruption from the preceding year, as well as the implementation of the Constitution and electoral reform. The report also makes recommendations on the way forward regarding issues highlighted.



Public Participation and Parliamentary Oversight - Legal Reforms and Policy Options

This policy brief addresses the factors that hamper the capacities of parliamentary oversight committees to involve the public in their work, as well as possible approaches to strengthen the committees' watchdog role. Accordingly, it proposes feasible reforms - legal, technical and institutional - to ensure that effective public participation is entrenched in the work of parliamentary oversight committees. AfriCOG also produced a simplified version of the public participation policy brief, targeted at members of the general public.

A summary of this policy brief titled ‘A Quick Guide to Public Participation and Parliamentary Oversight under the New Constitution’ was also published.

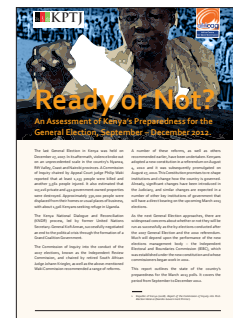


Public Participation Under Kenya's New Public Financial Management Act And Beyond

AfriCOG, together with other civil society organisations (CSOs), including the Institute of Economic Affairs (IEA), The Institute for Social Accountability (TISA) and the International Budget Partnership (IBP), jointly published a brief on public participation under the new public financial management law and in the budgeting process. This brief reflects the concerns of some CSOs on the implementation of Kenya's new Public Financial Management (PFM) Act, 2012. It proposes appropriate legislation necessary to implement the law and highlights the intricacies of public participation in public financial management. Furthermore, it looks at the County Budget and Economic Forum (CBEF) created by the PFM Act and the regulations applicable to this role. The brief is used as an advocacy tool for enhanced public participation.

AU Panel of the Wise Forum: Strengthening Political Governance For Peace, Security And Stability in Africa

As a result of our research, AfriCOG was invited to both local and international meetings to discuss key governance and anti-corruption issues. For example, AfriCOG was invited to speak at an AU Panel of the Wise workshop titled ‘Strengthening Political Governance For Peace, Security And Stability In Africa’, held on 27-29 April 2012, in Tunis. The workshop was attended by senior Tunisian government officials, including President Moncef Marzouki. AfriCOG was part of the panel discussing ‘The Third Wave of Democratization In Africa and the Challenges of Managing Transitions’.



State of Election Preparedness

KPTJ partnered with South Consulting to publish a report on the state of election preparedness in Kenya. This report was the first in a series on the elections titled ‘Ready or Not?’ The second publication in this series, released in 2012, offers insights into the two-round voting election system, drawing on comparative experiences from Ghana and Liberia, which recently conducted elections using this system. KPTJ launched its election series during the International Commission of Jurists-Kenyan section (ICJ-K) annual conference in Mombasa. Chairman of the CIC, Mr Charles Nyachae, was the guest of honour, and presented his views on the country's preparedness for the next election.



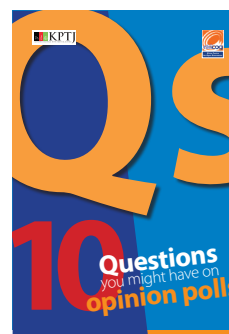
Securing Justice - Establishing a Domestic Mechanism for 2007/8 Post-Election Violence

KPTJ continues to monitor the Kenyan ICC cases pertaining to the 2007/8 Kenyan post-election violence, and has issued several statements and open letters clarifying the environment for international justice in Kenya. Key among these is the open letter to the ICC president, Judge Sang-Hyun Song, regarding holding *in situ* hearings for the Ruto case in either Tanzania or Kenya. KPTJ highlighted the danger this would pose to victims, witnesses and to the integrity of proceedings. The letter sparked debate both locally and internationally with ICC Judge Eboe-Osuji publicly citing the letter as the reason some of his colleagues voted against holding hearings in East Africa. Kenyan MPs also discussed the letter in Parliament when they sought to withdraw from the Rome Statute in September 2013. To this end KPTJ's ICC working group member organisations conducted expert research on what it would take to establish a local justice mechanism. This research culminated in the report *'Securing Justice - Establishing a Domestic Mechanism for the 2007/8 Post-Election Violence'* published at the beginning of the year and launched at a press briefing in Nairobi.



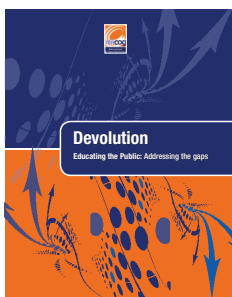
A Luxury Victims Cannot Afford: Meaningful Participation at the International Criminal Court

July 17 is marked annually the world over as International Justice Day - the anniversary of the adoption of the Rome Statute. In 2013, AfriCOG turned its focus to the victims of post-election violence who, with bulk of the media coverage devoted to the perpetrators, seem to have been forgotten. KPTJ held an e-launch of a preliminary version of its report, *'A Luxury Victims Cannot Afford: Meaningful Participation at the International Criminal Court'*, to celebrate this day. Through the report, KPTJ sought to amplify the voices of post-election violence victims. Further, KPTJ published an opinion piece, *'Plight of Political Violence Victims'*, in The Star newspaper, which sought to shift focus to the victims of political violence since 1992.



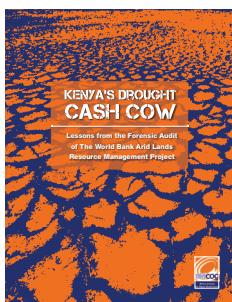
10 Questions You May Have on Opinion Polls

In the run-up to elections, more and more opinion poll results were conducted and released to the public. KPTJ developed a brochure in response to the de-legitimisation of opinion polling by politicians setting out to educate the public about polls and why they are reliable sources of information if they are conducted with the proper methodology. The brochure listed ten questions on opinion polls, with answers.



Devolution, Educating the Public: Addressing the Gaps

This report was based on the findings of a devolution survey, which AfriCOG produced in 2012. Research findings showed knowledge gaps pertaining to the public's understanding of the devolved system of government. The report highlighted these gaps and recommended how they could be tackled to ensure citizens are well informed about devolution and their role in the new system of government.



