

BY E-MAIL

Football Kenya Federation (FKF)
National Executive Committee members

E-mail: info@footballkenya.org

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elm/lni/gfe/rta/ahh

Situation of the Football Kenya Federation

Dear Members of the FKF National Executive Committee,

We refer to the recent correspondence and submissions exchanged in relation to the situation within the Football Kenya Federation (FKF), including the purported actions taken by certain members of the National Executive Committee concerning the provisional stepping aside of FKF officials.

At the outset, we must emphasise that the specific requests made in FIFA's previous correspondence, aimed at clarifying whether the measures in question were adopted in compliance with the FKF Constitution, have not been duly complied with. In particular, the information and documentation provided do not demonstrate that the applicable procedural requirements were respected. FIFA therefore categorically rejects the procedure that has been followed in this matter.

Having carefully considered the information, documentation and explanations submitted, we deem it necessary to recall the relevant provisions of the FKF Constitution governing such situations. In this respect, Article 41 of the 2017 edition of the FKF Constitution clearly regulates the process for the provisional dismissal or provisional suspension of a person of a body of FKF. In particular, Article 41 provides, inter alia, that any such measure must be duly proposed and justified, placed on the agenda and communicated to the members of the National Executive Committee, adopted in accordance with the applicable quorum and voting requirements, and preceded by affording the person concerned the right to be heard.

Any measure requiring an official to "step aside", when imposed as a mandatory act rather than undertaken voluntarily, can only be understood as a form of provisional suspension within the meaning of Article 41 of the FKF Constitution. As such, it must strictly comply with the substantive and procedural safeguards expressly stipulated therein. These requirements are neither discretionary nor optional; they constitute fundamental guarantees of due process, legality and institutional integrity and cannot be set aside by reference to alternative practices or extraordinary considerations.

On this basis, and without prejudice to any assessment of the underlying issues themselves, FIFA is not in a position to recognise decisions taken by certain members of the National Executive Committee that were not adopted in full compliance with Article 41 and the related procedural provisions of the FKF Constitution. Actions taken outside the clearly defined statutory framework cannot produce valid legal effects within the association.

We further wish to stress that decisions of such importance, particularly those affecting the leadership and administration of the federation, should not be taken hastily and must at all times fully comply with the FKF Constitutional framework. In this context, we would like to recall that the FKF has experienced periods of institutional instability in the past, and it is essential that all FKF Members and members of FKF bodies act with restraint, responsibility and strict respect for the FKF Constitution in order to safeguard the stability, credibility and proper functioning of the federation, especially during periods of heightened institutional significance.

Finally, we recall that any actions taken by Members of FKF or by members of FKF bodies in breach of the FKF Constitution, rules and regulations may expose the individuals concerned to consequences, including potential disciplinary measures, as provided for under the FKF Constitution and applicable regulations, which may be taken by the competent judicial bodies of FKF, which are exclusively empowered to address such matters in accordance with the principles of due process.

We trust that the National Executive Committee and all concerned parties will take the above considerations fully into account and will ensure that any future actions are conducted in strict conformity with the FKF Constitution and the principles of good governance.

Yours sincerely,

FIFA

A handwritten signature in blue ink, appearing to read 'M. J.', with a long, sweeping flourish extending upwards and to the right.

Elkhan Mammadov
Chief Member Associations Officer

CC: CAF