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THE CONSTITUTION OF KENYA  
(Article 251)



NATIONAL ASSEMBLY STANDING ORDERS  
(Standing Order 230)

PETITION FOR THE REMOVAL OF AHMEDNASIR ABDULLAHI,  
REVEREND (DR.) SAMUEL KOBIA, PROF. CHRISTINE MANGO,  
MOHAMED WARSAME, EMILY OMINDE AND FLORENCE  
MWANGANGI AS MEMBERS OF THE JUDICIAL SERVICE  
COMMISSION

TO: THE NATIONAL ASSEMBLY,  
MAIN PARLIAMENT BUILDINGS,  
NAIROBI.

*Mr. Ndlovu  
please study  
and advise on  
its acceptability.  
Sida*

I, **RIUNGU NICHOLAS MUGAMBI**, a citizen of the Republic of Kenya from *7/10/11*  
Meru County do hereby petition for the removal of office of Ahmednasir  
Abdullahi, Reverend (Dr.) Samuel Kobia, Mohamed Warsame, Emily  
Ominde and Florence Mwangangi as members of the Judicial Service  
Commission on the following grounds-

1. Serious violation of the Constitution;
2. Serious violation of the law;
3. Gross misconduct in the performance of functions;
4. Incompetence.

04 OCT 2013

*R.N.M*

The facts constituting the grounds are as follows-

**1. THAT** the aforesaid said Members of the Judicial Service Commission by getting actively involved in the financial and procurement day to day operations of the Judiciary, exercising veto powers regarding expenditure and abrogating to themselves extensive oversight powers over fiscal management of the Judiciary under the guise of being Members of the Finance and Administration Subcommittee of the Judicial Service Commission seriously violated the Constitution by breaching-

(a) Article 161 (2) (c) of the Constitution that designates the Chief Registrar of the Judiciary as the accounting officer of the Judiciary by purporting to approve and or disapprove expenditure of monies allocated to the Judiciary thereby causing inordinate delay in the processing of salaries for judicial staff.

(b) Article 173 (1) (3) that designates the Chief Registrar of the Judiciary as the Administrator of the Judiciary Fund by directing payments to be done by persons not authorized to approve expenditure hereby increasing the vulnerability of the Judiciary

(c) Article 245(4) of the Constitution that but no person may give directions to the Inspector-General with respect to the investigation of any particular offence or offences by signing a resolution directing the police not to arrest and charge Judiciary staff who were alleged to have stolen Kshs 80 million from Judiciary coffers thereby willfully interfering with criminal investigations

(d) Article 226 (2) that grants the National Assembly oversight over public spending by public institutions including the Judiciary by questioning the budgetary allocation and interference with lawful expenditure thereby causing undue delay in program implementation in the Judiciary thus affecting the proper administration of justice in the country.

(e) Article 226 (4) that provides that the accounts of all governments and State organs shall be audited by the Auditor-General by carrying out its own audit without the requisite skill and or training thereby undermining the authority of the Auditor General.

2 **THAT** although the provisions of Article 249(2)(a) of the Constitution requires the Judicial Service Commission to be subject to the Constitution and the law, the aforesaid members of the Finance and administration Subcommittee of the Judicial Service Commission by their conduct seriously violated the provisions of the existing laws by-

(a) disregarding the provisions under section 8(1)(a) of the Judicial Service Act that provides that the Chief Registrar shall be responsible for the overall administration and management of the Judiciary;

(b) disregarding the provisions under section 8(1)(d) of the Judicial Service Act that provides that the Chief Registrar shall be responsible account for any service in respect of which monies have been appropriated by Parliament and for which issues are made from the exchequer account,

(c) disregarding the provisions under section 8(1)(e) of the Judicial Service Act that provides that the Chief Registrar shall be the authorized officer for the Judiciary, who shall be responsible for the efficient management of the day-to-day operations and administration of human resources in the judicial service,

(d) disregarding the provisions under section 8(1)(h) of the Judicial Service Act that provides that the Chief Registrar shall be responsible for planning, preparing, implementing and monitoring the budget and collecting, receiving and accounting for revenue,