Kenya's Cash Cow: Lessons From a Forensic Audit of World Bank Arid Lands Resource Management Project

In 2010, the World Bank halted funding to the Kenyan Arid Lands Resource Management Project (ALRMP) pending an investigation into fraudulent expenditure. A 2011 audit report by the World Bank, together with a preceding joint World Bank audit review by the Kenyan Government and the World Bank, revealed gross misappropriation of ALRMP funds. AfriCOG's report highlighted key findings of the World Bank audit, citing specific incidences of questionable expenditure. The report further documented a Parliamentary discussion in which the then Minister for Arid Lands responded to allegations of misappropriation of funds. AfriCOG provided a brief commentary on the minister's response and made recommendations towards the resolution of this matter.

Policy Engagement

a. Freedom of Information Bill

AfriCOG undertook a review of a draft of the Freedom of Information Bill from the Commission for the Implementation of the Constitution (CIC), and thereafter provided suggestions for its amendment. AfriCOG will continue to engage with the CIC to improve the Bill so as to provide for greater access to information.

b. Leadership and Integrity Bill

On 23rd August 2012, Members of Parliament amended various sections of the Leadership and Integrity Bill (the implementing mechanism of the Constitution's Chapter Six provisions) voting out the requirements on wealth declaration, the need for vetting by state agencies and publication of MPs' pending criminal court cases. KPTJ members, along with the CIC, expressed their concern over the watering down of the Bill, citing the subsequent law passed as ineffective in implementing Chapter Six.

AfriCOG wrote an advocacy article on the procedure to remove elected persons from office, in accordance with the then Leadership and Integrity Bill. The article supported integrity and transparency in the selection of leaders and in the eventual functioning of institutions, such as Parliament and parliamentary committees.

AfriCOG, under the auspices of the Parliamentary Initiatives Network (PIN), and as a member of the leadership and integrity thematic group, attended meetings to discuss ways to strengthen the Bill. Ideas were forwarded to the CIC in a formal memo.

Policy Partnerships



Parliamentary Initiatives Network (PIN)

The Parliamentary Initiatives Network (PIN) is a forum for non-state actors in Kenya who are interested in Parliament. Its members are mandated to provide support to Parliament through information and research. As a PIN member, AfriCOG worked towards strengthening Parliament in its mandates to oversee the Executive and to formulate budgets in the coming years.



Mzalendo

Mzalendo is a Kenyan parliamentary oversight website that monitors how Kenyan Members of Parliament serve their constituents in office. It also features a Constituency Development Fund (CDF) scorecard monitoring the utilisation of the fund in various constituencies.



Kuhonga

AfriCOG hosts this bribery reporting website and envisages that corruption data gathered by Kuhonga can be of use in its evidence based advocacy.

Transnational Crime Anti-Money Laundering Working Group

Kenya is considered jurisdiction-deficient in its ability to prevent money laundering. As a member of an anti-money laundering working group, which includes key government officials, UN agencies, diplomatic staff and researchers, AfriCOG researches money laundering and forwards recommendations to strengthen and implement anti-money laundering legislation in Kenya.



Open Government Partnership (OGP)

The Open Government Partnership (OGP) is an initiative started in 2011, with the endorsement of eight governments (Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom and the United States). It encourages governments to be more accountable and transparent, and to make their data accessible to all citizens. So far, 52 countries have committed to the OGP with five, including Kenya, being from Africa. AfriCOG's Executive Director, Gladwell Otieno, served on the founding steering committee of the OGP, composed of nine civil society and nine government representatives. AfriCOG continues to participate in meetings and activities geared towards openness.

Towards this end, AfriCOG played an active role in planning the first ever OGP Africa Regional Conference in 2013, facilitated by the Kenya ICT Board. The two day event, held in Mombasa, brought together civil society and government officials from 16 different countries to discuss their experiences and challenges with open government and the way forward. The Kenyan government reiterated its commitment to OGP at the conference through the Cabinet Secretary for Information and Communication, Dr Fred Matiang'i. In August 2013, AfriCOG held a meeting with the same cabinet secretary, Dr Matiang'i, which resulted in a request to form a roundtable on open governance and freedom of information, comprising civil society members and staff from the cabinet secretary's office.

In partnership with I-Hub Nairobi (Nairobi's Innovation Hub for the Technology Community) AfriCOG, streamed the live proceedings of discussions on open government and the challenges countries face in implementing it, from the annual OGP meeting in Brasilia, Brazil, to an audience at the Nairobi I-Hub.



United Nations Convention against Corruption (UNCAC)

AfriCOG, in its capacity as a member of the UNCAC coordination committee, attended the Implementation Review Group meeting in Vienna, Austria in 2013. This annual meeting is held to identify challenges and best practices, and to assess technical assistance requirements for the effective implementation of the Convention. The UNCAC coalition is a global network of over 240 civil society organisations (CSOs) in over 100 countries, committed to promoting the ratification, implementation and monitoring of the UNCAC. AfriCOG remains committed to effective implementation of the UNCAC in the fight against corruption.



Global Initiative against Transnational Organised Crime

Gladwell Otieno, AfriCOG's Executive Director, was appointed to the Advisory Board of the Global Initiative Against Transnational Organised Crime in 2013. This time-limited initiative based in Geneva was designed to regenerate debate around organised crime. It hopes to mobilise political will, contribute to informed strategy development, and create new tools to combat organised crime.

United Nations Office on Drugs and Crime

AfriCOG contributed to the work of the United Nations Office on Drugs and Crime (UNODC) through research on corruption in the small and medium enterprises (SME) sector in Kenya. AfriCOG published a report in 2012 that documents its findings on corruption in the SME sector, incorporating input from members of the sector. The report, peer reviewed by some SME networks, included feasible recommendations on the prevention of corruption in the SME sector. It was disseminated to all 210 parliamentarians at the time and to SME networks.



African Leadership Centre (ALC)

The ALC is an educational institution with the principal purpose of nurturing the next generation of Africa's leaders, particularly in the fields of peace, security and development. AfriCOG presented lectures on governance and corruption to the programme's Fellows.

