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KENYA NATIONAL ASSEMBLY

11<sup>TH</sup> PARLIAMENT – FIRST SESSION - 2013

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REPORT OF THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY ON THE VETTING OF MR. FRANCIS  
THUITA KIMEMIA, NOMINEE FOR APPOINTMENT TO THE  
POSITION OF SECRETARY TO THE CABINET

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CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

MAY, 2013

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## PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216 and has executed its mandate in accordance with the provisions of the said Standing Order 216(5), 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) National security
- ii) Police Services
- iii) Home Affairs
- iv) Public Administration
- v) Public Service
- vi) Prisons
- vii) Immigration and the Management of natural disasters
- viii) Community service orders

The Committee oversees the following Ministries and Departments:

- i) The Presidency (Cabinet Services & State Affairs)
- ii) Ministry of Interior and Coordination of National Government
- iii) Public Service Commission
- iv) National Police Service Commission
- v) Independent Policing Oversight Authority



Mr. Speaker, Sir,

The following are the Members of the Committee: -

The Hon. Asman Kamama, MP	-	Chairperson
The Hon. Alois M. Lentoimaga,	-	Vice Chairperson
The Hon. Ababu Namwamba, MP		
The Hon. Joseph Lekuton, MP		
The Hon. Alice Wahome, MP		
The Hon. Dalmas Otieno, MP		
The Hon. Zakayo K. Cheruiyot, MP		
The Hon. Timothy W. Wetangula, MP		
The Hon. Patrick Ole Ntutu, MP		
The Hon. Ali Isaack Shaaban, MP		
The Hon. Samuel Moroto, MP		
The Hon. Humphrey Njuguna, MP		
The Hon. Francis K. Mwangangi, MP		
The Hon. Rashid J. Bedzimba, MP		
The Hon. David Gikaria, MP		
The Hon. Mohamed Shidiye, MP		
The Hon. Jane Machira, MP		
The Hon. Ibrahim Abdi Saney, MP		
The Hon. Joseph O. Ndiege, MP		
The Hon. (Maj. Rtd.) John K. Waluke, MP		
The Hon. Wanjiku Muhia, MP		
The Hon. Akuja Protus Ewesit, MP		
The Hon. Joseph M. Kahangara, MP		
The Hon. Ahmed Abdikadir Ore, MP		
The Hon. Regina Nthambi Muia, MP		
The Hon. Grace Kiptui, MP		
The Hon. George Theuri, MP		
The Hon. James Bett, MP		
The Hon. Benard Shinali, MP		

Mr. Speaker,

Article 154 (2)(1) of the Constitution provides that there is established the Office of the Secretary to the Cabinet, which is an office in the public service. The Secretary to the Cabinet shall be nominated and, with the approval of the National Assembly, appointed by the President. The duties of the Secretary to the Cabinet shall be to take charge of the Cabinet office,



be responsible, subject to the directions of the Cabinet, for arranging the business, and keeping the minutes of the Cabinet, convey the decisions of the Cabinet to the appropriate persons or authorities, and have other functions as directed by the Cabinet.

**Mr. Speaker, Sir,**

After receiving the name of the nominee to the position of Secretary to the Cabinet on May 15, 2013, the Committee commenced its sittings on Wednesday May 22<sup>nd</sup>, 2013. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011), and the Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured public participation and openness in carrying out the proceedings was adhered to. Notifications inviting the public to submit memoranda were placed in the mainstream print media, in tandem with the law.

The Committee held a meeting with the Ethics and Anti-Corruption Commission (EACC) Chief Executive Officer, Mr. Halakhe D. Waqo, on Monday 27<sup>th</sup> May 2013, at 7am. The meeting was convened after the Committee resolved to invite the CEO to clarify claims against Mr. Francis Kimemia, contained in a letter sent to the Committee.

Further, the Committee again invited Mr. Francis Kimemia to another meeting so as to accord him right of reply to the issues raised in the EACC'S letter. This meeting was held on Monday, 27<sup>th</sup> May 2013.

The two meetings were held in camera because the EACC had requested in their letter that the information contained therein be treated in strict confidence as the matter concerned was still under investigation, and that, opening up the proceedings could jeopardize the investigations.

**Mr. Speaker,**

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the vetting exercise. 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.



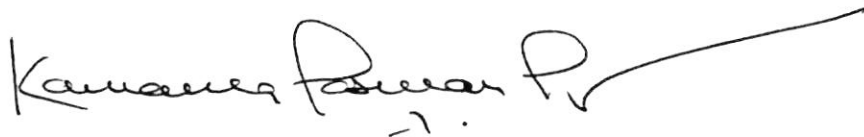
Mr. Speaker, Sir,

The Committee made several findings during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's also recommendation was solely based on the evidence and information from the proceedings of the Committee during the vetting exercise. This recommendation was unanimously agreed upon by the Committee Members during the adoption of the Report on Tuesday 28<sup>th</sup> May, 2013.

Mr. Speaker,

On behalf of the Committee, and pursuant to Article 154(2)(a) of the Constitution, Section 8(1) of the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and Standing Order no. 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security, on the nomination of Mr. Francis Thuita Kimemia to the post of Secretary to the Cabinet, for debate and adoption by the House.

Signed:



Hon. Asman Kamama, MP

Chairman, Departmental Committee on Administration and National Security

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Date: ...28<sup>th</sup> May 2013.....



### **Working Experience**

4. He is currently the Permanent Secretary, Secretary to the Cabinet and Head of Public Service.
5. He served as a District Officer in various districts in the country between 1980 and 1986.
6. He also served as Assistant Secretary, Under Secretary, and Deputy Secretary in various Ministries, rising to the position of Permanent Secretary in the Ministry of Provincial Administration and Internal Security in 2008, and later becoming Secretary to the Cabinet and Head of Public Service in 2012.

### **Special Training Programmes acquired**

7. He has attended several courses within the country and abroad on Public Administration, Security and in Leadership skills, for example: Managing Performance course in Oriented Public Service in Malaysia, International Course on Privatization, Regulatory Reform and Corporate Governance in Japan, amongst others.

### **Achievements**

8. He has helped to initiate several educational, water, security related projects and other development projects in his home area and in other parts of the country especially in the Arid and Semi Arid Areas [ASAL].
9. He has been involved in the publication of several Government manuals and has been Chair of numerous National Committees. He has also received Presidential Commendations including the Elder of the Golden Heart [EGH].

In response to issues raised by the Committee Members, Mr. Francis Kimemia stated that: -

- (i) The ability to create synergies, encourage team work has been the biggest asset during his career in public service, qualities that he believed were necessary for the position he was being vetted for. Coupled with this was the extensive training undertaken in various Government institutions, working with experienced supervisors, managing Cabinet affairs and coordinating various Ministries and Departments has prepared him for the position that he had been nominated for.
- (ii) He would ensure that Bills from Parliament are processed promptly and professionally in order to enhance service delivery to the electorate and create that critical link between the Executive and the Legislature.

- (iii) A good Secretary to the Cabinet would ensure that issues discussed in the public fora are used to formulate sound policies.
- (iv) The Head of Public Service position will be determined by the President since the Office has been detached by creating a singular Office of the Secretary to the Cabinet, which is a constitutional Office.
- (v) The fact that the County Governor is directly elected by the people, has more functions bestowed upon him by Schedule 4 of the Constitution while the County Commissioner is an appointee of the President, makes the Governor more senior in the pecking order in the County.
- (vi) On devolution, the Secretary to the Cabinet is bound by law to ensure there would be equity among all Kenyans, reduce marginalization and discrimination in accordance with Article 10 of the Constitution.
- (vii) There is need to reduce insecurity by enhancing the morale of the police which will lead to accelerated development. The police need to be equipped and therefore there is need for the Government to allocate more resources to the security sector.
- (viii) If appointed to the position of Secretary to the Cabinet, he shall ensure dignity of Parliament is upheld because the Constitution recognizes the supremacy of Parliament.
- (ix) The posting of civil servants in the country was a decision of the Grand Coalition Government which required implementation.
- (x) He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (xi) He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed to the Office of the Secretary to the Cabinet.
- (xii) He confirmed that he has no other plans, commitments or agreement to pursue outside employment.





## 1.0 BACKGROUND

### 1.2 Establishment of the Office of Secretary to the Cabinet and nomination

Article 154 of the Constitution provides that;

(1) There is established the office of Secretary to the Cabinet, which is an office in the public service.

(2) The Secretary to the Cabinet shall:-

(a) be nominated and, with the approval of the National Assembly, appointed by the President; and

(b) may be dismissed by the President.

### 1.3 Functions of the Secretary to the Cabinet

(3) The Secretary to the Cabinet shall—

(a) have charge of the Cabinet office;

(b) be responsible, subject to the directions of the Cabinet, for arranging the business, and keeping the minutes, of the Cabinet;

(c) convey the decisions of the Cabinet to the appropriate persons or authorities; and;

(d) have other functions as directed by the Cabinet.

(4) The Secretary to the Cabinet may resign from office by giving notice, in writing, to the President.

### 1.4 Issues for consideration in conducting the Approval hearing

In conducting the Approval hearing, the Committee was guided by Article 73 (2)(a) (b)(c) and (e) of the Constitution, and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

### 1.5 Message from H.E. the President

On 15<sup>th</sup> May, 2013, pursuant to Standing Order 42 (1) the Speaker of the National Assembly conveyed a message to the House from H.E. the President that Mr. Francis Thuita Kimemia had been nominated to serve in the position of Secretary to the Cabinet. Article 154 (2)(a) confers upon the President the power to nominate, and subject to approval by the National Assembly, appoint the Secretary to the Cabinet.



The name of the nominee and his curriculum vitae was thereafter forwarded to the Committee on Administration and National Security to conduct approval hearings.

### 1.6 Clearance requirements

On 16<sup>th</sup> May, 2013, the Clerk of the National Assembly wrote to Kenya Revenue Authority (KRA), and the Higher Education Loans Board [HELB] requesting information on whether the nominee was tax compliant and whether he owed any loans to the Board, respectively. The Clerk also wrote to Ethics and Anti-Corruption Commission seeking information on the integrity of the nominee. The nominee was also required to present his Certificate of Good Conduct.

### 1.7 Notification to the nominee

On 17<sup>th</sup> May, 2013, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), notified the nominee of the time and place for holding the approval hearing.

### 1.8 Notification to the public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

On 17<sup>th</sup> May, 2013, the Committee, through the Clerk, placed notifications in the print media informing the general public of the intention of the National Assembly to conduct an approval hearing, as provided for by Article 118 (1)(a)(b) and (2) of the Constitution, Standing Order 198 (1) and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, which allow public participation in Committee proceedings. The Clerk of the National Assembly gave provision for the submission of memoranda to his office, on the suitability or otherwise of the nominee, by Thursday, 23<sup>rd</sup> May, 2013, at 5.30pm.

### 1.9 Committee meetings

The Committee commenced the vetting process on Wednesday, 22<sup>nd</sup> May 2013. A total of nine sittings were held. The Committee’s first business was to formulate



questions on the vetting in line with the Public Appointments (Parliamentary Approval) Act, 2011, and examine Memoranda so far received.

### 1.10 Submission of memoranda

By close of business on Thursday 23<sup>rd</sup> May 2013 the Committee had only received two memoranda from the public. However, a petition from Mr. James Ng'etich of Nairobi, was not admissible before the Committee because it was not a written statement on oath (affidavit) as provided for in the Public Appointments (Parliamentary Approval No. 33 of 2011) Act.

The second memorandum from Mr. John Mbugua also from Nairobi, was based on issues surrounding injustices meted out against displaced Kenyans in 1982-1986, 1990-1992, 1997, 2002, and also after the 2007-2008 post election violence in which many Kenyans lost their lives while others were displaced. The memorandum further stated that monies meant for the IDPs have been misappropriated. IDPs still continue to languish in problems under successive Governments. Mr. Francis Kimemia, as Head of Public Service, allegedly did not address the resettlement and compensation issues properly, thus the IDPs continue to suffer. The statement had been sworn before a Commissioner for oaths and was therefore properly before the Committee.

The Committee further received three memoranda from the public on Friday 24<sup>th</sup> 2013 about three o'clock. The three representations were by Mr. George O. Malowa of P O Box 221-00516 [no physical address shown], Mr. Joseph Kinyanjui Mwai of P O Box 875-00217, Limuru and Mr. Charles Akinyi Omanga of P O Box 14117, Nairobi. The three memoranda did not meet the requirements of the published notification which had stated that representations be received on or before Thursday 23<sup>rd</sup> May 2013, by 5.30pm.

### 1.11 Clearance letters

Further, the Committee received letters from the Kenya Revenue Authority, indicating that the nominee was tax compliant, and the Higher Education Loans Board, stating that the nominee had repaid all the Board's loans. The nominee also presented before the Committee his Certificate of Good Conduct.

The Ethics and Anti-Corruption Commission, in response to the Clerk of the National Assembly's letter, wrote to the Committee, raising concerns that touched on the integrity of the nominee. The Committee deliberated on the contents of the letter and resolved that, since the allegations raised were quite weighty, there



was need to invite the Chief Executive Officer of EACC to a meeting in order for him to clarify some of the issues alluded to in the letter. The Committee also resolved to invite the nominee to accord him right of reply to the issues under reference.

### **1.12 The Vetting Process**

On Friday 24<sup>th</sup> May 2013, the Committee held a session with the nominee to the post of Secretary to the Cabinet. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the National Assembly Standing Orders.

## **2.0 VETTING OF MR. FRANCIS THUITA KIMEMIA FOR THE POSITION OF SECRETARY TO THE CABINET**

1. The Committee on Administration and National Security examined the nominee using the guidelines provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The Committee also followed the following criteria in vetting the nominee: -

- (i) Academic qualifications
- (ii) Employment record and work experience
- (iii) Professional association
- (iv) Public office, political activities and affiliations
- (v) Potential conflict of interest
- (vi) Suitability to the position
- (vii) Tax compliance
- (viii) Integrity

### **Personal Background**

2. Mr. Kimemia appeared before the Committee on Friday 24<sup>th</sup> May 2013 and informed the Members that he was born in Ol Kalou, in the then Nyandarua District, on 27<sup>th</sup> October 1957. He is married with seven children.

