



National Integrity Alliance

Leadership With Integrity

**THE RED CARD CAMPAIGN**

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**NOMINATION BY PRESIDENT WILLIAM RUTO OF MR NOORDIN HAJI FOR APPOINTMENT AS SPY CHIEF IS AN AFFRONT TO THE CONSTITUTION OF KENYA 2010**

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**FOR IMMEDIATE PRESS RELEASE**

**Sunday, 21<sup>st</sup> May 2023**

We, Civil Society Organisations, under the banner of the National Integrity Alliance (NIA), express our strong objection to the recent [nomination by President William Ruto](#), of Mr Noordin Haji, the Director of Public Prosecutions (DPP) to head the National Intelligence Service (NIS) because of Mr Haji's compromised track record and failure to fulfil his constitutional obligations while serving as the DPP.

Mr Haji has in the past demonstrated gross misconduct, incompetence and non-compliance with the Constitution of Kenya 2010, specifically Chapter 6 on Leadership and Integrity, the Public Officer Ethics Act 2003, the Leadership and Integrity Act 2012, the Office of the Director of Public Prosecutions Act 2013, and the Decision to Charge Guidelines 2019.

Chapter 6 of the Constitution of Kenya establishes a high standard for public officers, including those in positions of leadership and authority. It emphasizes the values of integrity, accountability, and ethical conduct, which are essential for upholding the rule of law and ensuring the effective functioning of our democratic institutions. Regrettably, Mr Haji's past actions while serving as the DPP have demonstrated a clear disregard for these fundamental principles.

In the past eight months, Kenyans have been astonished by a pattern of the withdrawal of corruption cases involving certain politically connected individuals, a number of whom have been appointed to executive positions, which raises doubts about the DPP's impartiality and his commitment to fighting corruption — a pervasive problem that continues to hinder Kenya's progress. About 8 graft-related cases including (**Geoffrey Mwangi former CEO, NHIF and 17 others – Ksh 1.1 billion; Rigathi Gachagua - Deputy President & 9 others –Ksh 7.3 billion; Wambui Mary - Communications Authority of Kenya chairperson – Tax evasion case - Ksh 2.2 billion; Aisha Jumwa - CS Ministry of Public Service, Gender and Affirmative Action – graft case - Ksh 19 million; R. V Ben Chumo & others –Ksh 400 million; R v Dr Ken Tarus & 8 others - Ksh 159 million**) have so far been withdrawn

by the ODPP under Mr Haji's watch, a clear indication that he failed to exercise authority in a manner that promotes public confidence in the integrity of his office contrary to Article 73 of the Constitution of Kenya. If the 8 cases listed above had been adjudicated to a conclusion, and successfully, **Kenyans would have recovered about Ksh 11.3 billion**, let alone the time and resources spent in the adjudication process which could have aided in dispensing other cases at the judiciary. That is the cost that Kenyans have to bear in a period of extreme financial difficulties, due to Mr Haji's actions in leading the botched prosecution of these cases.

Further, Mr Haji has by his own admission indicated that he was politically influenced and demonstrated a lack of objectivity in decision-making. He failed to ensure that decisions are not influenced by favouritism, other improper motives, or corrupt practices because withdrawal of charges against specific individuals who have clear political connections without withdrawals against their co-accused as evidenced in several instances. This goes against the principles of the ODPP act in section 4 and in particular rules of natural justice, promotion of confidence in the integrity of the office and the need to serve the cause of justice and prevent abuse of the legal process and public interest.

The National Integrity Alliance [has repeatedly called out ODPP for flawed prosecution](#) of corruption cases, hoping that the institution will be accountable to Kenyans, but to no avail. Article 158 sets out that the Director of Public Prosecutions may be removed from office on the grounds of — non-compliance with Chapter Six, incompetence, gross misconduct or misbehaviour. Mr Haji is still the DPP and he is subject to the provision of Article 158 of the Constitution. As such, on Monday, 22<sup>nd</sup> May 2023, we will be filing a petition to the Public Service Commission for the removal of Mr Noordin Haji as the Director of Public Prosecutions on the grounds of gross misconduct, incompetence and non-compliance with Chapter Six of the Constitution of Kenya 2010.

We will submit a memorandum to the vetting committee at the National Assembly expressing the aforementioned concerns. In case Mr Haji sails through the sieving process in parliament, we are prepared to challenge his appointment in the courts of law.

On nominating for appointment an individual to head Kenya's intelligence unit, we remind the President that Section 8 of the National Intelligence Service Act 2012 provides that the candidate for the Director-General should meet the requirements of Chapter 6 of the Constitution of Kenya 2010, which as explained above Mr Hajj outrightly fall short of. We implore the President to reconsider

alternative candidates who have demonstrated a commitment to upholding the highest standards of leadership and integrity because Kenya deserves a spy chief who can inspire trust and effectively address the significant security challenges facing our nation.

The National Integrity Alliance will continue to advance the Red Card initiative to bar individuals that fall short of our constitutional ethical and moral requirements from ascending to public office. We call upon Kenyans who share our concerns about the nomination of the DPP to voice their opinions and join us in demanding accountability and the appointment of a suitable candidate for the critical position of the Director-General of the National Intelligence Services (NIS) and other public offices.

**END**

For further information, please contact: [communications@nia-ke.org](mailto:communications@nia-ke.org)

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#### **REDCARD CAMPAIGN**

The #RedCard Campaign seeks to bar aspirants that fall short of the ethical standards of integrity from assuming elective or appointive office. The new spirit of active citizenship across all levels of society and government must be catalysed to enforce existing robust laws and institutions and roll back the future abuse of public office and theft of public resources. The Red Card Campaign has three objectives. They are 1.) Public education against corruption and abuse of office 2.) De-campaign aspirants who fall short of the ethical threshold of Chapter 6, and 3.) Institute legal proceedings for the removal of those who win the elections despite their demonstrated unethical behaviour.

#### **THE NATIONAL INTEGRITY ALLIANCE (NIA)**

The National Integrity Alliance (NIA) is a citizen-centred integrity and anti-corruption coalition comprising Transparency International Kenya (TI-Kenya), Inuka Kenya Ni Sisi! The Institute for Social Accountability (TISA), and The Kenya Human Rights Commission (KHRC). NIA seeks to breathe life into the constitutional promise on Integrity by catalysing frontline ethics and anti-corruption institutions, and active citizens to Detect, Deter, Disrupt and Defeat corruption at all levels of society.

**Chapter 6 is an Ethical Standard for all Aspirants to serve Public Office**

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