

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – SECOND SESSION

**DEPARTMENTAL COMMITTEE ON JUSTICE AND
LEGAL AFFAIRS**

REPORT ON:
**VETTING OF MR. PATRICK GICHOHI, PROF. OLIVE
MUGENDA AND MR. FELIX KOSKEI FOR
APPOINTMENT AS MEMBERS OF THE JUDICIAL
SERVICE COMMISSION**

VOLUME 1

**Directorate of Committee Services,
National Assembly,
Parliament Buildings,
NAIROBI.**

February, 2018

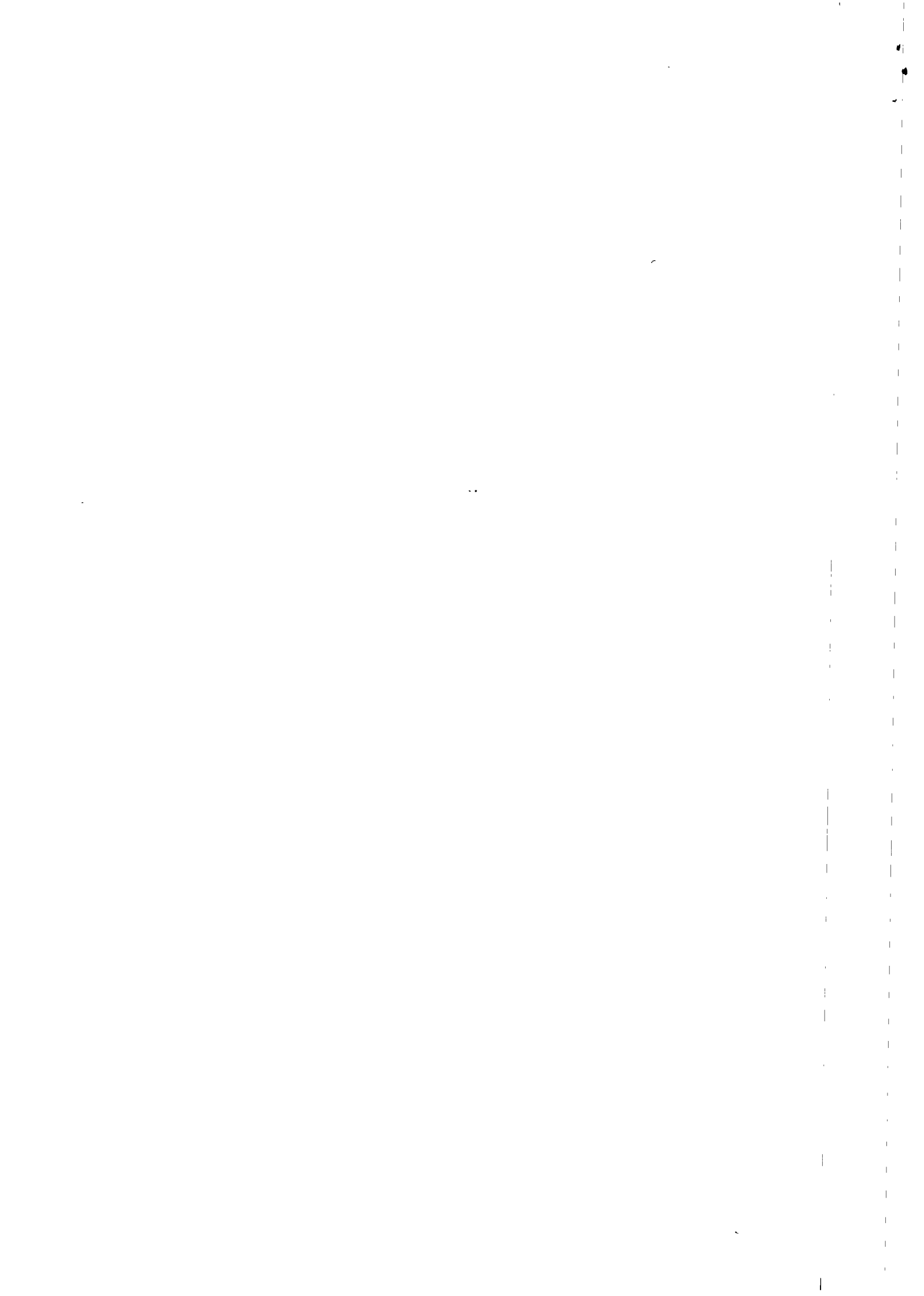


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LIST OF ABBREVIATIONS AND ACRONYMS

ADR	-	Alternative Dispute Resolution
CBS	-	Chief of the Order of the Burning Spear
CEO	-	Chief Executive Officer
CV	-	Curriculum Vitae
DCI	-	Directorate of Criminal Investigation
EACC	-	Ethics and Anti-Corruption Commission
EBS	-	Elder of the Order of the Burning Spear
ESAMI	-	Eastern and Southern Africa Management Institute
HELB	-	Higher Education Loans Board
JSC	-	Judicial Service Commission
KEMU	-	Kenya Methodist University
KENHA	-	Kenya National Highways Authority
KRA	-	Kenya Revenue Authority
KU	-	Kenyatta University
Ph.D	-	Doctor of Philosophy
PSC	-	Public Service Commission
RPP	-	Registrar of Political Parties
SACCO	-	Savings and Credit Co-operative Organization
UON	-	University of Nairobi
USA	-	United States of America

LIST OF ANNEXURES

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CHAIRPERSON'S FOREWORD

Pursuant to provisions of Article 171(2) as read together with Article 250(2) (b) of the Constitution of Kenya and pursuant to provisions of sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, His Excellency the President of the Republic of Kenya forwarded to the Clerk of the National Assembly, a notification of appointment containing the names and Curriculum Vitae of three (3) nominees for appointment as members of the Judicial Service Commission namely-

- (i) Mr. Patrick Gichohi, CBS
- (ii) Prof. Olive Mugenda, CBS
- (iii) Mr. Felix Koskei

Pursuant to provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker on 13th February, 2018 conveyed to the House the message from His Excellency the President to the House effectively committing the nominees to the Departmental Committee on Justice and Legal Affairs for vetting.

Section 8 of the Public Appointments (Parliamentary Approval) Act gives a timeline of fourteen (14) days within which a committee must conclude vetting and report to the House. The fourteen (14) days include seven (7) days of receiving memoranda from the public on the suitability of the nominees for appointment. Despite the strict timelines, the Committee was able to execute its mandate within the set time.

The Committee held a total of seven (7) sittings from 21st February to 24th February, 2018. All the three (3) nominees appeared before the Committee for vetting on 21st February, 2018. The Committee considered and unanimously adopted its report on 24th February, 2018.

This report is in two (2) volumes. Volume 1 comprises the main report with some annexures most notably Minutes of the Committee's sittings, while volume 2 comprises annexures only.

May I take this opportunity to express gratitude to the Honourable Members of the Committee for their resilience and devotion to duty which made the vetting exercise successful. May I also take this opportunity to express gratitude to the Committee's secretariat for its exemplary performance in provision of technical and logistical support services which made the work of the Committee a success. May I also

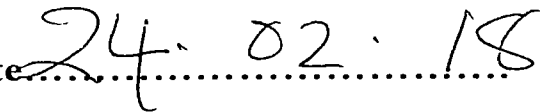
on behalf of the Committee appreciate the media for covering the Committee proceedings thereby enhancing transparency and accountability.

On behalf of the Committee and pursuant to the provisions of Article 124(4)(b) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and provisions of Standing Orders 45(4) and 199 (6) of the National Assembly Standing Orders, it's my pleasant privilege to present to the House the Committee's report on the approval hearings of the three (3) nominees namely: Mr. Patrick Gichohi, CBS, Prof. Olive Mugenda, CBS and Mr. Felix Koskei.

Signed.....

HON WILLIAM CHEPTUMO, M.P.

Chairperson, Departmental Committee on Justice and Legal Affairs

Date.....

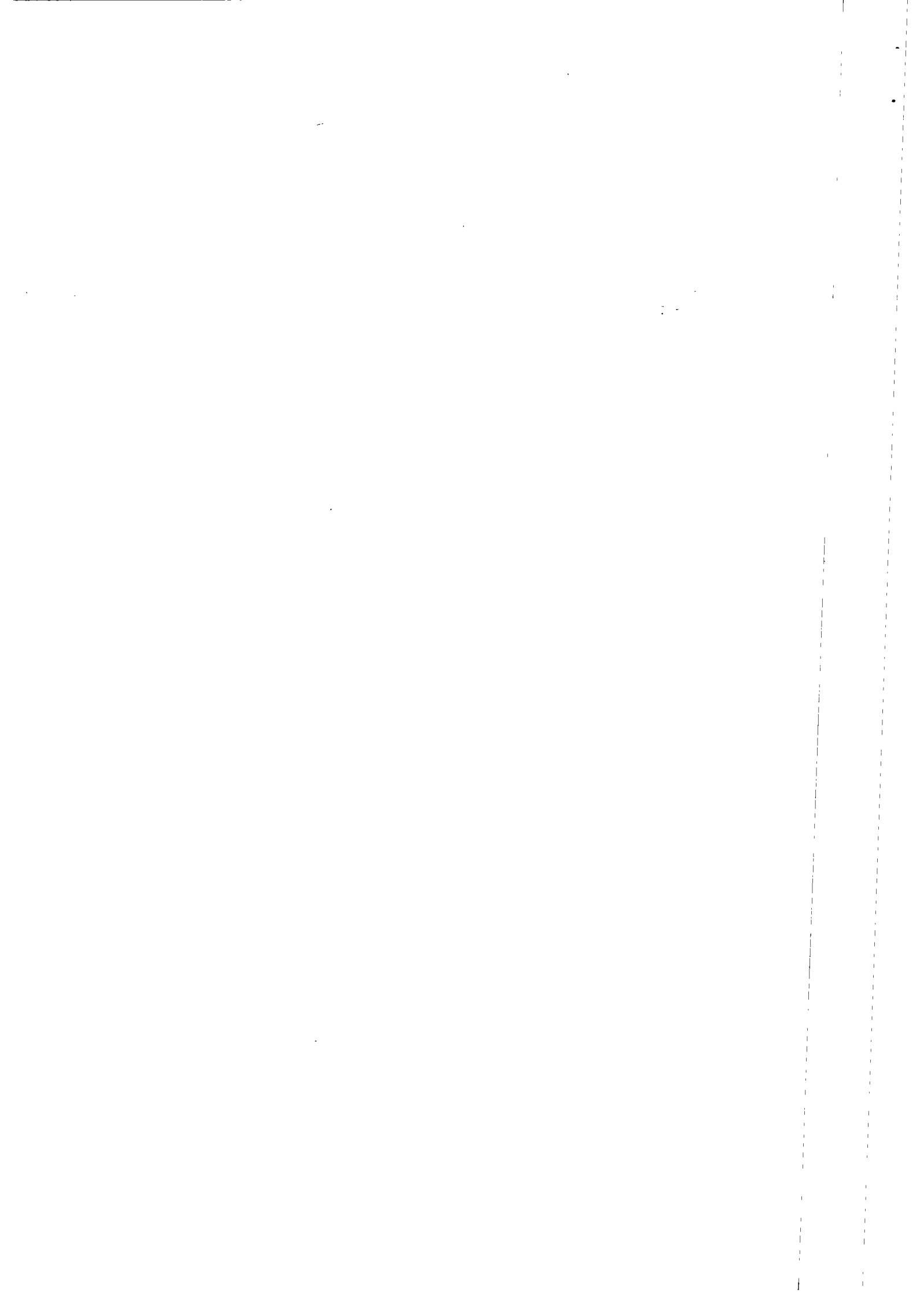
EXECUTIVE SUMMARY

In exercise of powers conferred to him by Article 171(2) as read together with Article 250(2)(b) of the Constitution of Kenya and pursuant to provisions of sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, His Excellency the President of the Republic of Kenya forwarded to the Clerk of the National Assembly a notification of appointment containing names and Curriculum Vitae of Mr. Patrick Gichohi, CBS, Prof. Olive Mugenda and Mr. Felix Koskei as nominees for appointment as members of the Judicial Service Commission (JSC).

The Committee held a total of seven (7) sittings from 20th February to 24th February, 2018. All the three (3) nominees appeared before the Committee for vetting on 21st February, 2018. The Committee considered and unanimously adopted its report on the 24th February, 2018, recommending the approval of the three (3) nominees for appointment as members of the Judicial Service Commission. Minutes of the Committee's sittings on the approval process are attached to this report.

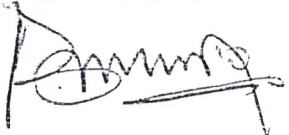
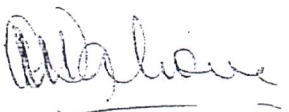
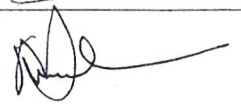
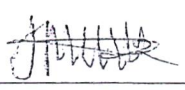

Among the issues that the Committee considered in determining if the nominees were suitable to hold office were the procedure used to arrive at their names, constitutional or statutory requirements relating to the office in question and whether their abilities, experience and qualities meet the needs of the body to which the nomination is made.


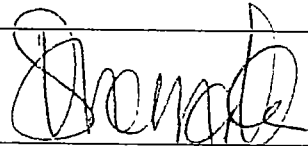
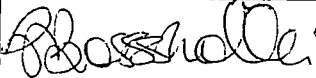

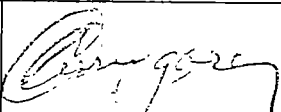


The Committee noted that out of the three memoranda received from the public, only one complied with the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, which requires that *any person may submit written statements on oath on the suitability of a nominee*. The Committee draws the attention of the public to that provision and the need to comply with it.



ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE VETTING OF THREE (3) NOMINEES FOR APPOINTMENT AS MEMBERS OF THE JUDICIAL SERVICE COMMISSION (JSC)

We the Honourable Members of the Departmental Committee on Justice and Legal Affairs today the 24th February 2018 do hereby affix our signatures to this report on the vetting of three (3) nominees for appointment as members of the Judicial Service Commission (JSC) to affirm our approval, support, accuracy, credibility and authenticity:-

No.	NAME OF MEMBER	SIGNATURE
1.	Hon. William Cheptumo, M.P. – <i>Chairperson</i>	
2.	Hon. Alice Muthoni Wahome, M.P. – <i>Vice Chairperson</i>	
3.	Hon. John Olago Aluoch, M.P.	
4.	Hon. Roselinda Soipan Tuya, M.P.	
5.	Hon. Charles Gimose, M.P.	
6.	Hon. Johana Ng'eno Kipyegon, M.P.	
7.	Hon. William Kamoti Mwamkale, M.P.	
8.	Hon. Ben Orori Momanyi, M.P.	
9.	Hon. Peter Opondo Kaluma, M.P.	

10.	Hon. Beatrice Adagala, M.P.	
11.	Hon. Jennifer Shamalla, M.P.	
12.	Hon. Gladys Boss Shollei, CBS, M.P.	
13.	Hon. John Munene Wambugu, M.P.	
14.	Hon. George Gitonga Murugara, M.P.	
15.	Hon. Anthony Githiaka Kiai, M.P.	
16.	Hon. Japheth Mutai, M.P.	
17.	Hon. John Kiarie Waweru, M.P.	
18.	Hon. Adan Haji Yussuf, M.P.	
19.	Hon. Zuleikha Hassan, M.P.	

PART 1

1. PREFACE

1.1. Mandate of the Committee

The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- (c) study and review all legislation referred to it;*
- (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)*
- (g) examine treaties, agreements and conventions;*
- (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and*
- (j) examine any questions raised by Members on a matter within its mandate.*

The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-

- (a) Constitutional affairs;
- (b) The administration of law and Justice
- (c) The Judiciary;
- (d) Public prosecutions;
- (e) Elections;
- (f) Ethics, integrity and anti-corruption; and
- (g) Human rights.

1.2. Committee Membership

The Committee was constituted on Thursday, 14th December, 2017 and comprises the following Honourable Members-

Hon. William Cheptumo, M.P.	-	<i>Chairperson</i>
Hon. Alice Muthoni Wahome, M.P.	-	<i>Vice Chairperson</i>
Hon. John Olago Aluoch, M.P.		
Hon. Roselinda Soipan Tuya, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Johana Ng'eno, M.P.		
Hon. William Kamoti Mwamkale, M.P.		
Hon. Ben Orori Momanyi, M.P.		
Hon. Peter Opondo Kaluma, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Gladys Boss Shollei, CBS, M.P.		
Hon. John Munene Wambugu, M.P.		
Hon. George Gitonga Murugara, M.P.		
Hon. Anthony Githiaka Kiai, M.P.		
Hon. John Kiarie Waweru, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Zuleikha Hassan, M.P.		

1.3. Committee Secretariat

Mr. George Gazemba	-	Senior Clerk Assistant and Head of Secretariat
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Omar Abdirahim	-	Fiscal Analyst III
Mr. James Macharia	-	Media Liaison Officer
Ms. Roselyne Ndegi	-	Serjeant-at-Arms
Mr. Richard Sang'	-	Serjeant-at-Arms
Mr. Ian Otieno	-	Audio Officer

All minutes of sittings of the Committee in respect of the approval process are attached to this report as an annexure 1

PART 2

2. INTRODUCTION AND BACKGROUND

2.1. Establishment of the Judicial Service Commission (JSC)

The Judicial Service Commission (JSC) is established under Article 171 of the Constitution of Kenya.

