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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2012

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY ON THE VETTING OF NOMINEES TO THE
NATIONAL POLICE SERVICE COMMISSION

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

MAY, 2012

PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198(3), which mandates the Committee to, inter alia:

- (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; and,*
- (b) investigate and inquire 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...*

Mr. Speaker,

According to Schedule II of the Standing Orders, the Committee examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service, and;
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Office of the Prime Minister
- (iii) Office of the Vice President and Ministry of Home Affairs
- (iv) Ministry of Provincial Administration & Internal Security
- (v) Ministry of State for Public Service
- (vi) Public Service Commission
- (vii) Ministry of State for Immigration & Registration of Persons

Mr. Speaker, Sir,

The following are the Members of the Committee:

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice-Chairman)
The Hon. Cyprian Omollo, MP
The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Joseph Kiuna, MP
The Hon. Maison Leshoomo, MP
The Hon. Nkoidila ole Lankas, MP
* The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterix * has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations contained in this report).*

Mr. Speaker,

The Committee was tasked with vetting of nominees to the National Police Service Commission by the House on 8th March, 2012. The matter of Police reforms has been in the minds of Kenyans for a long time. There has been clamour from many quarters to change and improve the dented image of the Police force. It is in this light that the Constitution made radical proposals to overhaul the operations and management of the Police force.

Article 243(1) of the Constitution establishes the National Police Service. Further, Article 246(1) of the Constitution stipulates that "there is established the National Police Service Commission". The composition of the National Police Service Commission is further provided for under section 4(1) of the National Police Service Act, 2011, which states that the Commission shall consist of nine members appointed in accordance with the Constitution and the provisions of the aforesaid Act.

Pursuant to Section 6(5) of the Act, the President is required to select the Chairperson and members of the Commission from the list of qualified persons forwarded to him by the Selection Panel and subsequently forward the names of the persons so selected as Chairperson and members to the National Assembly for approval.

Mr. Speaker, Sir,

In a letter Ref. OP/CAB.3/77A, dated 7th March, 2012, from the Permanent Secretary, the Secretary to the Cabinet and Acting Head of the Public Service, the National Assembly was informed that H.E. the President, in consultation with the Rt. Hon. Prime Minister, had made the following nominations for the positions stated hereunder:-

- | | |
|----------------------------------|---------------|
| 1. Amina R. Masoud | - Chairperson |
| 2. Esther Chui-Colombini | - Member |
| 3. Ronald L. Musengi | - Member |
| 4. James A. Atema | - Member |
| 5. Dr. Major Muiu Shadrack Mutia | - Member |
| 6. Mary Auma Owuor | - Member |

It should be noted that under Article 246(2) of the Constitution, three other Members of the Commission shall be the Inspector-General of Police and two Deputy Inspector-Generals; who are yet to be appointed to these positions.

Mr. Speaker, Sir,

Under Section 6(6) of the National Police Service Commission Act, 2011, the National Assembly is required, within 21 days of the day it next sits after receipt of the names of the nominees, to vet and consider all the applicants and may approve or reject any or all of them and request for the names of new nominees.

On 8th March, 2012, in a *Communication from the Chair*, you directed that names of the six nominees to the Commission and their accompanying curriculum vitae (CVs) be referred to the Departmental Committee on Administration and National Security for consideration prior to approval by the House; and that the Committee tables its recommendations on or before Thursday 29th March, 2012. However, this time deadline could not be met because the House adjourned on 15th March, 2012 for a one month's recess and reconvened on Tuesday, 17th April, 2012 after the initial set deadline had passed.

Mr. Speaker,

Pursuant to the provisions of article 118 of the Constitution; and Standing order 180 which allows the public to access Committee sittings; and in line with Article 73(2)(d) of the Constitution which provides for accountability to the public for decisions made, and actions taken, the Committee placed adverts in the

mainstream daily newspapers, on 18th and 19th April, 2012, inviting members of the public to present Memoranda on any information they might have on the suitability or otherwise of the nominees to the National Police Service Commission.

On 19th April, 2012, the Rt. Hon. Prime Minister of the Republic of Kenya wrote to the Departmental Committee on Administration and National Security objecting to the Committee's decision to continue with the process of vetting the National Police Service Commission nominees because he had not been consulted in accordance with the law.

To be more specific on this aspect of the report, the Committee wishes to observe that section 30 of the National Police Service Commission Act provides that before the first general elections under the new Constitution, appointments of the Chairperson and members of the Commission shall be made in consultation with the Rt. Hon. Prime Minister.

The Rt. Hon. Prime Minister also maintained that the list of nominees before the Committee was not constitutional, citing Article 246(2)(a)(i) of the Constitution which stipulates that at least one of the members of the Commission be a person who is qualified to be appointed as a Judge of the High Court. This should be in line with the qualifications of a High Court Judge as set out in Article 166(2) and (5) of the Constitution.

Mr. Speaker,

On Friday 20th April, 2012, the Committee received memoranda from the Law Society of Kenya (LSK) and the Women Political Alliance, Kenya (WPA-K), on the unsuitability of persons nominated for the respective posts in the National Police Service Commission, pursuant to Article 246(2)(a)(i) of the Constitution. The Committee subsequently invited the LSK and the WPA-K, to make representations on issues raised in their memoranda. It is also important to mention that the Committee proceedings on the vetting days were open to the media and the public.

The Committee held a total of eleven sittings including meeting the LSK and WPA-K with a view to establishing the suitability or otherwise of nominees to the National Police Service Commission. The Committee also conducted interviews with the nominees to the Commission. Also ten applicants shortlisted by the Selection Panel to the post of Chairperson of the Commission were interviewed.



Minutes of these proceedings with the stakeholders, nominees and applicants to the National Police Service Commission, are annexed to this report (*appendix 1*).

Mr. Speaker, Sir,

Having considered the memoranda from the various groups on the suitability of the nominees to the National Police Service Commission, the Committee, in its 27th sitting held on Wednesday, 2nd May, 2012, resolved to invite all the persons shortlisted to the position of Chairperson of the Commission.

This decision was informed by the fact that the Committee sought to ensure that at least one person nominated for the position of Chairperson or member of the Commission should be qualified to be appointed as a Judge of the High Court of Kenya as provided for in Article 246(2)(a)(i) of the Constitution. None of the nominees on the list presented to the Committee had met the above said requirement.

Further, the Committee sought to establish whether the Selection Panel had conducted a fair interview based on merit to select the best candidate who possessed the relevant knowledge and experience needed to transform the current Police force.

Mr. Speaker,

After consideration of the memoranda from LSK, WPA-K, OPM and other interested parties, the Committee resolved that the list of nominees presented to Parliament was unconstitutional for clear breach of the express requirements of Article 246 (2) (a) (i) of the Constitution. The Committee observed that none of the nominees held a degree in law; a basic requirement for consideration for appointment as a judge of the High Court of Kenya under Article 166 (2) of the Constitution.

The Committee therefore recommends that Parliament rejects the appointments of the six persons to the National Police Service Commission, pursuant to section 6 (6) of the National Police Service Commission Act, as read together with Articles 246(2)(a)(i) and 166(2) of the Constitution.

The Committee further recommends that, pursuant to section 9 of the National Police Service Commission Act, 2011, the names of the six nominees be referred back to H.E. the President to submit fresh nominations.

The Committee also recommends that the President, in consultation with the Rt. Hon. Prime Minister, considers nominating the Chairperson of the National Police Service Commission, from one of the three persons, having been duly interviewed by the Committee as the best performers, namely; Ms. Jean Njeri Kamau, Mr. Murshid A. Mohamed and Mr. Johnston M. Kavuludi.

The Committee further recommends that the President, in consultation with the Rt. Hon. Prime Minister, may consider nominating the five nominees to the National Police Service Commission as vetted by the Committee and who also meet the requirements of Section 5 of the National Police Service Commission Act, 2011; and which give further effect to Article 246(2)(a)(ii) and (iii) of the Constitution. These persons are; Esther Chui-Colombini, Ronald L. Musengi, James A. Atema, Dr. Maj. Muia S. Mutia and Mary Auma Owuor.

Mr. Speaker, Sir,

The Committee wishes to thank the Offices of the Speaker and Clerk of the National Assembly for the logistical support accorded to it. Also, the Committee is grateful to all the stakeholders who made submissions on the nominations, in particular the Law Society of Kenya and the Women Political Alliance, Kenya, for having presented memoranda on the suitability or otherwise of the nominees.

Further, the Committee acknowledges the sentiments from the Office of the Prime Minister, submitted through the OPM's Legal Advisor. The Committee is also thankful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

Mr. Speaker,

On behalf of the Committee, and pursuant to Section 6(6) of the National Police Service Commission Act, 2011, it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on the nominations to the National Police Service Commission, for debate and adoption by the House.

Signed...Hon. Fred Kapondi, MP..... Date...9/05/2012.....

Chairman, Departmental Committee on Administration and National Security



1.0 BACKGROUND

1.1 Article 243 (1) of the Constitution stipulates that there shall be established the National Police Service. The objects and functions of the National Police Service are set out in Article 244 of the Constitution, as follows:-

- a. strive for the highest standards of professionalism and discipline among its members;
- b. prevent corruption and promote and practice transparency and accountability;
- c. comply with constitutional standards of human rights and fundamental freedoms;
- d. train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and
- e. foster and promote relationships with the broader society.