Investigative Journalism Fellowship

AfriCOG's Investigative Journalism Fellowship Programme supports talented journalists to investigate a topic of their choice that falls within AfriCOG's anti-corruption and governance reform mandate, and subsequently to produce and publish a compelling investigative story. The programme seeks to enhance access to information, encourage permanent vigilance among citizens, and build

"The second phase was well managed; the stories produced were well-researched and written as well as newsworthy. AfriCOG's investigative journalism project ought to continue to more phases."

Mutegi Njau, Senior Editor and investigative Journalist at Royal Media Services

"Interest in the fellowship was high with journalists from all over the world in different areas of journalism submitting their story ideas. No doubt the fellowship can make a significant contribution to the standards of journalism in Kenya."

Pamela Sittoni, Managing Editor, The East African

media capacity in investigative journalism. The fellowships generate a body of incisive reports on key governance and anti-corruption issues.

Under Phase Three of its Investigative Journalism Fellowship Programme, AfriCOG selected three journalists, Adow Jubat, Walter Menya and Leonard Korir through a competitive process.

Adow Jubat wrote two articles, *How Illicit Trade in Guns, Sugar Thrives along Porous Border* and *The Correlation between Bandits, Smuggling Trade*, which were published in the Sunday Standard newspaper on 1 December 2013.

Walter Menya's article, *Did Flawed Procurement Impact Electoral Process?* will be used as an advocacy tool to follow the court proceedings instituted against top IEBC officials over alleged corruption.

Leonard Korir's story on the mismanagement of funds collected from the Maasai Mara Park was produced but as yet has not been published.

Phase Two Fellow Ken Opala wrote, *Four Presidents, Sh10 Billion, Zero Fertilizer*, an investigative piece published in the January 2014 issue of the Nairobi Law Monthly.

Under Phase Two of its Investigative Journalism Fellowship Programme, AfriCOG selected three journalists whose investigative journalism stories were published in the mainstream print and broadcast media. Ken Opala's story titled '*How Public Servants Gave Away Syokimau*' focused on the Syokimau land demolitions occasioned by dubious land deals. The story was published in the Nairobi Law Monthly's August 2012 issue.

Jevans Miyungu's three articles on **transfer pricing** and **abuse of tax incentives** and their **impact on the Kenyan economy** were published in *The Standard* newspaper in July and August 2012.

Anthony Nyandiek's story, *Pros and Cons of Privatisation of the Mombasa Port* citing views of some port personnel and area residents, was aired on Safari Africa Radio.

These stories promoted public discourse on their topics, and informed and educated the public on misuse of public resources and regulatory failures.



Kenyans for Peace with Truth and Justice (KPTJ)

Since 2008, Kenyans for Peace with Truth and Justice (KPTJ) has been involved in research and advocacy activities concerning justice for victims of post-election violence (PEV), implementation

of the Constitution, and the 2013 elections. KPTJ is a coalition of over 30 Kenyan and East African legal, human rights, and governance organisations, together with ordinary Kenyans and friends of Kenya, convened in the immediate aftermath of 2007's presidential election debacle. There can be no peace without truth and justice. The coalition has therefore engaged in ongoing advocacy for access to justice for victims of the 2007/8 post-election violence. This included intense monitoring of the Kenyan cases at the ICC; calling for accountability for low- to mid-level perpetrators of the 2007/8 post-election violence through the establishment of a local domestic prosecution mechanism; and demanding a credible and transparent electoral process.

Kenyans for Peace with Truth and Justice (KPTJ) is a coalition of over 30 Kenyan and East African legal, human rights, and governance organizations, together with ordinary Kenyans and friends of Kenya, convened in the immediate aftermath of 2007's presidential election debacle.

KPTJ played an important role in contributing to analysis and proposals of ways to end the 2007 post-election crisis through the generation of reasoned position statements used by the UN, EU, US State Department, Senate and Congress, and the AU, to bring warring political factions to the negotiating table. KPTJ has provided useful expert analysis on electoral fraud in the 2007 and 2013 Kenyan elections. Advocacy has extended to litigation whereby KPTJ has filed and supported as *amicus curiae* several public interest litigation cases touching on PEV and the electoral process. Furthermore, KPTJ members have actively been

engaging in local, regional and international advocacy missions where they have provided factual analysis and worked mainly to support victim-centred coverage of the ICC issues. AfriCOG is the convener of KPTJ and continues to house and provide administrative support to the coalition.

i) Justice for post-election violence victims

Press statements: KPTJ released various statements urging the government to establish local mechanisms to prosecute middle and lower level perpetrators of the post-election violence, and to allow the ICC process to continue uninterrupted. This was in response to various attempts (both locally and internationally) by the Kenyan Government to scuttle the Kenyan cases at the International Criminal Court (ICC).

Strategic meetings: The KPTJ ICC working group held a series of strategic meetings towards the development of a local justice mechanism for PEV. Member organisations drafted a Special Tribunal Bill and conducted expert research on what it would take to establish a local justice mechanism.

International presentations and publishing: In April 2012, KPTJ made a joint presentation with the ICC working group on victims' rights at a forum hosted in Banjul, Gambia by Redress. The presentation: '*Challenges for Victims: Engagement with the ICC in Kenya*' was published in the 2012 spring issue of '*ACCESS*', the victims' rights working group bulletin.

International roundtable: In July 2012, KPTJ was represented through ICTJ (International Centre for Transitional Justice–Kenya office) at an NGO roundtable hosted by the International Criminal Court in The Hague. There, they spoke of the situation on the ground in Kenya regarding the ICC cases, and the steps necessary for the ICC to prevent Kenyans losing confidence in the ICC process.

Assembly of States Parties meeting at The Hague: Civil society and the government have been at loggerheads over amendment of the Rome Statute. The Kenyan government and the African Union (AU) proposed amendments to the Statute to provide amnesty to sitting presidents. Civil society argued that this would defeat the intent and purpose of the Rome Statute, which was designed to bring to account those bearing the greatest responsibility for international crimes, regardless of their official capacity. KPTJ joined other civil society organisations, such as the International Federation of Human Rights, Human Rights Watch, Journalists for Justice and the Kenya Human Rights Commission at the Assembly of State Parties meeting at The Hague in late November 2013. At the meeting, which was well covered by the Kenyan and international media, they presented a comprehensive brief on the state of accountability and the victims in Kenya since the 2007-2008 post-election violence, to make the case for their opposition to granting amnesty to a sitting president.