2.2. Membership of the Commission

Article 171 (2) of the Constitution provides that the Commission shall consist of-

- (a) *the Chief Justice who shall be the chairperson of the Commission;*
- (b) *one Supreme Court Judge elected by the Judges of the Supreme Court;*
- (c) *one Court of Appeal Judge elected by the Judges of the Court of Appeal;*
- (d) *one High Court Judge and one Magistrate, one a woman and one a man elected by members of the Association of Judges and Magistrates;*
- (e) *The Attorney General;*
- (f) *two Advocates, one a woman and one a man, each of whom has at least fifteen years' experience elected by members of the statutory body responsible for the professional regulation of advocates;*
- (g) *one person nominated by the Public Service Commission;*
and
- (h) *one woman and one man to represent the public not being lawyers, appointed by the President with the approval of the National Assembly.*

2.3. Functions of the Commission

Article 172 of the Constitution provides for the functions of the Judicial Service Commission as-

(1). The Judicial Service Commission shall promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice and shall—

- (a) recommend to the President persons for appointment as judges;*
- (b) review and make recommendations on the conditions of service of—*
 - i. judges and judicial officers, other than their remuneration; and*
 - ii. the staff of the Judiciary*
- (c) appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary, in the manner prescribed by an Act of Parliament;*
- (d) prepare and implement programmes for the continuing education and training of judges and judicial officers; and*
- (e) advise the national government on improving the efficiency of the administration of justice.*

2.4. Notification of nomination

Following the occurrence of three (3) vacancies at the Commission, and in exercise of powers conferred to him by Article 171(2) as read together with Article 250(2)(b) of the Constitution and pursuant to the provisions of Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, His Excellency the President of the Republic of Kenya vide a letter dated 9th February 2018 as per annexure 2 forwarded to the Speaker of the National Assembly a notification of appointment containing names and Curricula Vitae of the following nominees for consideration and approval by the National Assembly-

- (i) Mr. Patrick Gichohi as a member nominated by the Public Service Commission under Article 171(2)(g) of the Constitution;
- (ii) Prof. Olive Mugenda as a member to represent the public under Article 171(2)(h) of the Constitution; and
- (iii) Mr. Felix Koskei as a member to represent the public under Article 171(2)(h) of the Constitution.

The Committee observed that Mr. Patrick Gichohi had been nominated to replace Prof. Margaret Kobia who had been appointed as a Cabinet Secretary while Prof. Olive Mugenda and Mr. Felix Koskei were

replacing Ms. Winnie Guchu and Mr. Kipng'etich Arap Bett respectively who had both resigned from the Commission.

A Committee Member expressed doubts as to if Mr. Bett had resigned from the Commission. The Committee investigated the issue and confirmed that Mr. Bett had resigned. His resignation letter is attached to this report as annexure 3.

2.5. Committal of the nominees to the Departmental Committee on Justice and Legal Affairs for vetting

Pursuant to the provisions of Standing Order 42(1) and 42(3) of the National Assembly Standing Orders, the Honourable Speaker on 13th February, 2018 conveyed to the House the message from His Excellency the President of the Republic of Kenya effectively committing the nominees to the Departmental Committee on Justice and Legal Affairs for vetting.

2.6. Notification of vetting to the public

Article 118 (1) (b) of the Constitution provides as follows:-

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

Section 6(9) of the Public Appointments (Parliamentary Approval) Act of 2011 provides as follows:-

“Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of candidate to hold the office to which a candidate has been nominated”

On the 14th February, 2018, the Clerk of the National Assembly through a newspaper advertisement in the local daily newspapers of *Daily Nation* and *The Standard* attached as annexure 4 invited the public to submit memoranda by way of written statements on oath on the suitability of the nominees to hold the positions they had been nominated for. Three (3) memoranda were received and were duly considered by the Committee in determining the suitability of the nominees.

Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, provides as follows:-

“The Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing”

The National Assembly Standing Order 45(3) states as follows:-

“Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days before the hearing”

In line with Article 118(1) (b) of the Constitution of Kenya, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, of 2011 and Standing Order 45(3) of the National Standing Orders, the Committee in the local daily newspapers of *Daily Nation* and *The Standard* of Thursday, 15th February, 2018 notified the public of the date, time and venue of approval hearings as per annexure 5.

2.7. Notification of approval hearings to the nominees

Section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, provides as follows:-

“The Clerk shall notify a candidate of the time and place of holding an approval hearing”

The National Assembly Standing Order 45(3) states as follows:-

“Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days before the hearing”

Pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, and the National Assembly Standing Order 45(3) the Committee by way of letters addressed to each of the nominees invited them for approval hearings on Wednesday, 21st February, 2018, at the specified times in Committee Room 9, Main Parliament Building.

2.8. Clearance requirements

By letters dated 14th February 2018, the Clerk of the National Assembly requested for information regarding the nominees from the following agencies: The Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigation (DCI), the Higher Education Loans Board (HELB) and the Registrar of Political Parties (RPP). The information requested sought to establish the status of the nominees on the following issues-

- (i) Integrity
- (ii) Tax compliance
- (iii) Criminal record
- (iv) Educational loan repayment records
- (v) Political parties affiliation

The EACC, KRA, HELB and RPP informed the National Assembly that they did not have any outstanding issues with the three (3) nominees as per annexure 6. All the nominees provided Certificates of Good Conduct issued by the DCI as per annexure 7.

PART 3

3. ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARINGS

The Committee observed that the issues for consideration are as under Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 which provides as follows-

The issues for consideration by the relevant House of Parliament in relation to an approval shall be –

- (i) the procedure used to arrive at the nominee;*
- (ii) any Constitutional or statutory requirements relating to the office in question;*
- (iii) the suitability of the nominee for appointment proposed with due regard as to whether the nominee's abilities, experience and qualities meets the needs of the body to which the nomination is made*

3.1. Procedure used to arrive at the nominees

Article 250 (2) of the Constitution provides as follows:-

The Chairperson and each member of a commission and holder of independent office shall be-

- (a) identified and recommended for appointment in a manner prescribed by national legislation*
- (b) approved by the National Assembly; and*
- (c) appointed by the President*

Section 15(2) of the Judicial Service Act provides that where the nominations are to be made by a body specified under Article 171(2) (g) of the Constitution the nominating body shall submit the name of its nominee to the President and the President shall, within three days of receipt of the names, appoint the nominees as members of the Commission.

The Committee further noted that the nominations under Article 171 (2) (h) are a prerogative of the President as provided for in the Constitution. Consequently, all the three (3) nominations were in line with the Constitution and Statute Law.

3.2. Any Constitutional or statutory requirements relating to the office in question

(i) Regional representation and ethnic diversity

Article 250 (4) of the Constitution provides as follows-

Appointments to Commissions and independent offices shall take into account the national values referred to in Article 10 and the principle that the composition of the Commissions and independent offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya''

Article 10(2) of the Constitution provides for the national values and principles of governance as including:-

- (a) *patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;*
- (b) *human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;*
- (c) *good governance, integrity, transparency and accountability; and*
- (d) *sustainable development.*

The Committee considered the list of nominees proposed for appointment as members of the Judicial Service Commission and noted that if the nominees were all approved, the composition of the Commission would reflect the regional and ethnic diversity of the people of Kenya.

(ii) Two-thirds Gender Principle

Article 27(8) of the Constitution provides as follows:-

“In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender”

The Committee observed that out of the list of the three nominees received from His Excellency the President for vetting, one (1) was a woman while two (2) were men. The Committee noted that Article 171(2) (h) of the Constitution required the President to nominate one

man and one woman for consideration by the National Assembly and that the President had complied with that provision. The Committee further noted that the Public Service Commission had discretion to nominate either a man or a woman for consideration under Article 171 (2)(h) of the Constitution.

The Committee noted that the Commission at the time of vetting process comprised the following members-

- (1) Chief Justice. David Maraga - Chairperson
- (2) Deputy Chief Justice. Philomena Mwilu - Supreme Court
- (3) Justice. Mohamed Warsame - Court of Appeal
- (4) Justice Aggrey Muchelule - High Court
- (5) Prof. Githu Muigai - Attorney General
- (6) Ms. Emily Ominde - Magistrates Courts
- (7) Dr. Tom Ojienda - Law Society of Kenya (LSK)
- (8) Ms. Mercy Deche - Law Society of Kenya (LSK)

Upon consideration of the total membership of the Commission if the proposed nominees were to be approved by the National Assembly, the Committee noted that –

- (a) Four members of the Commission are women;
- (b) Seven members of the Commission are men.

The Committee noted that if a mathematical formula is applied, one third of eleven (11) is 3.667 (rounds off to four) and two thirds of eleven (11) is 7.333 (rounds off to seven). As such, the composition of the Commission would satisfy the two-thirds gender principle as set out under Article 27 (8) of the Constitution.

(iii) Persons with Disability

Article 232 (1) (i) of the Constitution provides as follows:-

“The values and principles of public service include:-

- (i) Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of-*

- (i) men and women*
- (ii) the members of ethnic groups*
- (iii) persons with disabilities”*

Article 54(2) of the Constitution states as follows:-

“The State shall ensure progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities.”

The Committee observed as follows-

- (i) The five per cent threshold on Persons with Disabilities in elective and appointive bodies was aspirational; and
- (ii) Article 54(2) of the Constitution of Kenya contemplates progressive implementation of the five per cent threshold.

(iv) **Youth**

Article 55 (b) of the Constitution states as follows:-

“The State shall take measures, including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life”

Article 260 of the Constitution defines “youth” as follows;-

“the collectivity of all individuals in the republic who-

- (i) have attained the age of eighteen years; but*
- (ii) have not attained the age of thirty-five years.”*

The Committee observed that whereas the Constitution requires the State to take affirmative action measures to ensure that youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life, it does not provide for a threshold to be applied in making public appointments.

(v) **Leadership and Integrity**

While determining the suitability of the nominees to be appointed as members of JSC, the Committee took into account the provisions of leadership and integrity as provided for by Chapter 6 of the Constitution. Most importantly, the Committee took note of the following provisions-

Article 73(2) states as follows-

The guiding principles of leadership and integrity include:-

- (a) Selection on the basis of personal integrity, competence and suitability, or election in a free and fair election;*
- (b) Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
- (c) Selfless service based solely on the public interest demonstrated by:-
 - (i) honesty in the execution of public duties; and*
 - (ii) the declaration of any personal interest that may conflict with public duties**
- (d) Accountability to the public for decisions and actions; and*
- (e) Discipline and commitment in service to the people.*

Article 75(1) provides as follows:-

A state officer shall behave, whether in public and official life, in private life, or in association with other persons in a manner that avoids-

- (a) Any conflict between personal interests and public official duties;*
- (b) Compromising any public or official interest in favour of personal interest; or*
- (c) Demeaning the office the officer holds*

Article 75 (3) of the Constitution prohibits any person who has been dismissed or otherwise removed from public office from subsequently holding any other public office.

Article 77 provides restriction on activities of state officers as follows-

- (1) A full time State Officer shall not participate in any other gainful employment;*
- (2) Any appointed State Officer shall not hold office in a political party;*
- (3) A retired State Officer who is receiving pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of-*

- (a) *A company owned or controlled by the state*
- (b) *A State organ*

(4) A State Officer shall not receive remuneration from public funds other than contemplated in clause (3)

Article 78 of the Constitution disqualifies persons who are not Kenya Citizens and persons holding dual citizenship from appointment as state officers.

The Committee noted that all the nominees met the leadership and integrity requirements set out in Chapter Six (6) of the Constitution and other relevant laws. The relevant clearance letters are attached to this report as annexure 6 and 7.

- (vi) **The suitability of the nominees for appointment proposed with due regard as to whether their abilities, experience and qualities meet the needs of the body to which the nomination is made**

The Committee was of the considered opinion that a nominee's suitability for a position should be evaluated in all relevant areas most importantly, academic credentials, professional training, and work experience.

The Committee's observations, findings and recommendations on the suitability of each nominee are as set out in Parts 4-6 of this report.

3.3. Memoranda from the public concerning the nominees

Section 6(9) of the Public Appointments (Parliamentary Approval) Act of 2011 provides as follows:-

“Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of candidate to hold the office to which a candidate has been nominated”

On 14th February, 2018, the Clerk of the National Assembly through a newspaper advertisement in the local daily newspapers invited the public to submit memoranda by way of written statements on oath on the suitability of the nominees to hold the positions they had been nominated to not later than 20th February, 2018.

There were no memoranda received contesting the suitability of Mr. Patrick Gichohi and Mr. Felix Koskei to be appointed to office. Three (3) memoranda were received contesting Prof. Olive Mugenda's suitability to be appointed to office. The three (3) memoranda were as follows -

(i) **Memorandum by Eastern Bypass Estate Plot Owners Association Committee Members**

The Memorandum was signed by Mr Kiiru Ngugi - the Association's Chairman, Mr. Gachanja Muigai - Vice Chairman, Ms. Lois Ruhiu-Treasurer, Ms. Kuria Wanjiku – Ag. Secretary, and Mr. Simon Nyoike – member. The Committee examined the memorandum and observed that it did not constitute a sworn statement. Consequently, the memorandum was inadmissible in line with the provisions of Section 6(9) of Public Appointments (Parliamentary Approvals) Act, 2011.

(ii) **Memorandum by Ms. Tabitha K. Rutere**

The Committee examined the memorandum and noted that it did not constitute a sworn statement and was inadmissible pursuant to provisions of Section 6(9) of Public Appointments (Parliamentary Approvals) Act, 2011.

(iii) **Memorandum by Dr. George Lukoye Makokha**

The memorandum was by way of sworn statement as required by Section 6(9) of Public Appointments (Parliamentary Approvals) Act of 2011 thus admissible. He contested Prof. Olive Mugenda's appointment on several grounds. The memorandum is attached as annexure 8. Prof. Mugenda orally responded to the issues raised during the approval hearing and later submitted a replying affidavit with supporting documents as per annexure 9.

The Committee considered affidavit and replying affidavit together with the oral responses submitted by the nominee and made observations and findings, details of which are in Part 4 of this report.

PART 4

4. APPROVAL HEARINGS ON THE SUITABILITY OF MR. PATRICK GICHOHI, PROF. OLIVE MUGENDA AND MR. FELIX KOSKEI FOR APPOINTMENT AS MEMBERS OF THE JUDICIAL SERVICE COMMISSION (JSC)

The Committee conducted approval hearings on 21st February, 2018 in Committee Room 9, Main Parliament Building when all the three (3) nominees appeared and made submissions on their suitability for appointment. While conducting the hearings, the Committee was most importantly guided by provisions of the Public Appointments (Parliamentary Approvals) Act, 2011, which confines examination of nominees to the following areas-

- (i) Academic qualifications;
- (ii) Employment record;
- (iii) Professional affiliations;
- (iv) Potential conflict of interest;
- (v) Knowledge of the relevant subject;
- (vi) Overall suitability for the position;
- (vii) Integrity;
- (viii) Vision and leadership; and
- (ix) Expectations and key priorities.

It should be noted that nominees were sent a questionnaire pursuant to the provisions of Section 6(8) of the Public Appointments (Parliamentary Approvals) Act, 2011, to be filled and returned. All the nominees returned the duly completed questionnaires which are attached to this report as per annexure 10. In compiling this report, reference has been made to the questionnaire in respect of issues that may not have been discussed during the approval hearing.

4.1. APPROVAL HEARING OF MR. PATRICK GICHOHI, CBS

Mr. Patrick Gichohi, CBS was nominated pursuant to Article 171 (2) (g) as a nominee of the Public Service Commission (PSC). The nominee appeared before the Committee on 21st February, 2018 at 10.00 a.m., took oath and responded to questions and issues raised by the Committee as follows-

(i) **Employment and work experience**

He stated that he had been a career Parliamentary Officer. He joined Parliament in 1979 as a Clerk Trainee and rose up the ranks to become the Clerk of the National Assembly in May 2008 until towards the end of the year 2012 when he retired from the Parliamentary Service. Upon retirement, he joined the Public Service Commission as a member, a position he was holding as at the time of appearing before the Committee for vetting.

(ii) **Publications**

He submitted that he had authored the publication of the following books:-

- (a) *The Lost Generations*- Manuscript 2018;
- (b) Handbook on County Legislative Assemblies; 2013
- (c) 100 years journey of Kenyan Parliament;
- (d) Considered Speaker's Rulings: Parliament of Kenya (1963 – 2007); and
- (e) A guide for effective Parliamentary Committee Membership; 2006.

(iii) **How prepared for the job was the nominee?**

He stated that he has vast experience in working with institutions for their development. Most importantly, he conceptualized and oversaw the setting up of the National Assembly Fund through legislation. This was a major achievement for the National Assembly because it assured the institution adequate funding.

(iv) **What he would do to enhance service delivery at the Judiciary**

He stated that among the actions he would take to enhance service delivery at the Judiciary would be to ensure adequate funding, ensure discipline among judicial officers and ensure use of Information and Communications Technology (ICT) to full potential.

(v) **Why he wants to be a member of the Judicial Service Commission and whether he will make noticeable impact at the Commission if appointed**

He asserted that he has the competence, energy, ability, commitment, diligence and passion to serve as member of the Judicial Service

Commission. He believed that during his thirty-three (33) years of service at Parliament and five (5) years at the Public Service Commission, he had learnt a lot of best practices to apply at the Judicial Service Commission and make noticeable impact.

(vi) **On leadership and integrity and what he would do to address the corruption issue ?.**

He admitted that corruption was an issue of concern at the Judiciary and stated that if appointed, he would ensure the Commission institutes the following measure to address the corruption issue:-

- (a) Putting in place accountable structures geared towards routine monitoring and evaluation of work done;
- (b) Engaging relevant institutions like the EACC in developing and instituting anti-corruption plans;
- (c) Continuous education on anti-corruption; and
- (d) Making courts more open and accessible to the public.

(vii) **On the two-thirds gender principle as required by the Constitution of Kenya**

He cited competitive politics as the main reason for failure by Parliament of Kenya to realize the two-thirds gender threshold as envisaged by the Constitution. He was of the view that the only way the two-thirds gender threshold would be realized in Parliament is through enactment of legislation creating more parliamentary seats to be competed for by women only and requiring political parties to nominate a certain number of women to Parliament.

He was a strong believer in gender balance in employment and would take necessary steps to ensure that the two-thirds gender threshold in the Judiciary service on matters employment is realized.