1.2 Article 246(1) of the Constitution provides that “there is established the National Police Service Commission”.

1.3 To enable the National Police Service meet the objectives set out in article 244 above, Parliament enacted the National Police Service Act, No. 30 of 2011. The purpose of the Act, is among other things; “to make further provisions for the functions and powers of the National Police Service Commission; the qualifications and procedures for appointment, and connected purposes”.

Membership of the Commission

1.4 Section 4 of the Act provides that:-

(1) The Commission shall consist of nine members appointed in accordance with the Constitution and the provisions of this Act.

(2) The chairperson and members of the Commission, other than ex-officio members, shall serve on a full-time basis.

Qualifications for appointment of Chairperson and members

1.5 Article 246(2) of the Constitution provides that:-

(2) The Commission shall consist of—

(a) the following persons, each appointed by the President—

- (i) a person who is qualified to be appointed as a High Court Judge;
- (ii) two retired senior Police officers; and,
- (iii) three persons of integrity who have served the public with distinction;

(b) the Inspector-General of the National Police Service; and,

(c) both Deputy Inspectors-General of the National Police Service.

1.6 Section 5(1) of the National Police Service Commission Act, 2011 details the requirements for appointment of the Chairperson and members of the National Police Service Commission.

A person shall be qualified for appointment as chairperson or a member if such person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya;

(c) meets the requirements of Chapter Six of the Constitution, and,

(d) is not, and has not previously been a member of the National Police Service.

(2) For the purposes of Article 246 (2) (a) (ii) of the Constitution, the President shall appoint two retired senior police officers, one each from the Kenya Police Service and the Administration Police Service, and who shall be of opposite gender.

(3) A person shall not be qualified for appointment under subsection (2) unless the person held the rank of Senior Superintendent of Police or above.

(4) A person shall be qualified for appointment as a member under Article 246 (2) (a) (iii) of the Constitution if the person possesses the following additional qualifications—

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years experience in any of the following disciplines-

(i) finance and administration;



- (ii) economics;
 - (iii) human resources development and management;
 - (iv) public administration;
 - (v) labour laws;
 - (vi) economics;
 - (vii) law;
 - (viii) human rights;
 - (ix) ethics and governance;
 - (x) mediation and consensus building; and
 - (xi) change management;
- (c) meets the requirements of Chapter Six of the Constitution;
- (d) is not and has not previously been a member of the National Police Service;
and;
- (e) has had a distinguished career in their respective fields.
- (5) A person shall not be qualified for appointment as a chairperson or member if the person—
- (a) is or has been at any time within the previous five years a member of Parliament or a county assembly;
 - (b) other than the Inspector-General or Deputy Inspectors-General, is a serving State officer;
 - (c) is a member of a governing body of a political party;
 - (d) is an un-discharged bankrupt;
 - (e) has been convicted of a felony; or

(f) has been removed from office for contravening the provisions of the Constitution or any other law.

(6) Subsection (5) (a) shall cease to apply to a person after one general election for Parliament has been held since the person ceased to hold such office.

Functions of the Commission

1.7 Section 10(1) of the National Police Service Commission Act, 2011, further to Article 246(3) of the Constitution, provides that the functions of the Commission shall be to:–

(a) keep under review all matters relating to standards or qualifications required of members of the Service;

(b) with the advice of the Salaries and Remuneration Commission, determine the appropriate remuneration and benefits for the Service and staff of the Commission;

(c) approve applications for engagement by police officers in trade and other businesses, in accordance with the law relating to matters of leadership and integrity under article 80 of the Constitution;

(d) co-operate with other State agencies, departments or commissions on any matter that the Commission considers necessary;

(e) provide for the terms and conditions of service and the procedure for recruitment and disciplinary measures for civilian members of the Service;

(f) develop fair and clear disciplinary procedures in accordance with article 47 of the Constitution;

(g) investigate and summon witnesses to assist for the purposes of its investigations;

(h) exercise disciplinary control over persons - holding or acting in office in the Service;

(i) promote the values and principles referred to in articles 10 and 232 of the Constitution throughout the Service;

- (j) ensure that the Service is efficient and effective;
- (k) hear and determine appeals from members of the Service;
- (l) develop policies and provide oversight over training in the Service;
- (m) approve training curricula and oversee their implementation;
- (n) investigate, monitor and evaluate the organization, administration and personnel practices of the Service;
- (o) receive and refer civilian complaints to the Independent Policing Oversight Authority, the Kenya National Commission on Human Rights, the Director of Public Prosecutions or the Ethics and Anti-Corruption Commission, as the case may be, where necessary;
- (p) review and make recommendations to the national Government in respect of conditions of service, code of conduct and qualifications of officers in the Service;
- (q) evaluate and report to the President and the National Assembly on the extent to which the values and principles referred to in articles 10 and 232 are complied with in the Service;
- (r) monitor and evaluate the performance of the Service;
- (s) receive complaints and recommendations from police associations registered in accordance with the applicable law;
- (t) perform such other functions as are provided for by the Constitution, this Act or any written law.

(2) Subject to the provisions of the Constitution or any written law, the Commission may delegate to the concerned Inspector-General the recruitment, appointment and promotion of Police officers under the rank of sergeant;

Provided that the Inspector-General shall, during such recruitment, appointment or promotion, take into account gender, county and ethnic balancing.

(3) Notwithstanding subsection (2), the Commission shall not delegate

any of the following functions-

(a) the making of any regulations, rules, code of conduct or subsidiary legislation under this Act or any other written law;

(b) the making and submitting of any report to the President and the National Assembly; and,

(c) the performance of any function the delegation of which would amount to unjustified delegation of the Commission's discretion.

(4) The Commission shall monitor the operations of the Service to ensure efficiency and effectiveness of the Service and the quality and standards of services rendered.

(5) A delegation under this Act shall—

(a) be in writing;

(c) be subject to any conditions the Commission may impose; and,

(d) not divest the Commission of the responsibility concerning the exercise of its powers or the performance of the duty delegated.

2.0 PROCEDURE FOR APPOINTMENT OF THE CHAIRPERSON AND MEMBERS OF THE NATIONAL POLICE SERVICE COMMISSION (NPSC)

2.1 Pursuant to section 6(3) of the NPSC Act, the Selection Panel advertised for the position of the Chairperson and members of the National Police Service Commission in the print media on 25th October, 2011.

2.2 A total of twenty one (21) applications were received for the position of Chairperson. The position of retired senior Police officers attracted a total of fifteen (15) applicants. The position of other members received a total of two hundred and seven (207) applications.

2.3 The Selection Panel conducted, in public, interviews of shortlisted candidates on 1st to 2nd; and 6th to 16th December, 2011, respectively, at the Kenyatta International Conference Centre.

2.4 For the position of Chairperson, the following persons were shortlisted:

1. Mr. Johnston M. Kavuludi
2. Mr. Murshid A. Mohamed
3. Ms. Amina R. Masoud.

2.5 For the position of members, eight persons were shortlisted. These were;

1. Mr. Lawrence Nyalle
2. Ms. Esther Chui-Colombini
3. Mr. Ronald L. Musengi
4. Mr. James A. Atema
5. Mr. Benard M. Mbai
6. Maj. (Rtd.) Billow Khalid
7. Dr. Maj.(Rtd.) Muiu S. Mutia
8. Ms. Mary A. Owuor.

2.6 On 22nd February, 2012, the Selection Panel then forwarded the names of the shortlisted applicants to H.E. the President and the Rt. Hon. Prime Minister for consultation and nomination.

2.7 In accordance with section 6(5) of the NPSC Act, the President is required to select the Chairperson and members of the NPSC from the list of qualified persons forwarded to him by the Selection Panel under sub-section 4(g) of the Act and subsequently forward the names of the persons so selected as Chairperson and members to the National Assembly for approval.

2.8 Under section 6(6), the National Assembly is required, within twenty one days of the day it next sits after receipt of the names of the applicants under sub-section 5, vet and consider all the applicants and may approve or reject any or all of them.

2.9 In a letter Ref. OP/CAB.3/77A, dated 7th March, 2012, from the Permanent Secretary, Secretary to the Cabinet and Acting Head of the Public Service, the National Assembly was informed that H.E. the President, in consultation with the Rt. Hon. Prime Minister, had made the following nominations for the positions stated hereunder:-

- | | |
|--------------------------|---------------|
| 1. Amina R. Masoud | - Chairperson |
| 2. Esther Chui-Colombini | - Member |
| 3. Ronald L. Musengi | - Member |
| 4. James A. Atema | - Member |

5. Dr. Maj. Muiu Shadrack Mutia - Member
6. Mary Auma Owuor - Member

- 2.10 The Honorable Speaker directed the Departmental Committee on Administration and National Security to conduct interviews on the nominees and table its report for consideration prior to approval by the House on or before Thursday, 29th March, 2012. However, Parliament went on recess shortly after, and the Committee was to continue with the vetting exercise between April 17th and May 7th, 2012.
- 2.11 Pursuant to the provisions of Article 118(1) and (2) of the Constitution; and Standing order 180(a) and (b) which allows the public access to Committee sittings; and in line with article 73(2)(d) of the Constitution which provides for accountability to the public for decisions made, and actions taken, the Committee placed adverts in the mainstream daily newspapers on 18th and 19th April, inviting members of the public to present memoranda on any information they might have on the nominees.
- 2.12 On 19th April, 2012, the Rt. Hon. Prime Minister of the Republic of Kenya wrote to the Departmental Committee on Administration and National Security, indicating that he had not been consulted over the list of nominees to the National Police Service Commission forwarded to National Assembly for vetting and approval. He also reiterated that the list of the nominees was unconstitutional, citing article 246(2)(a)(i) which stipulates that at least one of the members of the Commission should be a person who is qualified for appointment as a High Court Judge. The qualifications of a High Court Judge are set out in article 166(2) of the Constitution.