### **Educational Background**

3. He is currently undertaking a Masters degree in Business Administration from Maastrich University/ESAMI. He holds a Bachelor of Arts degree from the University of Nairobi.



- (xiii) Standard operating procedures are being developed so that the duties of the National Police Service Commission and the Office of the Inspector General are clearly spelt out in order to remove the controversies that have surrounded these two institutions.
- (xiv) On apathy by Kenyans over the inability by the public service to deliver, there was need for a paradigm shift on how public business should be handled in the future, and the new Cabinet secretaries are expected to bring real change into the system in order to restore public confidence.
- (xv) The principle of performance contracting added a lot of value to the public service in terms of service delivery as more targets have been achieved. The Government should even introduce a score card in order to scale up performance in the public service.
- (xvi) On memoranda by Mr. John Mbugua, some of the alleged atrocities perpetrated by the Provincial Administration happened while he was still a District Officer in Mandera between 1980 and 1982. However, the Provincial Administration cannot wholly be exonerated from ills meted out against Internally Displaced Persons (IDPs), over the years. There has been misappropriation of funds meant for resettlement of IDPs. Disciplinary action has been taken against officers found culpable of these crimes.

### **3.0 MEETING WITH THE CHIEF EXECUTIVE OFFICER, ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)**

The Committee held a meeting with the Chief Executive Officer, Ethics and Anti-Corruption Commission, Mr. Halakhe D. Waqo, on Monday 27<sup>th</sup> May 2013.

The Committee Members sought to know from the CEO: -

- i) What exactly Mr. Kimemia was under investigation for;
- ii) If The Commission had communicated to Mr. Francis Kimemia that he was under investigation;
- iii) If Mr. Francis Kimemia has been summoned by EACC or recorded a statement;
- iv) If the CEO could distinguish whether Mr. Kimemia's actions were abuse of office or corruption cases;
- v) How far the investigations had gone;
- vi) What would be the Commission's advice on the nominee being vetted;

- vii) Whether the Commission's allegations were based on material facts;
- viii) If the head of Public Service had powers to suspend Presidential appointees;
- ix) Whether he was aware that Mr. Thuita Mwangi had moved to court to challenge his suspension;
- x) Whether the request for suspension of the Kenya Airports Authority (KAA) Managing Director was in writing as was the case for the Tokyo project, and why suspension was being preferred before a charge could be entered for prosecution;

In response to issues raised by the Committee Members, Mr. Halakhe D. Waqo stated that: -

1. The response given by the Commission to the Committee was advisory and cautionary because the subject matters were still under investigations (See annex of EACC letter).
2. The Commission had a responsibility to give the necessary advice and enforce the law where necessary.
3. The advisory was being provided in utmost good faith.
4. The EACC investigation was on the allegations of blocking the suspension of the two officers. The first project was the Jomo Kenyatta International Airport Greenfield Terminal Project which was to cost Kshs. 56 billion;
5. The JKIA Greenfield Terminal Project was a problematic project, which points to mega corruption cases. The project had a budget of Kshs. 56 billion. The project was under focus by the Commission and this has gone on for a few years. The contract to start the project was signed in October, 2012. EACC moved in to stop the project when it was clearly identified that the KAA Managing Director was culpable in the manner in which he had executed the procurement process. The Commission recommended the suspension of the KAA MD. Up to the point where the MD was recommended for suspension, the Commission did not have Mr. Kimemia under focus since the matter was in the Ministry where the Minister, the Permanent Secretary and the MD were actively engaged. However, Mr. Francis Kimemia's office came in and blocked the suspension. This brought the office of Mr. Kimemia under focus by the Commission. EACC wondered why he would block the suspension of the MD. EACC'S intelligence reports pointed out that there was need to investigate the



Head of Public Service in this instance. That is why they had Mr. Kimemia in record on that particular project.

6. The Commission recommended to the Director of Public Prosecutions (DPP) that the officers be suspended pending prosecution. Mr. Kimemia blocked the suspension of the PS. The Commission wondered why he would block the suspension if his office did not have dealings in the project. The second project was on the purchase by the Ministry of Foreign Affairs of a property in Tokyo, Japan in order to put a Kenyan Embassy. The Project was to cost Kshs. 1.5 billion. The matter was before the court. The Ministry of Foreign Affairs was suspected to be handling the purchase in a corrupt way. The Permanent Secretary, Mr. Thuita Mwangi and two other officers in the Ministry were identified as the culprits in mishandling of the purchasing process.
7. The Commission was however still gathering information and had not informed Mr. Kimemia of the investigations. No statement had been recorded from Mr. Kimemia over the Airport Greenfield Terminal Project.
8. The Commission had not notified Mr. Kimemia that he was being investigated because the investigations were yet to be concluded. However, the Commission's interpretation of the conduct of Mr. Francis Kimemia in blocking the suspension of the officers involved in the two projects was summed up as mega corruption.
9. The EACC was at the point cautioning the Committee that the Commission had become suspicious of Mr. Kimemia's actions in as far as the suspension of the two officers was concerned.
10. The Committee should analyze the issues raised by the EACC and come up with an objective position regarding the involvement of Mr. Francis Kimemia in blocking the suspension of the two officers.

#### 4.0 MEETING WITH MR. FRANCIS KIMEMIA, SECRETARY TO THE CABINET NOMINEE

Mr. Francis Kimemia appeared before the Committee again on Monday, 27<sup>th</sup> May, 2013, at 9 am. The meeting arose out of issues raised in a letter written to the Committee by EACC over Mr. Kimemia's conduct in blocking the suspension of the KAA MD who had been involved in mishandling the JKIA Greenfield Terminal Project; and the PS, Ministry of Foreign Affairs who was accused of underhand dealings in the purchase of a Tokyo property.

During the meeting with Mr. Kimemia, the Committee sought to know from him;

- i) Whether he had blocked the suspension of the KAA Managing Director, Eng. Stephen Gichuki and the Ministry of Foreign Affairs PS as alleged by EACC;
- ii) If he had ever recorded any statement with EACC over his actions;
- iii) Whether he has powers to suspend public service Presidential appointees;
- iv) Whether he had written a letter to EACC in response to issues specifically addressed to Mr. Njiru by EACC;
- v) If he had received recommendation from EACC advising him to suspend Mr. Thuita Mwangi and if he declined those recommendation, and what could have been his motivation for these actions;
- vi) If indeed it was the intervention of EACC that led to the suspension of the two projects, and what role his office played in this cancellation;
- vii) Why he thought EACC had generated the letter accusing him of corruption and abuse of office.

In responding to the issues raised by the Committee Members, Mr. Francis Kimemia informed the Committee that: -

1. He had never been informed of any allegations before receiving the EACC letter from the Clerk of the National Assembly.
2. He had never been informed on any concerns by EACC over corruption matters;
3. He had never been asked to record any statement with EACC over claims of abuse of office or corruption;





4. The allegations were not in good faith, especially coming at the time of the nomination;
5. Mr. Thuita Mwangi had been charged but had not taken a plea before the court over the Tokyo matter. The case was still before the court pending determination;
6. The powers to hire and remove presidential appointees were vested on the President himself and he could act only on those directives;
7. The JKIA Greenfield Terminal Project was initially okayed by EACC as a viable Project meant to expand the existing facilities by constructing a third Airport Terminal (See annexed Kimemia letter on clearance of project by EACC);
8. Parliament also recommended for the fast tracking of the project, and this information is contained in the Parliamentary Hansard proceedings;
9. A Cabinet Sub Committee had recommended that the project goes on as planned, since EACC had cleared the procurement process was above board, and that all stakeholders be involved in ensuring the project took off as planned (See annexed Kimemia letter on Cabinet decision).
10. There was bad blood between the Ps, Ministry of Transport and the KAA Managing Director which boiled down to slowing down the project;
11. Mr. Cyrus Njiru, the Transport PS, had written to Mr. Kimemia requesting that he, Mr. Kimemia, upholds the suspension of the KAA MD.
12. He did not know why the EACC took the position of accusing him OF corruption and abuse of office. He has indeed been very supportive of EACC activities.
13. His office did not block the suspension of the two officers, as he was not the appointing authority and also as a result of the Court order. His actions were guided by the need to safeguard the public rather than personal interests.
14. The major projects, including the JKIA Greenfield Terminal Project, were to be suspended towards the 2013 General Election due to the uncertainty of

the forthcoming polls, and also to enable the incoming Government to take up the projects.

## 5.0 COMMITTEE FINDINGS

After conducting the vetting exercise, the Committee made the following observations and findings: -

1. Mr. Francis Kimemia has the requisite qualifications and vast experience in the public service which qualifies him for position of Secretary to the Cabinet.
2. The nominee has risen through the ranks progressively, having started as a District Officer, rising to his current position as Secretary to the Cabinet and Head of Public Service.
3. Mr. Kimemia has never been implicated in any known scandal during his official capacity.
4. The candidate exhibited impressive knowledge of topical issues especially those touching on public service. He was keen in making positive proposals on how to move the country forward.
5. The nominee has been involved in major reforms in the civil service that have been initiated in the country, such as the police reforms and performance contracting in the public service.
6. The sentiments expressed in the Mbugua petition were not particularly directed at Mr. Kimemia, but revolved around the atrocities allegedly meted out against IDPs by the Provincial Administration over the years.
7. The EACC letter was based on initial suspicion of Mr. Kimemia having been involved in the blocking of the suspension of the KAA MD, and the PS, Ministry of Foreign Affairs, for their mishandling of the JKIA Greenfield Terminal Project, and in the purchase of the Tokyo property, respectively.
8. The investigations were at a preliminary stage and it was therefore difficult to draw conclusions by EACC on the person of Mr. Francis Kimemia. Mr. Mbugua's concerns were out of the frustration by the Government to address IDP issues. The Committee found that some action had been taken and some officers had been charged while others were disciplined.



9. The EACC had no objection to Mr, Kimemia being appointed as the Secretary to the Cabinet.
10. During the presentation by the EACC CEO, he stated clearly that the Commission's letter earlier sent to the Committee was for cautionary and advisory purposes, but not to depict Mr. Kimemia as guilty or culpable.
11. Decisions made by the Cabinet on the manner in which the JKIA Greenfield Terminal Project and the Tokyo property purchase were to be handled were beyond Mr. Kimemia's control.

## 6.0 RECOMMENDATION OF THE COMMITTEE

At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 154(2)(a) of the Constitution and Section 8 (2) of the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 , the Committee recommends that the National Assembly approves the nomination and subsequent appointment of Mr. Francis Thuita Kimemia to the post of Secretary to the Cabinet.

# ANNEXTURES

MINUTES OF THE 3<sup>RD</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON WEDNESDAY, MAY 22<sup>ND</sup> 2013, IN COMMITTEE ROOM, 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 4.30 PM.

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MEMBERS PRESENT

The Hon. Asman Kamama, MP - **Chairperson**  
The Hon. Alois M. Lentoimaga, MP - **Vice Chairperson**  
The Hon. Dalmas Otieno, MP  
The Hon. Alice Wahome, MP  
The Hon. Ababu Namwamba, MP  
The Hon. Ibrahim Abdi Saney, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. Jane Machira, MP  
The Hon. Akuja Protus Ewesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
The Hon. Regina Nthambi Muia, MP  
The Hon. Patrick Ole Ntutu, MP  
The Hon. George Theuri, MP  
The Hon. Joseph Lekuton, MP  
The Hon. Timothy W. Wetangula, MP  
The Hon. Grace Kiptui, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. David Gikaria, MP  
The Hon. Joseph Kahangara, MP  
The Hon. Samuel Moroto, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP  
The Hon. Rashid J. Bedzimba, MP

ABSENT WITH APOLOGY

The Hon. Humphrey Njuguna, MP  
The Hon. Benard Shinali, MP

ABSENT

The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Shaaban Ali Isaack, MP  
The Hon. Zakayo K. Cheruiyot, MP  
The Hon. Mohamed Shidiye, MP

IN ATTENDANCE – NATIONAL ASSEMBLY

Mr. Daniel Mutunga – Principa Clerk Assistant  
Mr. Philemon O. Riaga – Parliamentary Intern

MIN.NO. 07/2013 – PRELIMINARY

The meeting was called to order at 4.30pm. Prayers were said. The agenda of the day was adopted after being proposed by the Hon. David Gikaria, MP, and seconded by the Hon. Patrick Ole Ntutu, MP.

MIN.NO. 08/2013 – CONFIRMATION OF MINUTES

Confirmation of Minutes of the previous sitting was deferred to the next meeting.

MIN.NO. 09/2013 – CONSIDERATION OF DRAFT QUESTIONS AND PROGRAMME FOR VETTING

Members were taken through a set of draft questions prepared by the Secretariat in accordance with the Public Appointments (Parliamentary Approval No. 33 of 2011) Act. After deliberations on the draft questions, the Committee Members resolved that:-

- i) The questions be categorized into two parts:-
  - Substantive/primary, and,
  - Supplementary questions.
- ii) The Secretariat to repost/reframe draft questions under number 6 on deployment of High Commissioners, and question 20 (b).
- iii) The Chairman would assign particular questions to Members to field on the day of the actual vetting.
- iv) The Committee Members would come up with at least two questions each for consideration during the Thursday meeting.
- v) Other questions on devolved governance [pecking order between the Governor and the County Commissioner], areas of reforms that the nominee would endeavour to introduce to ensure there is no wastage of public resources; and to what extent he believes in performance contracting and whether it has added any value in service delivery.
- vi) The Secretariat was tasked to provide a brief on the role of the Secretary to the Cabinet.

MIN.NO. 10/2013 – ANY OTHER BUSINESS

There being no other business, the meeting was adjourned at fifteen minutes after seven O'clock. The next meeting would be held on Thursday, 23<sup>rd</sup> May, 2013, at 4.30pm.