(viii) **On intergovernmental relations and the administration of justice**

He submitted that towards enhancing intergovernmental relations with the County Governments, the Judiciary had established High Courts in many counties and that the ultimate plan was to establish High Courts in all the forty-nine (49) Counties in the country and Magistrates Courts to as many sub-counties as possible. The Court of Appeal was also holding circuit sittings in more Counties than before.

On the issue of delayed administration of justice due to overstretched or lack court services, he was of the view that Counties should embrace Alternative Dispute Resolution (ADR) processes and would ensure that the Judiciary engages the Counties on this. He was also of the view that the Counties should provide land for the construction of courts towards enhancing of administration of justice.

(ix) **On the implementation of Sector specific legislation and policies in line with the Vision 2030**

He asserted that the Judiciary has a key role to play in the realization of Vision 2030 by the Government of Kenya. If for instance, time taken in court to resolve investment matters was inordinately long, investors will suffer financially because of delayed or missed investment opportunities and may relocate while those still eyeing Kenya may think otherwise. Towards, this end, he will ensure the Judiciary enacts measures to ensure quick settlement of court cases.

(x) **How he will shield the Judiciary from interference by other Government agencies**

He stated that some of the underlying causes of interference were weak institutional structures, inadequate funding, lack of fair and transparent recruitment processes and, that if appointed, he would ensure that measures are instituted to guarantee the judiciary its independence.

(xi) **The nominee's net worth**

He informed the Committee that he was worth approximately Kenya Shillings thirty-nine million (Kshs 39,000,000) net worth.

(xii) **Political activities and affiliations**

He asserted that he was neither a member nor an affiliate of any political party nor did he hold a position in a political party.

(xiii) **His vision for the Judiciary**

He averred that if appointed as a member of the Judicial Service Commission he would like to leave in place a Judiciary that each and every Kenyan would be proud of. Most notably a Judiciary that is adequately funded, sufficiently staffed and efficient in the administration of justice.

(xiv) **Diversity and inclusivity in employment**

He stated that he strongly supported diversity and inclusivity in employment and that even the Public Service Commission has in place a policy on diversity and inclusivity. If appointed, he will ensure that the JSC borrows heavily from the Policy.

The nominees CV certificates and testimonials are attached as annexure 11.

4.2. APPROVAL HEARING OF MR. FELIX KOSKEI

Mr. Felix Koskei was nominated pursuant to Article 171 (2) (h) of the Constitution for appointment as a member of the Commission to represent the public. This provision requires that the appointee should not be a lawyer. The nominee appeared before the Committee on 21st February, 2018 at 12.10 p.m., took oath and responded to questions and issues raised as follows-

(i) **Self-introduction and education background**

He hails from Nandi County and attended primary and secondary schools in the County and proceeded to Nkubu High School in Meru County for his 'A' level education.

He graduated from the University of Nairobi (UoN) in 1986 with a Bachelors' degree in Botany and Zoology. He also graduated from the same University in the year 2003 with a Masters' degree in Business Administration (MBA) in Strategic Management. He also has a Diploma in Supplies and Marketing from the Chartered Institute of Purchasing and Supplies.

He submitted that he has not undertaken any course or training in Law.

(ii) **Employment history**

He was first employed by the Kenya Posts and Telecommunications in 1990 where he worked for seventeen (17) years before joining the Ethics and Anti-Corruption Commission (EACC). He served at EACC for two months before joining the Kenya Civil Aviation (KCA) as Head of Procurement and later the Kenya National Highways Authority (KENHA) as General Manager, Procurement.

He was appointed Cabinet Secretary for Agriculture in 2013 and stepped aside in 2015 to pave way for investigations after he was adversely mentioned in an EACC report submitted to the House by His Excellency the President.

(iii) **Why he believes that he's qualified for the job.**

He stated that he is qualified for the job because he is a trained scientist, business manager and strategic management specialist. These are qualities that may be lacking at the Judicial Service Commission considering that a substantial number of its members are drawn from institutions and organizations whose members are legal practitioners.

(iv) **Why he wants to be a member of the Judicial Service Commission and whether he will make noticeable impact at the Commission if appointed**

He informed the Committee that he has the zeal and determination to serve as a member of the Judicial Service Commission. He was a performer at the Ministry of Agriculture during his stint as the Minister and that his record speaks for itself. If appointed, he would apply his vast experience in procurement and strategic management and planning to bring about noticeable change at the Judiciary.

(v) **On integrity**

He submitted that he stepped aside as Cabinet Secretary for Agriculture, Livestock and Fisheries in the year 2015 after he was adversely mentioned in an EACC report submitted to the House by His Excellency the President. He informed the Committee that his decision to step aside was meant to demonstrate that if there are corruption allegations made against a public officer, then the public officer should, as a matter of principle, step aside to pave way for investigations.

He informed the Committee that he was astonished by the accusations of corruption made against him. He informed the Committee that he voluntarily presented himself to the EACC where he recorded a statement but was later informed that the file had been closed

He refuted allegations that he was involved in the irregular acquisition of a potato farm in Tigoni, Kiambu and stated that he had never visited the said farm.

He informed the Committee that during his twenty-two (22) years of employment in various positions in the public service, he had never been charged in a court of law with corruption related or any other offence.

He stated that he had never been adversely associated with practices that depict bias, favouritism or nepotism. During his tenure as Minister for Agriculture, Livestock and Fisheries he was responsible for the country's food security and he ensured project implementation in all the forty-seven (47) Counties. To him, this was an achievement he would be remembered for.

If appointed, he would act as follows to address the issue of corruption-

- (a) There is rampant corruption in procurement and as a procurement expert, he was aware of the loopholes in the processes and would institute measures to address the issue;
- (b) He would ensure transparency and accountability at the Judiciary especially on case file management;
- (c) He would advocate for the enhanced use of ICT especially in access to filing of documents;
- (d) He would ensure that the Judiciary is adequately funded and staff are well remunerated to dissuade them from engaging in corrupt activities; and
- (e) He would ensure measures are enacted with regard to monitoring and evaluation of project implementation to guard against corruption.

(vi) On human resource and financial management

He observed that the Judiciary had many Departments which were key in the administration of justice and that the efficiency and effectiveness of the said Departments was important for better service delivery. If appointed, he would study the staff establishment and come up with measures to enhance efficiency.

He would further take steps towards improvement of terms and conditions of service of judicial officers in order to motivate them and also ensure ICT equipment is provided for the day-to-day work.

(vii) On intergovernmental relations and the administration of justice

He submitted that he supported devolution and that if appointed to JSC he would do the following to strengthen intergovernmental relations:-

- (a) Enhance access to administration of justice by establishing High Courts in all the forty-seven (47) Counties and enough Magistrates' Courts in sub counties;
- (b) Engage County Governments with a view to having them embrace Alternative Dispute Resolution (ADR) as a way of ensuring speedy determination of disputes and decongesting the courts;
- (c) Undertake capacity building on intergovernmental relations in county and central governments with a view to strengthening the relations.

(viii) On political activities and affiliations

He submitted that he unsuccessfully contested for an elective position in the 2017 general elections and now prefers public service.

(ix) On his net worth

He stated that his net worth was Kenya Shillings eight hundred sixty-seven million (Kshs 867,000,000).

The nominees CV, certificates and testimonials are attached as annexure 12.

4.3. APPROVAL HEARING OF PROF. OLIVE MUGENDA

Prof. Olive Mugenda was nominated pursuant to Article 171 (2) (h) of the Constitution for appointment as a member of the Commission to represent the public. This provision requires that the appointee should not be a lawyer. The nominee appeared before the Committee on 21st February, 2018 at 1.50 p.m., took oath and responded to questions and issues raised as follows-

(i) Educational background

She attended Ainabkoi Primary School, Alliance Girls High School for her 'O' level education and Moi Girls High School in Eldoret for her

'A' level education. She attained a Bachelors' of Education degree (First Class Honours) from the University of Nairobi in 1979, a Masters' of Science (M.sc.) degree from Iowa State University in the United States of America (USA) in 1983 and a Doctor of Philosophy (Ph.D.) degree from the same University in 1988. She also had a Masters' of Business Education degree from the Eastern and Southern Africa Management Institute (ESAMI).

She confirmed that she had not undertaken any course or training in Law.

(ii) Work experience

She is a career educationist and her only employer has been Kenyatta University (K.U.). She joined the University immediately after college in the year 1984 as an Assistant Lecturer and served the University for thirty-five (35) years, retiring in the year 2016 having risen up the ranks to the position of Vice Chancellor, a position she held for ten (10) years.

She stated that she was the first holder of the position of Vice Chancellor at Kenyatta University through a competitive recruitment process. Previously the President directly appointed the office holder. Her first term of office ended in 2011 and was renewed for a further five year term which ended in 2016.

While serving as Vice Chancellor Kenyatta University, she received Elder of the Order of the Burning Spear (EBS) and Chief of the Order of the Burning Spear (CBS) State Commendations from His Excellency President Mwai Kibaki's administration because of her exemplary performance.

(iii) Publications

She authored *Mugenda O and Mugenda A*, Research methods dictionary which was published by Applied Training and Research Services (Nairobi) in the year 2012. She also jointly with others authored *Mugenda O, Elizabeth Kuria and Joseph Waweru on the Anemia Status in the context of pregnancy and HIV/AIDS* published by LAP Lambert Publishing GmbH & Co KG(2010), among others.

(iv) **What value would she add to the Judicial Service Commission (JSC) if appointed a member?**

She stated as follows:-

- (a) She had vast experience in financial administration having served as Deputy Vice-Chancellor Finance and Administration and also Vice-Chancellor at Kenyatta University where she administered a huge financial budget;
- (b) Her qualifications in Business Administration in addition to her vast experience in administration at Kenyatta University would be of value to JSC; and
- (c) Her experience in Strategic Planning at Kenyatta University where she chaired the University's Strategic Planning Committee would also add value to JSC.

(v) **Membership to Professional Organizations/Bodies**

She is a member of the following Professional Organizations/Bodies:-

- (a) Vice President – International Association of Universities;
- (b) Chairperson – Association of Commonwealth Universities;
- (c) Africa – USA Higher Education University Advisory Board;
- (d) Young African Leadership Initiative (YALI);
- (e) Magna Carta Observatory;
- (f) Economic and Social Council

(vi) **Why she wants to be a member of the Judicial Service Commission and whether she will make noticeable impact at the Commission if appointed after 35 remarkable years of service in the education sector ?.**

She stated that she had the option of retiring to private business when she exited Kenyatta University though it was also her strong desire to serve the public. She would apply her vast experience in education, financial administration, business administration and strategic planning to bring about noticeable change at JSC.

(vii) **On integrity**

She submitted that she was the biggest anti-corruption crusader at Kenyatta University. Despite this, complaints were made against her to EACC but she was investigated and cleared of any wrong doing.

She had never exercised or been associated with practices that depict bias, favouritism or nepotism in the discharge of public duties at Kenyatta University. She always ensured that staff recruitment process was always transparent and accountable.

If appointed to JSC, she would ensure institution of the following measures to address the corruption issue-

- (a) Strict implementation of the JSC Anti-Corruption Strategy;
- (b) Work closely with the relevant JSC Committee on anti-corruption with a view to taking the fight against corruption to a higher level;
- (c) Digitizing processes at the Judiciary especially those relating to cash transaction;
- (d) Sensitize the public against corruption and its effects and consequences;
- (e) Development and enforcement of service charters to ensure timely service delivery; and
- (f) Working closely with the Commission on Administrative Justice to ensure that complaints received against Judicial Officers are promptly dealt with.

(viii) On strengthening intergovernmental relations and the administration of Justice

She stated that if appointed to JSC, she would ensure that the Judiciary takes the following actions towards strengthening intergovernmental relations-

- (a) Collaborate with Counties to build courts to ensure that the public had easy access to courts for the purposes of administration of justice; and
- (b) Conduct capacity building in the Counties to enhance administration of justice.

(ix) On diversity and inclusivity in employment

She supported diversity and inclusivity in employment during her tenure as Vice Chancellor of Kenyatta University. She would ensure the same at JSC if appointed.

(x) **On her net worth**

She stated that her net worth was Kenya Shillings sixty million (Kshs 60,000,000).

(xi) **On the memorandum received challenging her suitability for appointment to office**

The Committee received an affidavit sworn by Dr. George Lukoye Makokha contesting the nomination of Prof. Olive Mugenda as a member of the Judicial Service Commission on grounds of questionable integrity. In his supporting affidavit, Dr. George Lukoye Makokha deponed as follows-

- (a) The nominee is a Respondent in *Petition No 128 of 2016: Okiya Omtatah Okoiti vs. Kenyatta University Council & Others* where the Employment and Labour Relations Court is being asked to declare that the nominee illegally occupied office of the Vice Chancellor for ten years without being lawfully appointed;
- (b) Mr. Okiya Omtata Okoiti petitioned JSC to remove Lady Justice Monica Mbaru from office for breach of oath of office and gross misconduct. This petition was filed following the Judge's ruling in *ELRC Civil Cause No. 2010 of 2016: Olive Mugenda v. Kenyatta University and Ag. Vice Chancellor, Prof Paul Wainaina* as consolidated with *Petition No. 128 of 2016* and made in favour of the nominee awarding her an exit package of Kenya Shillings one hundred million. Mr. Makokha states that the Judge made the favourable ruling to return favours to the nominee who, while she was the Vice Chancellor at Kenyatta University had employed the Judge's husband, Mr. Henry Mwangi;
- (c) Prof. Mugenda defied Court Orders issued in *Petition No 128 of 2016* on 26th October 2016 restricting her to earn only basic salary, house allowance and medical allowance that she earned as a Vice Chancellor pending hearing and determination of the petition. He mentions that she defiantly continued to enjoy the full package and also occupies the 5th floor at the City Campus of Kenyatta University in contravention of the Court Order;

- (d) The nominee almost defrauded the University of the Kenyatta University Teaching and Referral Hospital by converting it into a company and coerced the University Council to appoint her as the CEO of the company. However, the appointment was revoked by the court in *Petition No 78 of 2016 (Okiya Omtata v. Kenyatta University Council & 4Others)*;
- (e) The nominee ventured into many constructions at the University which she used as conduits for siphoning money. Further, the buildings were shoddily constructed and are inhabitable e.g. the 4th Floor of the School of Education building that was opened while it was incomplete;
- (f) The nominee committed the University to numerous unnecessary loans from Equity Bank where she is a Director. This has allegedly led to the University to resort to use the Kenyatta University Workers SACCO contributions to finance the loans;
- (g) The nominee opened Kenyatta University Campuses in Kigali, Rwanda and Arusha, Tanzania which have since been closed. Their closure has led to a big financial loss to Kenyatta University;
- (h) The Ethics and Anti-Corruption Commission had failed to properly investigate the allegations against the nominee;
- (i) Media reports had implicated Prof. Mugenda as having misadvised Kenya Methodist University(KEMU) to take a loan from a Chinese Company but the University was unfortunately later unable to repay the loan and now risks closure.

Dr. Makokha attached the following documents in support of the affidavit –

- a) A copy of Draft Petition No. 128 of 2016 labelled “annex GLM 01”;
- b) A copy of court order of Petition 128 of 2016 dated 6th September, 2016labelled “annex GLM 02”;

- c) A copy of court order on Cause 2010 of 2016 consolidated with Petition 128 of 2016 dated 28th October 2016labelled “annex GLM 03”;
- d) A copy of the Court order of Petition 128 of 2016 dated 19th October, 2016labelled “annex GLM 04”;
- e) A copy of the Minutes of 4th Regular Meeting of the Terms and Conditions of Service Committee of the Kenyatta University Council held on 17th March, 2015labelled “annex GLM 05”;
- f) A copy of the Minutes of the 10th regular Meeting of the 9th Kenyatta University Council held on 20th August, 2015labelled “annex GLM 06”;
- g) A copy of the Minutes of the 7th Special meeting of the 9th Kenyatta University Council held on the 3rd September, 2015labelled “annex GLM 07”;
- h) A copy of the Court Order in petition 78 of 2016 dated 16th May 2016labelled “annex GLM 08”;
- i) Copies of consent letters on Petition 78 of 2016 dated 8th July 2016labelled “annex GLM 09”;
- j) A copy of Weekly Citizen Magazine of 12th to 18th February 2018 about Kenya Methodist Universitylabelled “annex GLM 10”;
- k) A copy of communication from the Union of Other Individuals touching on integritylabelled “annex GLM 11”; and
- l) A copy of the documents touching on procurement and financial matters at Kenyatta Universitylabelled “annex GLM 12”.

In response to Dr.George Lukoye Makokha’s complaint, Prof. Olive Mugenda through a sworn affidavit in addition to the oral evidence adduced before the Committee responded as follows:-

- (a) *Petition No 128 of 2016*, is pending in the Employment and Labour Relations Court. The case is against the Kenyatta University Council, the Cabinet Secretary for Education, the State Corporations Advisory Committee, the Attorney General, the nominee and Kenyatta University.