3.0 CONSIDERATION OF MEMORANDA ON NOMINATIONS TO THE NATIONAL POLICE SERVICE COMMISSION

3.1 SUBMISSIONS BY THE LAW SOCIETY OF KENYA

The Committee received submissions from the Law Society of Kenya, as follows;

- 3.2 Their attention had been drawn to an advertisement on 19th April, 2012 by the National Assembly in the print media inviting the public to submit memoranda on the suitability or otherwise of the nominees for

- appointment to serve in the National Police Service Commission (NPSC).
- 3.3 Article 246(1) establishes the National Police Service Commission. The Commission consists of the following persons each appointed by the President –
- I. a person who is qualified to be appointed as a High Court Judge;
 - II. two retired senior Police officers; and
 - III. three persons of integrity who have served the public with distinction.
 - IV. the Inspector-General of the National Police Service; and,
 - V. both Deputy Inspectors-General of the National Police Service.
- 3.4 These constitute distinct categories of persons constituting the National Police Service Commission.
- 3.5 The National Police Service Commission Act no. 30 of 2011 gives further effect to the Constitutional provisions regarding the appointment of NPSC.
- 3.6 Section 5(1) provides for general qualifications as to the persons qualified for appointment as Chairperson or members of the Commission – a Kenyan citizen, degree holder and integrity requirements.
- 3.7 Section 5(2) and (3) further give effect to Article 246(2)(a)(ii) on the appointment of the two retired Police officers, in that;
- I) One officer should be from the Kenya Police Service, while the other one should be from the Administrative Police Service.
 - II) The two officers must be of opposite gender.
- 3.8 Section 5(4) gives further effect to Article 246(2)(a)(iii) over the appointment of the three persons, who shall be civilians.
- 3.9 A person shall be qualified for appointment as a member under Article (2) (a)(iii) of the Constitution if the person possesses the following additional qualifications;
- a) Holds a degree from a University recognized in Kenya ;
 - b) Has at least ten years experience in any of the following disciplines-
 - (i) Finance and Administration;
 - (ii) Economics;
 - (iii) Human Resource Development and Management;
 - (iv) Public Administration;

- (v) Labour Law;
- (vi) Law;
- (vii) Human Rights;
- (viii) Ethnic and Governance;

- 3.10 The Chairperson must be a person who is qualified to be appointed as a High Court Judge. The Constitutional and Legal requirement is further supported by the fact that all Commissions that have a quasi-judicial function have required that the Chairperson must be a person with qualifications of either a Supreme Court Judge, or a High Court Judge.
- 3.11 The Selection Panel nominated six persons to serve on the National Police Service Commission.
- 3.12 Data in the Law Society of Kenya records show that none of the persons nominated to the National Police Service is an advocate. This goes against the Constitutional provision that one of the members of the Commission should be a person qualified to be appointed as a Judge of the High Court.

Unconstitutionality of the list of persons nominated to serve in the National Police Service Commission in the context of Articles 166 (2) and (5) and 246(2)(a)(i) of the Constitution.

- 3.13 The Chairperson is not an advocate qualified to be appointed as a High Court Judge.
- 3.14 None of the listed members is an advocate.
- 3.15 LSK considered the nomination process as having flouted the legal provisions and held the view that the list of nominees to the National Police Service Commission is unconstitutional.

4.0 Key concerns raised by the Committee Members

- 4.1 The Committee Members deliberated and resolved that there was need to, in accordance with the law, have a properly qualified person to head the Commission, given that the responsibility of transforming the Police Force into a Police Service is enormous and comes with high public expectations. The Chairperson should thus possess the requisite qualities as per the provisions of Articles 246 (2) (a) (i) and 166 (2) of the Constitution.

4.2 The Committee sought to know whether there was a specific provision in the Constitution that clearly stipulated that the Chairperson of the NPSC should be a person who is qualified to be appointed as a High Court Judge. The LSK informed the Committee that even though this was not the case, it was important to have a Chairperson who is qualified to be appointed as a High Court Judge since the Commission was expected to perform quasi-judicial functions.

5.0 SUBMISSIONS BY THE WOMEN POLITICAL ALLIANCE, KENYA (WPA-K)

During submissions by WPA-K, the Committee was informed that;

5.1 The manner in which the Selection Panel short listed qualified applicants for the position of Chairperson and members of the National Police Service Commission was discriminatory on the grounds of gender, ethnic and/or social origin, language and regional balance. This in effect violated Article 27 of the Constitution. This was also contrary to the letter and spirit of Articles 232 and 249 of the Constitution and disadvantaged persons who merited to be nominated for positions they applied for.

5.2 The process used in the final selection of qualified applicants for the said positions lacked a systematic, just, fair analysis and methodology. It defeated the very objective of ensuring fair competition and transparency in short listing qualified candidates.

5.3 The National Gender and Equality Commission panelist was not accorded a fair and reasonable opportunity to participate in the short listing process. Subsequently, the names forwarded were not guided by the principles of fair competition and transparency. Further, the principles of impartiality, gender equality, inclusiveness, freedom from discrimination and the rule of natural justice were not adhered to.

5.4 The selection and approval processes for the positions of Chairperson and members of the Commission failed to observe the principles that promote rule of law and constitutionalism. They reiterated the need for ensuring effective institutional policy and legal reforms, which if not observed would drastically erode the gains made towards genuine Constitutional change. As a result, there is great concern that the National Police Service Commission and the National Police Service are likely to suffer credibility crisis, if the changes in the top leadership of the National Police Service are perceived to be merely cosmetic.

6.0 Concerns raised by the Committee Members

6.1 The Committee sought to know from the organization why they were vehemently opposed to the nominees, despite a woman having been nominated to the post of the chairperson. WPA representatives said that they were opposed to the skewed process of nomination, not the person nominated as chairperson.

7.0 SUBMISSIONS BY THE OFFICE OF THE PRIME MINISTER'S LEGAL ADVISOR ON NOMINATIONS TO THE NPSC

The Legal Advisor to the Rt. Hon Prime Minister in his submission informed the Committee that:-

7.1 The Rt. Hon Prime Minister's attention had been drawn to an advert by the National Assembly in the print media on the 18th and 19th April, 2012, asking members of the public to submit memoranda on the suitability or otherwise of nominees to the NPSC.

7.2 The PM had written to the Speaker of the National Assembly before placement of these adverts in the media, on 9th March, 2012, objecting to names submitted by the Office of the President for approval by Parliament because there was no prior consultation on the said list. The Speaker wrote back to the PM on 9th March, 2012 informing him that he (the Speaker) would await further communication from the PM on the matter.

7.3 The PM had initially agreed to an original list from the Office of the President on nominations of the following persons to the Commission;

Mr. Jonhston Kavuludi	- Chairperson
Mr. Lawrence Nyalle	- Member
Esther Chui Colombini	- Member
Bernard Mbai	- Member
Dr. (Major Rtd) Muia S. Mutia	- Member
Ms. Mary A. Owuor	- Member

7.4 However, the PM expressed reservations over the list of nominees which had been forwarded to Parliament for approval. The PM stated that he had not been consulted over the new list. The names on the list sent to Parliament were;

Amina R. Masoud - Chairperson (not in the original list)

Esther Chui Colombini	- Member
Ronald L. Musengi	- Member (not in the Original list)
James A. Atema	- Member (not in the original list)
Dr. Maj. Muia S. Mutia	- Member
Mary Auma Owuor	- Member

7.5 Among those shortlisted, none was qualified to be appointed as a Judge of the High Court as per the provisions of Article 166(2) and 246(2) (a)(i) of the Constitution. The list of nominees forwarded to Parliament was null and void and therefore, unconstitutional.

8.0 Concerns by the Committee

8.1 The Committee sought to know from the OPM's Legal Advisor why it took so long for the PM to raise the matter with the Office of the President after he realized that the list forwarded to Parliament did not have the names mutually agreed upon.

8.2 The Advisor informed the Committee that there were on-going consultations between the two Offices, although he was not privy to what had transpired. The PM did write to Parliament objecting to the list as this was deemed to be the most urgent thing to do. However, the Committee noted that there was no letter written from the Rt. Hon. Prime Minister to the Office of the President objecting to the names sent to Parliament.