Signed:-

Chairperson



Date

28/5/2013

MINUTES OF THE 4<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY, MAY 23 2013, IN COMMITTEE ROOM, 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 4.30 PM.

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**MEMBERS PRESENT**

The Hon. Asman Kamama, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice Chairperson  
The Hon. Alice Wahome, MP  
The Hon. Ababu Namwamba, MP  
The Hon. Ibrahim Abdi Saney, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. Jane Machira, MP  
The Hon. Akuja Protus Ewesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
The Hon. Regina Nthambi Muia, MP  
The Hon. Rashid J. Bedzimba, MP  
The Hon. Patrick Ole Ntutu, MP  
The Hon. George Theuri, MP  
The Hon. Joseph Lekuton, MP  
The Hon. Shaaban Ali Isaack, MP  
The Hon. Zakayo K. Cheruiyot, MP  
The Hon. Timothy W. Wetangula, MP  
The Hon. Grace Kiptui, MP  
The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. David Gikaria, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Joseph Kahangara, MP  
The Hon. Samuel Moroto, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP

**ABSENT WITH APOLOGY**

The Hon. Dalmas Otieno, MP  
The Hon. Benard Shinali, MP

**ABSENT**

The Hon. Mohamed Shidiye, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Mr. Daniel Mutunga – Principal Clerk Assistant  
Mr. Philemon O. Riaga – Parliamentary Intern

**MIN.NO. 11/2013 – PRELIMINARY**

The meeting was called to order at 4.30pm. Prayers were said. The agenda of the day was adopted after being proposed by the Hon. Joseph Lekuton, MP, and seconded by the Hon. Regina Muia, MP.

**MIN.NO. 12/2013 – CONFIRMATION OF MINUTES**

Minutes of the first sitting of the Committee were confirmed as the true records for that meeting after being proposed by the Hon. Jane Machira, MP, and seconded by the Hon. Grace Kiptui, MP.

Minutes of the second sitting of the Committee were confirmed as the true proceedings for that meeting after being proposed by the Hon. Joseph Lekuton, MP, and seconded by the Hon. Rashid J. Bedzimba, MP.

Minutes of the third sitting of the Committee were confirmed as the true records for that meeting after being proposed by the Hon. Joseph O. Ndiege, MP, and seconded by the Hon. Patrick Ole Ntutu, MP.

**MIN.NO. 13/2013 – MATTERS ARISING**

There were no matters arising under this item.

**MIN.NO. 14/2013 – CONSIDERATION OF GUIDING QUESTIONS AND MEMORANDA FOR VETTING**

The Committee Members took up questions that they would field during the vetting of the Secretary to the Cabinet nominee.

The Chairman informed the Members that the Committee had so far received two memoranda from the public. However, one of the petitions from Mr. James Ng'etich of Nairobi was not admissible before the Committee because it was not a written statement on oath (affidavit) as provided for in the Public Appointments (Parliamentary Approval No. 33 of 2011) Act.

The other memorandum from Mr. John Mbugua also from Nairobi, laid claims on issues surrounding injustices meted out against displaced Kenyans from 1982-86, 1990-92, 1997, 2002, and 2007/2008 post election violence in which many Kenyans were displaced, alleging that Mr. Francis Kimemia, then Permanent Secretary, was involved. The statement had been sworn before a Commissioner for oaths and was therefore properly before the Committee.

The Committee agreed that the issues raised in the memorandum would be executed by the Hon. Ababu Namwamba, MP, the Hon. Patrick Ole Ntutu, MP and the Hon. Alice Wahome, MP, during the meeting with the nominee.

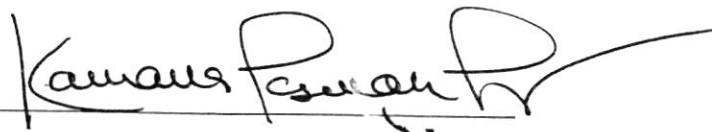
**MIN.NO. 15/2013 – ANY OTHER BUSINESS**

The Committee resolved to proceed to a report writing retreat on Monday 27<sup>th</sup> and Tuesday 28<sup>th</sup> May, 2013. Thereafter, the Committee would programme to visit areas recently hit by a wave of violence in order to assess the situation and propose ways of addressing security concerns.

There being no other business, the meeting was adjourned at forty five minutes after six o'clock. The next meeting would be held on Friday, 24<sup>th</sup> May, 2013, at 10am and 2.30pm respectively.

Signed:-

Chairperson



Date

28/5/2013



MINUTES OF THE 5<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, MAY 24<sup>TH</sup> 2013, IN COMMITTEE ROOM, 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 AM

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**MEMBERS PRESENT**

The Hon. Asman Kamama, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice Chairperson  
The Hon. Dalmas Otieno, MP  
The Hon. Alice Wahome, MP  
The Hon. Ababu Namwamba, MP  
The Hon. Ibrahim Abdi Saney, MP  
The Hon. Jane Machira, MP  
The Hon. Akuja Protus Ewesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
The Hon. Regina Nthambi Muia, MP  
The Hon. Rashid J. Bedzimba, MP  
The Hon. Patrick Ole Ntutu, MP  
The Hon. George Theuri, MP  
The Hon. Shaaban Ali Isaack, MP  
The Hon. Zakayo K. Cheruiyot, MP  
The Hon. Timothy W. Wetangula, MP  
The Hon. Grace Kiptui, MP  
The Hon. Mohamed Shidiye, MP  
The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. David Gikaria, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Joseph Kahangara, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP

**ABSENT WITH APOLOGY**

The Hon. Joseph Lekuton, MP  
The Hon. Samuel Moroto, MP  
The Hon. Benard Shinali, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Mr. Daniel Mutunga – Principal Clerk Assistant  
Mr. Philemon O. Riaga – Parliamentary Intern

**MIN.NO. 16/2013 – PRELIMINARY**

The meeting was called to order at 10am. Prayers were said. The agenda of the day was adopted after being proposed by the Hon. Maj. Rtd. John Waluke, MP, and seconded by the Hon. George Theuri, MP.

**MIN.NO. 17/2013 – CONFIRMATION OF MINUTES**

Minutes of the fourth sitting of the Committee were confirmed as the true records for that meeting after being proposed by the Hon. Wanjiku Muhia, MP, and seconded by the Hon. James Bett, MP.

**MIN.NO. 18/2013 – MATTERS ARISING**

There were no matters arising under this item.

**MIN.NO. 19/2013 – CONSIDERATION OF MEMORANDA FOR VETTING**

The Committee considered memoranda so far received and letters by the various institutions. The Committee had received clearance certificates from the Kenya Revenue Authority and the Higher Education Loans Board [HELB].

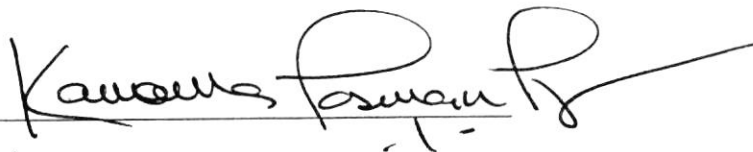
Of particular interest was a letter from the Chief Executive Officer, Ethics and Anti-Corruption Commission. The CEO had raised concerns touching on personal conduct, character and integrity of Mr. Kimemia. After a lengthy deliberation on the contents of the letter, the Committee resolved to invite the EACC CEO to clarify on the issues raised. The Committee would also invite the nominee in order to accord him the right of reply. The meetings would be held on Monday, May 27<sup>th</sup>, at 7am and 7.30am respectively.

**MIN.NO. 20/2013 – ANY OTHER BUSINESS**

There being no other business, the meeting was adjourned at forty five minutes after eleven o'clock. The next meeting would be held on Friday, 24<sup>th</sup> May, 2013, 2.30pm.

Signed:-

Chairperson



Date

28/5/2013

MINUTES OF THE 6<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, MAY 24<sup>TH</sup> 2013, IN COMMITTEE ROOM, 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 2.30 PM

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**MEMBERS PRESENT**

The Hon. Asman Kamama, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice Chairperson  
The Hon. Dalmas Otieno, MP  
The Hon. Alice Wahome, MP  
The Hon. Ababu Namwamba, MP  
The Hon. Ibrahim AbdiSaney, MP  
The Hon. Jane Machira, MP  
The Hon. Akuja ProtusEwesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
The Hon. Regina Nthambi Muia, MP  
The Hon. Rashid J. Bedzimba, MP  
The Hon. Patrick Ole Ntutu, MP  
The Hon. George Theuri, MP  
The Hon. Shaaban Ali Isaack, MP  
The Hon. Zakayo K. Cheruiyot, MP  
The Hon. Timothy W. Wetangula, MP  
The Hon. Grace Kiptui, MP  
The Hon. Mohamed Shidiye, MP  
The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. David Gikaria, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Joseph Kahangara, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP  
The Hon. Joseph Lekuton, MP  
The Hon. Samuel Moroto, MP

**ABSENT WITH APOLOGY**

The Hon. Benard Shinali, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Hon. KK Stephen Kinyanjui. MP  
Hon. Arch David M. Kiaraho. MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Mrs. Florence Atenyo-Abonyo – Director Committee Services  
Mr. Daniel Mutunga – Principal Clerk Assistant  
Mr. Rodgers Munyoki Kilungya – Hansard Reporter  
Mr. Philemon O. Riaga – Parliamentary Intern

### MIN.NO. 21/2013 –PRELIMINARY

The meeting was called to order at 2.30pm. Prayers were said. Introductions were done. The Chairperson informed the Members that the sole purpose of the sitting was to vet Mr. Francis Kimemia, the Secretary to the Cabinet nominee. Mr. Kimemia was then called to tell the Committee about himself.

### MIN.NO. 22/2013 –VETTING OF SECRETARY TO THE CABINET NOMINEE

The Committee examined the nominee using the guidelines provided for in the Public Appointments (Parliamentary Approval No. 33 of 2011) Act. The Committee also followed the following criteria in vetting the nominee: -

- (i) Academic qualifications
- (ii) Employment record and work experience
- (iii) Professional association
- (iv) Public office, political activities and affiliations
- (v) Potential conflict of interest
- (vi) Suitability to the position
- (vii) Tax compliance
- (viii) Integrity

Mr. Kimemia appeared before the Committee on Friday 24<sup>th</sup> May 2013 and informed the Members that he was born in Ol Kalou, in the then Nyandarua District, on 27<sup>th</sup> October 1957. He is married with seven children.

#### **Educational Background**

3. He is currently undertaking a Masters degree in Business Administration from Maastrich University/ESAMI. He holds a Bachelor of Arts degree from the University of Nairobi.

#### **Working Experience**

4. He is currently the Permanent Secretary, Secretary to the Cabinet and Head of Public Service.
5. He served as a District Officer in various districts in the country between 1980 and 1986.
6. He also served as Assistant Secretary, Under Secretary, and Deputy Secretary in various Ministries, rising to the position of Permanent Secretary in the Ministry of Provincial Administration and Internal Security in 2008, and later becoming Secretary to the Cabinet and Head of Public Service in 2012.

#### **Special Training Programmes acquired**

7. He has attended several courses within the country and abroad on Public Administration, Security and in Leadership skills.

#### **Achievements**

8. He has helped to initiate several educational, water, security related projects and other development projects in his home area and in other parts of the country especially in the Arid and Semi Arid Areas [ASAL].
9. He has been involved in the publication of several Government manuals and has been Chair of numerous National Committees. He has also received Presidential Commendations including the Elder of the Golden Heart [EGH].

In response to issues raised by the Committee Members, Mr. Francis Kimemia stated that:-

- (i) The ability to create synergies, encourage team work has been the biggest asset during his career in public service, qualities that he believed were necessary for the position he was being vetted for. Coupled with this was the extensive training undertaken in various Government institutions, working with experienced supervisors, managing Cabinet affairs and coordinating various Ministries and Departments has prepared him to the position that he had been nominated for.
- (ii) He would ensure that Bills from Parliament are processed promptly and professionally in order to enhance service delivery to the electorate and create that critical link between the Executive and the Legislature.
- (iii) A good Secretary to the Cabinet would ensure that issues discussed in the public fora are used to formulate sound policies.
- (iv) The Head of Public Service position will be determined by the President since the Office has been detached by creating a singular Office of the Secretary to the Cabinet, which is a constitutional Office.
- (v) The fact that the County Governor is directly elected by the people, has more functions bestowed upon him by Schedule 4 of the Constitution while the County Commissioner is an appointee of the President, makes the Governor more senior in the pecking order in the County.
- (vi) On devolution, the Secretary to the Cabinet is bound by law to ensure there would be equity among all Kenyans, reduce marginalization and discrimination in accordance with Article 10 of the Constitution.
- (vii) There is need to reduce insecurity by enhancing the morale of the police which will lead to accelerated development. The police need to be equipped and therefore there is need for the Government to allocate more resources to the security sector.
- (viii) If appointed to the position of Secretary to the Cabinet, he shall ensure dignity of Parliament is upheld because the Constitution recognizes the supremacy of Parliament.
- (ix) The posting of civil servants in the country was a decision of the Grand Coalition Government which required implementation.
- (x) He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (xi) He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed to the Office of the Secretary to the Cabinet.
- (xii) He confirmed that he has no other plans, commitments or agreement to pursue outside employment.

- (xiii) Standard operating procedures are being developed so that the duties of the National Police Service Commission and the Office of the Inspector General are clearly spelt out in order to remove the controversies that have surrounded these two institutions.
- (xiv) On apathy by Kenyans over the inability by the public service to deliver, there was need for a paradigm shift on how public business should be handled in the future, and the new Cabinet secretaries are expected to bring real change into the system in order to restore public confidence.
- (xv) The principle of performance contracting added a lot of value to the public service in terms of service delivery as more targets have been achieved. The Government should even introduce a score card in order to scale up performance in the public service.
- (xvi) On memoranda by Mr. John Mbugua, some of the alleged atrocities perpetrated by the Provincial Administration happened while he was still a District Officer in Mandera between 1980 and 1982. However, the Provincial Administration cannot wholly be exonerated from ills meted out against Internally Displaced Persons (IDPs), over the years. There has been misappropriation of funds meant for resettlement of IDPs. Disciplinary action has been taken against officers found culpable of these crimes.