- (b) The *Sub Judice* rule may apply in this case but in restricting herself to the brief background of the case, she stated that she had on 26th September 2016 filed a suit against the Kenyatta University (*ELRC No 2010 of 2010*) seeking an order to compel the University to pay her all unpaid emoluments as per the agreed exit package that had been approved by the Terms and Conditions Service Committee of Kenyatta University.
- (c) The case had been filed under Certificate of Urgency and that as has been the practice in the courts, the matter, having being filed under Certificate of Urgency, was placed before the duty Judge who was Hon. Monica Mbaru who made orders to the effect that the University does pay the claimant her full exit dues as agreed in the aforementioned exit package;
- (d) Mr. Okiya Omtatah filed a *Petition no 128 of 2016* in the Employment and Labour Relations Court against Kenyatta University Council, the Cabinet Secretary for Education, the State Corporations Advisory Committee, the Attorney General, the nominee and Kenyatta University. The Petition sought stay of implementation of the retirement package. The Petition was heard by Justice Hellen Wasilwa who granted a stay order and further orders prohibiting the University from giving effect to the retirement package until hearing and determination of the application. The matter was not heard on the set date of 12th October, 2016 because the Respondents had not filed responses;
- (e) The matter was later placed before Justice Abuodha who consolidated the two claims (*Petition No. 128 of 2016* and *ELRC No. 2010 of 2010*) and also ordered that the nominee continues receiving her basic salary and house allowance and also continue with the medical cover she was under;
- (f) The current Vice Chancellor has since withdrawn her official vehicle, driver, home and personal security guard, house help, Office Assistant, secretary and has further asked her to vacate the 5th Floor of Kenyatta University City Campus along Haile Selassie Avenue, Nairobi which she had duly vacated in November, 2017;

- (g) She has never acted in defiance of any court orders and that there have never been any contempt proceedings instituted against her for disobedience of a court order;
- (h) In addressing the issues *under Petition No 78 of 2016 (Okiya Omtata v. K.U Council Cabinet Secretary for Education, the State Corporations Advisory Committee, the Attorney General and the nominee*, she asserts that the matter is pending in court but offered a brief background of the same. In that case Mr. Omtata was seeking the University Council to be prohibited from proceeding to appoint the nominee as CEO of Kenyatta University Health Care Systems Ltd. She states that she was appointed as CEO by the University Council with a view to actualizing the vision of constructing a world class university hospital and ensure a smooth transition of the project to the next leader;
- (i) Her concept was to build a 600bed capacity university hospital, a cancer wing and a 300 bed children's hospital among other facilities and the Council thought it prudent to appoint her as CEO for two (2) years since it was her brainchild and also owing to the magnitude of the project as well as her commitment to actualize the operationalization of the project. Her appointment was however later challenged and, as such, she did not take office;
- (j) With respect to the issue of the construction works at the Kenyatta University, she stated that all works were approved by the University Council. She offered statistical details by stating that that she had initiated and successfully completed over 70 academic physical projects and transformed the University's outlook and enrolment capacity from 15,000 to 70,000. As a result, she believed that this contributed to the improvement of the University's ranking in East Africa;
- (k) EACC investigated her following complaints but on 1st October, 2013 discontinued investigations because of lack of evidence. She further revealed that the Secretary to the Cabinet vindicated her and reaffirmed the integrity and uprightness with which she had conducted the affairs of the University over the years;

- (l) The establishment of Kenyatta University's Kigali campus was based on sound reasons in line with the University's expansion plans and the University Council supported the decision to open the campus. The University was also following similar expansion steps taken by other Kenyan Universities that had ventured into the East African region;
- (m) With respect to the allegation of having been contracted by KEMU, she stated that she had been granted an earned sabbatical leave totalling twenty-eight months (28) from 8th Nov 2016 – 8th April 2019 and she was allowed to carry out consultancy work in keeping with her expertise;
- (n) The loan from Equity Bank was procedurally procured with approval of the University Council, the Ministry of Education and the National Treasury. Contrary to allegations that she, as the Vice Chancellor, influenced the decision to obtain loans from Equity Bank, she avers that the procurement procedure was, as required by procurement laws, competitive and the award was on the basis of the best rates and conditions. Furthermore, the University also obtained loans from other banks as well.

In support of her averments in her affidavit, Prof. Mugenda annexed the following supporting documents-

- (a) A copy of the application under certificate of urgency marked "OMM-1A"
- (b) A copy of the Statement of Claim marked "OMM-1B"
- (c) A copy of the court order issued by Justice Monica Mbaru marked "OMM-2"
- (d) A copy of the certificate of Urgency together with the Notice of Motion and Supporting affidavit in petition 128 of 2016 marked "OMM-4"
- (e) A copy of the court order issued by Justice Mbaru on 12th October 2016" marked "OMM-06";

- (f) A copy of the court order by Justice Abuodha issued on 26th October 2016 marked “OMM-7”;
- (g) A copy of the Petition No. 78 of 2016 marked “ OMM-8A”;
- (h) A copy of the Memorandum of Appearance filed on her behalf marked “OMM-8A”;
- (i) A copy of the court order marked “OMM-8C”;
- (j) A copy of the letter dated 4th May 2016 from Kenyatta University marked “OMM-9”;
- (k) A copy of letters from EACC and Office of the President marked “ OMM-10”; and
- (l) A copy of the minutes of the University Council showing that Equity Bank had competitively bid and won marked “OMM-11”.

Having carefully considered the allegations made by Dr. George Lukoye Makokha in his affidavit and the response thereto by Prof. Olive Mugenda, the Committee makes the following observations-

- (a) *Petition No 128 of 2016: Okiya Omtatah Okoiti vs. Kenyatta University Council & Other*, is pending in the Employment and Labour Relations Court and the *sub judice* rule applies;
- (b) Justice Monica Mbaru heard her application filed under Certificate of Urgency in keeping with the practice that matters filed in such a manner be placed before the duty judge;
- (c) The Court ordered that the nominee continues receiving her basic salary, house allowance and enjoy the medical cover she was under as at the time of exit as per the Court Order dated 28th October 2016 attached to the replying affidavit and labelled “OMM7”;
- (d) The Committee observed that though Dr. Makokha alleged that Prof. Mugenda was still occupying Kenyatta University’s City Campus’Fifth (5th) Floor office space, he did not provide any evidence to prove the allegations.

- (e) As per the replying affidavit and oral evidence adduced by the nominee, the Committee found that in the absence of evidence of contempt of court proceedings or a contempt order, this allegation had no merit
- (f) The decision to appoint the nominee as the Chief Executive Officer of Kenyatta University Health Care Systems Limited was made by the University Council as per the letter of the Chairman of the University Council dated 4th May 2016 informing the nominee of the Council's resolution to appoint her as the CEO of the said company and this letter is annexed in the replying affidavit and labelled as "OMM9";
- (g) The construction works undertaken at Kenyatta University were approved by the University's Council;
- (h) EACC had conducted investigations in respect of complaints made against her and closed the file for want of evidence as per the letter annexed to the replying affidavit marked "OMM10";
- (i) With regards to the establishment of a Campus in Kigali, Rwanda, the Committee observed that the decision to develop a campus in Kigali, was made by the University Council as per the Minutes of the 10th Regular meeting of the 9th Kenyatta University Council held on Thursday, 20th August, 2015 which are annexed to the replying affidavit together with other annexures marked "OMM2". Further she stated that the need to form a company to acquire the Campus building was made pursuant to the Rwanda laws regulating the establishment of foreign Universities in Rwanda;
- (j) The nominee had been granted sabbatical leave of twenty-eight (28) months as per the Minutes of the 7th Special Meeting of the 9th Kenyatta University Council held on Thursday, 3rd September, 2015 in the Council Boardroom at 2:30 pm which are annexed to the replying affidavit as "OMM1-A" and that she was permitted to engage in consultancy work;
- (k) The procurement of banking services and facilities from Equity Bank was done competitively and the decision was made by the tender committee as indicated in the Minutes of the

Kenyatta University tender Committee meeting held on Thursday 12th November 2009 in the Mandela Room and the letter by Kenyatta University to Equity Bank dated 27th November 2009 which are annexed to the replying affidavit of the nominee in the annexure marked “OMM11”;

- (1) The affidavit by Dr. Makokha contained conjecture and unsubstantiated allegations.

Based on the observations, the Committee found that the allegations made against the nominee lacked merit.

The nominee's CV, Certificates and testimonials are attached as annexure 13.

PART 5

5. COMMITTEE OBSERVATIONS, FINDINGS AND CONCLUSIONS

5.1. SPECIFIC OBSERVATIONS

(i) On Mr. Patrick Gichohi

The Committee observed as follows-

- (a) He had extensive experience having served in Parliamentary Service for thirty three (33) years and rising to the position of Clerk of the National Assembly;
- (b) His academic credentials and professional training and experience are extensive and in compliance with Section 6(7) of the Public Appointments (Parliamentary Approvals) Act of 2011;
- (c) His experience in Parliament where he was Secretary to the Parliamentary Service Commission and his experience as a member of the Public Service Commission will add value to JSC;
- (d) There was no memorandum received contesting his nomination for appointment;
- (e) He satisfies Article 78(1) (2) of the Constitution because he is a Kenyan Citizen and does not hold dual citizenship;
- (f) There will be no potential conflict of interest as stipulated in Article 75(1) of the Constitution in case he is appointed;
- (g) He satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity having been cleared by DCI, KRA, RPP, HELB and EACC;
- (h) He had never been charged with a criminal offence in a Court of Law;

- (i) He satisfies the requirements of Article 72(2) of the Constitution because he does not hold an office in a political party;
- (j) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State Officers and Article 78(2) on dual citizenship;
- (k) He exhibited knowledge and understanding of the mandate and other pertinent issues relating to the JSC and the Judiciary.

(ii) On Prof. Olive Mugenda

- (a) Her academic credentials and professional training and experience are extensive and in compliance with Section 6(7) of the Public Appointments (Parliamentary Approvals) Act of 2011;
- (b) She demonstrated innovativeness and ability to steer institutions to greater heights;
- (c) She has vast experience in administration having held various administrative positions at Kenyatta University most notably Vice Chancellor for a period of ten (10) years;
- (d) She satisfies the requirements of Chapter 6 of the Constitution on Leadership and Integrity having been cleared by DCI, KRA, RPP, HELB and EACC;
- (e) She has never been charged with a criminal offence in a Court of Law;
- (f) She satisfies requirements of Article 72(2) of the Constitution because she does not hold an office in a political party;
- (g) She does not see any potential conflict of interest should she be appointed to JSC;

- (h) She has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State Officers and Article 78(2) on dual citizenship;
- (i) She satisfies Article 78(1) (2) of the Constitution because she is a Kenyan Citizen and does not hold dual citizenship;
- (j) Three (3) memoranda from the public were received contesting her suitability for appointment. Two (2) of the memoranda were rejected by the Committee as they did not comply with the law. With respect to the other memorandum that complied with the law, she satisfied the Committee in her responses to the allegations made in the third memorandum which the Committee found had no merit;
- (k) She exhibited knowledge and understanding of the mandate and other pertinent issues relating to the JSC and the Judiciary; and
- (l) She is not a lawyer as stipulated under Article 171 (2) (h).

(iii) On Mr. Felix Koskei

- (a) His academic credentials and professional training and experience are extensive and in compliance with Section 6(7) of the Public Appointments (Parliamentary Approvals) Act of 2011;
- (b) His vast experience in procurement and strategic management will add value to JSC and Judiciary;
- (c) There was no memorandum received contesting his nomination for appointment;
- (d) He satisfies Article 78(1) (2) of the Constitution because he is a Kenyan Citizen and does not hold dual citizenship;
- (e) There will be no potential conflict of interest as stipulated in Article 75(1) of the Constitution in case he is appointed to JSC;

- (f) He satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity having been cleared by DCI, KRA, RPP, HELB and EACC;
- (g) He has never been charged with a criminal offence in a Court of Law;
- (h) He satisfies the requirements of Article 77(2) of the Constitution because he does not hold an office in a political party;
- (i) He has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State Officers and Article 78(2) on dual citizenship; and
- (j) He exhibited knowledge and understanding of the mandate and other pertinent issues on the JSC and the Judiciary; and
- (k) He is not a lawyer as stipulated in Article 171 (2) (h) of the Constitution.

5.2. GENERAL OBSERVATION

The essence of the vetting of persons nominated to public office is to allow the public to participate in the process of appointment of persons to public offices in the spirit of Article 118 of the Constitution. The Committee noted, with concern that out of the three memoranda received from the public, only one complied with the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 which requires that any *person may submit written statements on oath on the suitability of a nominee.*

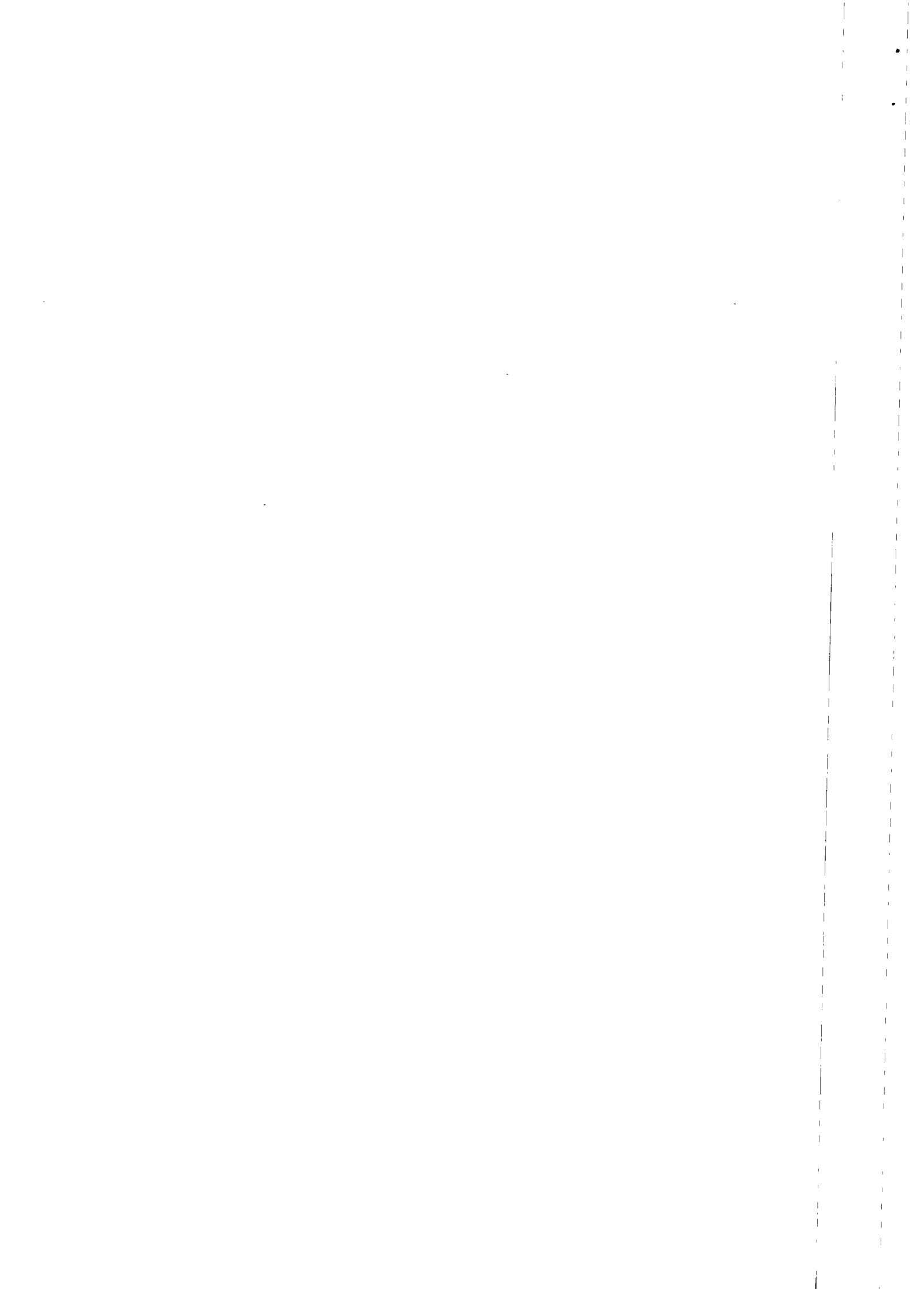
The Committee draws the attention of the members of the public to that provision and the need to comply with it. Indeed, the advertisements calling for submission of memoranda always call upon the members of the public to heed to the advertisement in terms of the format of the submissions made to the committee as well as the timelines for submitting the memoranda.

