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## NINTH PARLIAMENT – SIXTH SESSION (2007)

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THE DEPARTMENTAL COMMITTEE  
ON  
ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS



REPORT ON

DELIBERATIONS ON THE NOMINATION OF  
COMMISSIONERS TO THE KENYA NATIONAL  
COMMISSION ON HUMAN RIGHTS

Clerk's Chambers,  
Parliament Buildings,  
**NAIROBI.**

June, 2007

## PREFACE

**Mr. Speaker Sir,**

The Departmental Committee on Administration of Justice and Legal Affairs is established under Standing Order No. 151; its mandate pursuant to Standing Order 151(4) is:-

- a) to 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) to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;*
- c) to study and know all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);*
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- e) to investigate and inquire into all matters relating to all assigned Ministries and Departments as the may deem necessary, and as may be referred to them by he House or a Minister and;*
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee comprises:

- (i) Hon. Paul K. Muita, MP – Chairman
- (ii) Hon. Kenneth Marende, MP
- (iii) Hon. Jim Choge, MP
- (iv) Hon. Amina Abdalla, MP
- (v) Hon. Gideon Ndambuki, MP
- (vi) Hon. Moses Cheboi, MP
- (vii) Hon. Macharia Mukiri, MP
- (viii) Hon. Bifwoli Wakoli, MP
- (ix) Hon. Omingo Magara, MP
- (x) Hon. Zaddock Syong’o, MP
- (xi) Hon. Njoki Ndung’u, MP

## **Background**

**Mr. Speaker Sir**, the Kenya National Commission on Human Rights Act, 2002 came into force in March 2003. Nine Commissioners to the Kenya National Commission on Human Rights were appointed to office on 29<sup>th</sup> July 2003 as per the provisions of the Act.

The Commission currently comprises the following nine members:-

- |                                  |                         |
|----------------------------------|-------------------------|
| i. Mr. Maina Kiai                | <b>Chairperson</b>      |
| ii. Ms. Fatuma Ibrahim           | <b>Vice Chairperson</b> |
| iii. Mr. Tirop Kitur             |                         |
| iv. Mr. Lawrence Murugu Mute     |                         |
| v. Mr. Godana Doyo               |                         |
| vi. Ms. Wambui Kimathi           |                         |
| vii. Mr. Hassan Omar Hassan      |                         |
| viii. Ms. Winfred Osimbo Lichuma |                         |
| ix. Ms. Florence Simbiri Jaoko   |                         |

**Mr. Speaker Sir**, Section 9 of the Act states that:-

- 9. Unless the appointment of the chairperson or a commissioner is earlier terminated under this Act, a person appointed as the chairperson or as a commissioner shall hold office for a term of five years from the date of appointment and shall be eligible for re-appointment for one further term of a period not exceeding five years:**

**Provided that in the case of the initial commissioners, the Commission shall, at its first meeting, elect –**

- a) four commissioners whose terms of office shall expire at the end of three years; and**
- b) four other commissioners whose terms of office shall expire at the end of four years**

**from the date of appointment.**

**Mr. Speaker Sir**, this provision provides that commissioners must retire on rotational basis to ensure continuity of the work of the Commission.

The first term of the four Commissioners who balloted for the four year term, expires on 29<sup>th</sup> July, 2007. The four Commissioners are:-

- i. Ms. Fatuma Ibrahim
- ii. Mr. Tirop Kitur
- iii. Mr. Lawrence Murugu Mute
- iv. Mr. Godana Doyo

### **Mandate of the Committee**

**Mr. Speaker Sir**, pursuant to the provisions of Section 6 of the Kenya National Commission on Human Rights Act, 2002, the National Assembly advertised the vacancies on 4<sup>th</sup> April 2007 and caused the Departmental Committee on Administration of Justice and Legal Affairs to consider applications for the positions of commissioners to the Kenya National Commission on Human Rights.

A total of 158 applications were received by the Committee. The Committee then established a Sub-Committee consisting of the Hon. Amina Abdalla, Hon. Njoki Ndung'u, and Hon. Zaddock Syong'o. The mandate of the Sub-Committee was to scrutinize the applications and shortlist those who met the minimum qualifications as per the provisions of the Kenya National Commission on Human Rights Act, 2002.