KPTJ joined other civil society organisations, such as the International Federation of Human Rights, Human Rights Watch, Journalists for Justice and the Kenya Human Rights Commission at the Assembly of State Parties meeting at The Hague in late November 2013.

Freedom of Information request to mobile networks data in relation to the ICC proceedings:

In July 2013 KPTJ filed a Freedom of Information request in a case brought against Safaricom and Airtel mobile phone networks, by Uhuru Kenyatta's lawyer at the ICC, Stephen Kay, requesting access to their mobile users' data in relation to the ICC proceedings. KPTJ also applied to be enjoined in the suit in the interest of victims and affected communities. The case brought by Stephen Kay was to be heard *in camera*, meaning the petitioners wanted to access this data without the knowledge of the mobile owners. KPTJ argued that it would be unfair if evidence were to be obtained while excluding third parties whose interests would be affected and whose right to privacy would be infringed. The case was not concluded during the year.

ii) Implementation of the Constitution

Lobbying parliament: In June 2012, KPTJ staged a peaceful demonstration outside Parliament and the president's office, where they delivered a public petition to Parliament and a letter to the president advising him not to assent to the Miscellaneous Amendment Bill, 2012. Under this bill, Members of Parliament had controversially amended the Political Parties Act, the Elections Act and the Vetting of Judges and Magistrates Act 2011. Following this, President Kibaki rejected the bill and sent it back to Parliament for review of the amended clauses. A KPTJ press statement provides further context on this issue.

The kits, procured from Face Technologies of South Africa, arrived in the country just a few weeks before the election, leaving very little time for IEBC staff to be trained on how to use them.

Public media dialogue: KPTJ organised an open space dialogue to interrogate progress on reforms in the key justice sector institutions. The public dialogue was broadcast live on NTV to a wide audience during the second anniversary of the promulgation of the Constitution.

iii) 2013 elections

Kenya held a general election on 4 March 2013. It was supposed to be different from past elections in its use of technology to ensure efficiency, transparency and accuracy. Unfortunately, this was not to be. Even before the election, officials of the Independent Electoral and Boundaries Commission (IEBC) came under scrutiny over irregular procurement procedures for biometric voter registration (BVR) and electronic voter identification (EVID) kits.

Publicity on flawed procurement of electronic election kits and election process:

In July 2012, the IEBC tender committee for the purchase of a biometric voter registration (BVR) system resigned, alleging that the company that won the tender did not have the lowest bid; that the one with the second lowest bid, Symphony, could have links to a powerful political activist; and that the Indian firm with the lowest bid had reportedly been blacklisted in its own country.

Concerned that the controversy surrounding the BVR procurement could erode the public's confidence in the IEBC, KPTJ held a press conference. The press statement joined other Kenyans in expressing outrage over the compromised procurement process for the BVR kits. The group called for transparency and accountability, and a restart of the tender process.

Under the pressure of extensive media coverage, the IEBC eventually cancelled the tender. The government stepped in and made a government-to-government deal with Canada to supply the kits. The kits, procured from Face Technologies of South Africa, arrived in the country just a few weeks before the election, leaving very little time for IEBC staff to be trained on their use. KPTJ issued a memorandum to the Commission on Administration of Justice (CAJ) highlighting potential and actual flaws, including: late and opaque procurement of electronic devices needed for the elections, inadequate preparations and lack of a voter register, among other gross oversights.

Three days prior to the elections, KPTJ wrote to the IEBC highlighting key areas of vulnerability that had the potential to negatively affect the public's confidence in the electoral process. On the Election Day, the majority of the EVIDs failed. Election officials were forced to resort to the manual system that the Kriegler Commission had warned against in 2008, due to its inefficiency and susceptibility to tampering.

The electronic system for transmission of election results also failed, with the IEBC giving no viable explanation as to the cause of the failure. Anomalies were also noted in electoral documents, such as polling station-level forms, constituency-level tallying forms, and in the release of results.

Members of KPTJ, through an open letter to the IEBC, demanded that the release of results be halted until concerns raised were addressed and the IEBC explained the failure of the electronic transmission. While the High Court did not halt the counting, it did note that the irregularities cited were “not idle” and should be addressed in the Supreme Court.

Towards the end of 2013 several top IEBC officials were arrested and charged, and are currently awaiting trial for alleged corruption in the procurement of the EVID kits.

Seeking accountability through the judicial system Even when the IEBC announced the final results on 9 March, there were many concerns that called into question their verifiability. Kenyans deserve free and fair elections. Therefore, AfriCOG and KPTJ filed a petition with the Supreme Court challenging the transparency, verifiability and overall credibility of the presidential electoral process. The petition proceedings had the country glued to their TV screens and radios, a clear indication that citizens do care about the electoral process, especially after the majority had queued for hours to vote. In an article published by Think Africa Press, Dr Seema Shah (a political scientist) stated that, “AfriCOG’s evidence pointed to serious and systematic errors, including additions to the register after the close of registration; voter turnout in excess of 100% in some areas; and missing tallying documents at the polling station level”. Despite these irregularities, the Supreme Court declared, on March 30, 2013, that the elections had been free, fair and in accordance with the constitution.

“without the results of this process, Kenyan citizens are unable to take stock as a country, to analyse, and learn from past mistakes, to continue to refine and improve our electoral processes”.

The Constitutional and Human Rights Divisions of the High Court dismissed the petition challenging the vetting, finding that the Vetting of Judges and Magistrates Act, 2011 (VJM Act) was sanctioned by the new Constitution and it did not threaten the constitutional rights of judges and magistrates.