8.3 Members wished to know whether the list would still be acceptable if one of the shortlisted persons who had the requirements for appointment as a High Court Judge as prescribed by the Constitution, was proposed for nomination to the NPSC. The Legal Advisor explained that the issue was not just about reinstatement or replacement of a particular person, because doing so would affect a whole range of other considerations such as gender parity, regional balance, etc. The list as presented to Parliament was therefore, null and void, as a whole.

9.0 FINDINGS, OBSERVATIONS AND CONCLUSIONS OF THE COMMITTEE

9.1 After deliberations on submissions received from the Law Society of Kenya, the Women Political Alliance, Kenya and the Office of the Prime Minister, the Committee made the following observations;

1. Having undertaken interviews on the ten candidates shortlisted by the Selection Panel for the position of Chairperson of the National Police Service Commission, the Committee was in agreement with the Selection Panel on the suitability of the three best candidates, namely; Ms. Jean Njeri Kamau, Mr. Murshid A. Mohamed and Mr. Johnston M. Kavuludi.
2. The list forwarded to Parliament indeed did not have any of the nominees who had the requisite qualifications for appointment as High Court Judge as per the provisions of Articles 246(2)(a)(i) and 166(2) of the Constitution.
3. The Committee observed that none of the nominees held a degree in law; a basic requirement for consideration for appointment as a judge of the High Court of Kenya under Article 166 (2) of the Constitution. Therefore, the list sent to Parliament was unconstitutional within the context of Articles 246(2)(a)(i) and 166(2) of the Constitution.
4. The performance by Ms. Amina Masoud during the Committee vetting session was not satisfactory. The Committee concluded that even if she met the requisite minimum requirements, she was not the appropriate candidate for the appointment as Chairperson of the National Police Service Commission.
5. The Committee could not conclusively establish why the Selection Panel recommended for nomination only one of the five lawyers who had been shortlisted, interviewed and ranked very highly, and met the requisite qualifications, in accordance with Articles 246(2)(a)(i) and 166(2) of the Constitution. The lawyers interviewed by the Selection Panel were Ms. Jean N. Kamau, Mr. Murshid A. Mohammed, Ms. Margaret K. Cheboiwo, Mr. Bernard Mwangi Mbai and Mr. Bryam Ongaya.
6. The Committee observed, for instance, that Ms. Jean Njeri Kamau, who scored the highest marks, was ranked top amongst the lawyers interviewed and had the requisite qualifications for appointment as set out in the Constitution, yet she was not nominated as Chairperson of the National Police Service Commission.
7. The assessment and subsequent awarding of marks and ranking by the Selection Panel was inconsistent, varied and skewed. For instance, it was

difficult to ascertain why one Panelist awarded 58.3 score, while another awarded 96.7 marks on the same candidate. The Committee thus resolved to carry out an inquiry on the ten shortlisted persons for the post of Chairperson in order to establish whether there was credibility and objectivity in the selection process.

8. The list forwarded to Parliament had two inadequacies, political and constitutional. The political angle was that the Office of the Prime Minister averred that there was no proper consultations between the President and the Prime Minister on the names presented to the House; while the constitutional dimension revolved around the assertion that none of the persons nominated to the National Police Service Commission was qualified to be appointed as High Court Judge, in accordance with articles 246(2)(a)(i) and 166(2) of the Constitution.

10.0 RECOMMENDATIONS OF THE COMMITTEE

10.1 Having considered Memoranda and representations from the various groups and having interviewed the shortlisted persons; and after deliberating on the nominations to the National Police Service Commission, the Committee made the following recommendations:-

1. THAT; the nomination of the six persons to the National Police Service Commission was unconstitutional within the context of Articles 246(2)(a)(i) and 166(2) of the Constitution. Pursuant to section 6 (9) of the National Police Service Commission Act, 2011, the Committee recommends that the names of the six nominees be referred back to the President to submit fresh nominations.
2. THAT; H.E. the President may consider nominating the Chairperson of the National Police Service Commission; who should have a sound legal background [given that the mandate of the Commission has quasi-judicial functions]; from one of the three persons named hereunder; who have been duly interviewed by the Committee, and who meet the requirements of Chapter six of the Constitution;

1. Ms. Jean Njeri Kamau
2. Mr. Murshid A. Mohamed
3. Mr. Johnston M. Kavuludi

3. THAT; H.E. the President may consider nominating the five nominees to the National Police Service Commission as vetted by the Committee and who also meet the requirements of Section 5 of the National Police Service Commission Act, 2011; and which give further effect to Article 246(2)(a)(ii) and (iii) of the Constitution. These persons are;

1. Esther Chui-Colombini
2. Ronald L. Musengi
3. James A. Atema
4. Dr. Maj. Muia S. Mutia
5. Mary Auma Owuor

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON WEDNESDAY, 2ND MAY, 2012, IN COMMITTEE ROOM, NO. 7 PARLIAMENT BUILDINGS, AT 4.30 PM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Raphael Letimalo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Pollyins Ochieng, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGY

The Hon. Joseph Kiuna, MP
The Hon. Danson Mungatana, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Denis Abisai - Legal Counsel

MIN.NO. 110/2012 - PRELIMINARIES

The Chairman called the meeting to order at 4.30pm. Prayers were said. He welcomed the Committee Members to the meeting and informed them that, the Committee had the onerous task of unraveling the mystery and diffusing the controversy surrounding the nomination of the Chairperson and members of the National Police Service Commission.

MIN.NO. 111/2012 - DELIBERATIONS ON THE NOMINATIONS TO THE NATIONAL POLICE SERVICE COMMISSION

The Chairman informed the Committee members that he had a lengthy discussion with the Speaker of the National Assembly regarding the controversy surrounding the vetting of nominees to the National Police Service Commission.

The Committee agreed on the following;

That, the Committee should proceed with the vetting of all the ten applicants interviewed by the Selection Panel for the position of the chairperson, National Police Service Commission, to clear any doubt on the constitutionality that requires the Chairperson to be an advocate qualified to be appointed as a High Court Judge.

That; the Committee would also vet the five members nominated to the National Police Service

Commission as forwarded by the Office of the President to National Assembly.

The Committee had put into considerations the memoranda presented by the Law Society of Kenya, the Women Political Alliance, Kenya and the Office of the Prime Minister on the constitutionality of the nominees. Henceforth the Committee would table its report in the House on the vetting of applicants and nominees to the National Police Service Commission on Tuesday 8th May 2012.

MIN. NO. 112/2012 - INSECURITY IN ISIOLO COUNTY

The Committee was presented with a letter from the Hon. Francis Chachu Ganya, MP, on the tribal clashes and general insecurity in Isiolo County and the failure by the Government to address the menace. The Committee resolved to meet the Minister for Provincial Administration and internal Security on the matter.

MIN. NO.113/2012 - FOREIGN TRIPS

The Committee was informed that the planned foreign trips to South Korea and France have been approved by the Liaison Committee. Consequently, the Committee resolved to replace the proposed study visit to South Korea with Canada.

MIN. NO.114/2012 - A.O.B/ ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at six o'clock. The next meeting would be held on Thursday, 3rd May, 2012, at 10am.

Signed

Chairman.....Hon. Fred Kapondi, MP.....

Date.....9/5/2012.....

MINUTES OF THE 28TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON THURSDAY, 3RD MAY, 2012, IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS, AT 10.30 AM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Raphael Letimalo, MP
The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGY

The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Mohamed Hussein Ali, MP
The Hon. Pollyins Ochieng, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant

MIN.NO. 115/2012 - PRELIMINARIES

The Chairman called the meeting to order at 10.30am. Prayers were said. He welcomed the nominee to the National Police Service Commission and requested her to give the Committee a brief insight of herself, her work and experience.

MIN. NO. 116/2012 - CONSIDERATION OF NOMINEES TO THE NATIONAL POLICE SERVICE COMMISSION

The Committee, during its first sitting to vet nominees to the National Police Service Commission membership; in the morning of Thursday, 4th April, 2012, interviewed three persons, as follows:-

MS. MARY AUMA OWUOR

During her submission, the nominee informed the Committee that;

She is a Kenyan Citizen and was born in 1946; she holds a Master of Science degree in Risk, Crisis and Disaster Management from Leicester University.

She is a retired Senior Assistant Commissioner of Police who had served the Police force for 32 years. During her service, she worked mostly in the Criminal Investigation Department (C.I.D) as an investigator and later as a trainer for almost 22 years at the C.I.D Training School.

Currently she is Managing Director of Metro Consultant and Guardian, a firm that provides private security guards. She worked as Network Security Manager at Safaricom Limited, in charge of analysis of fraud and investigations. She was a former Provincial Criminal Investigations Officer in Nyanza Province.

Issues raised by the Committee Members

The Committee Members sought to know from the nominee:-

- i) What gains she thought she would bring along to transform the Police service.
- ii) Whether she had any legal training or legal educational background.
- iii) Which specific areas she would wish changed in the Police Service if given the opportunity.
- iv) If she had any family member(s) in the Police force who were likely to bring conflict of interest in her appointment.

Response by Ms. Mary Owuor

In her response to matters raised by the Committee Members, the nominee informed the Committee that she had vast educational and professional experience which she would utilize to transform the National Police Service. She had craved for a chance to change the Police force. During her the time she worked for the Police, she had trained prosecutors and Police officers on security matters. If she was appointed member of the Police Service Commission, she would strive to ensure that placement in the force would be based on professionalism. The Commission should address the injustices that Police officers have been exposed to while in service. She would ensure better remuneration and housing in order to motivate the officers.