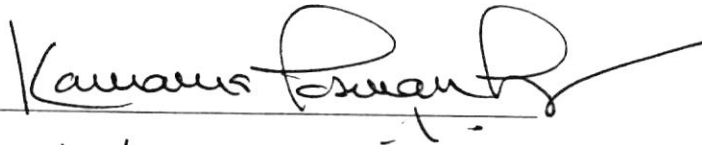
**MIN.NO. 23/2013 – ANY OTHER BUSINESS**

The Committee stressed the need to maintain confidentiality of the vetting process.

There being no other business, the meeting was adjourned at 7.30 p.m. The next meeting would be held on Monday 27<sup>th</sup> May 2013 at 7:00am in Continental House 4<sup>th</sup> floor Committee room.

Signed: -

Chairperson



Date

28/5/2013

**MINUTES OF THE 7<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY, MAY 27<sup>TH</sup> 2013, AT KUMBAHYA HALL, SAFARI PARK HOTEL AT 6.40 PM**

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**MEMBERS PRESENT**

The Hon. AsmanKamama, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice Chairperson  
The Hon. DalmasOtieno, MP  
The Hon. Alice Wahome, MP  
The Hon. AbabuNamwamba, MP  
The Hon. Ibrahim AbdiSaney, MP  
The Hon. Jane Machira, MP  
The Hon. AkujaProtusEwesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
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The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. David Gikaria, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Joseph Kahangara, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP  
The Hon. Joseph Lekuton, MP  
The Hon. Samuel Moroto, MP

**ABSENT WITH APOLOGY**

The Hon. Mohamed Shidiye, MP  
The Hon. Benard Shinali, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Mr. Daniel Mutunga – Principal Clerk Assistant  
Ms. Hellen Kina – Third Clerk Assistant  
Mr. Rodgers Munyoki Kilungya – Hansard Reporter  
Ms. Angela Kagunyi – Parliamentary Intern  
Mr. Philemon Riaga – Parliamentary Intern

#### MIN.NO. 24/2013 – PRELIMINARY

The meeting was called to order at 7.04pm. the Chair noted that all the details were well captured and proposed that the committee looks at recommendations and findings .

Members also raised concerns of the Chairman ascending to the report in absence of the Committee Members of the Committee Members' signature. The Committee was advised to use the guidelines provided for in the Standing Order no. 199 (2) which provides that, the report of a select committee having been adopted by majority of the members shall be signed by the Chairperson on behalf of the committee.

Members raised an issue with the memoranda that were rejected due to the in-admissibility because they were time barred. The Committee resolved that all documents received by the Committee need to be mentioned in the report without having to attach the inadmissible documents but give reasons thereof. This was in line with Standing Order 199 (6) (a), which provides that a report of a select committee including any minority report, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the Committee **may deem fit**, shall be laid on the table of the House by the Chairperson or by a member authorized by the committee on its behalf within fourteen days of the conclusion of its proceedings.

The Committee secretariat observed and made changes as captured in the hansard verbatim report.

#### MIN.NO. 25/2013 – MATTERS ARISING

There were no matters arising under this item.

#### MIN.NO. 26/2013 COMMITTEE FINDINGS AND RECOMMENDATION

After conducting the vetting exercise, the Committee made the following observations and findings:-

1. Mr, Francis Kimemia has the requisite qualifications and vast experience in the public service which qualifies him for nomination and subsequent appointment to the position of Secretary to the Cabinet.
2. The nominee has risen through the ranks progressively, having started as a District Officer, rising to the current position.
3. Mr. Kimemia has never been implicated in any scandal during his career progression.
4. The candidate exhibited a deep knowledge of topical issues especially those touching on public service. He was keen in making positive proposals on how to move the country forward.
5. The nominee has been involved in major reforms in the civil service that have been initiated in the country, such as the police reforms and performance contracting in the public service.
6. The sentiments expressed in the Mbugua petition were not particularly directed to Mr. Kimemia, but revolved around the atrocities meted out against IDPs by the Provincial Administration over the years.
7. The EACC letter was based on mere suspicion of Mr. Kimemia having been involved in the blocking of the suspension of the KAA MD, and the PS, Ministry of Foreign Affairs, for their mishandling of the JKIA Greenfield Terminal Project, and in the purchase of the Tokyo property, respectively.
8. There was no on-going investigation by EACC on the person of Mr. Francis Kimemia in that the complains of the Commission were not specifically directed to Mr. Kimemia, and there was no direct link between Mr. Kimemia and the projects being investigated.
9. The EACC CEO had no objection to Mr, Kimemia being appointed as the Secretary to the Cabinet.



10. During the presentation by the EACC CEO, he stated clearly that the Commission's letter earlier sent to the Committee was for cautionary and advisory purpose, but not to depict Mr. Kimemia as being investigated, as implied in the letter.
11. Decisions made by the on the manner in which the JKIA Greenfield Terminal Project and the Tokyo property purchase were to be handled were beyond Mr. Kimemia's control.

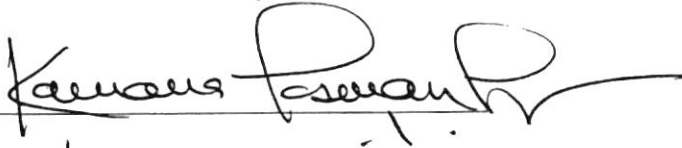
At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability of the nominee, and pursuant to Article 154(2)(a) of the Constitution and Section 8(2) of the Schedule to the Public Appointments (Parliamentary Approval) No. 33 of 2011 Act, the Committee recommends that the National Assembly approves the nomination and subsequent appointment of Mr. Francis Thuita Kimemia to the post of Secretary to the Cabinet.

**MIN.NO. 27/2013 – ANY OTHER BUSINESS**

There being no other business, the meeting was adjourned at 11.30 p.m. The next meeting would be held on Tuesday 28<sup>th</sup> May 2013 at 10:00am at Kumbayah Hall, Safari Park Hotel.

Chairperson \_\_\_\_\_



Date \_\_\_\_\_

28/5/2013

**MINUTES OF THE 8<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY, MAY 28<sup>TH</sup> 2013, AT KUMBAHYA HALL, SAFARI PARK HOTEL AT 11AM**

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**MEMBERS PRESENT**

The Hon. Asman Kamama, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice Chairperson  
The Hon. Dalmas Otieno, MP  
The Hon. Alice Wahome, MP  
The Hon. Ababu Namwamba, MP  
The Hon. Ibrahim AbdiSaney, MP  
The Hon. Jane Machira, MP  
The Hon. Akuja Protus Ewesit, MP  
The Hon. Ahmed Abdikadir Ore, MP  
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The Hon. Shaaban Ali Isaack, MP  
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The Hon. Timothy W. Wetangula, MP  
The Hon. Grace Kiptui, MP  
The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. David Gikaria, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. James Bett, MP  
The Hon. Samuel Moroto, MP

**ABSENT WITH APOLOGY**

The Hon. Mohamed Shidiye, MP  
The Hon. Benard Shinali, MP  
The Hon. Joseph Lekuton, MP  
The Hon. Joseph Kahangara, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

Mr. Daniel Mutunga – Principal Clerk Assistant  
Ms. Hellen Kina – Third Clerk Assistant  
Mr. Rodgers Munyoki Kilungya – Hansard Reporter  
Ms. Angela Kagunyi – Parliamentary Intern  
Mr. Philemon Riaga – Parliamentary Intern

**MIN.NO. 28/2013 – PRELIMINARY**

The meeting was called to order at 11am. Members read through the Minutes and made several changes.

**MIN.NO. 29/2013 – CONFIRMATION OF MINUTES**

Minutes of the fifth sitting of the Committee were confirmed as the true records for that meeting after being proposed by the Hon. Waluke, MP, and seconded by the Hon. Regina Muia, MP.

Minutes of the sixth sitting of the Committee were confirmed as the true records for that meeting after being proposed by the Hon. Samuel Moroto, MP, and seconded by the Hon. Wanjiku Muhia, MP.

Minutes of the seventh sitting of the Committee held on 24<sup>th</sup> May 2013 at 10am were confirmed as the true records for that meeting after being proposed by the Hon. James Bett, MP, and seconded by the Hon. Joseph Ndiege, MP.

Minutes of the seventh sitting of the Committee held on 24<sup>th</sup> May 2013 at 2.30pm were confirmed as the true records for that meeting after being proposed by the Hon. Francis Mwangangi, MP, and seconded by the Hon. David Gikaria, MP.

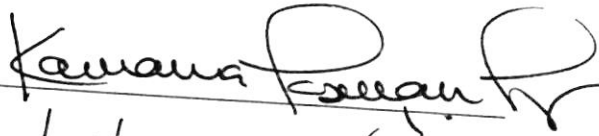
**MIN.NO. 30/2013- CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT**

After making the necessary corrections, the Members unanimously adopted the Report.

**MIN.NO. 27/2013 – ANY OTHER BUSINESS**

There being no other business, the meeting was adjourned at 12.30 p.m. The next meeting would be held on Thursday 30<sup>th</sup> May 2013 at 10:00am.

Chairperson \_\_\_\_\_



Date \_\_\_\_\_

28/5/2013



**OFFICE OF THE PRESIDENT**  
PERMANENT SECRETARY, SECRETARY TO THE CABINET  
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "RCAIS"  
Telephone: Nairobi 227411  
When replying please quote

**OP/CAB.58/4A**

Ref. No. ....  
and date



P.O. Box 62345-00  
NAIROBI

24<sup>th</sup> October, 2012  
....., 20.....

**Dr. Mohamed Isahakia, CBS**  
Permanent Secretary  
Office of the Prime Minister  
**NAIROBI.**

**Mr. Joseph K. Kinyua, CBS**  
Permanent Secretary  
Ministry of Finance / Treasury  
**NAIROBI.**

**Dr. (Eng.) Cyrus Njiru, CBS**  
Permanent Secretary  
Ministry of Transport  
**NAIROBI.**

Dear *Dr. Isahakia*

**RE: CABINET DIRECTIVE ON GREENFIELD TERMINAL PROJECT AT JOMO KENYATTA INTERNATIONAL AIRPORT**

I refer to the **Thirtieth Cabinet Meeting 2012**, held on **13<sup>th</sup> September, 2012** during which Cabinet Brief on the Report of Infrastructure Cabinet Committee on Tender for the Development of Greenfield Terminal at Jomo Kenyatta International Airport presented and discussed.

The purpose of this communication is to direct you to take necessary action to facilitate urgent implementation of the Project.

Yours



**FRANCIS KIMEMIA, CBS**  
**AG. PERMANENT SECRETARY/SECRETARY TO**  
**THE CABINET AND HEAD OF PUBLIC SERVICE**

Copy to: **Rt. Hon. Raila Amolo Odinga, EGH, MP**

Prime Minister

**NAIROBI**

**Hon. Robison Njeru Githae, EGH, MP**

Minister for Finance

**NAIROBI**

**Hon. Amos K. Kimunya, EGH, MP**

Minister for Transport

**NAIROBI**

**Prof. Githu Muigai, FCI Arb. MP**

Attorney General

State Law Office

**NAIROBI**



OFFICE OF THE PRESIDENT  
PERMANENT SECRETARY, SECRETARY TO THE CABINET  
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "RAIS"  
Telephone: Nairobi 227411  
When replying please quote

P.O. Box 62345-00200  
NAIROBI

OP/CAB.9/178A

6<sup>th</sup> November, 2012

Ref. No. ....  
and date

..... 20.....

Dr. Cyrus Njiru, PhD, CBS  
Permanent Secretary  
Ministry of Transport  
NAIROBI

Dear *Dr. Njiru*

RE: RECOMMENDATION FOR SUSPENSION OF THE CHIEF EXECUTIVE OFFICER KENYA AIRPORTS AUTHORITY (KAA)

This office has been notified a letter Ref. No. EACC.6/11/3 (23) addressed to you by the Ethics and Anti Corruption Commission (EACC) recommending the suspension of the Managing Director Kenya Airports Authority in connection with the handling of the Greenfield Terminal Project Tender No. KAA/ES/JKIA/658/DB for design and consultancy.

It has been noted that the areas that inform the recommendation for suspension have been handled through the budget cycle, tendering, and oversight as follows:

i. Budget and financing

The observation that the tender for the project was floated without adequate budgetary provision has not considered the nature of the project and its implementation. The project is multi-year and funds should be allocated on annual basis. As a result the Authority allocated KES 1.2 billion to the project in 2011-2012 financial year and KES 8 billion in 2012-2013 financial year. In addition the Minister of Finance has approved increase of Air Passenger Service Charge of USD 20 per passenger and the proceeds will go to finance the project. At the same time the financiers have made offers and what is remaining is negotiations for the best option.

ii. Availability of funds before tender award

This issue is related to the first. The Corporation allocated funds to the project and awarded tender to a bidder with proof of financing as the bidder had proof that China Development Corporation and China Exim Bank are willing to finance the project.

iii. Approvals for borrowing

This issue is adequately dealt with in the project and budget cycle. The KCAA Board of Directors approved the project on the understanding that it would be financed through borrowing. Both the Ministry of Transport and the Ministry of Finance attended the Board meeting that approved the project and financing. In addition, the budget of the Authority is approved by the Ministry of Transport and the Ministry of Finance. The budget shows that the project will be financed through borrowing. In this regard, the two ministries approved the borrowing in principle and what remains are specific approvals after completion of negotiations and determination of the actual costs of the project.

iv. Clearance of the tender

As you are already aware, the Cabinet, Parliament, the Attorney General and the Public Procurement Review Board and earlier investigation by EACC have cleared the tender. On the basis of the clearance a contract for project implementation was effected by the Authority following a directive by the Public Procurement Oversight Board on 29<sup>th</sup> August 2012. The Cabinet has also directed the Authority to proceed with implementation of the project as it is critical to realization of Vision 2030. The Cabinet decision was communicated by your Ministry letter Ref. No. MOT/S/ADM/86/VOL. XIV/ (120) dated 12<sup>th</sup> October, 2012.