Open letter to the IEBC on delayed election results: In defiance of its constitutional mandate, three months after the election the IEBC had failed to publish all the results. Fighting for electoral democracy, KPTJ members demanded the immediate publication of all results. In an open letter to the IEBC, KPTJ wrote, "...without the results of this process, Kenyan citizens are unable to take stock as a country, to analyse, and learn from past mistakes, to continue to refine and improve our electoral processes". To date, the complete polling station-level results have not been released by the IEBC, despite repeated requests for their publication.

Post-election perception poll shows low voter confidence: In a perception poll conducted between 24 and 28 May 2013, produced by AfriCOG and managed by Infotrak Research and Consulting, 44% of Kenyans indicated confidence in the electoral body, the IEBC, but the majority were not satisfied with the IEBC's conduct during the March 2013 general elections. The poll showed current average nationwide citizen confidence in key constitutional institutions at 48% for the Supreme Court, 44% for the IEBC and 31% for the police. Overall a low level of public confidence in these institutions was noted, as none of them received confidence levels of at least half the population (50%). Nearly 2,400 respondents from

32 counties participated in the poll, the results of which were released at a media briefing on 7 July 2013 in Nairobi. The poll findings were reviewed by academics, mostly from the University of Nairobi, during a focus group discussion. During this forum, it emerged that many people experienced irregularities during the voting in the general election, such as voter coercion, bribery and being unable to find their names in the register.

Pre-election polls and exit polls: AfriCOG also conducted one pre- and one post-election poll. The pre-election poll, along with others, predicted that there would be no clear winner in the first round. The post-election exit poll (conducted immediately after the election) interrogating Kenyans' voting patterns and challenges, contradicted the official election results as announced by the IEBC. KPTJ's advocacy around electoral reform has been partially informed by the findings of these polls.

International Dialogues - Open Society Foundation Africa and Others In July 2012, KPTJ met with a delegation from the Open Society Foundation Africa advocacy office to deliberate with key partners on issues of priority with regard to the 2013 general election. In the following month, KPTJ met with international partners to discuss Kenya's preparedness for the next general election and ways of ensuring it would be peaceful and credible.

iv) Litigation for the integrity of public institutions and justice

Appointment of Director of Public Prosecutions: KPTJ was involved in several suits on this matter. With the Katiba Institute, KPTJ enjoined an appeal against a ruling by Judges Mohammed Warsame, John Mwera and Philomena Mwilu, which dismissed the case filed by the Kenya Youth League to challenge the 2011 appointment of Keriako Tobiko as the Director of Public Prosecutions. The judges stated that the law had been

adhered to and there was no evidence to support claims of lack of public participation in Mr Tobiko's appointment. The appeal was based on the premise that the judges erred in law since the constitutional procedure and process guiding the appointment ought to have been satisfied, failure of which renders the appointment null.

Appointment of Ethics and Anti-Corruption Commission Director:

In 2012, the appointment of Mumo Matemu as head of the Ethics and Anti-Corruption Commission (EACC), raised public concerns about his compromised ethical record. In May 2012, the Trusted Society of Human Rights Alliance filed a case against the Attorney General, the Justice and Constitutional Affairs Minister, and the Director of Public Prosecutions, to have the appointment declared "unconstitutional, illegal and against the Kenyan Constitution". KPTJ, alongside the Kenyan section of the International Commission of Jurists (ICJ-K) and the Kenya Human Rights Commission, enjoined the suit after the case was sent to the chief justice, with orders for a special bench to be constituted to hear the case. The court nullified Mr Matemu's appointment.

Suspension of recording of statements from security officers on post-election violence:

In September 2010, the Office of the Prosecutor at the ICC indicated that they intended to question senior police officials in Kenya as part of their investigations. On February 2011, the High Court suspended statement-taking from security officers in connection with post-election violence following a case filed by two traders who alleged provisions of the Rome Statute contravene the Constitution. KPTJ being of the view that there was no sufficient reason why the traders' case has not proceeded to trial has applied to be enjoined in the suit as an interested party in order to lift the injunction placed and allow the collection of the evidence for the ICC.

Vetting of judges and magistrates On 13th of October 2011, Dennis Mang'are filed a constitutional petition opposing the planned vetting of judges and magistrates and challenging the legality of laws that form the basis of the process, stating that they were unconstitutional. KPTJ was admitted as an interested party in the constitutional petition alongside ICJ-K, the Law Society of Kenya and AfriCOG. The constitutional and human rights divisions of the High Court dismissed the petition challenging the vetting, finding that the Vetting of Judges and Magistrates Act, 2011 (VJM Act) was sanctioned by the new constitution and it did not threaten the constitutional rights of judges and magistrates.

v) Legal attempts to muzzle civil society and the media

AfriCOG, KPTJ and other civil society organisations came together under the CSO Reference Group to try to ensure that amendments to the Public Benefits Organisations Act, 2013 (PBO Act) proposed through the Statute Law (Miscellaneous Amendment) Bill, 2013 did not succeed. After many meetings, the National Assembly rejected the amendments on 4 December 2013; public pressure could have been one of the reasons they came to this decision. (See Key Challenges section.) Through the CSO reference group, AfriCOG continues to monitor the PBO Act to prevent similar amendments from being proposed again.

The Leadership and integrity case, High Court petition No. 522 of 2012 was a petition where KPTJ partners, the International Centre for Policy and Conflict, Kenya Human Rights Commission and the International Commission of Jurists Kenya chapter, sought to bar Uhuru Kenyatta and William Ruto from taking part in the 2013 presidential elections. The petition was based on Chapter Six of the Constitution titled 'Leadership and Integrity' following the serious allegations against Uhuru Kenyatta and William Ruto at the ICC.

The petition was not successful on the basis that the court lacked jurisdiction to deal with a question relating to the election of a president or deputy president, as this was deemed as an issue within the exclusive jurisdiction of the Supreme Court. The court however went ahead to serve the petitioners with bills of costs amounting to Ksh 178 million by the IEBC's, Kenyatta's and Ruto's lawyers. Such costs, when slapped on petitioners, limit the freedom that people have to bring issues of public interest litigation to court.