(e) disregarding the provisions under section 8(1)(j) of the Judicial Service Act that provides that the Chief Registrar shall be in-charge

of the procurement of all stores, and the management and maintenance of all physical facilities;

(f) disregarding the provisions under section 66(1) of the Public Finance Management Act that provides the accounting officer of the Judiciary shall monitor, evaluate and oversee the management of public finances including: ensuring proper management and control of, and accounting for, their finances in order to promote the efficient and effective use of budgetary resources; monitoring the management of public finances and their financial performance;

(g) usurping the powers vested in the National Assembly by ignoring section 68(1) of the Public Finance and Management Act that provides that the accounting officer for the Judiciary shall be accountable to the National Assembly for ensuring that the resources of the respective entity for which he or she is the accounting officer are used in a way that is effective, efficient, economical and transparent

(f) acting in bad faith and in contravention of section 68(2)(d) by causing the Judiciary to fail to honour valid and lawful contracts thereby occasioning loss to suppliers of the Judiciary .

**NOW THEREFORE** your humble petitioner prays that the National Assembly finds-


1. **THAT** Ahmednasir Abdullahi, Reverend (Dr.) Samuel Kobia, Mohamed Warsame, Emily Ominde and Florence Mwangangi as members of the Judicial Service Commission have jointly and severally contravened the aforementioned provisions of the Constitution and of the law;

2. **THAT** in contravening the Constitution and the Law, the said Members of the Judicial Service Commission have jointly and severally, committed acts of gross misconduct in the performance of their functions;

3. **THAT** the said Members of the Judicial Service Commission are jointly and severally incompetent,

4. **THAT** the said Members of the Judicial Service Commission be removed from office on the aforesaid grounds

Dated 4<sup>th</sup> October, 2013



RIUNGU NICHOLAS MUGAMBI

*Nmriungu@yahoo.com.*

*R.N.M.*

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# MEMO

THE SENIOR DEPUTY CLERK

**RE: PETITION FOR REMOVAL OF AHMEDNASIR ABDULLAHI AND OTHERS FROM THE JUDICIAL SERVICE COMMISSION**

The above matter and the dated 4<sup>th</sup> October, 2013 from Riungu Nicholas Mugambi refers


I have perused the petition vis-a-vis the Standing Orders and observed as follows-

- (a) the Petitioner has not indicated his identification number or full address as required by Standing Order 230(1) as read together with Standing Order 223(1)
  
- (b) the Petitioner names six persons (Ahmednasir Abdullahi, Samuel Kobia, Christine Mango, Mohammed Warsame, Emily Ominde and Florence Mwangangi) in his reference as the persons subject to the Petition but excludes the name of Christine Mango in the body of the Petition. It is thus not clear whether Prof Mango is subject to the petition or not.

Accordingly, pursuant to Standing Order 220(4), the Clerk may require the Petitioner to correct these anomalies before the Petition is submitted to the Speaker for further action.

Attached hereto is a letter to the Petitioner requesting him to correct the anomalies for your signature if you approve.

Submitted for directions.



**J.W.NDOMBI,**  
**Director of Legal Services**  
**10<sup>th</sup> October, 2013**

# REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Telephone 221291  
Fax: 243694  
E-mail: [bunge@swifjkenya.com](mailto:bunge@swifjkenya.com)



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P. O. Box 41842 -00100  
NAIROBI, Kenya

When replying please quote

10<sup>th</sup> October, 2013

Riungu Nicholas Mugambi,  
[nmriungu@yahoo.com](mailto:nmriungu@yahoo.com),  
MERU COUNTY.

*Mr. Nicholas!  
This has now been  
corrected by  
events.*

Dear

**RE: PETITION FOR REMOVAL OF AHMEDNASIR ABDULLAHI AND  
OTHERS FROM THE JUDICIAL SERVICE COMMISSION**

*Sialai!  
11/10/13*

We refer to the above matter and your petition dated 4<sup>th</sup> October 2013.