In view of the foregoing there is no compelling reason for the suspension of the CEO as the issues cited by the Commission have been dealt with one way or the other and suspension of the CEO would only cause further instability in the Corporation and cause further delay to the project.

Yours



FRANCIS T. KIMEMIA, CBS  
PERMANENT SECRETARY, SECRETARY TO THE  
CABINET AND AG. HEAD OF THE PUBLIC SERVICE

CC. Dr. Mohamed Ishakia, CBS  
Permanent Secretary  
Office of the Prime Minister  
NAIROBI.

Mr. Joseph K. Kinyua, CBS  
Permanent Secretary  
Ministry of Finance  
NAIROBI

Mrs. Jane W. Muthaura  
Ag. Secretary/Chief Executive Officer  
Ethics and Anti Corruption Commission  
Integrity Centre  
NAIROBI



THE NATIONAL ASSEMBLY  
 21 MAY 2013  
 DIRECTOR GENERAL OF SERVICE



**HIGHER EDUCATION LOANS BOARD**

Tel: 0711052000, 2278000, 0722205292, 0733205292,  
 0704333035, 0704333036, 0737205292, 0754556899  
 Fax: 2252330  
 E-mail: ceo@helb.co.ke  
 Website: www.helb.co.ke

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

**HELB/D/56593/POV/114**

20th May, 2013

Mr. Justin N. Bundi  
 Clerk  
 National Assembly  
 P.O Box 41842 00100  
**NAIROBI**

Dear *Justin*

**UNIVERSITY STUDENTS' LOAN RECOVERY**  
**MR. FRANCIS THUITA KIMEMIA ID. NO. 4828987**

We acknowledge receipt of your letter dated May, 16, 2013.

Please note that the above named person was a beneficiary of Higher Education Loans Board Scheme. He was issued with clearance certificate no. 48721

In the event of any further queries, please do not hesitate to contact the undersigned.

Yours *Sincerely*

**CHARLES M. RINGERA**  
**CHIEF EXECUTIVE OFFICER & BOARD SECRETARY**



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

May 16, 2013

NA/DC.A/ANS/2013/02

Mr. John Njiraini, MBS  
Commissioner General  
Kenya Revenue Authority  
P.O. Box 62345 - 00200  
NAIROBI

Dear *Mr. Njiraini*

RE: VETTING OF NOMINEE TO THE POSITION OF SECRETARY TO THE CABINET BY THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

---

The Departmental Committee on Administration and National Security is established under Standing Order 216 and is mandated, among others, to consider, for approval by the House, appointments to the public service. Under Article 154 (2)(a) of the Constitution, the Secretary to the Cabinet shall be nominated, and with the approval of the National Assembly, appointed by the President.

The Committee will be conducting the vetting of the Secretary to the Cabinet nominee, Mr. Francis Thuita Kimemia, on **Friday, 24<sup>th</sup> May, 2013**.

This is to request you to provide a report on tax compliance by the nominee. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by **Thursday, 23<sup>rd</sup> May, 2013**.

Yours *Sincerely*

Handwritten signature of Justin N. Bundi in black ink.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/04

May 16, 2013

Mr. Charles M. Ringera  
Chief Executive Officer/Board Secretary  
Higher Education Loans Board  
Anniversary Towers, 18<sup>th</sup> floor  
University Way  
P O Box 69489 – 00400  
NAIROBI

Dear *Mr. Ringera*

RE: VETTING OF NOMINEE TO THE POSITION OF SECRETARY TO THE CABINET BY THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

---

The Departmental Committee on Administration and National Security is established under Standing Order 216 and is mandated, among others, to consider, for approval by the House, appointments to the public service. Under Article 154 (2)(a) of the Constitution, the Secretary to the Cabinet shall be nominated, and with the approval of the National Assembly, appointed by the President.

The Committee will be conducting the vetting of the Secretary to the Cabinet nominee, Mr. Francis Thuita Kimemia, on Friday, 24<sup>th</sup> May, 2013.

This is to request you to provide a report on repayments of any loans that may have been advanced by the Board to the nominee. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Thursday, 23<sup>rd</sup> May, 2013.

Yours *Sincerely,*

Handwritten signature of Justin N. Bundi in black ink.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/03

May 16, 2013

Mr. Halakhe D. Waqo, ACI Arb  
Secretary/Chief Executive Officer  
Ethics and Anti-Corruption Commission  
Valley Rd./Milimani Rd.  
PO Box 61130 – 00200  
NAIROBI

Dear *Mr. Halakhe,*

RE: VETTING OF NOMINEE TO THE POSITION OF SECRETARY TO THE CABINET BY THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

---

The Departmental Committee on Administration and National Security is established under Standing Order 216 and is mandated, among others, to consider, for approval by the House, appointments to the public service. Under Article 154 (2)(a) of the Constitution, the Secretary to the Cabinet shall be nominated, and with the approval of the National Assembly, appointed by the President.

The Committee will be conducting the vetting of the Secretary to the Cabinet nominee, Mr. Francis Thuita Kimemia, on **Friday, 24<sup>th</sup> May, 2013.**

This is to request you to provide any information touching on the integrity of the nominee that the Commission may be in possession of. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by **Thursday, 23<sup>rd</sup> May, 2013.**

Yours *Sincerely*

Handwritten signature of Justin N. Bundi in black ink.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/01

May 16, 2013

Mr. Francis Thuita Kimemia, EGH  
P O Box 62345 - 00200  
NAIROBI

Dear *Francis*

RE: INVITATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

---

Having been nominated by H.E. the President for the position of Secretary to the Cabinet, the Departmental Committee on Administration and National Security, pursuant to Article 154 (2)(a) of the Constitution and Section 6 (9) of the Public Appointments (Parliamentary Approval) Act 2011, invites you for vetting on Friday, 24<sup>th</sup> May, 2013, in the Committee Room, 4<sup>th</sup> floor, Continental House, Parliament Buildings, at 2.30 pm.

Kindly fill the attached Questionnaire as required by the Public Appointments (Parliamentary Approval) Act 2011 and return it to the undersigned on or before Thursday, 23<sup>rd</sup> May, 2013, together:-

1. Certificate of Good Conduct;
2. Kenya Revenue tax Compliance Certificate;
3. Certificate from the Higher Education Loans Board.

You are also required to bring with you original national identity card, academic and professional certificates and any other supporting documents and testimonials.

Yours *Sincerely*

Handwritten signature of Justin N. Bundi in black ink.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY



## ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd. /Milimani Rd. Junction) P.O. Box 61130 -00200, NAIROBI, Kenya  
TEL: 254 (020) 2717318/ 310722, MOBILE.: 0729 888881/2/3  
Fax: 254 (020) 2719757 Email: eacc@integrity.go.ke Website: www.eacc.go.ke

When replying please quote:  
**EACC.6/42 Vol XIV/69 b)**

23<sup>rd</sup> May 2013

Mr. Justin N. Bundi  
The Clerk of The National Assembly  
Parliament Buildings  
P.O Box 41842-00100  
NAIROBI, Kenya

CONFIDENTIAL

Dear Mr. Bundi,

**RE: VETTING OF NOMINEE TO THE POSITION OF SECRETARY TO THE CABINET BY THE DEPARTMENT COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY**

We write to acknowledge receipt of your letter dated 16<sup>th</sup> May 2013 on the above subject.

We hereby confirm that Mr. Francis Thuita Kimemia is subject of investigations in relation to mega corruption and abuse of office allegations. Upon conclusion, the candidate may be arraigned in court.

As the investigations are ongoing, we are unable to divulge further information as this may prejudice the investigations.

This communication is given to you in strict confidence.

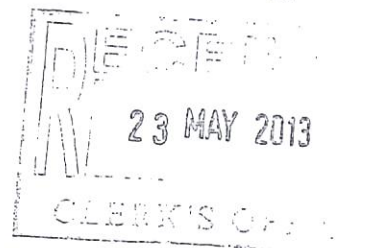
Yours *Sincerely*

Mr. Halahke D. Waqa, ACtArb

Secretary/Chief Executive Officer

Ethics and Anti Corruption Commission

CONFIDENTIAL





## ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd./Milimani Rd. Junction) P.O. Box 61130-00200, NAIROBI, Kenya  
Tel.: +254-20-2717318/310722, Cellphone: +254-729-888881/2/3  
Fax: +254-20-2719757, Email: [eacc@integrity.go.ke](mailto:eacc@integrity.go.ke), Website: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:

**EACC.6/42 Vol. V/(8)**

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**27<sup>th</sup> May, 2013**

The Chairman  
Parliamentary Committee on Administration and  
National Security  
Parliament Buildings  
P.O. Box 41842-00100  
**NAIROBI**

Dear *Hon Chairman,*

**RE: MEETING WITH THE DEPARTMENT COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY**

---

The above and your letter dated May 24, 2013 refers.

During our appearance before the Committee on 27<sup>th</sup> May, 2013 EACC was requested to avail specified letters touching on the issues being looked into by EACC in relation to the nominee to the position of Secretary to the Cabinet.

Forwarded herewith are copies of the following documents.

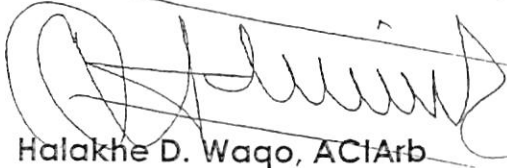
- i. Letter by EACC under reference EACC.6/4/3(23) dated 5/10/2012 to Dr. Cyrus Njiru, PhD, CBS, Permanent Secretary, Ministry of Transport.
- ii. Letter by office of the President under reference OP/CAB.9/178A dated 6<sup>th</sup> November, 2012 to Dr. Cyrus Njiru, Phd, CBS, Permanent Secretary, Ministry of Transport.
- iii. Letter by EACC under reference EACC 6/5(42) dated 28.2.2013 to Mr. Francis Kimemia, CBS, Permanent Secretary, Secretary to the Cabinet and Head of Public Service.

CONFIDENTIAL

iv. Court Order in respect of Nairobi Petition No.153 of 2013, Thuita Mwangi – Vs- EACC & 3 others.

We hope the documents will assist the Committee in determining the matter.

Yours *Sincerely,*

A handwritten signature in black ink, appearing to read 'Halakhe D. Waqo', written over a horizontal line.

Halakhe D. Waqo, ACI Arb  
Secretary/Chief Executive Officer





23  
1  
31

## ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd./Millimani Rd. Junction) P.O. Box 61130-00200, NAIROBI, Kenya  
Tel.: +254-20-2717318/310722, Cellphone: +254-729-838881/2/3  
Fax: +254-20-2719757, Email: [sacc@integrity.go.ke](mailto:sacc@integrity.go.ke), Website: [www.sacc.go.ke](http://www.sacc.go.ke)

When replying please quote:

**EACC.6/11/3(23)**

**5<sup>th</sup> October, 2012**

**Dr. Cyrus Njiru, PhD, CBS**  
Permanent Secretary,  
Ministry of Transport,  
Transcom House,  
Ngong Road,  
P.O. Box 52692 - 00200,  
**NAIROBI.**

Dear Sir,

**RE: TENDER NO KAA - ES/JKIA/658 DB: DESIGN AND CONSTRUCTION OF GREENFILED TERMINAL PROJECT BY KENYA AIRPORTS AUTHORITY**

---

Ethics and Anti-Corruption Commission is currently investigating allegations of abuse of office and failure to comply with the provisions of Public Procurement and Disposal Act, 2005 and Regulations together with other statutory legal provisions by the Management of Kenya Airports Authority (KAA) in the procurement of the above cited project.

Our preliminary investigation has established that the Cabinet approved the implementation of the project during its sitting of 13th September, 2012. However, the management of KAA failed to adhere to various legal and statutory requirements during the procurement process leading to the following flaws in the procurement of the said project:

- 1) The Authority invited bids for Tender No. KAA – ES/JKIA/658 – DB without adequate budgetary provisions
- 2) The Tender Committee awarded Tender No. KAA – ES/JKIA/658 – DB without confirming availability of funds before award as required by Regulation 10 (2) (d) of the Public Procurement Regulations 2006.
- 3) The Authority had not sought and obtained the necessary approvals from the Minister and Treasury for accessing loans by State Corporations as provided under Section 5(2) of the State Corporations Act which states *inter alia* "After the commencement of this Act and notwithstanding subsection (1), the power of a state corporation to borrow money in Kenya or elsewhere shall be exercised only with the consent of the Minister and subject to such limitations and conditions as may be imposed by the Treasury with respect to state corporations generally or specifically with respect to a particular state corporation.

The non-adherence to the above cited legal provisions compromised the procurement process leading to a decision by the Tender Committee to terminate the tendering process during its special meeting held on 27<sup>th</sup> July, 2012.

Taking into account of the Cabinet approval and the strategic nature of this project, and in order to protect the public interest, you are requested to proceed expeditiously in the exercise of your oversight function as the parent Ministry of KAA to coordinate the other stakeholders namely; the Ministry of Finance, Ministry of Public Works together with KAA to ensure that the procurement of this project is commenced and conducted with integrity as the current procurement process stand terminated vide the Tender Committee's decision of 27<sup>th</sup> July, 2012.

In the meantime, we have established that the Managing Director, Eng. Stephen Gichuki who is a key suspect in the case proceeded to irregularly append his signature on a contract document dated 14<sup>th</sup> September, 2012 with intent to commit the Government of Kenya to a public debt to the tune of USD 653,782,814.57 while totally ignoring the recommendation by the Special Tender Committee meeting held on 27<sup>th</sup> July, 2012 that Tender No. KAA – ES/JKIA/658 – DB be terminated. As such, his continued stay in office is likely to compromise the on-going investigations.

In order to ensure non-interference with the on-going investigations, the Commission hereby recommend that Eng. Stephen Gichuki be suspended in conformity with the

contents of Circular letter ref. OP.CAB.3/77A dated 24<sup>th</sup> May, 2010 by the Permanent Secretary, Secretary to the Cabinet and Head of Public Service on the subject of guidelines on handling of cases of public officers who are suspected of involvement in corrupt practice. This will pave way for a thorough and speedy investigation of the subject matter.