MS. ESTHER CHUI - COLOMBINI

During her submission, she informed the Committee that;

She is a Kenyan Citizen born in 1968 and holds Master of Science Degree in Law from Thomas Jefferson School of Law, California. She also holds a Bachelor of Arts Degree in Sociology and Theology Major.

She currently is a Real Estate Professional – in charge of reviewing contracts for accuracy and completion, creating client files, working hand in hand with lenders and title companies, tracking and analyzing weekly traffic and sales reports. She is an active member of the Redwood Empire Association of Paralegals (REAP). She is also a Kenya Presidential Award recipient – Moran of the Order of the Burning Spear (MBS) in 2008. She was also an America Red Cross nominee for Real Heroes (Good Samaritan) award in 2009.

Issues raised by the Committee Members

The Committee Members wished to know from the nominee:-

- i) Whether she would be capable of discharging her duties given that she lived in the diaspora while the job she was seeking was full time.
- ii) What she would do to improve funding to improve performance of the Police Service.
- iii) What contributions she hoped to bring to the National Police Service if she was to be appointed to the position she was seeking.
- iv) What had merited her for the MBS award in 2008.

In response, Ms. Chui-Colombini informed the Committee that she had planned to relocate permanently to Kenya even before she applied for the job. She hoped to engage international partners who were more than willing to raise funds to fund Police programmes. One of the Universities in California was willing to offer training opportunities to the

Kenyan Police. She would ensure that the Police were properly trained, insist on hiring the right persons and also give the Police integrity tests.

She had been awarded a MBS award in recognition by the Government for her contribution through awareness campaigns after the 2007/2008 post-election conflicts. Her campaigns were received well both in the country as well as in the diaspora.

MS. JAMES AMALEMBA ATEMA

During the interview, Mr. Atema informed the Committee that;

He is a Kenya Citizen and born in 1952. He holds a Master's of Science degree in Economics from the University of Swansea in the United Kingdom. He also holds a Diploma in Rural Reconstruction from the International Institute of Rural Reconstruction in the Philippines in addition to a Diploma in Personnel Management from the Kenya Institute of Management.

He is a career manager, planner and implementer having held senior positions in management with Action Aid as a Director of Operations. He was also Administration and Human Resource Manager at the Catholic Relief Services in Kenya.

He also worked with the Ministry of Local Government as a Local Governance Specialist performing an exploratory study and compiling basic data on Local Authorities in light of the devolved system of Government in Kenya now anticipated under Chapter 11 of the Constitution. The work included consultations in nine selected Counties as well as comparative regional benchmarking.

Previously he worked in Malawi with the Ministry of Development Planning and Corporation and was involved in reviewing Malawi Growth and Development Strategy (MGDS) to determine its contribution towards targeted development outcome and the Millennium Development Goals.

He was a team leader who gave support to the National Cohesion and Integration Commission where he led a team in the development with UNDP support of the NCIC first ever strategic plan. His work included literature review, regional consultations and interviews and document drafting.

Issues raised by the Committee Members

The Committee Members sought to know from the nominee:-

- i) How he hoped to put education and professional background to assist him to face the many challenges facing the Police.
- ii) How he hoped to meet the high expectations on Police reforms.
- iii) Whether he was affiliated to any political party.

In response, the nominee told the Committee that;

Security was critical in the development of a country. He would develop a culture of tackling challenges by knowing their root causes not reacting to the problems. He would also introduce a participatory approach to Police issues by

involving the public. This would be achieved through public education policing programmes on security and safety. There was need to institutionalize public participation on security matters.

He would try to recover the confidence of the people on the Police. He would also make the Police believe that their work was appreciated by the public. There was a big disconnect between policing and the people being policed. The public and the Police officers should be made to understand that they are friends. Some malpractices by the Police must be removed through change management. The Ugandan and Tanzanian Police forces were good examples from which we could emulate where there are few bribe cases and are effective in discharging duties.

He was not a member of any political party.

MIN. NO.117/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at fifteen minutes past one o'clock. The next meeting would be held on Thursday, 3rd May, 2012, at 2.30pm.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....

Date.....9/5/2012.....

MINUTES OF THE 30TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, 4TH MAY, 2012, IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS, AT 10.30 AM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Pollyins Ochieng, MP
The Hon. Raphael Letimalo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGY

The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika Adika - Research Officer
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 121/2012 - PRELIMINARIES

The Chairman called the meeting to order at 11.00 am. Prayers were said and brief introductions done.

MIN.NO.122/2012 - CONSIDERATION OF SHORTLISTED APPLICANTS TO THE NATIONAL POLICE SERVICE COMMISSION

The Committee, during its second sitting to vet the shortlisted applicants to the National Police Service Commission membership; in the afternoon of Thursday, 4th April, 2012, interviewed two persons, as follows:-

MR. BERNARD MWANGI MBAI

During his submission, the candidate informed the Committee that;

He is a Kenyan citizen, born on 19th April, 1958. He holds a Bachelor of Law degree from the University of Nairobi and is an Advocate of the High Court of Kenya of 30 years standing. He is a sole partner in M/S B. Mbai & Associates Advocates handling criminal and civil litigation, debt collection, conveyance, commercial and company disputes, investigation, leases and sale agreement.

He is an active member of the Law Society of Kenya. He was a member of the Law study Committee at Criminal Investigation Department which was instrumental in the amendment/enactment of the Firearms Act, Explosives Act, Anti-terrorism Draft Bill, Extraditions Act and Money Laundering Draft Bill.

Issues raised by the Committee Members

The Committee Members sought to know from the applicant;

- i) What had motivated him to apply for the NPSC job.
- ii) Which priority areas in the Police force he thought required urgent focus.

communication courses and Senior Management courses from Kenya Institute of Administration.

Issues raised by the Committee Members

- i) How did he intend to deal with the high public expectations by the public on the intended reforms.
- ii) Where he would get funds for the Police if appointed as Commissioner.
- iii) What changes he brought when he was at the helm of the Police.
- iv) If his connections as evident in his CV could have helped him to be nominated.
- v) Whether he was affiliated to any political party.

In his response, Maj. Rtd. Mutia informed the Committee that he would bring about refresher courses to instill discipline in the Service and help manage and improve the Police image. This would build up confidence of the public on the Police.

He would encourage ICT courses for the Police right from the training College in Kiganjo. There was great need to change the character, attitude and work ethics for the Police.

On how to source for funds, first he would strive the wanton wastage of public funds in the Service. He would encourage monitoring and evaluation to ensure prudent use of funds.

During his tenure in the military and the Police, he ensured that integrity, committed to duty and selfless service were the pillars that drove him throughout his career.

He did not have connections who could have influenced his nomination. He did not belong to any political party.

MIN. NO.120/2012 - A.O.B/ ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at thirty minutes past five o'clock. The next meeting would be held on Friday, 4th May, 2012 at 10am.

Signed

Chairman.....Hon. Fred Kapondi, MP.....

Date.....9/5/2012.....

He was an employee of Kenya Commercial Bank where he worked as a Corporate Relationship Manager. He was in charge of credit appraisals – analysis of finance in financial institutions, establishment and maintenance of correspondent relationships.

He was also an employee of Nikko Bank of London, where he was dealing with accounting, settlements, facility control and administration, credit and corporate Institutions.

He is a fellow member of the American Academy of Financial Management. He is also an associate member the Ontario Association of Certified Engineering, Technicians and Technologists of Ontario, Canada.

Concerns raised by the Committee Members

Members of the Committee sought to know from the nominee;

- i) What had motivated him to apply for the NPSC job.
- ii) How his educational background and past experience would assist him if appointed.
- iii) What he would do to source for funds for the Police Service.
- iv) How he would manage high expectations by the public on the envisaged Police reforms.
- v) Whether he was a member of any political party.

In his response, the nominee informed the Committee that the Commission, which was new in the country, required a dedicated, committed and focused person to bring change to the dented image of the force. He believed he possessed these qualities. The Commission should recruit, deploy and transfer officers fairly.

Funding for the Police should be done from the national budget with the relevant Ministry being adequately funded. The Ministry itself could generate funds. He would also bring the banking institutions into play in order to get funds for the Service.

On how to handle the high expectations, he would strive to improve the working conditions of the Police, promote officers on merit and ensure they lived in decent houses.

He is not a politician and does not belong to any political party.

DR. MAJ. (RTD.) MUIU SHADRACK MUTIA

Dr. Maj. (Rtd.) Shadrack Mutia is a Kenyan citizen. He was born on 7th April 1941. He holds an Honors PHD degree in Theology from the University of International Faith Seminary in Washington DC, U.S.A, and a Bachelors degree of Science in Business Administration from United States International University (U.S.I.U).

He is a retired professional soldier and a policeman who served both in the Military and the Administration Police. He was former Commandant of the administration Police between 1978-1984 where he trained Administration Police Service to help end emergency in North Eastern Province by use of persuasion and diplomacy. He was a member of Police Oversight Board where he wrote a document on how to reform the Police. The document played an integral part during Justice Ransley's Commission on Police Reforms.