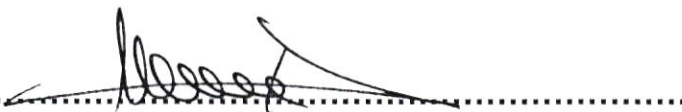
### **Report of the Sub-Committee**

**Mr. Speaker Sir**, the Sub-Committee held two sittings during which it short-listed 12 applicants from a total of 158 applications. The Committee met and adopted the list of the 12 applicants who had been short-listed for interviews on 31<sup>st</sup> May 2007. The Committee was also unanimous in the criteria and a system of scores which was established by the Sub-Committee, to be used during the interviews, where ten (10) points were to be awarded for each of the following topics:

- i. Academic qualifications and scope of experience relevant to the field of Human rights.
- ii. Knowledge of instruments relating to international and domestic Human Rights laws.
- iii. Trainers on human rights.
- iv. Work with marginalized groups such as the physically challenged, pastoralists and distressed persons for example, battered women, torture victims and abused children.
- v. Advocacy in Human Rights issues.

**Mr. Speaker Sir,** on behalf of the Members of the Departmental Committee on Administration of Justice and Legal Affairs, I wish to present to the House the Report of the Committee and the names of the six qualified persons for further consideration and adoption by the House.

**SIGNED:** .....



**Hon. Paul Muir, MP**  
**Chairman, Departmental Committee on Administration of**  
**Justice and Legal Affairs**

**DATE:** .....

15th June 2007

## REPORT ON THE NOMINATION OF COMMISSIONERS TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

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The Committee once again went through the criteria for awarding points to the interviewees. A maximum average of 50 points per interviewee was set.

In conducting the interviews each Committee Member was handed a sheet of paper with five columns based on the criteria which had been agreed on. The columns are:-

- i. Academic qualifications and scope of experience;
- ii. Advocacy in Human Rights issues; training of trainers on human rights;
- iii. Working with marginalized groups such as the physically challenged, pastoralists and distressed persons for example, battered women, torture victims and abused children; and
- iv. Knowledge of instruments relating to international and domestic human rights laws.

Each Member separately and without consultation was required to award points to each interviewee with respect to the criteria. Immediately after the interviewee left, the secretariat withdrew the score sheets and provided fresh ones for the next candidate. The scores were then averaged and the interviewees ranked as follows:-

No.	Name	Region/Category
1.	Ms. Fatuma Adan Dullo	Eastern
2.	Dr. Ekuru Aukot	Rift Valley
3.	Dr. S.K. Tororei	Disability
4.	Mr. Timothy W Wanyonyi	Disability
5.	Mr. Lawrence Mute	Disability
6.	Dr. Mohamud Said	Eastern
7.	Ms. Fatuma Ibrahim Ali	North Eastern
8.	Mr. Bashir Sheikh Ali	North Eastern/ senior citizen
9.	Mr. Tirop Kitur	Rift Valley
10.	Mr. Olad Ibrahim Farah	North Eastern

11.	Ms. Naisiae Tobiko Paloshe	Rift Valley
12.	Mr. Eliud Mate Muriithi	Eastern

While deliberating on these nominations, the Committee was strictly guided by the provisions of the Act particularly Section 6(8) which provides that:-

**“In nominating or appointing persons as Commissioners, the National Assembly and the President shall have regard to:-**

- a) Kenya’s ethnic, geographical, cultural, political, social and economic diversity; and**
- b) the principle of gender equity.**

Section 11(6) of the Act, also provides that:-

**“Where a vacancy occurs in the office of a commissioner, the National Assembly shall nominate a sufficient number of persons to fill the vacancies arising and two additional persons and the President shall, within a period of six months, appoint the required number of commissioners to fill the vacancies out of the total number of nominees.”**

### **Recommendation**

The Committee recommends to the House, that in conformity with Section 6(8) of the Act, the following four nominees be considered for onward transmission to H.E the President to fill in the four vacancies.

- i) Ms. Fatuma Adan Dullo Eastern
- ii) Dr. Ekuru Aukot Rift Valley
- iii) Dr. S.K. Tororei Disability
- iv) Ms. Fatuma Ibrahim Ali North Eastern

Pursuant to Section 11(6) of the Act, the Committee also recommends the following two nominees to the House for consideration and onward transmission to H.E the President.