Dissemination & Linkages

Knowledge products

Every year, AfriCOG's knowledge products – emerging from its cutting-edge research and monitoring projects - are disseminated to over 35 civil society organisations in Kenya, over 15 media houses, more than 5,000 Twitter followers, 2,000 Facebook fans and more than 500 public officials and elected representatives. These knowledge products are also distributed during key events as highlighted in the sections below. The publications, in the form of reports, briefs, policy papers and frequently asked questions (FAQs) are presented in easy-to-read formats that conform to international standards.

AfriCOG Newsletter

AfriCOG's *e-newsletter* addresses events surrounding AfriCOG, KPTJ and The People's Court and is disseminated by email and on the website, on a regular basis.

The Inaugural Kenya Governance Report

This is the first in a series of annual reports which review issues related to governance reform and the fight against corruption in the preceding year; implementation of the new Constitution, and electoral reform. The report also makes recommendations on the way forward regarding issues highlighted.

Launch of the People's Court website

Despite the Supreme Court's ruling against the civil society elections petition, AfriCOG has not lost sight of the need for electoral reforms, which are key to ensuring free and fair elections in future. Even before the excitement of the ruling had faded, AfriCOG, in partnership with

Inform Action, launched ‘The People’s Court’ - an innovative website that provides a platform through which citizens and election observers can share their election experiences, as well as discuss ways to improve Kenya’s electoral process. It also gives the public unique access to all the evidence (including some of which was never allowed in court) prepared by AfriCOG as one of the petitioners in the election petition. The website is intended to be a useful, open access monitoring and tracking tool on election matters, to enhance accountability and transparency in key government institutions through citizen participation.

World Anti-Corruption Day Celebrations

In December 2013, in collaboration with Transparency International-Kenya (TI-Kenya), AfriCOG held a roadshow in various parts of Nairobi, to educate the public on their rights regarding corruption and bribery. The objective was to demonstrate to citizens that they can play a critical role in the fight against corruption by simply saying no. Over 2,000 reports were distributed in Nairobi on the day, and 800 in Mombasa, the latter courtesy of the TI-Kenya office in Mombasa.

On 10 December 2012, in commemoration of World Anti-corruption Day, AfriCOG pitched a tent in the Nairobi Central Business District and distributed its reports and briefs to the public, whilst educating them on their role as citizens in ridding the country of corruption and bad governance.

KPTJ Launches Election Preparedness Series – *Ready or Not?*

KPTJ launched its election series during the International Commission of Jurists-Kenyan section (ICJ-K) annual jurists’ conference in Mombasa with the guest of honour Charles Nyachae, head of the CIC, presenting his views on the country’s preparedness for the next election. (See Research and Advocacy section.)

Marking International Justice Day

17th July is marked annually the world over as International Justice Day - the anniversary of the adoption of the Rome Statute. This year (2012), AfriCOG turned its focus to the victims of post-election violence who, with most of the attention being on the perpetrators, seem to have been forgotten. KPTJ held an e-launch of a preliminary version of its report, ‘A Luxury Victims Cannot Afford: Meaningful Participation at the International Criminal Court’, to celebrate this day. (See Research and Advocacy section.)

Katiba Day 27th August 2013

This was the third anniversary of the promulgation of Kenya’s new Constitution, which, on inception, signalled the start of a better Kenya. However, the hope and promise of the new Constitution had dwindled, as slow implementation hindered significant reforms in state institutions, and the fight against corruption. AfriCOG marked the day by launching its annual ‘Kenya Governance Report 2012’, which highlighted constitutional implementation, governance reform and efforts against corruption. (See Research and Advocacy section.)

Key Challenges

Attempts to Muzzle Civil Society and Media

2013 was a difficult year for civil society with an attempt by the government to restrict foreign funding to the sector. Amendments to the Public Benefits Organisations Act, 2013 (PBO Act) were proposed through the Statute Law (Miscellaneous Amendment) Bill, 2013 with the implication that foreign funding to NGOs would be limited to 15% of their total funding. Further, all remaining external funding would have to be channelled through a state federation. Given that many NGOs are wholly dependent on external funding to sustain their activities, this funding cap would mean the closure of a number of organisations whose activities have helped to promote accountability in government, get better service delivery and stimulate demand for good governance. Restricted funding is also seen as an infringement on the right to association, expression and speech.

AfriCOG, KPTJ and other civil society organisations came together under the CSO Reference Group to work to prevent the passing of the proposed amendments. Many strategic meetings were held by the Reference Group members resulting in opinion pieces in the media, open letters from different organisations, a memorandum to the National Assembly, individual meetings with MPs and committee members, and a countrywide petition for Kenyans to support the campaign. The National Assembly rejected the amendments on 4th December 2013. Through the CSO reference group, AfriCOG continues to monitor the PBO Act to prevent similar amendments from being raised again.

Kenya's media, however, were not so fortunate. MPs passed the Kenya Information and Communication (Amendment) Act, 2013 (KICA) and the Media Council Act, 2013. Key concerns related to KICA include:

- That heavy fines could be levied on media houses (a maximum of KSh 20 million) and on journalists (KSh 500,000, lowered from KSh 1 million) for poorly articulated offences.
- That the president and cabinet secretary both have the power to appoint the board of the Communications Authority of Kenya (replacing the Communications Commission of Kenya) and Communications and Multimedia Appeals Tribunal. This poses the threat of state control over the Authority and Tribunal, which should to a large extent be independent.
- That the Multimedia Appeals Tribunal was given the power to handle appeals on decisions made by the Media Council, previously handled by the High Court, compromising the independence of the Media Council from state control.

The Media Council Bill was passed without the inclusion of mitigating amendments agreed during a meeting between the Parliamentary Committee on Energy, Communication, and Information and media stakeholders, since the National Assembly lacked the two-thirds majority (233 legislators) needed to effect the amendments. This ushered in an era of restrictive policy and a regulatory environment that severely constrains civic space and impedes the media's capacity for civic vigilance.

Difficult Context

Since taking office after the March 2013 elections, the Jubilee government has had a lukewarm relationship with civil society organisations working in the area of governance. Government ministries, departments and agencies have become increasingly non-responsive to research and policy proposals from the sector, including those from AfriCOG, blocking meaningful and long-term engagement.