He possesses several professional qualification courses among them intelligence courses from UK,

MINUTES OF THE 29TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY, 33RD MAY, 2012, IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS, AT 2.30 PM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Raphael Letimalo, MP
The Hon. Maison Leshoomo, M P
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGY

The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Mohamed Hussein Ali, MP
The Hon. Pollyins Ochieng, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN - ATTENDANCE NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika - Research Officer
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 118/2012 - PRELIMINARIES

The Chairman called the meeting to order at 11.00 am. Prayers were said. Brief introductions were done.

MIN. NO. 119/2012 - CONSIDERATION OF NOMINEES TO THE NATIONAL POLICE SERVICE COMMISSION

The Committee, during its second sitting to vet nominees to the National Police Service Commission membership; in the afternoon of Thursday, 4th April, 2012, interviewed two persons, as follows:-

RONALD L. MUSENGI

During his submission, the nominee informed the Committee that;

He is a Kenyan citizen, born in 1959. He holds a Masters degree in International Business from the Institute of Technology in Australia. He also possesses a Post Graduate Diploma in Project Planning and Management from the University of Nairobi, plus a Bachelor of Arts degree from Brock University of Ontario Canada.

- iii) What changes he would bring to the Police Service in the first 100 days.
- iv) Where he thought he would get funds to support police programmes, which were generally underfunded.

In response, Mr. Mbai informed the Committee that he was motivated by the desire to change the current Police force into a service delivery industry. He had also served in a Committee at the CID headquarters that was tasked with reviewing laws relating to reforms in the Department. He taught law of evidence to Police officers.

The 60,000 Administrative Police officers in the current force are far from adequate. He would seek funds to increase the number of officers in order to improve service delivery. In the first 100 days, he would ensure budgetary enhancement to address the gaps brought about by inadequate funding. The other thing would be to look into Police welfare especially in housing.

Vetting of the Police would be mandatory. Different units in the Police force ought to be merged, for instance, airport, railway, KAPU and Anti Banking Fraud Police should be merged. Lack of confidence by the public in the Police is a key challenge. There is need to restore this confidence through educating the public on to relate to the Police, create user friendly customer service.

On funding, he would seek budgetary allocation to enhance Police resources to undertake critical projects of the Police which have been underfunded for the last 20 years. He would also solicit for funds from donors and a declaration made on source of funds.

There is need to shift the Police into a service delivery industry, away from its historical instrument of oppression. It is also necessary to educate the Police and the public to become partners to reform the force.

MR. MURSHID ABDALLAH MOHAMED

During his submission, Murshid Informed the Committee that;

He is a Kenyan citizen born on 20th November, 1964. He is an advocate of the High Court of Kenya, and holds a Bachelor's degree in Law from M.S. University of Baroda in India, and Master's degree in Law from the same University.

He practices under a partnership and a sole proprietorship. Briefs included criminal, family, shipping, commercial and general civil matters; duties included legal and policy research.

He was Commissioner in the Interim Independent Boundaries Review Commission. He worked in the Communication and Advocacy Committee which was tasked with developing messages and pamphlets and developing and implementing the Commission's communication strategy including matters pertaining to legal and constitutional issues. The IIEBRC was tasked Inter alia, with creation of new constituencies, ward and administrative boundaries.

He was a commissioner with the Poverty Eradication Commission. The Commission was tasked with the formulation of policies and poverty eradication programmes with particular attention to the attainment of vision 2030. He also took part in the poverty eradication plan including advising the Ministry on the implementation of the component of social integration under national Poverty Eradication Plan. Further, he was involved in managing and coordinating the rights based approach to Poverty Eradication Commission. He was a Manager in the protection, indemnity and claims section of Safmarine Kenya Limited. He was in charge of shipping, insurance and cargo claims management including handling all cargo claims matters, imports and exports.

Concerns raised by the Committee Members

The Committee Members sought to know from the applicant;

- i) How he would manage the high public expectations on the reform agenda.
- ii) Which areas he thought needed urgent attention in order to improve the force.
- iii) If he would resign as Commissioner, Poverty Reduction Commission, given that the Police Service Commission was a full time job.
- iv) Whether he was affiliated to any political party.

In response, the applicant informed the Committee that, in managing public expectations, he would enhance advocacy to bring key stakeholders together in a bid to force the service to change. He would also advance a transformative approach to make the police to be more user friendly. He would also strive to reduce the ratio of the Police to the public to internationally accepted levels, say 1:450 as opposed to the current levels of 1:650.

He would encourage active participation of the public. He would review policies that affect Police welfare and strive to correct the negative attributes towards the Police. There is need to change the mindset of the Police through civilian oversight. There was need to have credible and effective framework and institutions that empower citizens to drive Police changes.

He would resign as a Commissioner of the National Poverty eradication Commission if he is appointed to the National Police Service. After all, the law stipulates that a public officer shall not hold more than two state offices.

He was not affiliated to any political party.

DR. MIGUNDO WINJA

In his submission, he informed the Committee that;

He is a Kenyan citizen, born on 28th October, 1956. He holds a degree in Medicine and Surgery from the University of Copenhagen in Denmark, and a Masters of Law degree from Copenhagen. He undertook a Danish Advocate Training Program for the Danish Bar and Law Society in Copenhagen in Denmark.

He is a proprietor of Wmeir-Winja and Partners, which is involved in legal and business consultancy. He is a partner, Wmeir-Winja and Partners of Cochambamba, Bolivia.

He was consultant assisting ANC in South Africa to prepare for changes after the Apartheid rule. He was also a consultant assisting SWAPO of Namibia to prepare for Independence.

Issues raised by the Committee Members

The Committee sought to know the following from the applicant;

- i) What had motivated him to apply for the Police Service job.
- ii) What external experience he was bringing to Kenya.
- iii) What priority areas would he strive to achieve in the first 100 days in the job.

In response, the applicant informed the Committee he was involved in peace efforts in Yugoslavia, Denmark and South Africa. He developed an interest in security issues. His experience in these countries had exposed to Police issues that he would capitalize on to improve the National Police force. There was need to change the image of the Police.

In the first 100 days, he would initiate a programme of change management at the lowest cadres of the Police service.

MS. JEAN NJERI KAMAU

During her submission, Jean informed the Committee that;

She is a Kenyan citizen. She holds a Masters degree in Democratic Studies from Leeds University. She has a Master degree in Medical Law from Aberdeen University in Scotland. She attained a Bachelor of Law degree from the University of Nairobi.

She was the Executive Director, Federation of Women Lawyers (FIDA) of Kenya from 1992 to 2000. She was appointed a member to the Police Oversight Committee by the Minister for Internal Security in June 2009. She was an external reviewer for the Kenya Police Strategic Plan 2008- 2013.

She was a member of the National Police Reforms Task Force in the Office of the President, Ministry of State for Provincial Administration and Internal Security in 2004- 2005.

She supported change management initiative for Provincial Administration. She is a member of the Kenya Police Housing Task Force in 2004. She is recipient of the International Human Rights award in 1999, from International Leadership Institute in Minnesota, Minneapolis, U.S.A. She was also a recipient of two awards from the Federation of Women Lawyers, FIDA.

Concerns raised by the Committee Members

The Committee Members sought to know from the applicant;

- i) How she would manage the discrepancies of inadequate Police officers in the service.
- ii) How she would handle internal and external threats differently.
- iii) What she would do to manage the high public expectations on the Police reforms.
- iv) Whether she belonged to any political party.

In response, the applicant informed the Committee that she would strive to achieve the 1:450 ideal levels of the force recognized internationally. She would use the Commission to provide strategic leadership and translate new statutory provisions into reality. The Inspector-General must come up with an action plan, subject to interrogation and review.

There should be better planning and resourcing in the Police. More investment ought to be made in intelligence gathering. The public must be involved to forestall internal threats. The challenge is that there is inadequate funding for Community Policing. There is need to redefine policing in Kenya.

In managing public expectations, the Commission ought to come up with a strategic plan to guide the Police Service through the reform process. There is need to rebrand the Police Service and educate the public extensively. The funding of the force must be improved. It is the responsibility of the Government to provide funds for the security sector.

She was a life member of the Democratic Party of Kenya.

AMINA R. MASOUD - NOMINEE CHAIRPERSON, NPSC

During her submission, she informed the Committee that;
She is a Kenyan citizen born in 1970. She holds a Bachelor of Education degree. She is also pursuing a Masters degree in Business Administration at the University of Nairobi. She also possesses an award in Economics and Business Studies from Kenyatta University.

She works as a Business Development Officer, Research Institute of Swahili Studies for Eastern Africa of the National Museums of Kenya. She is in charge of business development initiatives, promoting business growth, initiating new business streams, developing and executing marketing programs.

She was a Deputy Registration Officer with the Interim Independent Electoral Commission. She assisted in the recruitment, training and supervision of constituency election personnel; mobilizing of voters for registration, issuance of election cards, compilation, certification, display and revision of electors' registers.

She was Senior Assistant Planning Officer with Telkom Kenya Limited where she represented the Parastatal in various regional and national forums such as the East Africa Regulatory Posts and Telecommunications operators; and Association of Regulators in East and Central Africa.