The Commission on its part commits to expeditiously conduct and conclude these investigations and once completed, the findings will be placed before the Director of Public Prosecutions for further necessary action and advise.

We appreciate your continued support in the fight against corruption.

Yours faithfully,



**Jane W. Muthaura (Mrs.)**

**AG. SECRETARY/CHIEF EXECUTIVE OFFICER**

Copy to: **Mr. Francis T. Kimemia, CBS,**  
Permanent Secretary/Acting Secretary to the Cabinet and Head of Public Service,  
Office of the President,  
Harambee House – Harambee Avenue,  
Nairobi

**Mr. Joseph Kinyua, CBS**  
Permanent Secretary/Treasury,  
Ministry of Finance,  
Treasury Building,  
Nairobi

**Dr. Mohamed Isahakia, CBS**  
Permanent Secretary,  
Office of the Prime Minister,  
Prime Minister's Building,  
Nairobi





**OFFICE OF THE PRESIDENT**  
 PERMANENT SECRETARY, SECRETARY TO THE CABINET  
 AND HEAD OF THE PUBLIC SERVICE

P.O. Box 62345-00200  
 NAIROBI

Reis  
 227411

quote

AB.9/178A

note



6<sup>th</sup> November, 2012

Cyrus Njiru, PhD, CBS  
 Permanent Secretary  
 Ministry of Transport  
 NAIROBI

via Jane

**RECOMMENDATION FOR SUSPENSION OF THE CHIEF EXECUTIVE  
 OFFICER KENYA AIRPORTS AUTHORITY (KAA)**

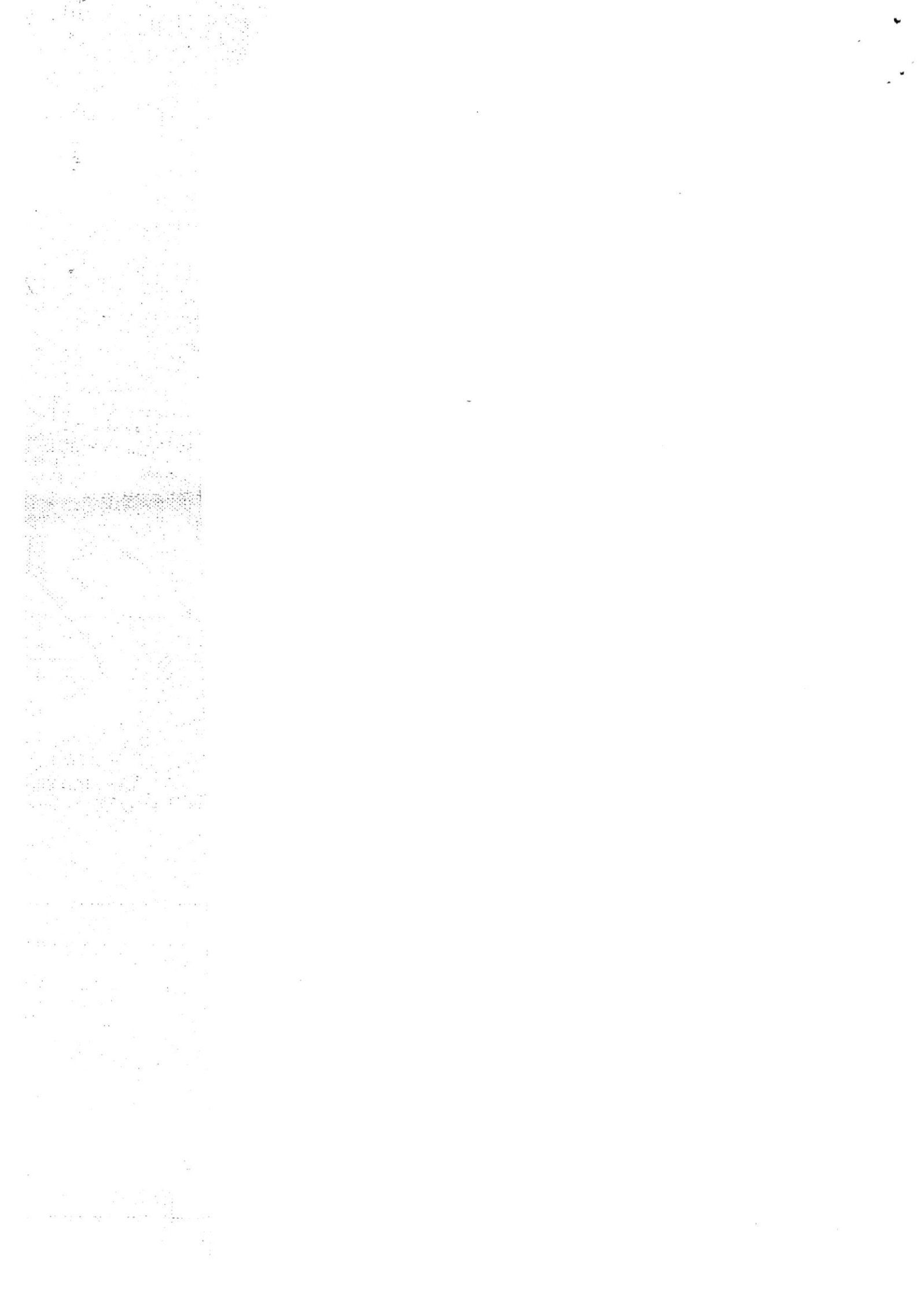
This office has been notified a letter Ref. No. EACC.6/11/3 (23) addressed to you by the Ethics and Anti Corruption Commission (EACC) recommending the suspension of the Managing Director Kenya Airports Authority in connection with the handling of the Greenfield Terminal Project Tender No. KAA/ES/JKIA/658/DB for design and consultancy.

It has been noted that the areas that inform the recommendation for suspension have been handled through the budget cycle, tendering, and oversight as follows:

**i. Budget and financing**

The observation that the tender for the project was floated without adequate budgetary provision has not considered the nature of the project and its implementation. The project is multi-year and funds should be allocated on annual basis. As a result the Authority allocated KES 1.2 billion to the project in 2011-2012 financial year and KES 8 billion in 2012-2013 financial year. In addition the Minister of Finance has approved increase of Air Passenger Service Charge of USD 20 per passenger and the proceeds will go to finance the project. At the same time the financiers have made offers and what is remaining is negotiations for the best option.

**CONFIDENTIAL**



CONFIDENTIAL

Copy: **Dr. Mohamed Isahakia, CBS**  
Permanent Secretary  
Office of the Prime Minister  
NAIROBI.

**Mr. Joseph K. Kinyua, CBS**  
Permanent Secretary  
Ministry of Finance  
NAIROBI

**Mrs. Jane W. Muthaura**  
Ag. Secretary/Chief Executive Officer  
Ethics and Anti Corruption Commission  
Integrity Centre  
NAIROBI

CONFIDENTIAL



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
MILIMANI LAW COURTS  
PETITION NO. 153 OF 2013

IN THE MATTER OF: ARTICLE 25, 28, 29, 31, 35, 36, 47, 49 (1) (c), 50(2) (a) (b) (c) (e) (j)  
and (n) 51 and 236 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF: CONTRAVENTION OF FUNDAMENTAL RIGHTS AND  
FREEDOMS AND FOR INTERPRETATION OF THE CONSTITUTION OF KENYA;

AND

IN THE MATTER OF: THE ANTI-CORRUPTION AND ECONOMIC CRIMES ACT  
(ACECA) NO. 3 OF 2003 SECTIONS 4, 31, 34, 39 AND 62

AND

IN THE MATTER OF: THE PUBLIC PROCUREMENT AND DISPOSAL ACT, 2005;  
AND THE PROCUREMENT AND DISPOSAL REGULATIONS  
2006.

AND

IN THE MATTER OF: THE CRIMINAL AND PROCEDURE CODE CAP 75 AND THE  
PUBLIC FINANCE MANAGEMENT ACT, 2012.

AND

IN THE MATTER OF: THE CHIEF MAGISTRATES COURT, NAIROBI, ANTI-  
CORRUPTION CRIMINAL CASE NO. 2 OF 2013

BETWEEN

THUITA MWANGI.....PETITIONER/APPLICANT

AND

THE ETHICS AND ANTI-CORRUPTION COMMISSION.....1<sup>ST</sup> RESPONDENT

DIRECTOR OF PUBLIC PROSECUTION.....2<sup>ND</sup> RESPONDENT

THE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT

THE CHIEF MAGISTRATE'S COURT – NAIROBI.....4<sup>TH</sup> RESPONDENT

AND

AMBASSADOR ANTHONY MWANIKI MUCHIRI.....1<sup>ST</sup> INTERESTED PARTY

ALLAN MBURU.....2<sup>ND</sup> INTERESTED PARTY

IN COURT ON 12<sup>TH</sup> MARCH, 2013  
BEFORE THE HON. MR. JUSTICE LENAOLA

ORDER

UPON READING the application presented to this Court on 8<sup>th</sup> March, 2013 by Counsel for the Petitioner under Articles 25, 28, 29, 31, 36, 47, 49(1) (C), 50, (2) (A) (B) (C) (E) (J) and (N) and 236 of the Constitution, Sections 4, 31, 34, 39 (3) (A), 39 (3) (B) and 62 of the Anti Corruption and Economic Crimes Act 2003; Sections 5, 10, 11, 12, 26, 29, 50, 66 (4), 72 to 85 of the Public Procurement and Disposal Act, 2005, Regulation 35, Public Procurement and Disposal Regulation, 2006, Sections 134 and 137 of the Criminal Procedure Act Cap 75 and all other enabling provisions



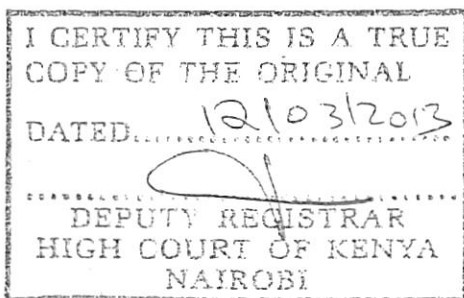
of Law, AND UPON READING the Supporting Affidavit of THUITA MWANGI sworn on 8<sup>th</sup> March, 2013 together with the annexures thereto, AND UPON HEARING Counsel for the Petitioner and Counsel for the 1<sup>st</sup> Respondent, Counsel for the 2<sup>nd</sup> and 4<sup>th</sup> Respondents in absence of Counsel for the 3<sup>rd</sup> Respondent and Counsel for the Interested Parties;

**IT IS HEREBY ORDERED: -**

1. **THAT** an order be and is hereby granted restraining jointly and severally the Ethics and Anti-Corruption Commission (EACC) 1<sup>st</sup> Respondent the Director of Prosecution (D.P.P) 2<sup>nd</sup> Respondent, and the Attorney General (A.G), 3<sup>rd</sup> Respondent or any other person whatsoever whatsoever from suspending the Petitioner from his duties and functions as the Permanent Secretary, Ministry of Foreign Affairs, pending inter-parties hearing. The order shall also apply to the interested party.
2. **THAT** an order be and is hereby granted restraining jointly and severally the 1<sup>st</sup> Respondent, EACC, and the 2<sup>nd</sup> Respondent, DPP, the 3<sup>rd</sup> Respondent, A.G and the Chief Magistrate, Nairobi, Chef Magistrate and Anti-corruption Case No. 2 of 2013, from presenting to Court and or accepting into Court, any counts and or charges relating to the purchase of Embassy premises for Kenya Government in Japan, as against the Petitioner, and or requiring the Petitioner to take plea and or stand trial on any counts and or charges relating to the afore-stated purchase of Embassy premises for Kenya Government in Japan, pending inter-parties hearing.
3. **THAT** leave be and is hereby granted to the Petitioner to file a supplementary Affidavit within 14 days.
4. **THAT** leave be and is hereby granted to the Respondents to file any Replying Affidavits within 21 days of service of the Supplementary Affidavit.
5. **THAT** parties to file written submissions for hearing on 13<sup>th</sup> May, 2013.

**GIVEN** under my hand and Seal of this Honourable Court this 12<sup>th</sup> day of March, 2013.

**ISSUED** at Nairobi this ..... 12<sup>th</sup> ..... day of ..... MARCH ..... 2013.



  
**DEPUTY REGISTRAR**  
**HIGH COURT OF KENYA, NAIROBI**



## ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd./Milimani Rd. Junction) P.O. Box 61130-00200, NAIROBI, Kenya  
Tel: +254-20-2717318/310722, Cellphone: +254-729-888861/2/3  
Fax: +254-20-2719757, Email: [eacc@integrity.go.ke](mailto:eacc@integrity.go.ke), Website: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:  
**Our Ref: EACC.6/5 (42)**

Date: 28<sup>th</sup> February 2013

**Mr. Francis Kimemia, CBS**  
Permanent Secretary,  
Secretary to the Cabinet  
and Head of Public Service  
Office of the President,  
P.O. Box 62345-00200,  
**NAIROBI**



Dear **Mr. Kimemia,**  
**RE: ACCUSED: THUITA MWANGI**  
**ALLAN MBURU**  
**ANTHONY M. MUCHIRI**

**OFFENCE: CORRUPTION CONTRARY TO SECTION 39(3) (a) AS**  
**READ WITH SECTION 48(1) OF THE ANTI-CORRUPTION**  
**AND ECONOMIC CRIMES ACT NO. 3 OF 2003 & THE PENAL**  
**CODE**

We refer to the above subject.

This is to inform you that the above named officers were arrested yesterday and this morning were arraigned in court to face various charges under the Penal Code and Procurement Laws. The 3<sup>rd</sup> suspect Mr. Anthony M. Muchiri is the Ambassador, Kenyan Embassy in Libya and therefore is yet to be arrested.

The purpose of this letter is to ask you to suspend forthwith from employment all the named officers in line with Section 62(1) of the Anti Corruption and Economic Crimes Act.

