



Date 22nd March 2016

To:

Leonard Ngaluma
Commission Secretary
Commission on Administrative Justice
Nairobi, Kenya

Mary Mwenje
Complaints Section
Office of the Director of Public Prosecutions
Nairobi, Kenya

RE: Letter of Concern

We are writing to you on behalf of National Coalition of Human Rights Defenders-Kenya (NCHRD-K), Centre For Justice, Governance and Environmental Act (CJGEA) and Civil Rights Defenders (CRD) in order to express our profound concern about the handling of human rights defenders in Kenya and the latest charges against Kenyan human rights defender, Mr. Joel Ogada. We are convinced that the charges are intended to harass, intimidate and silence Mr. Ogada and other citizens of Marereni, Kilifi County from making legitimate claim to their ancestral land that is contested by business interests.

It has come to our attention that following his arrest by Kenyan Police on 14 March 2016, Mr Ogada was, on March 15 2016, formally charged under section 233 of the Penal Code, with threatening to kill a security guard of Kurawa Salt Company. Joel Ogada is a farmer and a member of the Malindi Rights Forum (MRF) who has, like several of his fellow community members, faced severe human rights violations over the last few years. Community leaders, among others, have been threatened, arrested, imprisoned and subjected to judicial harassment by Kenyan authorities due to the contestation of land with the neighbouring Salt Farms.

Mr Ogada has been previously charged with trespass and assault, for which he was acquitted and arson for which Mr. Ogada was convicted in May 2014 and released, after serving a two-year sentence, in September 2015. The arrest of Mr. Ogada occurred only six months after he was released from serving two years in prison on fraudulent charges of committing arson. Fellow human rights defenders and observers saw his previous court cases as dubious and orchestrated.

Moreover, the re-arrest of Mr. Ogada is a disconcerting sign of further deterioration of the human rights situation in Kenya. We must highlight that human rights defenders and civil society organisations have been selectively targeted over the last several years.



We therefore raise further concerns regarding ongoing human rights violations in Kenya. The circumstances under which criminal charges has been brought against Mr. Ogada, combined with the worsening situation for human rights defenders, call into question the accountability of local authorities and courts.

We urge the Kenyan government, particularly the Office of the Director of Public Prosecution to launch a thorough, transparent and independent investigation in the case of Mr. Ogada. We calls upon you to seize this opportunity of providing Joel with a fair trial in accordance with the human rights standards and the International Law that Kenya is a party to.

Furthermore, we urge the Kenyan authorities to act accordingly and guarantee in all circumstances that Kenyan human rights defenders are able to carry out their work without fear of reprisals in order to set a good example and break the negative trend of human rights violations.

Yours sincerely,

Kamau Ngugi
Executive Director,
National Coalition of Human Rihgts Defenders – Kenya

PHYLLIS OMIDO
Executive Director,
Centre for Justice Governance and Environmental Action

Robert Hårdh
Executive Director Civil Rights Defenders