We note that you have not indicated your identification number or address in the petition as required by Standing Order 230(1) as read together with Standing Order 223(1).

We also note that you have named six persons (Ahmednasir Abdullahi, Samuel Kobia, Christine Mango, Mohammed Warsame, Emily Ominde and Florence Mwangangi) in your reference as the persons subject to the Petition but you exclude the name of Christine Mango in the body of the Petition. It is thus not clear whether Prof Mango is subject to the Petition or not.

Accordingly, pursuant to Standing Order 220(4), I direct that you correct these anomalies and resubmit the Petition to facilitate its consideration in accordance with the Standing Orders.

**M.R.SIALAI**  
**Senior Deputy Clerk**  
**FOR CLERK OF THE NATIONAL ASSEMBLY.**

# REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Telephone 221291  
Fax: 243694  
E-mail: [bunge@swiftkenya.com](mailto:bunge@swiftkenya.com)



Clerk's Chambers  
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P. O. Box 41842 -00100  
NAIROBI, Kenya

When replying please quote

Riungu Nicholas Mugambi,  
[nmriungu@yahoo.com](mailto:nmriungu@yahoo.com),  
MERU COUNTY.

10<sup>th</sup> October, 2013

*N. Mugambi*  
*by email*

*Sialai*  
*14/10*

Dear *Sir,*

**RE: PETITION FOR REMOVAL OF AHMEDNASIR ABDULLAHI AND  
OTHERS FROM THE JUDICIAL SERVICE COMMISSION**

---

We refer to the above matter and your petition dated 4<sup>th</sup> October 2013.

We note that you have not indicated your identification number or address in the petition as required by Standing Order 230(1) as read together with Standing Order 223(1).

We also note that you have named six persons (Ahmednasir Abdullahi, Samuel Kobia, Christine Mango, Mohammed Warsame, Emily Ominde and Florence Mwangangi) in your reference as the persons subject to the Petition but you exclude the name of Christine Mango in the body of the Petition. It is thus not clear whether Prof Mango is subject to the Petition or not

Accordingly, pursuant to Standing Order 220(4), I direct that you correct these anomalies and resubmit the Petition to facilitate its consideration in accordance with the Standing Orders.

*M.R. Sialai*

**M.R.SIALAI**

**Senior Deputy Clerk**

**FOR CLERK OF THE NATIONAL ASSEMBLY.**



THE CONSTITUTION OF KENYA  
(Article 251)

NATIONAL ASSEMBLY STANDING ORDERS  
(Standing Order 230)

PETITION FOR THE REMOVAL OF AHMEDNASIR ABDULLAHI,  
REVEREND (DR.) SAMUEL KOBIA, PROF. CHRISTINE MANGO,  
MOHAMED WARSAME, EMILY OMINDE AND FLORENCE  
MWANGANGI AS MEMBERS OF THE JUDICIAL SERVICE  
COMMISSION

TO: THE NATIONAL ASSEMBLY,  
MAIN PARLIAMENT BUILDINGS,  
NAIROBI.

11 OCT 2013

I, **RIUNGU NICHOLAS MUGAMBI** of P.O. Box 134 IGOJI- MERU and ID Number 21562495, a citizen of the Republic of Kenya from Meru County do hereby petition for the removal of office of Ahmednasir Abdullahi, Reverend (Dr ) Samuel Kobia, Prof. Christine Mango, Mohamed Warsame, Emily Ominde and Florence Mwangangi as members of the Judicial Service Commission on the following grounds-

1. Serious violation of the Constitution,
2. Serious violation of the law,
3. Gross misconduct in the performance of functions;
4. Incompetence.

The facts constituting the grounds are as follows-

1. **THAT** the aforesaid said Members of the Judicial Service Commission by getting actively involved in the financial and procurement day to day operations of the Judiciary, exercising veto powers regarding expenditure and abrogating to themselves extensive oversight powers over fiscal management of the Judiciary under the guise of being Members of the Finance and Administration Subcommittee of the Judicial Service Commission seriously violated the Constitution by breaching-

(a) Article 161 (2) (c) of the Constitution that designates the Chief Registrar of the Judiciary as the accounting officer of the Judiciary by purporting to approve and or disapprove expenditure of monies allocated to the Judiciary thereby causing inordinate delay in the processing of salaries for judicial staff.