We also hereby seek your intervention to have Mr. Anthony Muchiri submit himself to the Commission for our necessary action.

Yours **Sincerely**

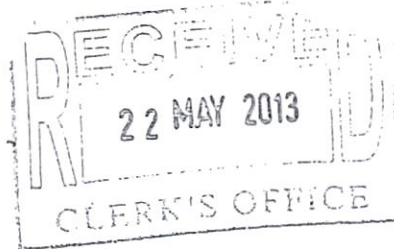
**Halakhe D. Waqo, ACI Arb**  
Secretary/Chief Executive Officer

Our ref: CFR Langata CBO/21/5/2013

James Ngetich  
P.O. Box 27666-00506  
Nairobi, Kenya  
Cell: 0727-734919  
EMail:ngetichjames84@gmail.com  
www.caflora.kbo.co.ke

Date: 21/05/2013

Mr. Justin Bundi  
Clerk  
Kenya National Assembly  
Nairobi, Kenya



Dear Sir,

RE: VETTING OF MR. FRANCIS THUITA KIMEMIA, E.G.H, SECRETARY TO CABINET  
NOMINEE AND HON. JUSTICE RAWAL KALPANA HAMUKHRAY NOMINEE, DEPUTY  
CHIEF JUSTICE, REPUBLIC OF KENYA BY COMMITTEE OF APPOINTMENTS:  
QUESTIONS BY PRODUCT INNOVATOR

Much greetings from CFR Langata CBO. Thank you very much of this opportunity to present hardest question pertaining to the future of Kenya, Africa and Global family to these nominees by the Lord's anointed. As for where we have come from, I must congratulate Mr. Kimemia for the positive noble role he has contributed to the entire Kenyan society during the transitional transformation process which started immediately after experiencing the 2007/2008 shock therapy through the March 2013 election. The old formula of Karl Marx (conflict theory) came to a final end with 2013 election which unfortunately due to the residual effects of cold-war saw Mr. Kimemia, Mr Kimaiyo (police) Mr. Karangi, (army) Mr. Gichangi (N.S.I.S) becoming last victims and eventually Mr. Hassan (IEBC) and Dr. Mutunga (Judiciary) their share of the blame game during the challenged presidential election petition in the supreme court of Kenya.

The questions related to the application of scientific formula/ or Newtonian which Almighty God has given Kenyan to use in transforming our planet earth society. Even though the formula

seems new; God is not new, but we need to walk in God's ways.

Enclosed herewith please find previous work done and submitted to the clerk of National Assembly (our ref: CFR Langata CBO/06/03/2013 of 06/05/2013).

**Questions to Mr. Kimemia**

1. For this country to move forward, we need political goodwill, which you can easily obtain from the Lord's anointed. How can you ensure we succeed in uniting Kenyan people, African people and global family in less than 100 days?

2. ambassador Kamau Macharia of U.N is doing excellent job in regard to this ICC cases but using an old formula of Aristotle and Karl-marx. Given God has blessed Kenya with final liberation programme, and to be driven by the ICC and Hon. Uhuru, Hon Ruto and Mr. Sang through sociological perspective using structural functional theory of Newtonian, C.W. Mills, Emile Durkheim, how can Mr. Macharia be assisted with the right procedures to the U.N security council?

**Questions to Hon. Lady Justice Rawal.**

There are some pending issues in judiciary; alternative dispute resolution a bottomup (articles 159, 2(c) ) and a small window in regard to article 156(6) of 'friend of the court'. How wide will you open the door for any additional input, taking into account this is a newtonian era?

Thanking you in advance.

Wishing you the best of luck.

Yours Faithfully,



James Ng'etich  
Product Innovator

CC: Fatou Bensouda, Mr. Kimemia, Hon. Lady Justice Rawal.

*To Mr Bundi:  
The  
Clerk of the Natioanl  
Assembly;  
Vetting of Mr francis  
Kimemia,  
as  
Secretary to the Cabinet*



From John Mbugua & Other Displaced Citizens  
Was an Independent Candidate Embakasi West MP 2013  
Box 1937700100  
Nairobi  
Tel 0716929975  
Email [stjohnsengineers@gmail.com](mailto:stjohnsengineers@gmail.com) May 2013



*Investing in the people to eradicate poverty  
Do business till I come Luke 19:13.*


A handwritten signature in black ink, consisting of several vertical, wavy lines, located at the bottom center of the page.

IN THE REPUBLIC OF KENYA  
VETTING OF SECRETARY TO THE CABINET

I JOHN MBUGUA OF BOX 193700 NAIROBI IN THE REPUBLIC OF KENYA  
TEL 0716929975

I wish to raise fundamental questions to Mr. Francis Kimemia as the current Secretary to the Cabinet and Candidate for the same as follows:

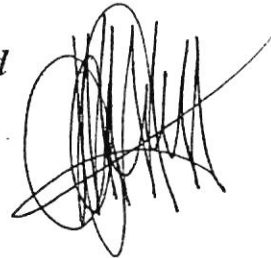
1. **That** first of all we wish to congratulate him for working under extreme, conditions against his wish and probably unable to deliver the way we expected.
2. **That** he has been in the system since when he as a D.O when the provincial administration committed crimes against humanity, by burning the forest houses for the forest workers in the 1982-86 when the KANU regime of Red Terror was out to terrorize all the Kikuyus and others who were not wanted in rift valley.
3. **That** the P.Cs D.Cs D.Os ,Chiefs and their assistants been involved in this crimes and in 1990-92, 1997,2002, 2007/8 post elections sponsored violence the same administration officers who were overseeing this crimes are still in the service make it completely impossible for the victim to get justice.
4. **That** the P.Cs ,D.Cs, D.Os Chiefs and their assistants were very instrumental when the names of IDPS victims disappeared and the funds meant for the same was looted by the provincial administration under his watch and all our efforts to address this matter goes nowhere five years down the line, since the same officers as still in office giving briefs of how the government is resettling the displaced by buying land that again ends in Masai dispute among others.
5. **That** it's now over five years, the matters of IDPs have not been resolved, and he has been in charge of the provincial administration and the Secretary to the cabinet.
6. **That** we would like to know as to what new strategy he will employ to arrest the situation, the culprits and the victims get their justice.
7. **That** the matter in Hague was meant to give justice to the victims, but now the suspects who we are know was just fabricated have now become the victims of sympathy and all government attention is drawn to them and not the over 1000,000 displaced and over 1500 recorded killed and over 100 billion worth of property lost. What is his solution to this matter?
8. **That** since Mr. Francis Kimemia is the same and the system is the same what is the difference of vetting or no vetting since gross violations of humans rights are still on the rise?
9. **That** we the displaced of this country would like to hear what is the new formula of compensating us in the 100 days of Jubilee administration and give us justice for once.
10. **That** we need to know why PNU candidate Mwai Kibaki, ODM Kenya/WIPER Kalonzo Musyoka and ODM Raila Odinga have never been arrested and charged for crime against humanity since they were the candidates in 2007/8 and shared the government for the last five years while we the victims are still languishing in poverty.



*That what I have deponed herewith is true to the best of my knowledge.*

**SWORN BEFORE ME.**

*Signed*



**COMMISSIONER OF OATHS**

COMMISSIONER OF OATHS

**PREPARED BY  
JOHN MBUGUA (Rev)  
BOX 1937700-100  
NAIROBI  
TEL 0716929975**



*Dated 7<sup>th</sup> MAY 2013*

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

**In the Matter of the Approval by the National Assembly, of the person nominated to serve as the Deputy Chief Justice**

**SUBMISSION OF MEMORANDA**

Article 166(1)(a) of the Constitution provides that, H.E. the President shall appoint the Chief Justice and the Deputy Chief Justice with the recommendation of the Judicial Service Commission and subject to the approval of the National Assembly. Pursuant to the said Article, Hon. Lady Justice Rawal Kalpana Has Mukhrai has been nominated for the position of Deputy Chief Justice.

Following the receipt of the nomination from H.E the President, the Departmental Committee on Justice and Legal Affairs is mandated to vet, consider her suitability for appointment and submit its report to the House for approval.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Departmental Committee on Justice and Legal Affairs now invites interested members of the public to submit any representations by written statement on oath (affidavit), that they may have on the suitability or otherwise of the nominee for appointment as Deputy Chief Justice. The representations may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received **on or before Thursday 23<sup>rd</sup> May, 2013 at 5.00 pm.**

A handwritten signature in black ink, appearing to read 'Justin Bundi', is positioned above the printed name.

**Justin Bundi**

**Clerk of the National Assembly**





# KENYA REVENUE AUTHORITY

Ref: CDT/MST/HO/54

23<sup>rd</sup> May 2013

The Clerk to the National Assembly  
Parliament Buildings  
P O Box 41842 – 00100  
NAIROBI

## VETTING BY NOMINEE TO POSITION OF SECRETARY TO THE CABINET BY THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

Your letter Ref: NA/DC.A./ANS/2013/02 dated 16<sup>th</sup> May 2013, on the above subject matter refers.

We wish to confirm that Mr. Francis Thuita Kimemia is tax compliant.

ALICE A OWUOR, OGW.  
COMMISSIONER OF DOMESTIC TAXES  
MEDIUM AND SMALL TAXPAYERS

*Tulipe Ushuru Tujitegemee!*

Times Tower Building  
Haile Selassie Avenue, P.O. Box 48240-00100 Tel: 310900 Fax: 316872



REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

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NOTIFICATION ON VETTING OF THE PERSON NOMINATED FOR  
APPOINTMENT AS SECRETARY TO THE CABINET

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Article 154(2)(a) of the Constitution provides that *"The Secretary to the Cabinet shall be nominated and, with the approval of the National Assembly, appointed by the President"*.

Pursuant to provisions of Article 118 (1)(a)(b) and (2) of the Constitution; and Standing order 198 which allow the public access to Committee sittings; and in line with Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011); which provides for the Committee to notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing:

The general public is hereby notified that the Departmental Committee on Administration and National Security shall conduct the vetting of Mr. Francis Thuita Kimemia, who has been nominated to serve in the position of Secretary to the Cabinet, on Friday, 24<sup>th</sup> May, 2013, in the Committee Room, 4<sup>th</sup> floor, Continental House, Parliament Buildings, at 2.30 pm.

A handwritten signature in black ink, appearing to read 'Justin N. Bundi'.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY

CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR APPOINTMENT TO PUBLIC OFFICE  
BY PARLIAMENT

Questionnaire

1. Name : Francis Thuita Kimemia  
2. Position : Secretary to the Cabinet  
3. Sex : Male  
4. Date of Birth : 27<sup>th</sup> October, 1957  
5. Marital Status : Married  
6. Daytime Phone Number : 020-2250272 or 020-341515  
7. Mobile Phone Number : 0733367333  
8. Email Address : - [franciskimemia@gmail.com](mailto:franciskimemia@gmail.com)  
9. ID Number : 4828987  
10. Pin Number : A002352007Z  
11. Nationality : Kenyan  
12. Postal Address : 79429-00200  
13. Town/City : Nairobi  
14. Knowledge of Languages : Fluent in English, Kiswahili and Kikuyu



15. Education

- MBA : Maarstrich University/ESAMI  
(Finalized Thesis) – 2004- (Awaiting Grading & Graduation)  
B.A. Hons : University of Nairobi – 1980  
(Government, Literature 2<sup>nd</sup> Class Honours)

Other Courses

- Administration Officers Induction Course - KIA, 1981
- Paramilitary Course - APTC, 1981
- Advanced Public Administration - KIA, 1985
- Management Information Systems Seminar - KIA, 1993
- Managing Performance-Oriented Public Service - Malaysia, 1997
- National Security Seminar - Israel, 2007
- Government and Civil Service Systems - Intan - Japan, 1999
- Havard Business School – International course  
on Privatization, Regulatory Reform and  
Corporate Governance - USA, 1999
- Counter Terrorism Security Course - U.K, 2006
- Havard Business School: Performance Contracting  
and Performance Management - USA, 2007
- Leadership skills for successful management - Kenya, 2007
- Leadership Development Program Course - KIA, 2007

### 15(b) Employment Record

- 1980 - 1982 District Officer (DO) III Mandera, North Eastern Province
- 1983 - 1986 District Officer (DO) II /Western Province
- 1986 - 1990 Personal Assistant to Provincial Commissioner (PA/PC) Nairobi Area
- 1991 - 1995 Senior Assistant Secretary (SAS) Ministry of Water
- 1995 - 1998 Under-Secretary, Department of Personnel Management, DPM, OP
- 1999 - 2003 Deputy Secretary, Administration, Ministry of Education, Science & Technology
- 2004 –2007 Deputy Secretary, Provincial Administration & Internal Security – Reforms and Capacity Building.
- 2008 – 2012 Permanent Secretary, Provincial Administration & Internal Security.
- 2010-2012 Permanent Secretary, Secretary to the Cabinet and Ag. Head of Public Service (*Managing two offices*)
- 2012-2013 Permanent Secretary, Secretary to the Cabinet and Head of Public Service

### 16. Honours and Awards

#### Presidential Honours and Awards

- **Elder of the Golden Heart** - **2012**  
(For spearheading Public Sector Reforms in Public Service and championing realization of the 2<sup>nd</sup> Constitution).
- **Chief of the Order of the Burning Spear** - **2008**  
(For notable Reform outcomes, improved security and ongoing national healing process)
- **Head of State Commendation** - **1992**  
(Distinguished exemplary service in the Public Service and Nation and fasttracking reforms)

(See attached Appendix I Key Reform Strategies and Achievements)

### 17. Professional Associations

- African Association for Public Administration and Management (AAPAM); Kenya Institute of Management

## 18. Membership

- Kenya Institute of Management - Member
- Waste Clean-Up Kenya Programme - Team Leader
- Rift Valley Sports Club - Member
- Nairobi Hospital (Kenya Hospital Association) - Member
- Nyakiambi Girls High School - Chairman, Board of Governors/Patron
- St. Paul University Chapel -Men's Fellowship (Charity)
- Patron to Several Catholic Churches and Development Programmes

## 19. Published Writings

Led Teams (Government and Private Sector) in developing the following:

