



Kenya National Commission on Human Rights

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5th November 2020

Our ref: KNCHR/CID/PETGEN/VOL. VII/MM001/2021.

Principal Secretary
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Director of Immigration
Directorate of Immigration and Registration of Persons
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P.O. Box 30191-00100
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Dear Sir,

**RE: PASSPORT/TRAVEL DOCUMENTS AND RETURN OF MIGUNA MIGUNA
TO KENYA ON 16th NOVEMBER 2021.**

The Kenya National Commission on Human Rights (the Commission or KNCHR) is an independent National Human Rights Institution (NHRI) established under Article 59 of the Constitution of Kenya, 2010 and the KNCHR Act, 2011. The Commission's mandate is the promotion and protection of human rights in Kenya.

The Commission has received a petition from Miguna Miguna regarding his intended return to Kenya on 16th November 2021 at 0940HRs through the Jomo Kenyatta International Airport (JKIA) via Air France Flight AF 836. Miguna has asked KNCHR to ensure compliance with court orders regarding violation of his fundamental human rights. This is following a High Court judgment on Constitutional Petition No. 51 of 2018; Miguna Miguna v Dr Fred Matiang'i & 7 others in the matter of violation of right to

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Commission Secretary / C.E.O: Dr. Bernard Mogesa, PhD, CPM

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citizenship and all other attendant rights and denial of right to fair administrative action. In the judgment delivered on 14th December 2018 by Justice Chacha Mwita, the Court, found that “... *the petitioner, a citizen was illegally held and later deported from the country. His rights and fundamental freedoms were also grossly violated as a consequence*” The court issued several orders including;

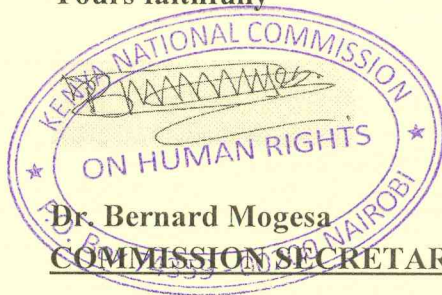
h). An order of mandamus be and is hereby issued compelling the respondents to immediately return to the petitioner his Kenyan passport and any other identification documents taken from him.

The Commission remains concerned that there has been no compliance with the numerous High Court orders despite there being no stay orders against execution of the said Judgment including previous ones.

The Commission therefore once again writes to urge you to comply with the Court Orders and facilitate Miguna’s planned return to Kenya by issuing him with a valid Kenyan Passport. Alternatively, we urge you to issue a temporary travel document, pending your issuance of his valid Kenyan passport to enable Mr. Miguna enter Kenya.

Kindly give us your feedback by Friday 12th November 2021 to enable us advise the petitioner accordingly. We attach the various court orders for your ease of reference.

Yours faithfully



Dr. Bernard Mogesa
COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

CC:

1. Dr Fred Matiang’i
Cabinet Secretary
Ministry of Interior and Coordination of National Government
Harambee House, Harambee Avenue
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2. The Hon Attorney General

Sheria House

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3. Inspector General of Police

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4. The President

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5. Dr. John Khaminwa

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6. Miguna Miguna

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