She was a member of the National Steering Committee on proposed regulations on the location of masts and communication infrastructure in Kenya.

She was in Co-Chairperson the sub-committee on sitting of ducts and cable infrastructure in Kenya.

Issues raised by the Committee Members

The Committee Members sought to know from the applicant;

- i) How her educational background had prepared her for the job.
- ii) What she would strive to achieve in the first 100 days in the job.
- iii) How she would undertake to perform the quasi judicial functions given that the job required a legal background.
- iv) What she would do to reduce drug and substance abuse in the Coast Province.
- v) If she was affiliated to any political party.

In response, Ms. Masoud informed the Committee that within the first 100 days, she would strive to put in place an Inspector-General and his two deputies. She would review policies on Human Resource to attract and retain dynamic policies.

She would also carry out staff audit in a bid to ensure that the right people are in the right place. There would be need to sensitize both the Police and the public on means to improve policing. She would also relook into training curriculum.

Although she did not have a legal training, she was ready to work with colleagues with such background and other stakeholders. She would advocate modernizing and digitalizing operations of the Police Service. She would embrace the ICT system. Retraining of the Police would therefore be necessary to be more responsive to disasters.

She believed that the NPSC could make far reaching recommendations to address the high prevalence of the drug abuse in the Coast Province.

She said that she did not belong to any political party.

MIN. NO.123/2012 - A.O.B/ ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at thirty minutes past one o'clock. The next meeting would be held in the afternoon, Friday 4th May 2012, at 2.30pm.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....Date.....9/5/2012.....

MINUTES OF THE 31ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON FRIDAY, 4TH MAY, 2012, IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS, AT 2.30 PM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Pollyins Ochieng, MP
The Hon. Raphael Letimalo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGY

The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika - Research Officer
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 124/2012 - PRELIMINARIES

The Chairman called the meeting to order at 2.30pm. Prayers were said. He welcomed the applicant to the National Police Service Commission.

MIN. NO. 125/2012 - CONSIDERATION OF APPLICANTS TO THE NATIONAL POLICE SERVICE COMMISSION

The Committee, during its fourth sitting into the inquiry to the National Police Service Commission in the afternoon of Friday 4th May, 2012, interviewed three persons, as follows:-

MR. JOHNSTON KAVULUDI

During his submission, the applicant formed the Committee that;

He is a Kenyan citizen born on 10th December 1952. He holds a Bachelor of Education degree in Literature and English, Geography & Education Administration.

He is a lead Partner in Furukombe Initiative working as a lead consultant in charge of Human Resource Management and Corporate Services tasked with training for excellence, management enhancement skills, leadership and team building dynamics and organizational development.

He was a principal education and training consultant at Furukombe initiative tasked with designing, training programmes for corporate clients and learning institutions. He was a Commissioner of Labour, Ministry of Labour and Human Resource Development where he served as head of Department of Labour and advised the Government on labour and employment matters. He was Director Manpower Development and Employment, Ministry of Labour and Human Resource Development.

Issues raised by the Committee Members

The Committee Members sought to know from the applicant:-

- i) What urgent areas he thinks requires urgent attention in the first 100 days given the high expectation in the police reforms.
- ii) How he intended to raise funds in the Police service if given the opportunity considering the budgetary constraints
- iii) If he was a member of any political party.
- iv) How he intends to chair and administer such a huge work force.

Response by Johnston Kavuludi

In response to matters raised by the Committee Members, the applicant informed the Committee that he would come up with initiatives to curb corruption in the first 100 days in office. He would ensure fair recruitment in the police force, trainings for the police and improve effective operations of the police through surveillance cameras.

He would also improve the welfare of the Police Service through better housing. He would also introduce a social security scheme and come with long term strategies to motivate the Police force. On raising of funds, the applicant would reach out to local and international partners particularly on (ICT) information and Communication technology.

On whether he was a Member of any political party, the candidate said that he was still a Kenya African Union (KANU) Member.

MR. BYRAM ONGAYA

During his submission, the applicant informed the Committee that;

He is a Kenyan citizen born on 6th April 1976. He holds Masters Degree in Law, Governance and Democracy and also a Bachelor of Laws degree from the University of Nairobi.

He is currently working with the Public Service Commission of Kenya as a Commissioner and Legal Counsel where he pioneers the Legal Services Division. He worked with Musalia Mwenesi Advocates as a Legal Practitioner designated as associate counsel. He worked as head of legal services with the Interim Independent Boundaries Review Commission in charge of litigation, handling issues of laws, developing policy and legislation.

Concerns raised by the Committee Members

The Committee Members sought to know how he would meet public expectations if eventually appointed. The applicant said that he would ensure that the institution of the police is autonomous in order that it executes its mandate with absolute respect of rule of law and mankind. He would see to it that professionalism remains the top most priority concern of the entire Police force. He would also strive to ensure that the Police render dedicated service to the citizens.

Further, the Committee sought to know how would tackle the violation of human rights by the Police. The applicant said that to mitigate excessive force by the Police on civilians, the principle of accountability would be the most critical factor for him to implement. He would instill a proper code of conduct in the Police and come up with robust programmes to scrutinize integrity of the police officers. He would establish peer review programmes to involve Police officers in assessing their performance.

On whether he was a member of any political party, he informed the Committee that he used to be a member of the Ford Kenya Party, but he relinquished membership some years back.

MS. HULDA OGOTI

During her submission, to the applicant informed the Committee that;

She is a Kenyan citizen, born on 20th September, 1960. She holds a Doctor of Philosophy degree in Business Administration from Kenyatta University as well as a vocational and technical education award from the University of Illinois Urbana Champaign.

She is currently Deputy Programme Director/Partnership, in the Office of the Prime Minister, Ministry of State for Development of Northern Kenya and other arid lands where she made achievements in initiating, developing, implementing, monitoring and evaluating poverty alleviation projects in arid and semi arid lands.

She was Assistant Programme Director/Strategic Partnership in the Office of the Prime Minister's Public Service Transformation Department, where she provided services for the oversight strategic partnership projects. She is also Assistant Programme Director, in the Cabinet Office's Public Service Reform and Performance Contracting Department.

Concerns raised by the Committee Members

Members of the Committee sought to know what priority areas she would tackle in the first 100 days for the Police Service if she qualified for appointment as Chairperson of Commission. She

said she would concentrate on; curbing corruption within the Police force, conducting a survey on challenges facing the Police to find solutions to problems affecting the Police address the literacy levels in the police, come up with training and capacity building programmes.

On whether she was affiliated to any political party, she was categorical that she does not belong to any given political party. As far as budgetary allocation to the Police was concerned, she would ensure that there was sufficient funding for the Police. She said that it was the duty of the Government to ensure that there was enough money allocated to the Police.

MIN. NO.126/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at thirty minutes past four o'clock. The next meeting would be held on Monday, 7th May, 2012, at 2.30pm.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....Date.....9/5/2012.....

MINUTES OF THE 32ND SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON MIONDAY, 7TH MAY, 2012, IN THE COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 2.30 PM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Raphael Letimalo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Maison Leshoomo, MP
The Hon. Joseph Kiuna, MP

ABSENT WITH APOLOGY)

The Hon. Danson Mungatana, MP
The Hon. Pollyins Ochieng, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika - Research Officer
Mr. Denis Abisai - Legal Counsel
Mr. Simon M. Muinde - Hansard Recorder
Ms. Farida Ng'asura - Hansard Recorder
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 127/2012 - PRELIMINARIES

The Chairman called the meeting to order at 2.30pm. Prayers were said. Introductions were done

MIN. NO. 128/2012 - CONSIDERATION OF APPLICANTS TO THE NATIONAL POLICE SERVICE COMMISSION

The Committee, during its fifth sitting of its inquiry to nominations to the National Police Service Commission; in the afternoon of Monday 7th May , 2012, interviewed two persons, as follows:-

MS. MARGARET K. CHEBOIWO

During her submission, the applicant formed the Committee that;

She is a Kenyan Citizen born on 16th November 1961. She is an advocate of the High Court of Kenya. She holds a Masters degree in Law having studied Constitutional law, Civil Litigation and Africa Family Law from London School of Economics, London, United Kingdom.

She is a partner with Cheboiwo & Company Advocates that handles legal matters from criminal and civil litigation to debt collection, conveyance, commercial and company disputes, company secretarial work, election petitions, drawing of contracts, leases and sale agreement.

She was Director Legal Affairs of the Local Organizing Committee of the 17th CAA Senior African Athletics Championships held in Nairobi in 2010.

She was also involved in the Bosire Goldenberg Inquiry (Affair) as an advocate of two clients in the scam. The clients were later exonerated after the inquiry found no evidence to commit them to a Court of Law.

Issues raised by the Committee Members

The Committee Members sought to know from the applicant:-

- i) How her educational background had prepared her to the task ahead.
- ii) Which kind of reforms she was planning to bring to the National Police Service.
- iii) Which particular areas she would wish to reform in the National Police Service given the opportunity.
- iv) How she would carry out the reforms looking at the current economy of the country and where there are budget constraints.
- v) What her experience was on community policing.
- vi) Whether she belonged to any political party.