PART 6

6. COMMITTEE RECOMMENDATION

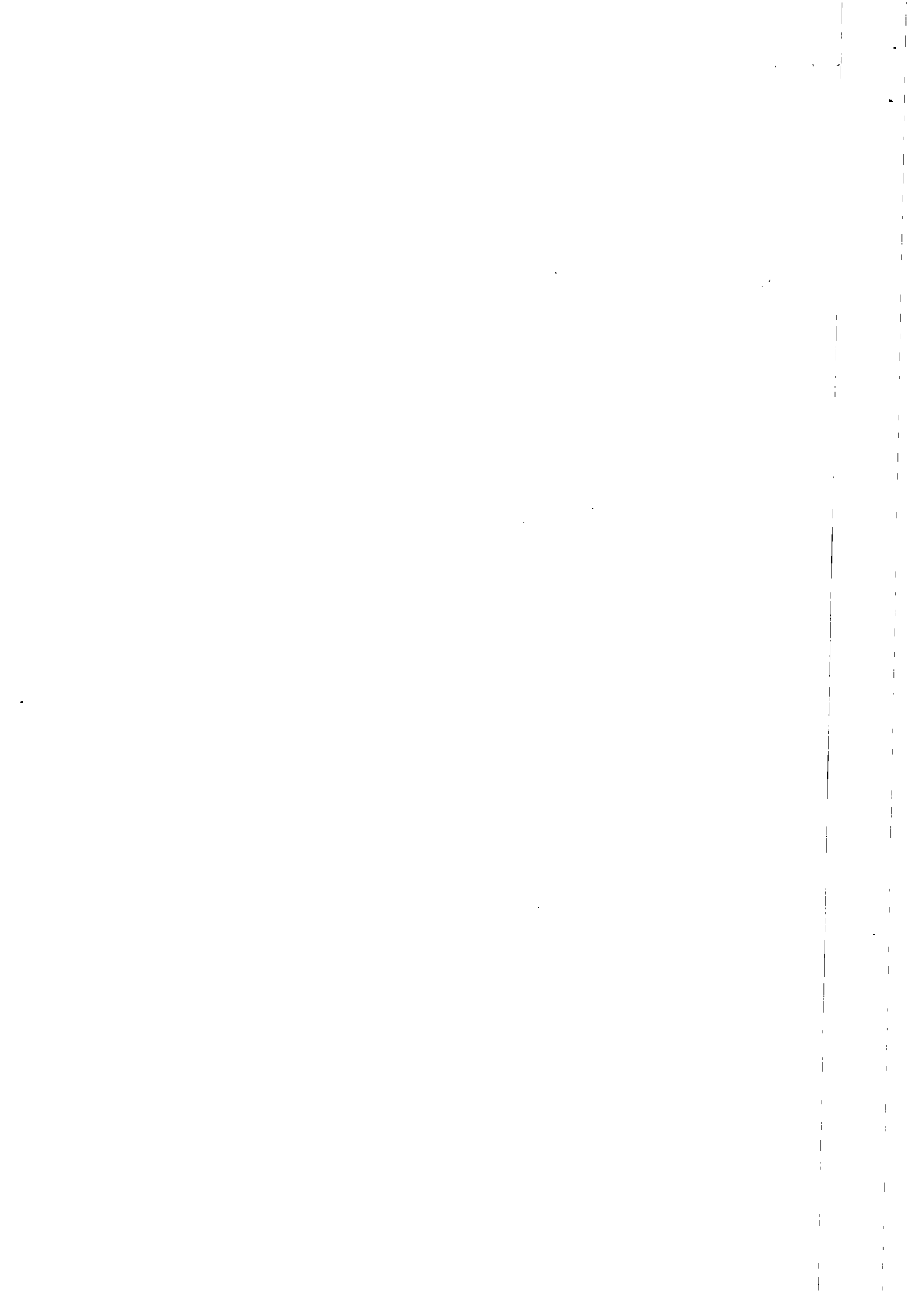
The Committee recommends as follows-

- (1) The House approves the appointment of Mr. Patrick Gichohi as member of the Judicial Service Commission under Article 171(2)(g) of the Constitution by His Excellency the President;**
- (2) The House approves the appointment of Prof. Olive Mugenda as member of the Judicial Service Commission under Article 171(2)(h) of the Constitution by His Excellency the President;**
- (3) The House approves the appointment of Mr. Felix Koskei as member of the Judicial Service Commission under Article 171(2) (h) Constitution by His Excellency the President.**



ANNEXURE 1

(Minutes of Committee sittings on the approval hearings)



MINUTES OF THE NINETEENTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON SATURDAY, 24TH
FEBRUARY, 2018 AT 4.00 P.M. IN BOUGAINVILLEA HALL, SAFARI PARK HOTEL

PRESENT

Hon. William Cheptumo, M.P. - Chairperson
Hon. Alice Muthoni Wahome, M.P. - Vice Chairperson
Hon. John Olago Aluoch, M.P.
Hon. Ben Momanyi Orori, M.P.
Hon. Charles Gimose, M.P.
Hon. Gladys B. Shollei, CBS, M.P.
Hon. Jennifer Shamalla, M.P.
Hon. John M. Wambugu, M.P.
Hon. George G. Murugara, M.P.
Hon. Beatrice Adagala, M.P.
Hon. Japheth Mutai, M.P.
Hon. Adan Haji Yussuf, M.P.
Hon. Anthony G. Kiai, M.P.
Hon. Zuleikha Hassan, M.P.

ABSENT

Hon. Roselinda Soipan Tuya, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. William K. Mwamkale, M.P.
Hon. Johana Ngeno, M.P.
Hon. John Kiarie Waweru, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba - Senior Clerk Assistant
Mr. Denis Abisai - Principal Legal Counsel I
Ms. Doreen Karani - Legal Counsel II
Ms. Halima Hussein - Clerk Assistant III
Ms. Fiona Musili - Research Officer III
Mr. Abdirahim Omar - Budget Officer
Ms. Roselyn Njuki - Serjeant-at Arms II
Mr. Ian Otieno - Audio Officer

MIN No. 50/2018:

PRAYERS AND PRELIMANARIES

The Chairperson called the meeting to order at 4 p.m.



MIN No. 51/2018:

CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Minutes of the previous sittings were confirmed and signed by the Chairperson. The Minutes were confirmed and seconded as follows:

1. Minutes of the 12th Sitting were proposed by Hon. Gladys B. Shollei, MP and seconded by Hon. George Murugara, MP.
2. Minutes of the 13th Sitting were proposed by Hon. Adan Haji Yussuf, MP and seconded by Hon. George Murugara, MP.
3. Minutes of the 14th Sitting were proposed by Hon. Ben Momanyi, MP and seconded by Hon. Beaatrice Adagala, MP.
4. Minutes of the 16th sitting were proposed by Hon. John Munene, MP and seconded by Hon. Charles Gimose, MP.
5. Minutes of the 17th Sitting were proposed by Hon. Zuleikha Hassan, MP and seconded by Hon. Jennifer Shamalla, MP.
6. Minutes of the 18th Sitting were proposed by Hon. Adan Haji Yussuf, MP and seconded by Hon. George Murugara, MP.

MIN No. 52/2018:

ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE JUDICIAL SERVICE COMMISSION

The Committee adopted the report on the vetting of the nominees for appointment as Members of the Judicial Service Commission. The adoption of the report was proposed by Hon. Jennifer Shamalla, MP and seconded by Hon. Adan Haji Yussuf, MP. There was dissenting voice to the adoption.

MIN No. 60/2018:

ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 5.30pm.

Signed.....

Chairperson

Date.....24-02-18.....

MINUTES OF THE EIGHTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON SATURDAY, 24TH FEBRUARY, 2018 AT 10.00 A.M. IN BOUGAINVILLEA HALL, SAFARI PARK HOTEL

PRESENT

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Muthoni Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Ben Momanyi Orori, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Gladys B. Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M. Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Zuleikha Hassan, M.P.		

ABSENT

Hon. Roselinda SoipanTuya, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. William K. Mwamkale, M.P.
Hon. Johana Ngeno, M.P.
Hon. John Kiarie Waweru, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Abdirahim Omar	-	Budget Officer
Ms. Roselyn Njuki	-	Serjeant-at Arms II
Mr. Ian Oteino	-	Audio Officer

MIN No. 47/2018:

PRAYERS AND PRELIMANARIES

The Chairperson called the meeting to order at 10:00am which was followed by a word of prayer by Hon John Wambugu.

MIN No. 48/2018:

CONSIDERATION OF THE DRAFT REPORT ON THE
VETTING OF THE NOMINEES FOR APPOINTMENT
AS JUDICIAL SERVICE COMMISSION -
OBSERVATIONS AND FINDINGS

The Committee analyzed the submissions from nominees and was satisfied that all the three (3) nominees deserved to be appointed as members of the Judicial Service Commission based on the approval hearing proceedings.

The Committee however noted with concern the failure by the public to submit memoranda by way of sworn statements as required by Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. Out of the three (3) memoranda received, only one was by way of sworn statement.

MIN No. 49/2018:

ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 1:45pm until 4:00pm the same day same venue.

Signed.....


Chairperson

Date.....

24.02.18

MINUTES OF THE SEVENTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY, 23RD FEBRUARY, 2018 AT 3.00 P.M. IN BOUGAINVILLEA HALL, SAFARI PARK HOTEL

PRESENT

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Muthoni Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Ben Momanyi Orori, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Gladys B. Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Zuleikha Hassan, M.P.		
Hon. John Kiarie Waweru, M.P.		

ABSENT

Hon. Roselinda Soipan Tuya, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. William K. Mwamkale, M.P.
Hon. Johana Ngeno, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Abdirahim Omar	-	Budget Officer
Ms. Roselyn Njuki	-	Serjeant-at Arms II

MIN No. 44/2018:

PRAYERS AND PRELIMANARIES

The Chairperson called the meeting to order at 3:00 p.m. which was followed by a word of prayer by Hon Beatrice Adagala, MP.

MIN No. 45/2018:

CONSIDERATION OF THE DRAFT REPORT ON THE
VETTING OF NOMINEES FOR APPOINTMENT AS A
MEMBER OF THE JUDICIAL SERVICE COMMISSION

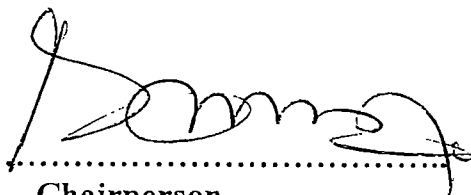
The Committee considered the draft report on the vetting of Prof. Olive Mugenda, nominee for appointment as a Member of the Judicial Service Commission representing the Public. Among the highlights of the consideration was an affidavit sworn by Dr. George Lukoye Makokha contesting Prof. Olive Mugenda's suitability to hold office which the Committee dismissed for lack of merit.

MIN No. 46/2018:

ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 6 p.m. till the 24th of February, 2018 at 9.00 a.m. -

Signed.....



Chairperson

Date.....

24.02.2018

MINUTES OF THE SIXTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY, 23RD FEBRUARY, 2018 AT 10.00 A.M. IN BOUGAINVILLEA HALL, SAFARI PARK HOTEL

PRESENT-

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Muthoni Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Ben Momanyi Orori, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Gladys B. Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Zuleikha Hassan, M.P.		
Hon. John Kiarie Waweru, M.P.		

ABSENT

Hon. Roselinda Soipan Tuya, M.P.
Hon. William K. Mwamkale, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. Johana Ngeno, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Abdirahim Omar	-	Budget Officer
Ms. Roselyn Njuki	-	Serjeant-at Arms II

MIN No. 42/2018:

PRAYERS AND PRELIMANARIES

The Chairperson called the meeting to order at 10:00a.m which was followed by a word of prayer by the Honourable Vice Chairperson.

The Chairperson briefed the Committee on his appearance before the Budget and Appropriations Committee on Friday 23rd February, 2018 at Boma Hotel which he presented to the Committee the report on 2018 Budget Policy Statement. He informed the Committee that the report was well received.

The Chairperson pointed out the following issues that arose from the presentation:-

- (i) The Attorney General's Office to provide a report of all the court awards against the Government for budget planning
- (ii) The Judiciary to provide report on all ongoing projects and their status as at 30th December, 2017.

MIN NO. 43/2018:

CONSIDERATION OF THE DRAFT REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE JUDICIAL SERVICE COMMISSION (JSC)

The Committee considered the draft report on the vetting of the following nominees:-

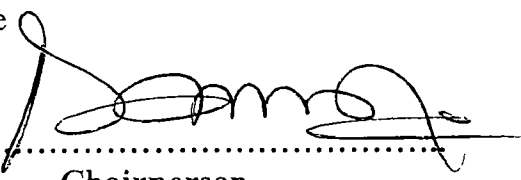
- (i) Mr. Partrick Gichohi, nominee for appointment as member of the Judicial Service Commission representing Public Service Commission pursuant to Article 171(2)(g) of the Constitution;
- (ii) Mr. Felix Koskei nominee for appointment as member of the Judicial Service Commission representing the Public pursuant to Article 171(2) (h) of the Constitution.

MIN No. 44/2018:

ADJOURNMENT

The Chairperson adjourned the meeting at One O'clock until 3pm of the same day at the same venue

Signed.....


Chairperson

Date.....

24th 02nd 18

**MINUTES OF THE FOURTEENTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON WEDNESDAY,
21ST FEBRUARY, 2018 AT 2.00 P.M. IN COMMITTEE ROOM 7, MAIN
PARLIAMENT BUILDING**

PRESENT

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Ben Momanyi Orori, M.P.		
Hon. Roselinda SoipanTuya, M.P.		
Hon. Gladys B. Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M. Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Zuleikha Hassan, M.P.		

ABSENT

Hon. Peter O. Kaluma, M.P.
Hon. Johana Ngeno, M.P.
Hon. John Kiarie Waweru, M.P.
Hon. William K. Mwamkale, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Abdirahim Omar	-	Budget Officer

IN ATTENDANCE

Prof. Olive Mugenda

NOMINEE

- Nominee representing public

MIN No. 39/2018:

PRAYERS AND PRELIMANARIES

The Chairperson called the meeting to order at Two O'clock with a word of prayer which was followed by a round of introduction.

MIN No. 40/2018:

**VETTING OF NOMINEES FOR APPOINTMENT AS
MEMBER OF THE JUDICIAL SERVICE
COMMISSION - (JSC) PROF. OLIVE MUGENDA**

The nominee appeared before the Committee 2.00 p.m. and responded to questions and issues raised by the Committee as follows:-

- (i) She attended Ainabkoi Primary School, Alliance Girls High School for her 'O' level education and Moi Girls High School in Eldoret for her 'A' level education. She attained a Bachelors' of Education degree (First Class Honours) from the University of Nairobi in 1979, a Masters' of Science (M.sc.) degree from Iowa State University in the United States of America (USA) in 1983 and a Doctor of Philosophy (Ph.D.) degree from the same University in 1988. She also has a Masters of Business Education degree from the Eastern and Southern Africa Management Institute (ESAMI).
- (ii) She confirmed that she had never undertaken any course or training in Law.
- (iii) She is a career educationist and her only employer has been Kenyatta University (K.U.). She joined the University immediately after college in the year 1984 as an Assistant Lecturer and served the University for thirty-five (35) years, retiring in the year 2016 having risen up the ranks to the position of Vice Chancellor, a position she held for ten (10) years.
- (iv) she was the first holder of the position of Vice Chancellor at Kenyatta University through a competitive recruitment process. Previously the President directly appointed the office holder. Her first term of office ended in 2011 and was renewed for a further five-year term that ended in 2016.
- (v) While serving as Vice Chancellor Kenyatta University, she received Elder of the Order of the Burning Spear (EBS) and Chief of the Order of the Burning Spear (CBS) State Commendations from His Excellency President MwaiKibaki's administration because of her exemplary performance.
- (vi) She authored *Mugenda O and Mugenda A*, Research methods dictionary, which was published, by Applied Training and Research Services (Nairobi) in the year

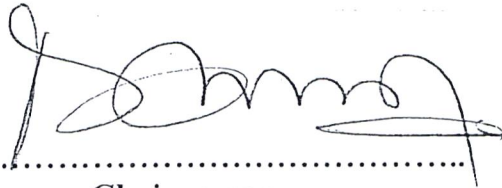
2012. She also jointly with others authored *Mugenda O, Elizabeth Kuria and Joseph Waweru on the Anemia Status in the context of pregnancy and HIV/AIDS* published by LAP Lambert Publishing GmbH & Co KG (2010), among others.

- (vii) She had vast experience in financial administration having served as Deputy Vice-Chancellor Finance and Administration and also Vice-Chancellor at Kenyatta University where she administered a huge financial budget;
- (viii) Her qualifications in Business Administration in addition to her vast experience in administration at Kenyatta University would be of value to JSC; and her experience in Strategic Planning at Kenyatta University where she chaired the University's Strategic Planning Committee would also add value to JSC.
- (ix) She stated that she had the option of retiring to private business when she exited Kenyatta University though it was also her strong desire to serve the public. She would apply her vast experience in education, financial administration, business administration and strategic planning to bring about noticeable change at JSC.
- (x) She was the biggest anti-corruption crusader at Kenyatta University. Despite this, complaints were made against her to EACC but she was investigated and cleared of any wrong doing.
- (xi) If appointed she will strictly implement the JSC Anti-Corruption Strategy, work closely with the relevant JSC Committee on anti-corruption with a view to taking the fight against corruption to a higher level, digitizing processes at the Judiciary especially those relating to cash transaction, sensitize the public against corruption and its effects and consequences, develop and enforce service charters to ensure timely service delivery and work closely with the Commission on Administrative Justice to ensure that complaints received against Judicial Officers are promptly dealt with.
- (xii) She had never exercised or been associated with practices that depict bias, favouritism or nepotism in the discharge of public duties at Kenyatta University. She always ensured that staff recruitment process was always transparent and accountable.
- (xiii) Collaborate with Counties to build courts to ensure that the public had easy access to courts for the purposes of administration of justice and conduct capacity building in the Counties to enhance administration of justice.

(xiv) Three (3) memoranda from the public were received contesting her suitability for appointment. Two (2) of the memoranda were rejected by the Committee as they did not comply with the law. With respect to the other memorandum that complied with the law, she satisfied the Committee in her responses to the allegations made in the third memorandum which the Committee found had no merit;

MIN No. 41/2018:- ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 3.30 p.m.



Signed.....

Chairperson

24.02.018

Date.....

MINUTES OF THE THIRTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON WEDNESDAY, 21ST FEBRUARY, 2018 AT 10.00 A.M. IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS.

PRESENT-

Hon. William Cheptumo, M.P. - **Chairperson**
Hon. Alice Wahome, M.P. - **Vice Chairperson**
Hon. John OlagoAluoch, M.P.
Hon. Ben MomanyiOrori, M.P.
Hon. RoselaindaSoipanTuya, M.P.
Hon. Gladys B. Shollei, CBS, M.P.
Hon. Jennifer Shamalla, M.P.
Hon. John M Wambugu, M.P.
Hon. George G. Murugara, M.P.
Hon. Beatrice Adagala, M.P.
Hon. Charles Gimose, M.P.
Hon. Japheth Mutai, M.P.
Hon. Adan Haji Yussuf Haji, M.P.
Hon. Anthony G. Kiai, M.P.
Hon. Zuleikha Hassan, M.P.

ABSENT:-

Hon. Peter O. Kaluma, M.P.
Hon. Johana Ngeno, M.P.
Hon. John KiarieWaweru, M.P.
Hon. William K. Mwamkale,M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba - Senior Clerk Assistant
Mr. Denis Abisai - Principal Legal Counsel I
Ms. Doreen Karani - Legal Counsel II
Ms. Halima Hussein - Clerk Assistant III
Ms. Fiona Musili - Research Officer III
Mr. Abdirahim Omar - Budget Officer

IN ATTENDANCE-

Mr. Patrick Gichohi

NOMINEES

- Nominee representing Public Service commission

Mr. Felix Kosgei

- Nominee representing the public

MIN No. 36/2018:-

PRAYERS AND PRELIMINARIES

The Chair called the meeting to order at 10am which was followed by prayers and a round of introductions.

