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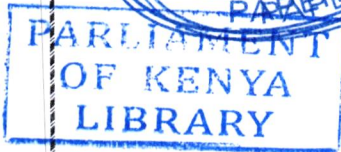
Paper Laid on 22/8/2018  
by Hon. Paul Koinage  
Chairperson, Departmental  
Committee on  
Administration and  
National Security

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

12<sup>TH</sup> PARLIAMENT – SECOND SESSION – 2018



DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE VETTING OF CHAIRPERSON AND MEMBERS OF THE INDEPENDENT  
POLICING OVERSIGHT AUTHORITY (IPOA)

CHAIRPERSON

MRS. ANNE WACHEKE MAKORI

BOARD MEMBERS

1. MRS. DOREEN NKATHA MUTHAURA
2. MRS. FATUMA MOHAMUD MOHAMED
3. DR. WALTER OWEN OWOUR OGONY
4. MR. JONATHAN LTIPALEI LODOMPUI
5. MS. PRAXEDES CHEPKOECH TOROREY
6. DR. JIMMY MUTUKU MWITHI
7. HON. JOHN MURIITHI WAIGANJO

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

AUGUST 2018

10/10/10

10/10/10



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## **CHAIRPERSON'S FOREWORD**

**Mr. Speaker,**

Pursuant to the provisions of Article 250(2)(b) of the Constitution of Kenya and section 11(5) of the Independent Policing Oversight Authority Act, (Act No. 35 of 2011) and Sections 3 and 5 of the Parliamentary Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011), His Excellency the President nominated the Chairperson and Members of the Independent Policing Oversight Authority (IPOA).

The Speaker on Tuesday 7<sup>th</sup> August, 2018, pursuant to Standing Order 42(2) of the National Assembly, informed the House through a communication, that His Excellency the President had nominated the following for appointment as the Chairperson and Members of Independent Policing Oversight Authority Subject to approval by the National Assembly pursuant to Article 250(2)(b) of the Constitution-

### **Chairperson**

Mrs. Anne Wacheke Makori

### **Board Members**

1. Mrs. Doreen Nkatha Muthaura
2. Mrs. Fatuma Mahamud Mohamed
3. Dr. Walter Owen Owuor Ogony
4. Mr. Jonathan Ltipalei Lodompui
5. Ms. Praxedes Chepkoech Tororey
6. Dr. Jimmy Mutuku Mwithi
7. Hon. John Muriithi Waiganjo

**Subsequently, the message from H. E. The President containing the names of the nominees together with their curriculum vitae was referred to the Departmental Committee on Administration and National Security to conduct the vetting of the nominees and table a report in the House.**

On Thursday 9<sup>th</sup> August 2018, the Office of the Clerk published an advertisement on print media inviting the public to present submissions and memoranda on the suitability of the

nomination of Mrs. Anne Wacheke Makori as Chairperson and Mrs. Doreen Nkatha Muthaura, Mrs. Fatuma Mohamud Mohamed, Dr. Walter Owen Owuor Ogony, Mr. Jonathan Ltipalei Lodompi, Ms. Praxedes Chepkoech Tororey, Dr. Jimmy Mutuku Mwithi and Hon. John Muriithi Waiganjo as members of the Independent Policing Oversight Authority. The submissions/memoranda were to be submitted by Tuesday 24<sup>th</sup> July 2018, at 5.00 pm. The Committee did not receive any memoranda on the nominees. Further, the advertisement dated Thursday 9<sup>th</sup> August, 2018 notified the public that the Departmental Committee on Administration and National Security would conduct an Approval hearing, pursuant to 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.

On Wednesday 15<sup>th</sup> August 2018, the Committee carried out the vetting exercise. The Committee was guided by the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011; Independent Policing Oversight Authority Act and the National Assembly Standing Orders.

The Committee, in compliance with the Constitutional and other legal requirements and established procedures for vetting, ensured that its approval hearing meetings were open to the public and covered by the media.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. I also take this opportunity on behalf of the Committee to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to the Committee during the vetting exercise. Further, the Committee wishes to thank all the stakeholders for their participation in the approval hearings. 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.

On behalf of the Committee and pursuant to Article 250 (2) (b) of the Constitution, section 11(5) of the Independent Policing Oversight Authority Act, No. 35 of 2011,

Section 8(1) and (2) of the the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and Standing Order No. 45(4) and 216, it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on the vetting of nominees for appointment as the Chairperson and Members of the Independent Policing Oversight Authority.

SIGNED.....



**(HON. PAUL KOINANGE, MP)**

**(CHAIRPERSON)**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL  
SECURITY**

DATE.....

22<sup>nd</sup> August 2018



## EXECUTIVE SUMMARY

This report contains the Committee's proceedings during the approval hearing following the nomination by H.E the President. of Mrs. Anne Wacheke Makori as Chairperson and Mrs. Doreen Nkatha Muthaura, Mrs. Fatuma Mohamud Mohamed, Dr. Walter Owen Owuor Ogony, Mr. Jonathan Ltipalei Lodompui, Ms. Praxedes Chepkoech Tororey, Dr. Jimmy Mutuku Mwithi, and Hon. John Muriithi Waiganjo as members of the Independent Policing Oversight Authority . The notification was communicated to the House by the Speaker on Tuesday 7<sup>th</sup> August, 2018.

The Clerk of the National Assembly requested for memoranda from the Public on suitability or otherwise of the nominees, however, by close of the deadline for submission, no memoranda had been submitted for or against the nominees.

The nominees appeared before the Committee for the approval hearings on Wednesday 15<sup>th</sup> August, 2018 and the Committee examined their suitability based on the criteria set out by the Public Appointments (Parliamentary Approval) Act, 2011.