Response by Margaret K. Cheboiwo

In her response to matters raised, the applicant informed the Committee that she had experience in legal matters that could transform the Police Service into a better Service. She had a passion to join the Kenya army and her intention was changed by the poor housing conditions that the disciplined forces were living in and she opted for a legal career. If given the opportunity, she could transform the National Police Service.

She would create awareness on Police reforms over the radio and encourage community policing to close the gap between the police and the public.

She would use her experience gained from the Ransley Committee meetings where she attended all the meetings and became very conversant with problems of the Police Service. She was not interested in politics at the moment.

DR. ERIC KIPRONO

During his submission, he informed the Committee that;

He is a Kenyan Citizen born on 2nd November 1963. He holds PhD degree in Sociology and a Masters degree in Sociology from the University of Baroda in India.

He is currently a lecturer, Department of Peace, Security and Social studies at Egerton University. He is Chairperson, Department of Peace, Security and Social studies and also Chairperson, Department of Sociology, Anthropology and Economics.

He was a trainer and a resource person at the Kenya Anti- Corruption Commission training research and advocacy programme (TRAG). The objective was to inculcate Anti Corruption knowledge from Sociology and Social Psychology to nominated civil servants.

Issues raised by the Committee Members

The Committee Members wished to know from the applicant;

- i) How the role as Chairperson, Department of peace, Security and Social studies at Egerton University has motivated him to apply for the post of Chairperson, National Police Service Commission.
- ii) Whether he ever applied for any other job as a Commissioner before the National Police Service Commission.
- iii) What contributions he hoped to bring to the National Police Service if he was to be appointed to the position of the Chairperson.
- iv) If he had done any research on Police reforms that would make him suitable for this position.

Response by Dr. Eric Kiprono Bor

In his response to matters raised, the applicant informed the Committee that he had great experience in peace security, social studies criminology and advocacy gained as a lecturer at Egerton University and that the Police service is all about security, crime and criminology.

He is currently undertaking research on the changing dynamics of inter ethnic conflicts in Trans-Mara District and its Borders. He also undertook extra ordinary activities in peace building, crime prevention and restorative justice when he led the Egerton University security team to Kuresoi to track and recover University cows where through community policing peace initiatives methods, the team recovered 12 cows.

MIN. NO.129/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at fifteen minutes past four o'clock. The next meeting would be held on Tuesday, May 8, 2012 at 10am.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....

Date.....9/5/2012.....

MINUTES OF THE 33RD SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON TUESDAY, 8TH MAY, 2012, IN COMMITTEE ROOM, 1ST FLOOR, RESOURCE CENTRE, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 AM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP
The Hon. Raphael Letimalo, MP
The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGY

The Hon. Mohamed Hussein Ali, MP
The Hon. Pollyins Ochieng, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika - Research Officer
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 130/2012 - PRELIMINARIES

The Chairman called the meeting to order at 10am. Prayers were said. He welcomed the Members to the meeting.

MIN.NO. 131/2012 - COMMITTEE DELIBERATIONS ON THE NPSC DRAFT REPORT

The Chairman informed the Members that, it was his intention to table the report that afternoon. It was important for Members to read through the draft and propose changes, if any, to the draft report on the National Police Service Commission.

The Committee agreed to comprehensively study the draft report and make corrections accordingly.

MIN. NO.132/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at fifteen minutes past ten o'clock. The next meeting would be held in the afternoon of Tuesday, May 8th 2012, at 4.30pm.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....Date.....9/5/2012.....

MINUTES OF THE 34TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON TUESDAY, 8TH MAY, 2012, IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 4.30 PM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP
The Hon. Raphael Letimalo, MP
The Hon. Maison Leshoomo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Pollyins Ochieng, MP

ABSENT WITH APOLOGY

The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Mr. Peter Adika - Research Officer
Mr. Denis Abisai - Legal Counsel
Mr. Martin Mugambi - Parliamentary Intern

MIN.NO. 133/2012 - PRELIMINARIES

The Chairman called the meeting to order at 4.30 pm. Prayers were said. He welcomed the Committee Members to the meeting. He informed them that the report on the nominations to the National Police Service Commission ought to be adopted and tabled as soon as possible since there was a legal requirement for tabling which was 21 days after the matter was referred to the Committee by the House.

MIN.NO. 134/2012 - DELIBERATIONS ON THE DRAFT REPORT ON THE NOMINATIONS TO THE NATIONAL POLICE SERVICE COMMISSION

Corrigendum to the draft report as proposed by the Committee Members

The Members agreed with the findings, observations and conclusions of the Committee, as well as the recommendations as contained in the draft report, save for a few construction changes and typos that needed to be rectified before the final report was compiled.

MIN. NO. 135/2012 – ADOPTION OF THE REPORT

The Committee Members unanimously adopted the report on the nominations to the National Police Service Commission, as proposed by the Hon. Pollyins Ochieng, MP, and seconded by the Hon. Joseph Kiuna, MP.

The Committee adopted the report of the National Police Service Commission; proposed by Hon. Pollyins Ochieng, MP and Seconded by Hon. Joseph Kiuna, MP.

MIN. NO.136/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at fifteen minutes past five o'clock. The next meeting would be held on Wednesday, 9th May, 2012, at 10am.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....

Date.....9/5/2012.....

MINUTES OF THE 35TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON WEDNESDAY, 9TH MAY, 2012, IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS, AT 11 AM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP
The Hon. Maison Leshoomo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Pollyins Ochieng, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGY

The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Peter Adika - Research Officer
Denis Abisai - Legal Counsel
Martin Mugambi - Parliamentary Intern

MIN.NO. 137/2012 - PRELIMINARIES

The Chairman called the meeting to order at 11am. Prayers were said. He welcomed the Committee Members to the meeting. He informed them that the meeting was convened to ascertain that the corrigendum as proposed by Members was captured accurately, given that the subject of the National Police Service Commission had generated a lot of interest.

MIN.NO. 138/2012 - CONFIRMATION OF MINUTES

Minutes of the 27th Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Cyprian Omollo, MP, and seconded by the Hon. Peter Kiilu, MP.

Minutes of the 28th Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Danson Mungatana, MP, and seconded by the Hon. Raphael Letimalo, MP.

Minutes of the 29th Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Raphael Letimalo, MP, and seconded by the Hon. Maison Leshoomo, MP.

Minutes of the 30th Sitting of the Committee were confirmed as the true proceedings for that day, after being

proposed by the Hon. Mohamed Hussein Ali, MP, and seconded by the Hon. Danson Mungatana, MP.

Minutes of the 31st Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Cyprian Omollo, MP, and seconded by the Hon. Maison Leshoomo, MP.

Minutes of the 32nd Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Peter Kiilu, MP, and seconded by the Hon. Joseph Kiuna, MP.

Minutes of the 33rd Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Raphael Letimalo, MP, and seconded by the Hon. Danson Mungatana, MP.

Minutes of the 34th Sitting of the Committee were confirmed as the true proceedings for that day, after being proposed by the Hon. Pollyins Ochieng, MP, and seconded by the Hon. Peter Kiilu, MP.

MIN. N0.136/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at forty five minutes after eleven o'clock. The next meeting would be held on Thursday, 10th May, 2012 at 10am.

Signed:

Chairman.....Hon. Fred Kapondi, MP.....Date.....9/5/2012.....

MINUTES OF THE 36TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY, HELD ON THURSDAY, 10TH MAY, 2012, IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS, AT 11 AM

PRESENT

The Hon. Fred Kapondi, MP (Chairman)
The Hon. Peter Kiilu, MP (Vice Chairman)
The Hon. Joseph Kiuna, MP
The Hon. Maison Leshoomo, MP
The Hon. Pollyins Ochieng, MP
The Hon. Cyprian Omollo, MP

ABSENT WITH APOLOGY

The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP
The Hon. Mohamed Hussein Ali, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Abdullahi Aden - Third clerk Assistant
Peter Adika - Research Officer
Denis Abisai - Legal Counsel
Martin Mugambi - Parliamentary Intern

MIN.NO. 137/2012 - PRELIMINARIES

The Chairman called the meeting to order at 11am. Prayers were said. He welcomed the Committee Members to the meeting.

MIN. NO. 138/2012 – CONFIRMATION OF MINUTES

Minutes of the 35th Sitting were confirmed as the true proceedings for that day, after being proposed by the Hon. Peter Kiilu, MP, and seconded by the Hon. Pollyins Ochieng, MP.

MIN. NO. 139/2012 – MATTERS ARISING

Corrigendum:

The Committee made a further recommendation to the report: That the President considers nominating five nominees to the National Police Service Commission as vetted by the Committee and who also meet the requirements of Section 5 of the National Police Service Commission Act, 2011; which gives further effect to Article 246(2)(a)(ii) and (iii) of the Constitution. These persons are;

1. Esther Chui-Colombini
2. Ronald L. Musengi
3. James A. Atema
4. Dr. Maj. Muia S. Mutia
5. Mary Auma Owuor

MIN. NO.136/2012 - A.O.B/ADJOURNMENT

There being no other business for discussion, the Chairman adjourned the meeting at ten minutes past noon. The next meeting would be held on Tuesday, 15th May, 2012 at 10am.

Signed: Chairman.....Hon. Fred Kapondi, MP.....Date.....10/5/2012.....