MIN No.37/2018:-

VETTING OF NOMINEES FOR APPOINTMENT
AS MEMBERS OF THE JUDICIAL SERVICE
COMMISSION (JSC)

The two nominees appeared before the Committee and responded to questions raised by Members on their suitability to be appointed to the office.

1. MR. PATRICK GICHOHI

The nominee appeared before the Committee at 10.00 and responded to questions as follows:-

- (i) He had been a career Parliamentary Officer. He joined Parliament in 1979 as a Clerk Trainee and rose up the ranks to become the Clerk of the National Assembly in May 2008 until towards the end of the year 2012 when he retired from the Parliamentary Service. Upon retirement, he joined the Public Service Commission as a member, a position he was holding as at the time of appearing before the Committee for vetting.
- (ii) He authored the publication of books most notably "*The lost generations*" in 2018 and 100 years journey of Kenyan Parliament;
- (iii) He has vast experience in working with institutions for their development. Most importantly, he conceptualized and oversaw the setting up of the National Assembly Fund through legislation. This was a major achievement for the National Assembly because it assured the institution adequate funding.
- (iv) He averred that among the actions he would take to enhance service delivery at the Judiciary would be to ensure adequate funding, ensure discipline among judicial officers and ensure use of Information in Computer Technology (ICT to full potential.
- (v) He asserted that he has the competence, energy, ability, commitment, diligence and passion to serve as member of the Judicial Service Commission. He believed that during his thirty three (33) years of service at Parliament and five

(5) years at the Public Service Commission, he had learnt a lot best practices to apply at the Judicial Service Commission and make noticeable impact.

- (vi) He admitted that corruption was an issue of concern at the Judiciary and stated that if appointed, he would ensure the Commission institutes measures to address the situation;
- (vii) He cited competitive politics as the main reason for failure by Parliament of Kenya to realize the two-thirds gender threshold as envisaged by the constitution. He was of the view that the only way the two-thirds gender threshold would be realized in Parliament is through enactment of legislation creating more parliamentary seats to be competed for by women only and requiring political parties to nominate a certain number of women to Parliament.
- (viii) Towards enhancing intergovernmental relations with the County Governments, the Judiciary had established High Courts in many counties and that the ultimate plan was to establish High Courts in all the forty nine (49) counties in the country and Magistrates Courts to as many sub counties as possible. The Court of Appeal was also holding circuit sittings in many counties than before.
- (ix) On the issue of delayed administration of justice due to overstretched or lack court services, he was of the view that counties should embrace Alternative Dispute Resolution (ADR) processes and would ensure that the Judiciary engages the Counties on this. He was also of the view that the counties should provide land for the construction of courts towards enhancing of administration of justice.
- (x) He asserted that the Judiciary has a key role to play in the realization of Vision 2030 by the Government of Kenya. If for instance time taken in court to resolve investment matters was inordinately long, investors will suffer financially because of delayed or missed investment opportunities and may relocate while those still eyeing Kenya may think otherwise. Towards, this end, he will ensure the Judiciary enacts measures to ensure quick settlement of court cases.
- (xi) He stated that some of the underlying cause of interference was weak institutional structures, inadequate funding, lack of fair and transparent recruitment processes and that if appointed, he will ensure measures are instituted to guarantee the judiciary its independence.

- (xii) He informed the Committee that he was worth approximately Kenya Shilling thirty nine million (39,000,000) net worth.
- (xiii) He asserted that he was not a member or an affiliate of any political party neither has he held a position in a political party.
- (xiv) He averred that if appointed a member of the Judicial Service Commission he would like to leave in place a Judiciary each and every Kenyan would be proud of most notably a Judiciary that is adequately funded, well-endowed in human resource and quick in the administration of justice.
- (xv) He stated that he strongly supported diversity and inclusivity in employment and that even the PSC has in place a policy on diversity and inclusivity. If appointed, he will ensure that the JSC borrows heavily from the Policy.

2. MR. FELIX KOSKEI

The nominee appeared before the Committee at 12.10 p.m. and responded to questions and issues raised as follows:-

- (i) He hails from Nandi County and attended primary and secondary schools in the County and proceeded to Nkubu High School in Meru County for his A level education.
- (ii) He graduated from the University of Nairobi (UoN) in 1986 with a Bachelors' degree in Botany and Zoology. He also graduated from the same University in the year 2003 with a Masters' degree in Business Administration (MBA) in Strategic Management. He also has a Diploma in Supplies and Marketing from the Chartered Institute of Purchasing and Supplies.
- (iii) He submitted that he had not undertaken any course or training in Law.
- (iv) He was first employed by the Kenya Posts and Telecommunications in 1990 where he worked for seventeen (17) years before joining the Ethics and Anti-Corruption Commission (EACC). He served at EACC for two months before joining the Kenya Civil Aviation (KCA) as Head of Procurement and later the Kenya National Highways Authority (KENHA) as General Manager, Procurement.
- (v) He was appointed Cabinet Secretary for Agriculture in 2013 and stepped aside in 2015 to pave way for investigations after he was adversely mentioned in an EACC report submitted to the House by His Excellency the President.

- (vi) He is qualified for the job because he is a trained scientist, business manager and strategic management specialist. These are qualities that may be lacking at the Judicial Service Commission considering that a substantial number of its members are drawn from institutions and organizations whose members are legal practitioners.
- (vii) He has the zeal and determination to serve as a member of the Judicial Service Commission. He was a performer at the Ministry of Agriculture during his stint as the Minister and that his record speaks for itself. If appointed, he would apply his vast experience in procurement and strategic management and planning to bring about noticeable change at the Judiciary.
- (viii) He stepped aside as Cabinet Secretary for Agriculture, Livestock and Fisheries in the year 2015 to pave way for investigations after he was adversely mentioned in an EACC report submitted to the House by His Excellency the President.
- (ix) He was astonished by the accusations of corruption made against him and he voluntarily presented himself to the EACC where he recorded a statement but was later informed that the file had been closed.
- (x) He refuted allegations that he was involved in the irregular acquisition of a potato farm in Tigoni, Kiambu and stated that he had never visited the said farm.
- (xi) During his twenty-two (22) years of employment in various positions in public service, he had never been charged in a court of law with corruption related or any other offence.
- (xii) He had never been adversely associated with practices that depict bias, favouritism or nepotism. During his tenure as Minister for Agriculture, Livestock and Fisheries he was responsible for the country's food security and he ensured project implementation in all the forty-seven (47) counties. To him, this was an achievement he would be remembered for.
- (xiii) He will address the rampant corruption in procurement and as a procurement expert, he was aware of the loopholes in the processes and would institute measures to address the issue;
- (xiv) He supports devolution and that if appointed to JSC he will take necessary action to strengthen intergovernmental relations.

(xv) He unsuccessfully contested for an elective position in the 2017 general elections and now prefers public service.

(xvi) He stated that his net worth was Kenya Shillings eight hundred sixty Seven Million (Ksh. 867,000,000).

The Committee deliberated on the conveyance of the name Felix Koskei to the House for approval and observed that indeed, there were three (3) vacancies at the Judicial Service Commission and that his name was properly submitted to the House by His Excellency the President.

MIN No. 38/2018: ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 1.30 p.m.

Signed.....

Chairperson

Date.....24.02.18.....

**MINUTES OF THE TWELFTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 20TH
FEBRUARY, 2018 AT 4.00 P.M. IN COMMITTEE ROOM 7, MAIN
PARLIAMENT BUILDING**

PRESENT:-

Hon. William Cheptumo, M.P. - Chairperson
Hon. Alice Wahome, M.P. - Vice Chairperson
Hon. Ben Momanyi Orori, M.P.
Hon. John Olago Aluoch, M.P.
Hon. Roselinda Soipan Tuya, M.P.
Hon. Gladys B. Shollei, M.P.
Hon. Jennifer Shamala, M.P.
Hon. John M Wambugu, M.P.
Hon. George G. Murugara, M.P.
Hon. Beatrice Adagala, M.P.
Hon. Charles Gimose, M.P.
Hon. Japheth Mutai, M.P.
Hon. Adan Yussuf Haji, M.P.
Hon. Anthony G. Kiai, M.P.
Hon. Zulekha Hassan, M.P.

ABSENT:-

Hon. Peter O. Kaluma, M.P.
Hon. Johana Ngeno, M.P.
Hon. John Kiarie Waweru, M.P.
Hon. William K. Mwamkale, M.P.

IN ATTENDANCE

COMMITTEE SECRETARIAT

Mr. George Gazemba - Senior Clerk Assistant
Mr. Denis Abisai - Principal Legal Counsel
Ms. Doreen Karani - Legal Counsel
Ms. Halima Hussein - Clerk Assistant III
Ms. Fiona Musili - Research Officer III
Mr. Abdirahim Omar - Budget Officer

MIN No. 34/2018:- BRIEFING BY THE LEGAL COUNSEL IN PREPERATION FOR APPROVAL HEARINGS ON THREE (3) NOMINEES FOR APPOINTMENT AS MEMBERS OF THE JUDICAL SERVICE COMMISSION

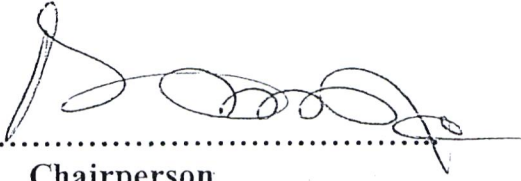
Ms. Doreen Kārani, Legal Counsel II took the Committee through a legal brief in preparation for approval hearings on nominees for appointment as members of the Judicial Service Commission (JSC who were scheduled to appear before the Committee on 21st February, 2018 from 10.00 a.m. The Committee also discussed and agreed on modalities of examining the nominees.

The Committee deliberated at length on a requirement that nominees to positions seek clearance from the Ethics and Anti-Corruption Commission (EACC) and held the position that the Commission was just investigatory agency and cannot clear a person for public appointment. It was agreed that the Committee revisits this matter at a later date with a view to advising the House accordingly.

MIN No. 35/2018:- ADJOURNMENT

There being no Any Other Business to transact, the Chairperson adjourned the meeting at 5.30 p.m. till Wednesday, 21st February, 2018 at 9.00 a.m.

Signed.....

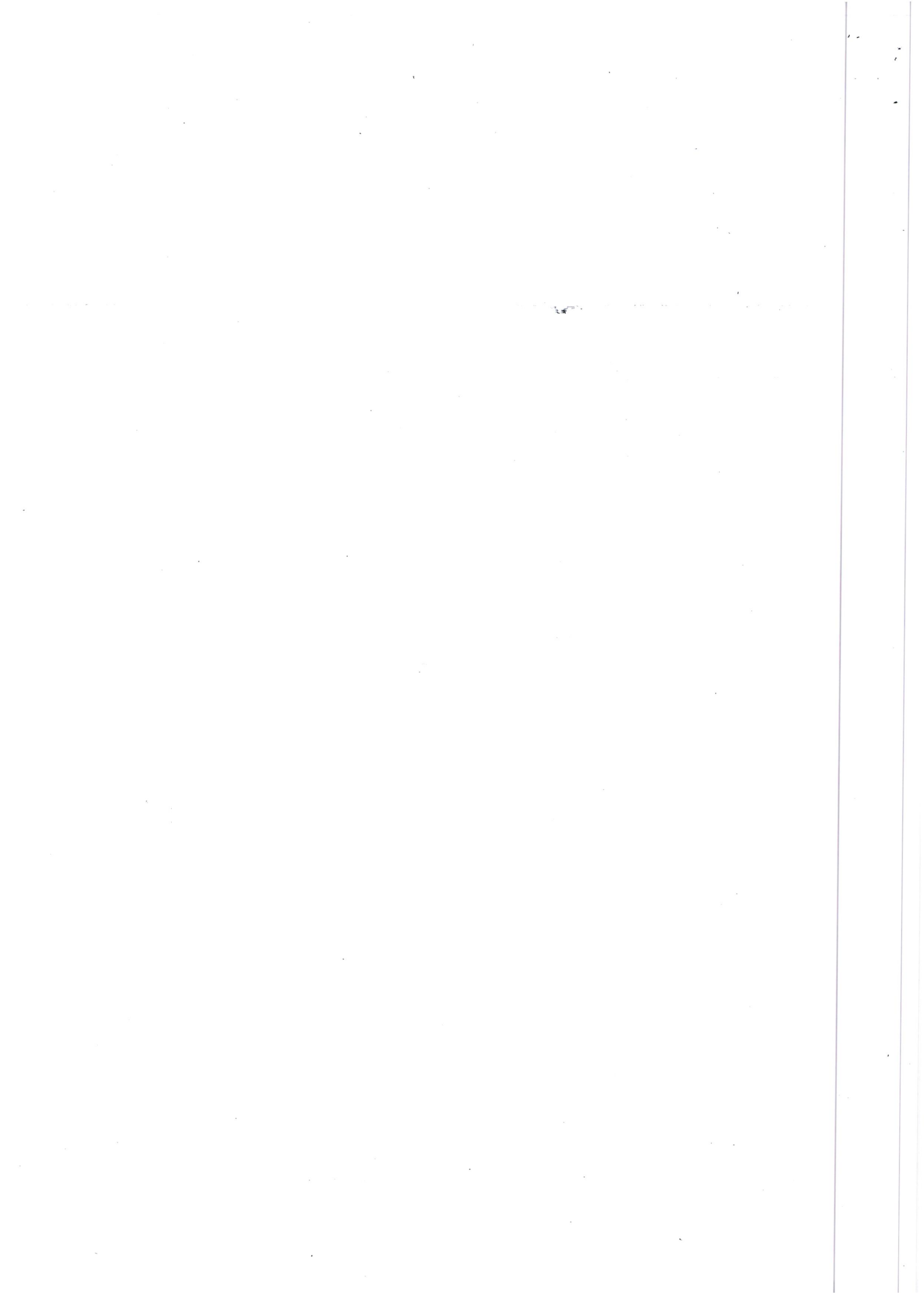

Chairperson

Date.....

24. 02. 18

ANNEXURE 2

(Letter from Office of the President conveying names of the nominees to the House for approval)



DLSP
per deal.
CNA
13/2/18



THE PRESIDENCY
EXECUTIVE OFFICE OF THE PRESIDENT
HEAD OF THE PUBLIC SERVICE

NATIONAL ASSEMBLY
RECEIVED
12 FEB 2018
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

Ref. No. _____
and date **OP/CAB.1/40A**

RECEIVED
13 FEB 2018
CLERK'S OFFICE

9 February 2018

Hon. Justin Muturi, EGH
Speaker
The National Assembly
Parliament Building,
Parliament Road
NAIROBI

Noted, CNA to act as necessary.

BA
SNA
13/2/18

Dear Hon. Muturi:

RE: NOMINEES FOR THE POSITION OF MEMBER OF THE JUDICIAL SERVICE COMMISSION [JSC]

We refer to the above subject matter.

Pursuant to Article 171(2) of the Constitution; as read together with Article 250(2)(b) of the Constitution, and Sections 3 and 5 of the Parliamentary Appointments (Parliamentary Approval) Act [Act No. 33 of 2011], I hereby convey to the National Assembly His Excellency the President's nominees for the position of Member of the Judicial Service Commission (JSC), as follows:

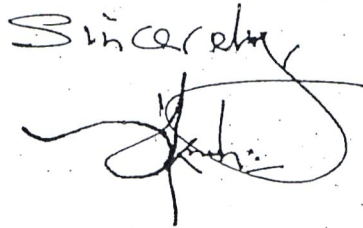
- Under Article 171(2)(g) - Patrick Gichohi
- Under Article 171(2)(h) - Prof. Olive Mugenda
- Felix Koskei

Enclosed herewith is the requisite Instrument together with the Nominees Curriculum Vitae and Testimonials, to aid the House in the approval process.

George Wazemba
FYNA
12/02/18

In cognizance of the role of the Commission being to promote and facilitate the independence and accountability of the Judiciary and the implementation of measures aimed at the efficient, effective and transparent administration of justice, I urge the National Assembly to prioritize the vetting of His Excellency's Nominees.

Yours

Sincerely,


JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

Copy to:-

Mr. Michael Sialai, CBS
Clerk of the National Assembly
The National Assembly
Parliament Building,
Parliament Road
NAIROBI



**THE PRESIDENCY
EXECUTIVE OFFICE OF THE PRESIDENT**

THE CONSTITUTION OF KENYA

THE JUDICIAL SERVICE ACT

(No. 1 of 2011)

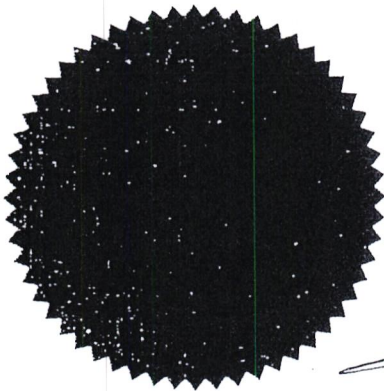
NOMINATION

PURSUANT to Article 171(2) as read with Articles 250(2)(b) and Articles 135 of the Constitution, I, Uhuru Kenyatta, the President and Commander-in-Chief of the Kenya Defence Forces nominate-

- Under Article 171(2)(g) - Patrick Gichohi
- Under Article 171(2)(h) - Prof. Olive Mugenda
- Felix Koskei

for appointment as Members of the Judicial Service Commission (JSC).

