



National Integrity Alliance
Leadership With Integrity

THE RED CARD CAMPAIGN

HIGH COURT RULING ON SONKO'S CLEARANCE IS AN AFFRONT TO THE CONSTITUTION

FOR IMMEDIATE PRESS RELEASE

Thursday, 14th July 2022, Nairobi-Kenya

We, Civil Society Organisations, under the banner of the [National Integrity Alliance \(NIA\)](#) are disappointed by the High Court's judgement delivered on 13th July 2022, giving a nod to former Nairobi governor, Mike Mbuvi Sonko to be cleared by the Independent Electoral and Boundaries Commission (IEBC) to vie for the Mombasa governor's seat.

In as much as we respect the court's decision, we, however, fault the learned judges for failing to protect the Constitution of Kenya 2010 as required in Article 159 (2) (e) that bestows authority on the Judiciary to protect and promote the Constitution. The learned judges have disregarded Chapter 6 which requires enforcement of an ethical threshold, notwithstanding pending criminal cases and exhaustion of appeals. We aver that individuals charged, convicted, or impeached, such as in the case of Mike Mbuvi Sonko, do not meet mandatory moral and ethical qualifications, as espoused in Articles 99(1)(b) and 193(1)(b) of the Constitution, for clearance to vie for public office as espoused in Article 75 (3) of the Constitution on disqualification from holding any state office once dismissed or removed from office for contravention of Chapter 6.

Mike Mbuvi Sonko is among the 241 individuals blacklisted by the Ethics and Anti-Corruption Commission (EACC), and among the 25 individuals listed by the [RedCardCampaign2022](#) as not fit to serve in any appointive or elective public office for breach of leadership and integrity tenets as enshrined in Chapter 6 of the Constitution.

In the wake of the High Courts' ruling, we urge the Independent Electoral and Boundaries Commission (IEBC) and the Ethics and Anti-Corruption Commission (EACC) to appeal the ruling and compel interpretation of the Constitution in its entirety to enable full application of the values and principles prescribed therein, rather than considering only Articles 99(3) and 193(3) which state that an individual is not disqualified from an election until they have exhausted all levels of appeal; these articles should

not be read in isolation, oblivious to other provisions that require the enforcement of an ethical threshold in considering individuals for public office.

We must hold all current and aspiring leaders accountable to Chapter 6 of the Constitution. We call on all Kenyan citizens being the last line of defence, to reject all individuals tainted by corruption on 9th August 2022, should our institutions fail to stand up for the Constitution.

END

For further information, please contact:

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WHAT IS THE 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!, Mzalendo Trust, 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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