Despite some negativity in certain parts of the country, AfriCOG has been very active in communities, working through partners to engage on critical issues. AfriCOG is currently exploring new partnerships and leveraging ongoing ones to ensure nationwide organisational coverage for enhanced civic vigilance.

AfriCOG Moving Forward

Focus on Implementing the New Constitution

During the 2014 period, AfriCOG will implement a priority reform programme to strengthen the constitution's good governance outcomes for poverty reduction and sustainable economic growth. AfriCOG will organise its work around three thematic areas: Anti-Corruption and Economic Regulation; Electoral Justice and Criminal Accountability; Organisational Development and Sustainability.

In the new devolved government context, AfriCOG will sustain its ongoing work on Anti-Corruption and Economic Regulation, and help county governments to improve the transparency and accountability of county governance processes. AfriCOG's activities will aim to increase knowledge and awareness on devolution by stakeholders; increase the capacity of county governments and officials to effectively carry out their mandates; and cultivate partnerships that promote participation, accountability and transparency in devolved governance.

With regard to electoral justice and criminal accountability, AfriCOG will continue its analysis of the 2013 general elections to galvanise national debate towards policy reforms in elections management and administration. Through KPTJ and other policy partnerships, AfriCOG will continue advocacy for electoral justice and criminal accountability. As the dynamic environment ramps up the operational demands on AfriCOG in 2014, specific attention will be paid to enhanced institutional development including strategic review, human resource development, operational policy and procedures review, and updating and upgrading operational systems.

The following knowledge products are in development and will be completed in 2014: Kenya Governance Report 2013, Promoting Transparency in the Extractive Industries study, Pathways to Devolving National Organs, Tracking and Monitoring Constitutional Implementation, County Budgeting - Lessons from FY 2013/2104, and Amendment Proposals for the Leadership and Integrity Act (2013).

AfriCOG Team

Gladwell Otieno is **Executive Director** of AfriCOG. She was formerly with Transparency International-Kenya and has provided advisory services on anti-corruption issues to donors, governments and many other institutions. She is a founding member of the International Steering Committee of the Open Government Partnership.

Wycliffe Owanda, **Deputy Executive Director**, is a strategic management specialist with wide experience in the development sector. He holds an MBA in Strategic Management, and an MA in Project Planning and Management from the University of Nairobi.

Kadenge Kidiga, **Finance and Administration Manager**, is a certified financial accountant and holds a Masters of Business Administration in Finance (MBA) from the United States International University-Africa (USIU). In January 2014, Nicodemus Mulaku replaced Kadenge as Finance and Administration Manager at AfriCOG.

Charles Wanguhu, **Head of Programmes (until December 2013)**, is a lawyer with a strong governance and human rights background. He holds an undergraduate law degree from the University of Bedfordshire and a Masters in International and Commercial Dispute Resolution from the University of Westminster.

Maureen Kariuki, **Programme Officer**, is an advocate of the High Court of Kenya and holds a Bachelor of Laws degree from the University of Nairobi and a Diploma in Laws from the Kenya School of Law.

Dr Seema Shah, **Research Advisor**, holds a Ph.D. in Political Science from the University of California specialising in Comparative Politics and Race, Ethnicity and Politics, and an MA from Georgetown University.

Beatrice Odallo, **Programme Officer**, obtained her LLM in Human Rights and Democratisation in Africa from the University of Pretoria. She interned at the Office of the Prosecutor at the International Criminal Tribunal for Rwanda in Arusha, Tanzania; the Centre for Human Rights in Maputo, Mozambique and Transparency International-Kenya in Nairobi.

Stephanie Wairimu, **Programme Assistant - Communications**, holds an undergraduate degree in communications with a focus on electronic media. She coordinates the Investigative Journalism Fellowship Programme.

Noreen Wahome, **Accountant**, holds a BSc (Hons) in applied accounting and is currently pursuing the final element of her ACCA (Association of Certified Chartered Accountants, UK).

Maureen Gachomo, **Administration officer**, holds a BSc degree in information technology from Jomo Kenyatta University of Agriculture and Technology (JKUAT).

James Gondi, **KPTJ Programme Advisor**, holds an LL.M in International and Comparative Law from the Institute for European Studies (IES) in Brussels and an LL.B from Keele University in the United Kingdom. In 2014, Njonjo Mue replaced James's position at KPTJ.

Noelle Okoth, **KPTJ Programme Coordinator** is a graduate of Columbia University's School of International and Public Affairs (SIPA) and the University of Pennsylvania and has previously worked with the *Institut de Recherche et debat sur la gouvernance (IRG)* and UNDP's Democratic Governance Group.

Carole Theuri was the **Programme Coordinator of Kenyans for Peace with Truth and Justice (KPTJ)** until April 2013. She holds a degree in law from the University of Kent (UK) and a Diploma in Laws from the Kenya School of Law. She is an Advocate of the High Court of Kenya and is a Member of the Chartered Institute of Arbitrators.

AfriCOG's Board of Directors



John Githongo (Chair since 2013)

John Githongo, CEO of Inuka Kenya, is a renowned human rights defender. The holder of an honours degree in Economics and Philosophy from the University of Wales and an Honorary Doctorate from the Open University, John has vast and varied experience in the non-profit sector, government, media and academia. Between 2003 and 2005, after a stint as Executive Director of Transparency International, John served as Permanent Secretary (Governance), in the Office of the President in Kenya. He previously held the positions of Director at Transparency International-Berlin, Vice President Policy and Advocacy for World Vision International and Senior Associate Member at St Antony's College, Oxford. John also serves on the board of the Africa Institute for Governing with Integrity, ONE and Freedom House. He is a member of the advisory council of Transparency International, Berlin and advisor to the Mathare Community Resource Centre.



