

**11th October 2016
Mr. Halakhe Waqo
Chief Executive Officer
Ethics and Anti-Corruption Commission
P.O. Box 61130 – 00100, Nairobi, Kenya**

FINDINGS OF EACC AFTER INVESTIGATIONS INTO THE AUTHENTICITY OF THE DEGREE CERTIFICATE OF MR. FAZUL MAHAMED, THE EXECUTIVE DIRECTOR OF THE NON-GOVERNMENTAL ORGANIZATIONS CO-ORDINATION BUREAU

The Civil Society Reference Group is an umbrella self-regulation platform bringing together local, national and international Public Benefits Organizations (PBOs) formerly known as NGOs working in Kenya. Among our members are organizations registered under the Non-Governmental Organizations Coordination Act, 1990.

Sir, you recall that some recent developments at the NGO Coordination Bureau have been a matter of great public concern and interest. In particular, you recall that earlier in the year, the matter of authenticity of the degree certificate that the Executive Director of the NGO Coordination Bureau used at the time of his recruitment into the position became a matter of public debate and newspaper reporting.

According to records at the Bureau during recruitment, Mr. Fazul Mahamed is supposed to have graduated with a Bachelor of Science Degree in Biochemistry from Egerton University. But the Academic Registrar of the University Prof. SFO Owido -, in response to inquiries made by a concerned citizen did clarify that whereas Mr. Fazul Mahamed was admitted to Egerton University as Mahamed Yusuf to pursue a bachelor's Degree in Agriculture, which he later changed to Bachelor of Science, he was discontinued at the beginning of his third year on academic grounds and did not, therefore qualify for the degree award as he claims.

You are on record indicating that in your capacity as the Secretary and Chief Executive of the Ethics and Anti-Corruption Commission (EACC), a constitutional commission charged with the responsibility of ensuring that ethical conduct and practices are upheld at all times, especially by State and Public Officers, the Commission was seized of the matter and did promise to delve into the veracity of the allegations.

The requirements for the position as advertised were that one had to be a holder of a university degree among others. It is now clear that Mr. Fazul Mahamed may have presented forged documents and false information to secure a job at the NGO Coordination Bureau.

Chapter Six of the Constitution is explicit that Public Officers are public trustees who must at all times discharge their duties in a manner that brings honour to the nation and dignity to the office they hold. It therefore follows that appointment to such public office as Mr. Fazul Mahamed holds be done on the basis of personal integrity, competence and suitability.

Apart from his academic qualifications there have been numerous complaints touching on complete lack of professionalism, objectivity and impartiality in decision making.

It is against this backdrop that it came as a relief when the EACC publicly announced that it would be investigating the matter of Mr. Fazul Mahamed's degree record. The CSRG had hoped that in pursuit of public interest, the national values and principles of public service enshrined in Articles 10 and 232 of the Constitution, the Commission would feel duty bound to not only make its findings public but also advise the relevant offices and oversight mechanisms at the NGO Board, the parent Ministry of Devolution and Planning, and the public service to take appropriate action based on the findings.

The reason Kenyans established the EACC as a Constitutional Commission in 2011 was to ensure that it is independent in the discharge of its mandate. The Commission is mandated to lead in the fight against corruption and unethical conduct of the kind Mr. Fazul Mahamed has been accused of.

But the Commissions conduct of failing to make its findings public points to a conspiracy of silence and perhaps conflict of interest on the matter, thus enabling Mr. Fazul Mahamed to continue with his wayward style of management of public affairs with even more impunity! Indeed, the Commission's failure to act or make its findings public raises doubts as to its objectivity and impartiality.

1. It is for these reasons that the Civil Society Reference Group makes the following demands of your office:
2. That pursuant to Article 35 of the Constitution and Access to Information Act, we the undersigned demand to be furnished with the findings of the Commission's investigations into the authenticity of Mr. Fazul Mahamed's degree certificate at the time of his appointment.
3. That in the spirit of the principles set out in Article 10 of the Constitution, especially on transparency, accountability and integrity, we demand that you make public the Commission's findings about the authenticity of Mr. Fazul Mahamed's degree certificate at the time of his appointment;

That in line with Article 47 that enshrines the right to fair administrative action, you furnish the CSRG and the public with information on your findings and recommendations to this matter within **seven days**, failure to which we will explore the requisite legal and administrative actions regarding Commission's ineptitude.

We look forward to a positive response.



Yours Sincerely
Suba Churchill
Presiding Convener
National ID No. 11363280

For and on Behalf of the CSRG Oversight Committee and Members

Copied to:

- I Public Service Commission
- II The Office of the Attorney General
- III Office of the Ombudsman
- IV Directorate of Criminal Investigations
- V The Office of the Director of Public Prosecution
- VI Cabinet Secretary, Ministry of Devolution & Planning
- VII Cabinet Secretary, Ministry of Interior & Coordination of National Government