

BY E-MAIL

Football Kenya Federation
Mr Barry Otieno
General Secretary
barry.otieno@footballkenya.org

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SG/kje/rta/ssa

Situation of the Football Kenya Federation (FKF)

Dear General Secretary,

We would like to inform you that the situation of the FKF was submitted to the FIFA Council for consideration and decision on 24 February 2022.

Accordingly, the FIFA Council was informed of the course of events which may be summarised as follows:

- On 11 November 2021, the Cabinet Secretary of the Ministry of Sports, Culture and Heritage of Kenya (hereafter: "the Cabinet Secretary") decided to appoint a "caretaker committee" in lieu of the elected Football Kenya Federation (FKF) Executive Committee, as a result of several inspections of the FKF by the Registrar of Sports prompted by "an extended deterioration of the state of football management in Kenya".
- On 12 November 2021, the FIFA administration referred the FKF to art. 14 par. 1 i) and art. 19 par. 1 of the FIFA Statutes on undue third-party interference, as well as to art. 14 par. 3, under which sanctions may be imposed in the event of a breach of the aforementioned provisions. On the same day, the caretaker committee released a statement announcing that it was suspending all top-tier football leagues. Later that day, the FKF President was arrested by the Kenyan Directorate of Criminal Investigation and taken into custody.
- On 14 November 2021, FIFA wrote to the Cabinet Secretary urging her to reconsider her position in the light of the principles contained in art. 14 par. 1 i) and art. 19 par. 1 of the FIFA Statutes and signalled its willingness to engage in discussions with her office in order to help normalise the situation. Eventually, on 17 and 23 November 2021, FIFA representatives and the Cabinet Secretary held a videoconference call to discuss the situation of the FKF. The Cabinet Secretary referred, *inter alia*, to a court ruling on the inspection report and legality of the caretaker committee, which was due to be rendered on 16 December 2021.
- On 26 November 2021, the FKF President was rearrested, following which the FKF President took the decision to officially transfer his functions and responsibilities to his Vice-President, Mrs Doris Petra, in the context of his temporary absence, as per art. 42 par. 8 of the FKF Statutes.
- On 15 December 2021, a virtual meeting between FIFA and the Cabinet Secretary was scheduled to discuss the latest developments relating to the expected court ruling, but ultimately it could not take place.
- Later on, FIFA was informed that the relevant court ruling was first postponed to 17 January, and eventually to 14 March 2022.

- On 20 January 2022, the caretaker committee issued a notice to all football stakeholders in Kenya calling on them to ensure that they complied with the Kenyan Sports Act within a specified period of time, so as to enable them to participate in “the upcoming FKF elections”.

The FIFA Council considered that the aforementioned circumstances were serious and constituted a clear case of undue interference by a third party. Therefore, on the basis of article 14 paragraphs 1 i) and 3 of the FIFA Statutes – as well as article 16 paragraph 1, under which the FIFA Council may, without a vote of the Congress, temporarily suspend with immediate effect a member association that seriously violates its obligations – the FIFA Council decided to suspend the FKF with immediate effect due to flagrant violations of the FIFA Statutes. Furthermore, and without prejudice to the ongoing investigations into the allegations of corruption, the FIFA Council decided that the lifting of the suspension be subject to the following conditions:

- The repeal of the Cabinet Secretary’s decision of 11 November 2021 appointing the caretaker committee in lieu of the elected FKF Executive Committee
- FIFA’s receipt of confirmation from the FKF and its management, led by Vice-President Doris Petra and General Secretary Barry Otieno, that the FKF and its premises are once more under their full and unconditional control

Consequently, and in accordance with article 13 of the FIFA Statutes, FKF loses all its membership rights as of 24 February 2022 until further notice. FKF representative and club teams are therefore no longer entitled to take part in international competitions until the suspension is lifted. This also means that neither the FKF nor any of its members or officials may benefit from any development programmes, courses or training from FIFA and/or CAF.

Finally, notwithstanding this suspension imposed on the FKF and in line with FIFA zero-tolerance policy towards corruption and any other unethical conduct, FIFA reiterates its commitment to cooperating with any ongoing investigations regarding FKF officials. FIFA will therefore remain at the disposal of the national authorities during the suspension period.

Yours faithfully,

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Fatma Samoura
Secretary General

cc: CAF