- i. Civil Service Reform Program I and II - 1995
- ii. Rationalization Documents for Ministry of Roads and Public Works; Ministry of Lands and Ministry of Environment and Mineral Resources and Department of Personnel Management. - 1996
- iii. Initial Performance Contracting Concept in Government. - 2003
- iv. Arid and Semi-Arid Land (ASAL) Development/Policy Framework. - 2002
- v. Training Manual for Chiefs and Assistant Chiefs. - 2003
- vi. Para-Legal Manual for Chiefs. - 2006
- vii. Administrative Officers (AOs) Operational Manual - 2004
- viii. Induction Manual for Public Service - 2006
- ix. New Training Curriculum for Police and Administrative Officers – 2010/11
- x. 1<sup>st</sup> Strategic Plan for Provincial Administration and Internal Security - 2004
- xi. Policy Note: Advance Public Administration Course: Conversion into Post-Graduate status in liaison with Kenya School of Government and University of Nairobi- 2009/2010
- xii. Architect of Service Delivery Charters for Provincial Administration and Internal Security – Later customized for Government Departments - 2003
- xiii. Protocol Guidelines for Government of Kenya – 2004/5
- xiv. Guidelines for Small Arms and Light Weapons - 2005
- xv. Restructuring of the Government Press –Policy Note 2005/6
- xvi. Policy Note: Restructuring of Provincial Administration leading to enactment of the National Government Coordination Act. 2011/12

## 20. Public Office, Political Activities and Affiliations

### (a) Public Offices Held and Terms of Service

Appointed to the following ranks in Civil Service on Permanent and Pensionable Terms of Service

- 1980 - 1982 District Officer (DO) III

- 1983 - 1986 District Officer (DO) II
- 1986 - 1990 Personal Assistant to Provincial Commissioner
- 1991 - 1995 Senior Assistant Secretary
- 1995 - 1998 Under-Secretary
- 1999 - 2007 Deputy Secretary
- 2008 – 2012 Permanent Secretary
- 2010-2012 Permanent Secretary, Secretary to the Cabinet and Ag. Head of Public Service
- 2012-To-date Permanent Secretary, Secretary to the Cabinet and Head of Public Service

(b) Not Applicable

(C) No

(d) No

**21. Deferred Income/Future Benefits**

None

**22. Outside Commitment during Service in Office**

I do not intend to pursue other employment outside Public Service

**23. Sources of Income**

Rental Income:  $50,000 \times 12 \times 2 = 1,200,000$

Gross Salary:  $1,189,580 \times 12 \times 2 = 14,274,960$

**Total = 28,549,920**

**24. Tax Status**

Yes : Tax compliant

**25. Statement of Net Worth**

Approximately Kshs.120 million

**26. Potential Conflicts of Interest**

27. None

(b) Not Applicable

## **28. Pro-Bono/Charity Work/Donations**

- Advisory services to development communities/projects at 10 hours per weekend viz;
- Construction and pastored development of Dundori Catholic Church as Patron
- Construction and development of Nyakiambi Girls Secondary School as Patron
- Advisory services to Elders/Youth and Women groups/Associations.

29. I have never been charged in Court of Law.

30. I have never been a subject investigation by Parliament or Commission of Inquiry in last 3 years.

31. No objection to any enquiries with my employer/referees

## **32. Referees**

**His Excellency Mwai Kibaki, CGH**  
Former President of the Republic of Kenya  
**NAIROBI**

**Ambassador Francis K. Muthaura, EGH**  
Rtd Former Head of Public Service  
**NAIROBI**

**Bishop Alfred Rotich**  
Chaplain  
Department of Defence  
**NAIROBI**

## **KEY REFORM STRATEGIES IN PROVINCIAL ADMINISTRATION**

### **Major Results & Achievements**

#### **(i) Field Stations**

- a) Initiated a Primary School, Dams and Afforestation Programmes and other projects for Takaba Division, Mandera 1981 - functional to date.
- b) Drastically reduced insecurity in Takaba-Mandera through community involvement in security.
- c) Facilitated voluntary surrender of the highest number of firearms in North Eastern Province over 512 between 1980 -1982 despite ongoing Shifta menace.
- d) Recorded development Achievements in all Field Stations served e.g. schools, hospitals, Agricultural extension development, all inclusive, gender development, infrastructure and security improvements. This can be attested in Administrative Units of Kabras Division, Teso; Kakamega, Busia, and Nairobi Area. Education and Socio-Dimension Programmes took first priority.

### **Central Government**

#### **(ii) Ministry Of Education, Science And Technology**

- (a) Part of Team that development of the 1<sup>st</sup> Education Master Plan.
- (b) Chair of the Team that developed the Draft Education Sector Reforms and the Rationalization Report for the Ministry of Education, Science & Technology.

#### **(iii) Directorate Of Personnel Management**

- a) Led Team that developed the Civil Service Reform Programme
- b) Initial development of the 10 core Functions of Government (later amplified and approved)
- c) Led Ministerial Rationalization Program for Ministry of Roads and Public Works; Ministry of Lands and Ministry of Environment and Mineral Resources.



- d) Part of the Team that redefined the ASAL policy framework
- (iv) **Office Of The President - Provincial Administration & Internal Security**

As Head of the Ministerial Reform Management Unit the following has been achieved:

- a) Developed the Initial Concept, TOR and Position papers culminating into:-
- b) Police Reform Task Force Report
- c) Provincial Administration Reform Framework

**1.0 Achievements in Provincial Administration Reforms include:-**

- 1.1 Developed **Reform Manuals** for the retraining and re-orientating all the 8,000 eligible Chiefs and Assistant Chiefs.
- 1.2 Finalized **Reform Manuals** for retraining of all the over 800 **District Officers, District Commissioners** and **Provincial Commissioners**.
- Training programs were focused on good governance, effective leadership, Human Rights, integrity, Best practice and Results Based Management.
- 1.3 Removal of over 1500 non-performing indisciplined and unethical Chiefs/Assistant Chiefs and Administrative Officers.
- 1.4 Trained 4000 Chiefs and Assistant Chiefs on Para-Legal and Para-Military training programs to improve their resilience, alertness and disaster preparedness to security issues and Rule of Law.

**2.0 Developed the following operating Instruments:-**

- 2.1 **Service Charters** - this has been done to ensure effective and predictable service delivery.
- 2.2 **Service Registers** for District Officers and Chiefs - to ensure service mapping and that officers' document time and quality of services rendered.
- 2.3 **Corruption Prevention Plans** - to support Zero Tolerance policy down to the grassroots level.

- 2.4 **Administrative Officers Operational Manual** – to standardize and professionalize work culture and predictable conduct of operations.
- 2.5 **Performance Contracting and Workplanning** culture down to the sub-locational level - to focus all officers to Accountability for Results to our people especially the vulnerable poor, youth, women and physically challenged persons.
- 2.6 Developed **Shared Core Values** – to support the new work environment and management culture.
- 2.7 Commenced **Motorcycle Programme for Chiefs** for enhanced access to service delivery.
- 2.8 Operationalized **Customer Care Desks and Complaint Boxes** and attendant Operational Manuals down to grassroots.
- 2.9 Developed **Protocol Manual** to streamline State functions and diplomatic management.
- 2.10 **Re-invented and Introduced new Uniforms** for Administrative Officers and Chiefs in tandem with reformed work ethics and culture.
- 2.11 Adopted **Rapid Results Initiative** as a way of doing public business.
- 2.12 Private Sector engagement in development process including **Community Policing** as a Key strategy for security.
- 2.13 Gave **computers** and ICT training to all Provincial Commissioners, District Commissioners and several District Officers.
- 2.14 Enhanced **Tooling and Budgetary Resources** for Provincial Administration – Chiefs have headed papers and basic stationery.
- 2.15 Streamlining two **(2) mandatory interactive monthly Barazas** for all the over 10,000 Administrators @ 200 people targeting over 45 million people annually. These Barazas explain Government achievements. Wananchi are trained and sensitized on issues of disaster/emergency management and rapid response.
- 2.16 **Capacity of Government Printer** increased by over 50% following activation of New Security Press. Printing of school exercise Books has marked down market prices for books to school children and reduced burden to parents.

- 2.17 **War against illicit drugs and Substances** has seen NACADA reach out to all Head Teachers and over 40% of Schools. In a bid to sensitize them on the evils of drug abuse and HIV/AIDS.
- 2.18 Developed New Schemes of Service for Chiefs/Assistant Chiefs.
- 2.19 Double recruitment in AP Force.
- 2.20 Introduction of Ministry's Website.

### **3.0 POLICE REFORMS**

The Police Reforms have recorded the following historic achievements:-

- 3.1 Established **Customer Care Desks; Gender Desks and Children Desks** in Police Stations. The Kenya and Administration Police changed names to Police Services from Police Forces.
- 3.2 Introduced **Community Policing** in nearly all Police Stations.
- 3.3 Developed **Community Policing Policy** and **Citizens Handbook** to enhance people's engagement in security and the Rule of Law.
- 3.4 Adopted RRI strategy which focused among others, **Corruption Prevention** strategy and Traffic Management. Over 50 Police Officers have been dismissed for involvement in corruption. Register for dismissed officers are being introduced.
- 3.5 Implemented a new **Police Pay** - increasing salaries by almost 100%. New competitive Allowances were implemented w.e.f 2006.
- 3.6 Introduced Performance Contracts for the **Commissioner of Police** and Provincial Police Officers.
- 3.7 Police **Service Charter** were introduced to enhance rapid security services and results.
- 3.8 **Crime Prevention Strategy** was developed taking cognizance of rising complex security challenges in organized crime and white collar crime (corruption, fraud, cyber crime and money laundering).
- 3.9 Developed strategies for improved Police Image; Accountability and Human Resource.
- 3.10 Development is ongoing for the establishment of an **Internal Police Complaints Handling Committee; and an External Oversight Body** – (Police Ombudsman).

- 3.11 Introduced general hygiene in cells including separate women/children police cells and those for mentally and other challenged persons.
- 3.12 Procured the following to date to improve police visibility and morale:-  
 - **781 Vehicles.**  
 - **1230 Houses.**
- 3.13 Police **training curriculum** was revised to include issues of gender, human rights, counter-terrorism, ICT/forensic-science in crime, cyber-crime and organized crime, good governance, democratic policing, respect for civilians within the Rule of Law, disaster management and community policing..
- 3.14 **National Crime Prevention Centre** (1997 Act of Parliament) under the A.G has been reactivated to enhance research and informed prevention of crime and social disorders and greater integration of intelligence-led policing and security management.
- 3.15 Police capacity for **disaster and conflict management** has been enhanced.
- 3.16 Police interactive **Website** is on line and the culture of openness evidenced by more crime reporting since 2003 unlike before when crime victims chose to suffer quietly due to police indifference OR complicity in crime.

#### 4.0 REFORM IMPACT AND OUTCOMES

##### 4.1 SURVEY REPORT 2007 BY INDEPENDENT TEAM OF E.U; USAID; UNP; AND DEVELOPMENT PARTNERS FOLLOWING RAPID RESULTS INITIATIVE (RRI) PHASE 1

	Office Cleanliness %	Service Satisfaction %	Service Delivery improvement %
Chief/Assistant Chief	76	80	66
DO	88	83	52
DC	95	87	46
PC	81	83	39
Police	67	65	54
National Registration Bureau	76	61	43

<b>Immigration</b>	88	75	31
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- 4.2 It is notable that the Chief and Police are the most improved Institutions. The Chiefs' Office is also the most important first contact point and interface between government and the people. Indeed, perception and image of the people on their Government is conversely correlated to the efficiency, effectiveness and integrity of these frontline cadre of officers.
- 4.3 Phase 2 of RRI is yet to commence on 17<sup>th</sup> February, 2009.
- 4.4 In 2008, crime reduced by 13%.
- 4.5 Citizens Handbook on Community Policing developed.
- 4.6 Ministry is developing a Safety Manual for wananchi to include Swahili and vernacular versions to deepen their sensitization on safety issues, civic virtues and conduct during emergencies/disasters.



# KENYA REVENUE AUTHORITY

## TAX COMPLIANCE CERTIFICATE

Certificate Serial No:

**KRA 16/020890/2013**

**THIS CERTIFICATE CONFIRMS THAT**

**KIMEMIA FRANCIS THUITA**

Holder of Tax Registration Personal Identification Number **A002352007Z**

has fulfilled the obligation to file relevant tax returns and to pay taxes due as provided by law

This certificate will be valid for *12 months* up to **14TH May 2014**

Issued by:

Name: **D.O.OBURE**

Designation:



Signature: *D.Obure*

Date of Issue: **14TH May 2013**

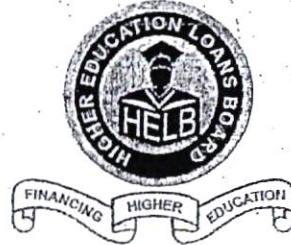
**Caveat**

- a) *This certificate is issued on the basis of information available to the Authority as at the date shown above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the recipient.*
- b) *Confirm genuineness and validity of the certificate using the TCC checker available at: <http://www.kra.go.ke/notices/tcc-checker.html> or contact the nearest DTD office.*

**TCC3**

*Philip Udindo Nyiragamba*

# HIGHER EDUCATION LOANS BOARD



## Certificate of Clearance

### UNIVERSITY STUDENT LOAN

This Certificate is awarded to THUITA KIMEMIA

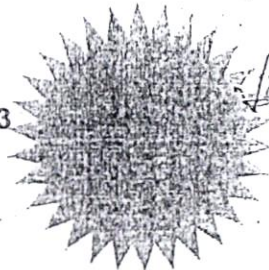
ID No. 4828987 University Registration No. C01/425/77

University attended UNIVERSITY OF NAIROBI

For having repaid in full the Principal Loan and interest thereon.

[Signature]  
Signature CEO/BOARD SECRETARY

20 May 2013  
Date



[Signature]  
Signature HEAD OF OPERATIONS

20 May 2013  
Date

*This certificate is issued without erasures, alterations or cancellation*