- i) Mr. Lawrence Mute Disability/Eastern
- ii) Mr. Bashir Sheikh Ali North Eastern/senior citizen.

**XXXXXXXXXXXXXXXXXXXXXXXXXX**

MINUTES OF THE ONE HUNDRED AND SEVENTY NINTH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY 31<sup>ST</sup> MAY 2007 IN THE COMMITTEE ROOM 5<sup>TH</sup> FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 9:00AM.

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**PRESENT**

Hon. Paul Muite, MP                      **Chairman**  
Hon. Amina Abdalla, MP  
Hon. Bifwoli Wakoli, MP  
Hon. Gideon Ndambuki, MP  
Hon. Zaddock Syong'o, MP  
Hon. Njoki Ndung'u, MP  
Hon. Omingo Magara, MP  
Hon. Jim Choge, MP  
Hon. Macharia Mukiri, MP  
Hon. Moses Cheboi, MP

**ABSENT WITH APOLOGY**

Hon. Kenneth Marende, MP

**IN-ATTENDANCE**

**KENYA NATIONAL ASSEMBLY**

Mr. Zakayo Mogere                      - Clerk Assistant  
Mr. Timothy Muli                        - Parliamentary Intern

**MINUTE NO.109/2007**

**INTERVIEWS FOR THE POSITIONS OF COMMISSIONER TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (KNCHR)**

The Committee went through the criteria for awarding points to the interviewees. The committee resolved that ten (10) points would be awarded for each of the following topics:-

- i) academic qualifications and scope of experience;
- ii) advocacy in Human Rights issues;
- iii) training of trainers on human rights;
- iv) working with marginalized groups such as the physically challenged, pastoralists and distressed persons for example, battered women, torture victims and abused children;
- v) knowledge of instruments relating to international and domestic human rights laws.

The maximum average point of 50 points per interviewee was set.

The Committee further resolved that each of the Committee Member write their score for each candidate after which the secretariat would withdraw the score sheets and provide fresh ones for the next candidate.



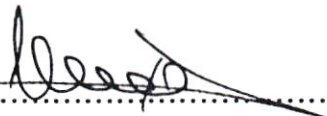
After adding the points for each of the 12 candidates, the Committee ranked the applicants as follows:

No.	Name	Region/Category	Average Score (Max.50)
1.	Ms. Fatuma Adan Dullo	Eastern	<b>42.56</b>
2.	Dr. Ekuru Aukot	Rift Valley	<b>41.39</b>
3.	Dr. S.K. Tororei	Disability	<b>40.75</b>
4.	Mr. Timothy W Wanyonyi	Disability	<b>35.81</b>
5.	Mr. Lawrence Mute	Disability	<b>35.75</b>
6.	Dr. Mohamud Said	Eastern	<b>35.67</b>
7.	Ms. Fatuma Ibrahim Ali	North Eastern	<b>34.67</b>
8.	Mr. Bashir Sheikh Ali	North Eastern/senior citizen	<b>34.13</b>
9.	Mr. Tirop Kitur	Rift Valley	<b>33.17</b>
10.	Mr. Olad Ibrahim Farah	North Eastern	<b>31.57</b>
11.	Ms. Naisiae Tobiko Paloshe	Rift Valley	<b>29.39</b>
12.	Mr. Eliud Mate Muriithi	Eastern	<b>24.11</b>

The Committee resolved to select one best applicant from each of the four categories (Eastern Province, Rift Valley Province, North Eastern Province and people with disabilities) and two from special category to make a total of six. The Committee further resolved that the following nominees be submitted to the House for consideration in line with Section 11 (6) of the Act.

No.	Name	Region/Category
1.	Ms. Fatuma Adan Dullo	Eastern
2.	Dr. Ekuru Aukot	Rift Valley
3.	Dr. S.K. Tororei	Disability
4.	Ms. Fatuma Ibrahim Ali	North Eastern
5.	Mr. Lawrence Mute	Disability
6.	Mr. Bashir Sheikh Ali	North Eastern/senior citizen

There being no other business, the Chairman adjourned the meeting at fifty minutes past two o'clock.

Signed: .....  
(Chairman)

Date: ..15<sup>th</sup> June 2007