(b) Article 173 (1) (3) that designates the Chief Registrar of the Judiciary as the Administrator of the Judiciary Fund by directing payments to be done by persons not authorized to approve expenditure hereby increasing the vulnerability of the Judiciary

(c) Article 245(4) of the Constitution that but no person may give directions to the Inspector-General with respect to the investigation of any particular offence or offences by signing a resolution directing the police not to arrest and charge Judiciary staff who were alleged to have stolen Kshs 80 million from Judiciary coffers thereby willfully interfering with criminal investigations

(d) Article 226 (2) that grants the National Assembly oversight over public spending by public institutions including the Judiciary by questioning the budgetary allocation and interference with lawful expenditure thereby causing undue delay in program implementation in the Judiciary thus affecting the proper administration of justice in the country.

(e) Article 226 (4) that provides that the accounts of all governments and State organs shall be audited by the Auditor-General by carrying out its own audit without the requisite skill and or training thereby undermining the authority of the Auditor General.

2. **THAT** although the provisions of Article 249(2)(a) of the Constitution requires the Judicial Service Commission to be subject to the Constitution and the law, the aforesaid members of the Finance and administration Subcommittee of the Judicial Service Commission by their conduct seriously violated the provisions of the existing laws by-

(a) disregarding the provisions under section 8(1)(a) of the Judicial Service Act that provides that the Chief Registrar shall be responsible for the overall administration and management of the Judiciary;

(b) disregarding the provisions under section 8(1)(d) of the Judicial Service Act that provides that the Chief Registrar shall be responsible account for any service in respect of which monies have been appropriated by Parliament and for which issues are made from the exchequer account;

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of the procurement of all stores, and the management and maintenance of all physical facilities;

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(f) acting in bad faith and in contravention of section 68(2)(d) by causing the Judiciary to fail to honour valid and lawful contracts thereby occasioning loss to suppliers of the Judiciary .

**NOW THEREFORE** your humble petitioner prays that the National Assembly finds-

**1. THAT** Ahmednasir Abdullahi, Reverend (Dr.) Samuel Kobia, Prof. Christine Mango, Mohamed Warsame, Emily Ominde and Florence Mwangangi as members of the Judicial Service Commission have jointly and severally contravened the aforementioned provisions of the Constitution and of the law;

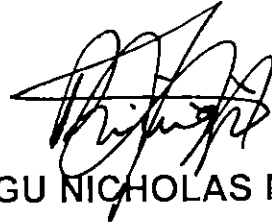
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acts of gross misconduct in the performance of their functions;

**3. THAT** the said Members of the Judicial Service Commission are jointly and severally incompetent,

**4. THAT** the said Members of the Judicial Service Commission be removed from office on the aforesaid grounds

Dated 4<sup>th</sup> October, 2013



RIUNGU NICHOLAS MUGAMBI

THE CONSTITUTION OF KENYA  
(Article 251)

NATIONAL ASSEMBLY STANDING ORDERS  
(Standing Order 230)

PETITION FOR THE REMOVAL OF AHMEDNASIR ABDULLAHI,  
REVEREND (DR.) SAMUEL KOBIA, PROF. CHRISTINE MANGO,  
MOHAMED WARSAME, EMILY OMINDE AND FLORENCE  
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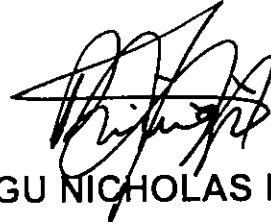
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acts of gross misconduct in the performance of their functions,

**3. THAT** the said Members of the Judicial Service Commission are jointly and severally incompetent;

**4. THAT** the said Members of the Judicial Service Commission be removed from office on the aforesaid grounds.

Dated 4<sup>th</sup> October, 2013



**RIUNGU NICHOLAS MUGAMBI**