



Kenya National Commission on Human Rights

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5th November 2021

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Managing Director
Kenya Airports Authority (KAA)
Head Office, Off Airport North Road
P.O Box 19001-00501
NAIROBI

Dear Sir,

RE: 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.

We write in respect of the High Court judgement on Constitutional Petition No. 51 of 2018, Miguna Miguna v Dr Fred Matiang'i & 7 others in the matter of violation of right to 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 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.

To enable the Commission monitor Miguna's return, we kindly require your office to facilitate access to Miguna by KNCHR officials at the Airport from the point of the flight arrival to his departure at the airport. We seek access to the Flight Arrival zone, the Passport Control area, the Customs and Immigration Control area and the Arrival Terminal. Kindly provide us with the name, staff number and telephone contacts of the officer who will be handling Miguna's arrival from your office. Our contact person is **Kamanda Mucheke**, Head of Complaints & Investigations Directorate-Email kamanda@knchr.org, Cellphone 0722732727

Accredited "A" Status National Human Rights Institution

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

VISION: A Society that enjoys Human Rights and Fundamental Freedoms

MISSION: To Protect and Promote Human Rights and Fundamental Freedoms through Policy, Law and Practice

The Commission is following this matter pursuant to its Constitutional obligation under Article 59 (1) (d) (e) of the Constitution of Kenya which requires the Commission:

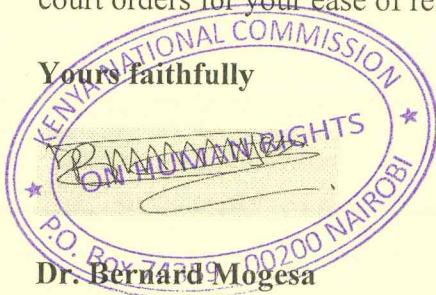
(d) to monitor, investigate and report on the observance of human rights in all spheres of life in the Republic, including observance by the national security organs; and (e) to receive and investigate complaints about alleged abuses of human rights and take steps to secure appropriate redress where human rights have been violated;

Also, Section 8 of the Kenya National Commission on Human Rights Act, 2011 (Revised 2012) obligates the KNCHR to;

(b) promote the protection and observance of human rights in public and private institutions; (e) on its own initiative or on the basis of complaints investigate or research matter in respect of human rights, and make recommendations to improve the functioning of State organs

We look forward to your cooperation and support in this regard. We attach the various court orders for your ease of reference.

Yours faithfully



Dr. Bernard Mogesa

COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

ENCL.

CC:

1. The Hon Attorney General
Sheria House
NAIROBI

2. Principal Secretary
State Department-Immigration, Border Control & Registration of Persons
Nyayo House, 20th Floor
Uhuru Highway/Kenyatta Avenue
P.O. Box 30191-00100
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3. Director of Immigration
Directorate of Immigration and Registration of Persons
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4. Inspector General of Police
National Police Service
Jogoo House "A" Taifa Road
P.O. Box 44249-00200
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5. The President
Law Society of Kenya
Lavington, Opposite Valley Arcade Shopping Center
Gitanga Road
NAIROBI

6. Dr. John Khaminwa
Khaminwa & Khaminwa Advocates
George Padmore Road,
Off Marcus Garvey Road
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7. Miguna Miguna
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