Issued under the Hand and Seal of the President of the Republic of Kenya at State House, Nairobi this^{9th}.....day of.....**Feb.**.....2018



Uhuru Kenyatta

*George Awerilob
For consideration by
the committee
13/02/18*

**UHURU KENYATTA,
PRESIDENT.**

ANNEXURE 3

(Letter by Mr. Kipng'etich Bett resigning as member of
the Judicial Service Commission)

P.O. Box 7281, 20110 NAKURU
c/o Central Tigers Ltd., KFA HQs Building Ground Floor,
off Ravine-Road, Nakuru
Mobile: 254-722-512841 or 254-732-512841
kakbett@image.co.ke (please copy to) kakbett@yahoo.com

12th February 2018

H.E. Uhuru Kenyatta,
President of The Republic of Kenya,
State House,
NAIROBI.

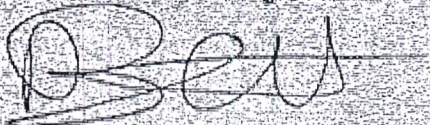
Your Excellency Sir,

NOMINATION AS KENYA'S NATIONAL COORDINATOR FOR THE
NOTHERN CORRODOR INTEGRATION PROGRAMME AND
RESIGNATION AS A MEMBER OF JUDICIAL SERVICE COMMISSION
(JSC)

Owing to your nominating me as Kenya's National Coordinator For
The Northern Corridor Integration Programme, I hereby tender my
resignation from the Judicial Service Commission (JSC).

I take this opportunity to thank you most sincerely for allowing me
to serve in (JSC), on the same breath I would like to confirm my
strong commitment to serving in this new position as your National
Coordinator for the Northern Corridor Integration Programme.

Yours faithfully,



Kipng'etich Arap Korir Bett

Member for
see People

Housing and Urban
Development
Committee

Urban Transport / Housing and
Urban Development
Committee
Meeting

ANNEXURE 4

(Newspaper advertisement inviting the public to submit memoranda on the suitability of the nominees for appointment)

REPUBLIC OF KENYA



**NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – SECOND SESSION**

SUBMISSION OF MEMORANDA

In the Matter of Approval by the National Assembly of persons nominated for appointment as Principal Secretaries, Ambassadors/High Commissioners & Members of the Judicial Service Commission

Pursuant to Articles 155(3), 132(2), 171(2)(g) & 250(2)(b) of the Constitution, H.E. the President has nominated the following ten (10) Principal Secretaries; eight (8) Ambassadors/High Commissioners and three (3) members of the Judicial Service Commission for appointment to their respective positions as indicated below:-

A. PRINCIPAL SECRETARIES		
No.	MINISTRY	NOMINEE
1.	Public Service, Youth & Gender Affairs State Department – Gender	Ms. Safina Kwekwe Tsungu
2.	Devolution and ASAL State Department - Devolution	Mr. Nelson Marwa Sospeter
3.	Foreign Affairs & International Trade State Department – Foreign Affairs	Amb. Macharia Kamau
4.	The National Treasury & Planning State Department - Planning	Dr. Julius Mula
5.	Interior and Coordination of National Government State Department - Immigration, Border Control & Registration of Persons	Maj. Gen. Gordon Kihalangwa
6.	Agriculture and Irrigation State Department- Agricultural Research	Prof. Hamadi Iddi Boga
7.	Transport, Infrastructure, Housing & Urban Development State Department – Housing & Urban development	Mr. Charles Hinga Mwaura
8.	Health State Department – Vocational & Technical Training (TVET)	Mr. Peter Tum Kiplagat
9.	Education, Vocational & Technical Training (TVET) State Department – Vocational & Technical Training (TVET)	Mr. Kevit Desai
10.	Water & Sanitation	Joseph Wairagu Irungu
B. AMBASSADORS/HIGH COMMISSIONERS		
No.	COUNTRY	NOMINEE
1.	France	Prof. Judy Wakhungu
2.	Permanent Mission, UN Geneva	Dr. Cleopa Mallu
3.	Tanzania	Hon. Dan Kazungu
4.	Belgium, Luxemburg; European Union	Mrs. Phyllis Kandle
5.	India	Mr. Willy Bett
6.	Permanent Mission UNESCO, Paris	Prof. Jacob Kalmenyi
7.	Austria	Mr. Hassan Wario Arero
8.	Netherlands	Lawrence Ntoyo Lenayapa
C. JUDICIAL SERVICE COMMISSION		
No.	NOMINEE	POSITION
1.	Mr. Patrick Gichohi	Member (JSC Nominee)
2.	Prof. Olive Mugenda	Member
3.	Felix Koskel Kiptarus	Member

Following the receipt of the nominations from H.E. the President, the respective Departmental Committees are mandated pursuant to Standing Order 216(5)(f) to vet and consider their suitability for appointment to their respective positions and submit their reports to the House for approval.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the respective Departmental Committees now invites interested members of the public to submit any representations by written statement on oath (affidavit), that they may have on the suitability or otherwise of the said nominees for appointment to their respective positions. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday 20th February, 2018 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY



THE KENYA INSTITUTE OF BANKERS

TRAINING FOR A CAREER IN BANKING

The Kenya Institute of Bankers is the Training and Examining body for the Banking and Finance Industry.

In order to develop qualified and competent manpower for the banking industry, the Institute offers professional qualifications leading to the award of Diplomas and Advanced Diploma in banking and financial services.

We invite KCSE holders, University Undergraduates and other qualified candidates who are desirous of pursuing a career in banking and financial services to enroll for the following courses.

I DIPLOMA IN BANKING AND FINANCIAL SERVICES (DBFS)

- Eight Subjects
- Elements of Banking
 - Economics
 - Business Communications
 - Business Calculations
 - Accounting
 - Marketing and Customer Service
 - Foreign Exchange and International Trade
 - Introduction to Law Relating to Banking & Finance

The Diploma in Banking and Financial Services (DBFS) is the first stage in the Institute's qualifications and is intended to provide a strong foundation in Banking and Financial Services. This level is suitable for new entrants in the banking industry who may be lacking basic knowledge in banking and finance matters. The Diploma is the basic requirement for hiring staff at entry and / or junior levels in a bank or financial institution.

For those already employed but lack any banking qualification, the Diploma should be the basis for promotion to senior clerical and / or supervisory positions.

On the other hand, the Diploma should serve as the starting point for an advanced or professional qualification in banking and financial services for those who cannot be granted exemptions or do not possess a University Degree or equivalent qualification.

To qualify for the attainment of Diplomas in Banking and Financial Services, one must be examined in the above eight subjects, which are considered essential in laying a strong foundation in Banking and Financial Services. Candidates must pass all the eight subjects unless they have been granted exemptions.

Minimum entry requirements: Mean Grade of C with C in English and Mathematics or any Business subject or CPA section I.

II ASSOCIATE (ADVANCED DIPLOMA) OF THE KENYA INSTITUTE OF BANKERS (AKIB)

- Core Subjects
- Financial Reporting, Analysis and Planning
 - The Monetary & Financial System
 - Management & Organization
 - Law and Practice Relating to Banking & Finance
 - Strategic Marketing Management
 - Lending
 - International Trade Finance
- Optional Subjects
- Financial Management
 - Law & Practice for Mortgage Lenders
 - Insurance
 - Investment
 - Management of Information Technology
 - Taxation

To qualify for the award of "Advanced Diploma in Banking and Financial Services" or "Associate of the Kenya Institute of Bankers", designatory letters "AKIB",

One must be examined and obtain passes in nine subjects, consisting of the seven core, which are considered essential for every practicing banker and two options.

The Associateship qualification provides a person who has chosen banking as a career, a strong foundation for further advancement. It is a favourable starting point for promotion into general management and subsequently to senior management. An Associate holder will be equipped to serve in supervisory and management positions in the various fields within the banking and finance industry such as Commercial Banking Operations, Branch Management, Foreign Exchange and Treasury Management, Corporate Banking, Mortgage, Customer Service & Relationship Management, Personnel and Human Resources Development and other specialized units within a bank or any Financial Services Organization.

Minimum entry requirements: Holders of KIB Diploma (DBFS) in I above, First degree or CPA part II.

III SPECIALIZED DIPLOMA COURSES

Specialized Diploma programmes are offered to those who wish to concentrate on acquiring skills in a specific area of banking and financial services as opposed to a Professional Qualification as outlined in I and II above. This is because the Institute realizes that areas of specialization are on the increase and require improved skills. The constantly changing banking environment calls for new skills, while change (rotation) from one area/department of work to another requires the acquisition of additional skills – knowledge input should precede job rotation. Also periodical knowledge updates is important in the existing jobs and general training through short courses/seminars may not be able to create the critical mass. A sustained Education through the following Specialized Diplomas is not only beneficial but will help reduce training costs for both the individual/staff and employer.

1. Diploma in Credit Management (DCM)
2. Diploma in Documentary Credit and International Trade Finance (DDC & ITF)
3. Diploma in Banking Operations, Law and Practice (DBOLP)
4. Diploma in Financial Advising (DFA)
5. Diploma in Banking & Finance Management Practice (DBFMP)
6. Diploma in SME Financing (DSMEF)
7. Diploma in Banking Technology
8. Diploma in Treasury, Investment and Risk Management (DTRM)
9. Basic Banking Course (BBC) for Beginners (Strictly for New Employees and Graduates)

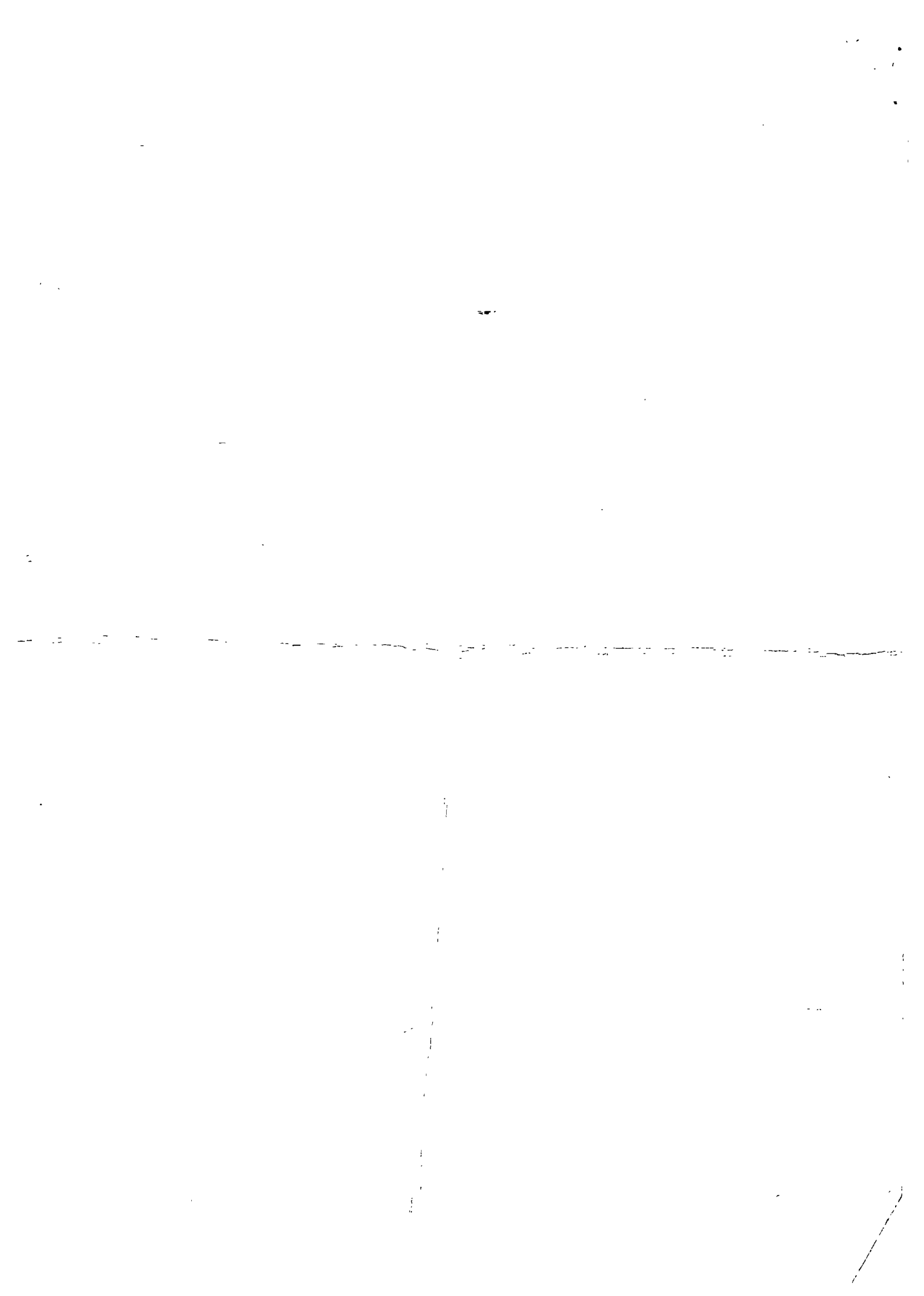
We are calling on Employees from Banks, Financial Institutions, SACCOs, School leavers, Undergraduates interested in furthering or pursuing a Professional Career in Financial Services to enroll for the above courses. Exemptions are granted for candidates who have been examined under other Examining Boards, such as KNEC, KASNEB, MBA holders, etc.

Enrolment of the courses is already in progress for the first semester that runs from March to June 2018. Classes commence from 5th March 2018 at our Town Campus, NBK Building, 20th floor, Harambee Avenue, Nairobi. Candidates in Eldoret should register with KIB Eldoret Local Centre Library at New Thelaji House, Uganda Road, opposite Post Office.

Entrust Your Banking career to the Professionals – "THE KENYA INSTITUTE OF BANKERS"

For further details, please contact the Institute through:

The Registrar
Kenya Institute of Bankers
NBK Building 20th floor, Harambee Avenue
P.O. Box 73530 – 00200
NAIROBI
Telephone: 020 216 0317
Mobile: 0754 111 366, 0700 631 433
Email: thebanker@kib.co.ke/training@kib.co.ke
Web: www.kib.co.ke



ANNEXURE 5

(Newspaper advertisement notifying the nominees of the venue, date and time of approval hearings)

Police probe murder in church

BY MAGDALENE WANJA

Police in Rongai, Nakuru County, are investigating the bizarre murder of a 75-year-old man who was attacked by a stranger during a church service.

Rongai OCPD Japheth Kioko yesterday said they had arrested a suspect who will be arraigned in court once they conclude investigations.

"The investigations include establishing the mental condition of the suspect and finding out the motive behind the attack," said the OCPD.

Francis Imili died on Tuesday at the Nakuru Level Five Hospital due to injuries he sustained from the attack last Sunday.

On February 11, Imili left home for the Sacred Heart Catholic Church where he has been serving as an usher for more than 20 years.

He joined the congregation and, as the church service was under way, a man carrying a rod walked in and hit him on the head.

According to Peninah Wanjiru, a neighbour who was attending the same church service, Imili hit the bench in front of him with his forehead before he collapsed.

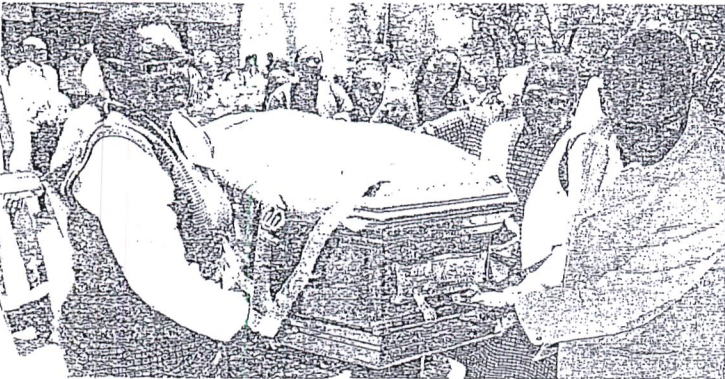
"I heard a commotion from behind and, when I looked back, I saw a middle-aged man holding a rod," she said.

Worshippers rushed Imili to a nearby hospital in Rongai where he received first-aid before he was transferred to Nakuru," said Ms Wanjiru.

According to Imili's wife, Tabitha Haluba, the father of 10 was the family's sole bread winner.

Members of the church have called for police protection in places of worship.

Send-off - No top politician attended requiem in Eldoret



JARED NYATAYA | NATION

Pallbearers carry the casket bearing the remains of Mrs Herma Muge, widow of former ACK Bishop Alexander Kipsang Muge, yesterday. She will be buried today at their Kipng'oror home in Nandi County.

Cry for truth at Muge widow burial service

Family says wife died without knowing the truth about bishop's mysterious accident

BY WYCLIFF KIPSANG
wkipsang@ke.nationmedia.com

The family of the late Anglican Bishop Alexander Kipsang Muge yesterday called for fresh investigations into the death. This was during a requiem for his wife Herma who died last week and will be buried today.

Despite Bishop Muge's high stature in the push for democracy, no politician from Uasin Gishu and the country at large attended the mass in Eldoret yesterday.

The family said subsequent regimes had failed to probe the death 28 years ago in a mysterious road accident.

Speaking at ACK St Matthews Cathedral during mass, the family, through Mr Noah Melly, a nephew of the bishop, said: "Failure by the government to investigate the death has caused a lot of suffering to the family. Our only consolation is that Bishop Muge was a man of God. The verdict is with God."

Mr Melly, who is also chairman of Mrs Muge's burial committee, said it was regrettable that Bishop Muge's wife had passed on without knowing the true circumstances surrounding her husband's death.

"Herma underwent a lot of pain. As a family, we would like to know who was involved in Bishop Muge's death. Those responsible should be brought to book," said Mr Melly. Before his death, Bishop Muge had been warned by then Labour Minister Peter Okondo not to set foot in Western Kenya or he would not return home alive.

The warning followed Bishop Muge's intensified criticism of religious leaders should emulate Bishop Muge who "always stood for what he felt was right ... The church should serve Kenyans equally without taking sides," Bishop Thomas Kogo

the Kanu regime.

The bishop took on the challenge but did not return home alive. A milk lorry crashed into his car as he was returning home from Busia on August 14, 1990.