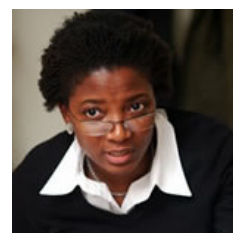
Donald Omondi Deya (joined in 2013)

Donald Omondi Deya is the Chief Executive Officer (CEO) of the Pan African Lawyers Union, (PALU) based in Arusha, Tanzania. Previously, he has worked as the CEO and acting CEO at East Africa Law Society (EALS) and the Kenyan Section of the International Commission of Jurists (ICJ-Kenya) respectively, before which he was the Deputy CEO of the Law Society of Kenya (LSK). An advocate of the High Court of Kenya, Donald also holds diplomas in Practice of Law from the Kenya School of Law, in Human Rights from the Raoul Wallenberg Institute of Human Rights and in Humanitarian Law from University of Lund, Sweden. He is a member of the International Bar Association (IBA); International Law Association (ILA); Society for International Development (SID); Commonwealth Lawyers' Association (CLA); International Commission of Jurists (ICJ); East Africa Law Society (EALS); Southern African Development Community Lawyers' Association (SADC LA); Law Society of Kenya (LSK); and several other non-profits.



Maina Kiai

Maina Kiai is the Executive Director of InformAction, a non-profit organisation that specialises in film and community discussions to demand political and social accountability in Kenya. Currently, he also serves as the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. In 1991, Maina founded the Kenya Human Rights Commission (KHRC) while in political exile in Washington DC. He served as the KHRC Executive Director between 1992-1998 and then as Chairman from 2003 to 2008. An advocate of the High Court of Kenya and a former law student of Nairobi University and Harvard University, Maina has previously worked as Director of the International Secretariat of Amnesty International - Africa Programme (London, UK) and Director, Africa Programs at the International Human Rights Law Group (now Global Rights) (Washington DC, US). Maina was named Jurist of the Year in 2005 by the International Commission of Jurists. He is a member of the regional African grouping of the World Movement for Democracy, the Steering Committee of the World Movement for Democracy and the Steering Committee of the African Democracy Forum.



Dr Funmi Olonisakin

Dr. Funmi Olonisakin was the founding Director of the African Leadership Centre (ALC) in Nairobi. Previously director of the Conflict, Security and Development Group and co-director of the Centre for Defence Studies at King's College London, Funmi has also worked as an African adviser in the Office of the United Nations Special Representative of the Secretary-General on Children and Armed Conflict; there she facilitated the establishment of the National Commission for War Affected Children in Sierra Leone and the Child Protection Unit in the Economic Community of West African States (ECOWAS). The holder of a Bachelor of Science in Political Science from Nigeria and a PhD War Studies from King's College London, Funmi has held research positions at the Institute for Strategic Studies at the University of Pretoria, South Africa; and the Department of Political Science, University of Lagos Nigeria. She is a founding member of the African Security Sector Network (ASSN) and served on the World Economic Forum's Global Agenda Council on Fragile States.



Gladwell Otieno (ex-officio member)

Gladwell Otieno is the founder and Executive Director of AfriCOG. She holds a Masters degree from the University of Massachusetts, Boston and a doctorate in Political Science from the Free University of Berlin Germany. She serves as Vice Chair of the Board of the African Leadership Centre of King's College London and the University of Nairobi, and outgoing Vice Chair of the United Nations Convention against Corruption (UNCAC) Committee. She sits on the Board of the Partnership for Transparency Fund. Previously Executive Director of Transparency International–Kenya, Gladwell has also worked for Transparency International in Berlin and the Institute for Security Studies in Pretoria. She is a founding member of the international steering committee of the Open Government Partnership (OGP). Gladwell has provided expert advice on governance and anti-corruption to African governments and anti-corruption commissions, the World Bank, and DFID.



Stella Chege

Stella Chege has a strong background in organisational development, resource mobilisation, management, monitoring and evaluation. She holds a Bachelor's degree in Education and a Master's degree in International Relations from the University of North London (now London Metropolitan University). Stella was part of the initial team for the Kenya office of Fahamu, the pan-African social justice organisation with other offices in South Africa, Senegal and the UK. As Fahamu Kenya's education for social justice project officer, and later as programme manager, Stella played a pivotal role in growing Fahamu to one of the most respected human rights and social justice organisations in the region, as well as a leader in human rights training through distance learning.

AfriCOG and KPTJ in the Press

AfriCOG encourages its staff members and associates to write opinion pieces on issues related to its work. In 2013, ten opinion pieces were published on topics ranging from election management, to the government's handling of the Westgate terror attack. All these opinion pieces are available on the AfriCOG website.

17 October 2013 The Star *Why Westgate is about Governance but Not Security or the ICC* by James Gondi

1 October 2013 Think Africa Press *All Quiet on the Westgate Front: Kenya's Call for Answers Met with Contradiction and Confidentiality* by Dr Seema Shah

10 August 2013 The Star *Zimbabwe and Kenyan Elections Compared* by Dr Seema Shah

6 August 2013 The Star *Blood Is Thicker Than Reason* by Charles Wanguhu

17 July 2013 The Star *Plight of Political Violence Victims* by James Gondi

10 June 2013 Business Daily *Transitioning from Family Owned to Multi-Billion-Shilling Companies* by Charles Wanguhu

21 May 2013 The Star *ICC Letter Is an Injustice to Kenyans and The Suspects* by Dr Seema Shah

26 April 2013 Daily Nation *Top Court Ruling Fell Short of Expectations* by Dr Seema Shah

26 April 2013 Foreign Policy *Are US Election Watchdogs Enabling Bad Behaviour in Kenya?* by Dr Seema Shah

13 April 2013 The Star *Scrutinising Of Election Results: What Didn't Reach the Supreme Court Judges* by Dr Seema Shah

13 April 2013 The Star *Numbers in the Voter Registration Just Won't Add Up* by Dr Seema Shah

8 April 2013 Think Africa Press *Kenya's Quiet Court Ruling: Where was Willy?* by Dr Seema Shah

18 March 2013 Foreign Policy *Trading Peace for Justice in the Kenyan Election* by Dr Seema Shah

7 March 2013 Foreign Policy *The Irony of Kenya's Election Reforms* by Dr Seema Shah

4 March 2013 Foreign Policy *The Institution to Watch in Kenya's Election* by Dr Seema Shah.

Our Partners

AfriCOG would like to thank the following who have partnered with us and invested in our work:



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The Embassy of
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The views expressed in this study are those of AfriCOG alone.

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