During the requiem yesterday, retired Eldoret ACK diocese Bishop Thomas Kogo, who served with Bishop Muge for many years, narrated a conversation they had before the accident. "He told me he had received warnings not to visit Katakwa but that God's ministry comes first," said Bishop Kogo.

Bishop Muge's daughter Esther said the death was a big blow. "He was a pillar of strength in our family. We are still crying to be told exactly what happened," she said.

Kajiado ACK diocese bishop Jeremiah Tama described Muge as an avid crusader for equity and social justice. Bishop Muge was born in 1948 in Nandi County and was the first bishop of Eldoret diocese. Mrs Muge will be buried today at her home in Kipng'oror, Nandi County, hundreds of miles from where her husband was interred at the Eldoret church's grounds.

REPUBLIC OF KENYA



NATIONAL ASSEMBLY TWELFTH PARLIAMENT - SECOND SESSION

NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEES OF PERSONS NOMINATED FOR APPOINTMENT AS PRINCIPAL SECRETARIES, AMBASSADORS/HIGH COMMISSIONERS AND MEMBERS OF THE JUDICIAL SERVICE COMMISSION

Pursuant to Article 155(3), 132(2), 171(2)(g) & 20(2)(b) of the Constitution and Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the National Assembly invites the following persons nominated for appointment as Principal Secretaries, Ambassadors/High Commissioners and members of the Judicial Service Commission for vetting by their respective Departmental Committees.

Pursuant to provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) and Standing Order 45(3), the general public is hereby notified that the respective Departmental Committees shall conduct the vetting of the following persons for appointment to their respective positions on Wednesday 21st and Thursday 22nd February, 2018 as indicated below:-

WEDNESDAY 21 st FEBRUARY, 2018			
DEPARTMENTAL COMMITTEE	JUDICIAL SERVICE COMMISSION	NOMINEE	TIME
C-Justice & Legal Affairs	Member (PSC Nominee)	Mr. Patrick Gichohi	9.00 am
	Member	Prof. Olive Mugenda	10.30 am
	Member	Mr. Felix Koskei Kiptarus	12.00 pm
VENUE: COMMITTEE ROOM 3, MAIN PARLIAMENT BUILDING			
MINISTRY			
DC - Finance & National Planning	1. The National Treasury & Planning		
	PS - Planning	Dr. Julius Muia	9.00 am
DC - Health	2. Devolution & ASAL		
	PS - Devolution	Mr. Nelson Marwa	10.30 am
DC - Labour & social Welfare	Ministry of Health		
	PS - Health	Mr. Peter Turn Kiplagat	12.00 pm
VENUE: COMMITTEE ROOM 2, 2 nd FLOOR, CONTINENTAL HOUSE			
DC - Environment & Natural Resources	Ministry of Public Service, Youth & Gender		
	PS - Gender	Ms. Safina Kwekwe	9.00 am
DC - Education & Research	Ministry of Environment & Forestry		
	PS - Water & Sanitation	Mr. Joseph Wairagu Irungu	11.00 am
VENUE: COMMITTEE ROOM 4, 4 th FLOOR, CONTINENTAL HOUSE			
DEPARTMENTAL COMMITTEE	MINISTRY	NOMINEE	TIME
DC - Administration & National Security	Education, Vocational & Technical Training		
	PS - Vocational & Technical Training	Mr. Kevit Desai	9.00 am
DC - Agriculture & Livestock	Ministry of Interior & Coordination of National Government		
	PS - Immigration, Border Control & Registration of Persons	Maj. Gen. Gordon Kihalangwa	11.00 am
VENUE: COMMITTEE ROOM 5, 5 th FLOOR, CONTINENTAL HOUSE			
DC - Transport, Public Works & Housing	Agriculture & Irrigation		
	PS - Agricultural Research	Prof. Hamadi Iddi Boga	9.00 am
DC - Defence & Foreign Relations	Ministry of Infrastructure, Housing & Urban Development		
	PS - Housing & Urban Development	Mr. Charles Hinga Mwauro	11.00 am
VENUE: MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS			
WEDNESDAY 21 st FEBRUARY 2018			
Ministry of Foreign Affairs & International Trade	PS- Foreign Affairs	Amb. Macharia Kamau	9.00 am
VENUE: AMBASSADORS/HIGH COMMISSIONERS			
COUNTRY	NOMINEE		
1. France	Prof. Judy Wakhungu		10.30 am
2. Permanent Mission, UN Geneva	Dr. Cleopa Mailu		12.00 pm
3. Tanzania	Hon. Dan Kazungu		2.00 pm
4. Belgium, Luxemburg, European Union	Ms. Phyllis Kandle		3.30 pm
THURSDAY 22 nd FEBRUARY 2018			
5. India	Mr. Willy Bett		9.00 am
6. Permanent Mission UNESCO, Paris	Prof. Jacob Kaimenyi		10.30 am
7. Austria	Mr. Hassan Wario Arero		12.00 pm
8. Netherlands	Lawrence Ntoye Lenayapa		2.00 pm

The nominees should bring the originals of their identity card, academic and professional certificates and other relevant testimonials. In addition, the nominees should bring letters/certificate of clearance/compliance from the following:-

- (i) Ethics and Anti-Corruption Commission;
- (ii) Kenya Revenue Authority;
- (iii) Higher Education Loans Board; and
- (iv) Directorate of Criminal Investigations.

MICHAEL R. SIALAJ, EBS
CLERK OF THE NATIONAL ASSEMBLY

...G... ..

...ABOUT YOU

ANNEXURE 6

(Letters from KRA, HELB, RPP and EACC regarding the nominees)



KENYA REVENUE AUTHORITY

ISO 9001:2008 CERTIFIED

OUR REF: KRA/CDT/HO/54

YOUR REF: KNA2/4/2018/(47)

① D/Committee

16th February, 2018

TRA.

Mr. Michael R. Sialai, EBS
Clerk of the National Assembly
National Assembly, Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100,
NAIROBI

Conf.

19/2/18

② VETTING
COMMITTEES
ple. deaf
FA 19/2/18

Dear Sir,

COMPLIANCE STATUS OF NOMINEES TO POSITIONS OF PRINCIPAL SECRETARY, AMBASSADORS/HIGH COMMISSIONERS AND JUDICIAL SERVICE COMMISSIONERS.

We refer to your letters dated 8th February 2018 and 14th February 2018 on the subject matter herein.

The compliance status of the respective nominees is as follows:-


No.	Name	ID Number	PIN	Tax Status
A. Nominees to be appointed as Principal Secretaries				
1	Safina Kwekwe	11367097	A002582244P	Compliant
2	Mr. Nelson Marwa	3980474	A001749543G	Compliant
3	Amb. Macharia Kamau	28095481	A000157209G	Compliant
4	Dr. Julius Muia	4827415	A000230027T	Compliant
5	Maj. Gen. (Rtd.) Gordon Kihalangwa	0569046	A001330135X	Compliant
6	Mr. Hamadi Iddi Boga	8434346	A001383665V	Compliant
7	Mr. Charles Hinga Mwaura	13535122	A011325336K	Compliant
8	Mr. Peter Tum Kiplagat	3276913	A001268954D	Compliant
9	Mr. Kevit Desai	21361733	A001735177F	Compliant
10	Mr. Joseph Wairagu Irungu	7197113	A001261870J	Compliant

Tulipe Ushuru, Tujitegemeel!



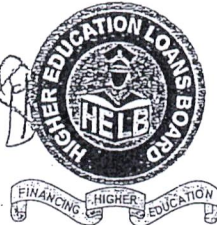
B. Nominees to be appointed as Ambassadors/High Commissioners				
1	Prof. Judy Wakhungu	3962007	A003623927U	Compliant
2	Dr. Cleopa Mailu	4829569	A000114568K	Compliant
3	Hon. Dan Kazungu	10831431	A002481727K	Compliant
4	Mrs. Phyllis Kandie	0334848	A002309241Z	Compliant
5	Mr. Willy Bett	3448933	A001596445C	Compliant
6	Prof. Jacob Kaimenyi	0995606	A000108709I	Compliant
7	Mr. Hassan Wario Arero	10956527	A005665918C	Compliant
8	Lawrence Ntoye Lenayapa	16121196	A001948313X	Compliant
C. Nominees to be appointed as Judicial Service Commissioners				
1	Mr. Patrick Gichohi	5541762	A000100244O	Compliant (has undertaken to clear outstanding issues)
2	Prof. Olive Mugenda	4835662	A001957347J	Compliant
3	Mr. Felix Koskei Kiptarus	6665340	A001383634M	Compliant

Yours faithfully,



Benson Korongo, OGW
Commissioner of Domestic Taxes

D D K... 20/2/18



HIGHER EDUCATION LOANS BOARD

Tel: 0711052000, 2278000, 0722205292, 0733205292,
0704333035, 0704 333036, 0737205292
E-mail: ceo@helb.co.ke
Website: www.helb.co.ke

Anniversary Towers
18th Floor, University Way
P.O. Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/V/66

*② CAZEMBA
pls deep
FA
20/2/18*

16th February, 2018

Michael R. Sialai, EBS
Clerk
The National Assembly
P.O Box 41842-00100
NAIROBI

Dear *Michael*

VETTING OF NOMINEES TO POSITIONS OF JUDICIAL SERVICE COMMISSIONERS BY THE COMMITTEE ON APPOINTMENTS

We acknowledge with thanks the receipt of your letter dated 14th February 2018 regarding the vetting of the nominees to positions in the judicial service commission by the committee on appointments.

Please find a list confirming the loan status of the nominees with the Board.

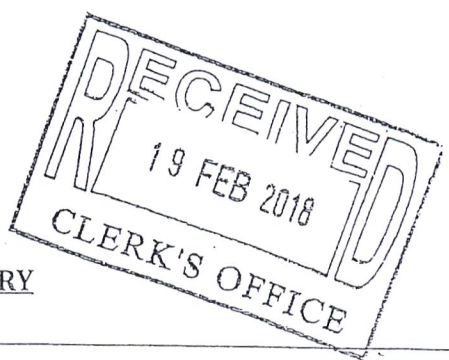
S/NO	NAME	ID NO.	STATUS	YEAR OF CLEARANCE
1.	Mr. Patrick Gichohi	5541762	Cleared Certificate No. 41322	31 st January, 1996
2.	Prof. Olive Mugenda	4835662	Cleared Certificate No. 45527	31 st October, 2004
3.	Mr. Felix Koskei Kiptarus	6665340	Not a Beneficiary	N/A

We urge you to encourage applicants to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter six of the constitution of Kenya.

We wish to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB finance needy Kenyans pursuing higher education now and in the future.

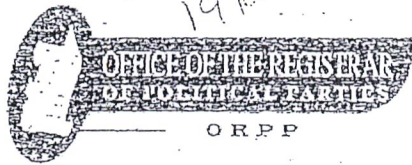
Yours *Sincerely*

CHARLES M. RINGERA
CHIEF EXECUTIVE OFFICER & BOARD SECRETARY



94
(2) VETTING COMMITTEES
Please note
FA 19/2/18

(1) D/Committees
19/2/18



Republic of Kenya

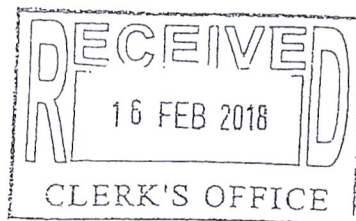
Telephone: +254(0)204022000
Email: registrar@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

Lion Place, 1st Floor
Off Waiyaki Way
P.O Box 1131-00606
Sarit Centre, Nairobi.

REF NO.: RPP/ORG/34 Vol. II (13)

DATE: 15th February, 2018

Michael R. Sialai, EBS,
Clerk of the National Assembly,
Clerks Chamber,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.



Dear Sir,

RE: VETTING OF PERSONS NOMINATED AS PERMANENT SECRETARIES, AMBASSDORS/HIGH COMMISSIONERS AND JUDICIAL SERVICE COMMISSIONERS BY THE NATIONAL ASSEMBLY

Reference is made to your letter Ref.KNA2/4/2018/(47) dated on 14th February, 2018 on the above subject matter.

According to the records held by this office as at 15th February, 2018, the list of the twenty one (21) nominees tabulated herein below are not officials of a registered political party.

No.	Name of Nominee	ID No.
1.	Ms. Safina Kwekwe	11367097
2.	Mr. Nelson Marwa Sospeter	3980474
3.	Amb. Macharia Kamau	28095481
4.	Dr. Julius Muia	4827415
5.	Maj. Gen. (Rtd) Gordon Kihalangwa	0569046
6.	Prof. Hamadi Iddi Boga	8434346
7.	Mr. Charles Hinga Mwaura	13535122
8.	Mr. Peter Tum Kiplagat	3276913
9.	Mr. Kevit Desai	21361733
10.	Mr. Joseph Wairagu Irungu	7197113
11.	Prof. Judy Wakhungu	3962007
12.	Dr. Cleopa Mailu	4829569
13.	Hon. Dan Kazungu	10831431
14.	Mrs. Phyllis Kandie	0334848
15.	Mr. Willy Bett	3448933



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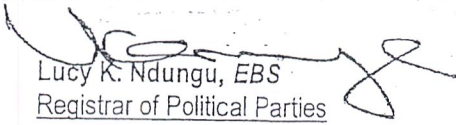
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16.	Prof. Jacob Kaimenyi	0995606
17.	Mr. Hassan Warioarero	10956527
18.	Mr. Lawrence Ntoye Lenayapa	16121196
19.	Mr. Patrick Gichohi	5541762
20.	Prof. Olive Mugenda	4835662
21.	Mr. Felix Koskei Kiptarus	6665340

Yours faithfully,


Lucy K. Ndungu, *EBS*
Registrar of Political Parties



Office of the Registrar of Political Parties-ORPP



@ORPPKenya

① D/Committee
19/2/18



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ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd./Jakaya Kikwete Rd. Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 2717318 / 2720722, MOBILE: 0729 888881/2/3
Fax: 254 (020) 2717473 Email: eacc@integrity.go.ke Website: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL (135)

16th February, 2018

Michael R. Sialai, EBS
Clerk of the National Assembly
National Assembly
Parliament Building
P. O. Box 41842-00100
NAIROBI

CONFIDENTIAL

② CAZEMBA
pls deep
FA
19/2/18

RE: VETTING OF PERSONS NOMINATED AS JUDICIAL SERVICE COMMISSIONERS BY THE NATIONAL ASSEMBLY

We acknowledge receipt of your letter referenced KNA2/4/2018/(47) dated 14th February, 2018 on the above subject matter.

We wish to confirm that we have not undertaken any investigations where the following nominees have been found culpable.

S/No	Name	Ministry	State Department
1.	Mr. Patrick Gichohi	Member (PSC Nominee)	551762
2.	Mr. Felix Koskei Kiptarus	Member	6665340
3.	Prof. Olive Mugenda	Member	4835662

The information provided is based on records available as at 16th February, 2018.

Please note that the absence of records in the Commission's database is not a guarantee of absolute integrity of the nominees.

MICHAEL K. MUBEA, EBS
DEPUTY SECRETARY/CEO - TECHNICAL SERVICES
FOR: SECRETARY/CHIEF EXECUTIVE OFFICER

EH/tmm

ANNEXURE 7

(Nominees Certificates of Good Conduct from the
Directorates of Criminal Investigation)

NATIONAL POLICE SERVICE

C-24A



DIRECTORATE OF CRIMINAL INVESTIGATIONS

DIRECTORATE OF CRIMINAL INVESTIGATIONS HEADQUARTERS

P.O. Box 30036-00100 GPO

NAIROBI, KENYA

Ref. No: PCC-AAADNJP6

Date: 16 February 2018

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

PATRICK GICHURU GICHOHI

holder of ID No: 5541762 have been searched in Criminal Records Office's database

with/without previous record. The validity of the information on this certificate is as of the date of issue.

REMARKS IN CASE OF PREVIOUS RECORD

OFFENCE(S): NIL

RESULTS OF TRIAL: NIL

DATE: NIL

This Certificate has been issued without any alteration or any erasure

[Signature]

(P.M. Ndunda)

For: Director, Directorate of Criminal Investigations

(P.T.O)

NOTE: This is a computer generated certificate, to verify the authenticity of this document, send DCI to 21546



DIRECTORATE OF CRIMINAL INVESTIGATIONS

DIRECTORATE OF CRIMINAL INVESTIGATIONS HEADQUARTERS
P.O. Box 30036-00100 GPO
NAIROBI, KENYA

Ref. No. PCC-AAACCOD0

Date. 24 August 2017

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

FELIX KIPTARUS KOSKEI

holder of ID No. 6665340 have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

REMARKS IN CASE OF PREVIOUS RECORD

OFFENCE(S): NIL

RESULTS OF TRIAL: NIL

DATE:

This Certificate has been issued without any alteration or any erasure



(P.M. Ndunda)

For: Director, Directorate of Criminal Investigations
(P.T.O)

NOTE: This is a computer generated certificate, to verify the authenticity of this document, send DCI to 21546

I certify that this is a true copy of the original
A. E. KIPRONO
ADVOCATE & COMMISSIONER
FOR OATHS
Date: 16/02/18 Sign:

Â



DIRECTORATE OF CRIMINAL INVESTIGATIONS

DIRECTORATE OF CRIMINAL INVESTIGATIONS HEADQUARTERS
P.O.Box 30036-00100 GPO
NAIROBI, KENYA

Ref. No. PCC-AAADNIM3

Date. 16 February 2018

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

OLIVE MWIHAKI MUGENDA

holder of ID No. 4835662 have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

REMARKS IN CASE OF PREVIOUS RECORD

OFFENCE(S): NIL

RESULTS OF TRIAL: NIL

DATE: NIL

This Certificate has been issued without any alteration or any erasure

(P.M. Ndunda)

*For: Director, Directorate of Criminal Investigations
(P.T.O)*

NOTE: This is a computer generated certificate, to verify the authenticity of this document, send DCI to 21546