The nominees were vetted on their academic credentials, relevant experience, knowledge of sector issues and leadership and integrity.

Based on their performance during the vetting exercise the Committee found the nominees to have a wealth of experience, professionalism, integrity, knowledge on police oversight and Public Service. The process was in compliance with the Independent Policing Oversight Authority Act and therefore the Committee recommends that the House to approves the nominations of the aforementioned persons for appointment to the Independent Policing Oversight Authority Board.

## 1.0 PREFACE

### 1.1 Establishment and mandate of the Committee

The Departmental Committee on Administration and National Security is established under *Standing Order 216* with the mandate to:

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
- c) study and review all the legislation referred to it;
- d) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) 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;
- f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);**
- g) examine treaties, agreements and conventions;
- h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- j) examine any questions raised by Members on a matter within its mandate.

In executing its mandate, the Committee oversees the following Ministries and Departments:

- i) The Ministry of Interior & Coordination of National Government-
  - a) State Department of Interior;
  - b) State Department of Border Control, Immigration and Registration of Persons; and

- c) State Department of Correctional Services.
  - ii) The National Police Service Commission;
  - iii) The Independent Policing Oversight Authority; and
  - iv) The Public Service Commission.
3. According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:
- i) National Security;
  - ii) Police Services;
  - iii) Home Affairs;
  - iv) Public Administration;
  - v) Public Service;
  - vi) Prisons; and
  - vii) Immigration.

## **1.2 Committee Membership**

The Committee comprises of the following members;

1. Hon. Paul Koinange, MP - **(Chairperson)**
2. Hon. John Waluke, MP - **(Vice-Chairperson)**
3. Hon. Athanas Wamunyinyi, MP
4. Hon. Justus Kizito, MP
5. Hon. Makali Mulu, MP
6. Hon. Aduma Owuor, MP
7. Hon. Didmus Wekesa Barasa Mutua, MP
8. Hon. Geoffrey Kingagi Muturi, MP
9. Hon. Marselino Malimo Arbelle, MP
10. Hon. Tecla Chebet Tum, MP
11. Hon. Josphat Kabinga Wachira, MP
12. Hon. Nimrod Mbithuka Mbai, MP
13. Hon. George Theuri, MP
14. Hon. Martin Deric Ngunjiri Wambugu, MP
15. Hon. Abdi Omar Shurie, MP

16. Hon. Halima Yussuf Mucheke, MP
17. Hon. Peter Francis Masara, MP
18. Hon. Ahmed Kolosh Mohammed, MP
19. Hon. Edward Oku Kaunya, MP

### **1.3 Committee Secretariat**

- |                          |   |                         |
|--------------------------|---|-------------------------|
| 1. Mr. Abdullahi Aden    | - | Senior Clerk Assistant  |
| 2. Mr. Joshua Ondari     | - | Clerk Assistant III     |
| 3. Ms. Clarah Kimeli     | - | Senior Legal Counsel    |
| 4. Mr. Edison Odhiambo   | - | Fiscal Analyst III      |
| 5. Mr. Donald Manyala    | - | Research Officer        |
| 6. Mr. James Macharia    | - | Media Relations Officer |
| 7. Ms. Rahab Chepkilim - | - | Audio Officer           |
| 8. Ms. Naserian Kaare    | - | Serjeant-At-Arms        |

## **2.0 BACKGROUND**

### **APPOINTMENTS IN COMMISSIONS AND INDEPENDENT OFFICES**

Appointment of Commissions and Independent offices

Article 250(2) (b) of the Constitution provides that;

- (1) The Chairperson and each member of a commission and the holder of independent office shall be-
  - (a) Identified and recommended for appointment in a manner prescribed by National legislation;
  - (b) Approved by the National Assembly; and
  - (c) Appointed by the President.

### **THE INDEPENDENT POLICING OVERSIGHT AUTHORITY**

The Independent Policing Oversight Authority was established through an Act of Parliament published in November, 2011 to provide for civilian oversight over the work of the police in Kenya and in response to the country's long history of serious violations of human rights and fundamental freedoms by the then Kenya Police Force (KPF) and the Administrative Police Force (APF), which were created under the repealed Caps 84 and 85 respectively, but are now under the National Police Service – NPS Act, No. 11A of 2012.

IPOA's creation was part of the legal and policy agenda for transformation of the NPS into an efficient and accountable service, capable of providing and ensuring security for all Kenyans whilst observing the highest standards of professionalism and respect for the constitutionally guaranteed fundamental freedoms and rights for all, especially the principles set forth in Articles 238, 239 and 244 of the Constitution of Kenya.

#### **Objectives of the Authority**

Section 5 of the independent policing oversight authority Act No. 35 of 2011 provides that the objectives of the Authority shall be to—

- (a) Hold the Police accountable to the public in the performance of their functions;
- (b) Give effect to the provision of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and
- (c) Ensure independent oversight of the handling of complaints by the Service.

### **Functions of the Authority**

Pursuant to Section 6 of the Independent Policing Oversight Authority Act No. 35 of 2011 the functions of the authority shall be to-

- a) investigate any complaints related to disciplinary or criminal offences committed by any member of the Service, whether on its own motion or on receipt of a complaint, and make recommendations to the relevant authorities, including recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief, and shall make public the response received to these recommendations;
- b) receive and investigate complaints by members of the Service;
- c) monitor and investigate policing operations affecting members of the public;
- d) monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the Service in response to complaints against the Police and keep a record of all such complaints regardless of where they have been first reported and what action has been taken;
- e) conduct inspections of Police premises, including detention facilities under the control of the Service;
- f) co-operate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them;
- g) review the patterns of Police misconduct and the functioning of the internal disciplinary process;
- h) present any information it deems appropriate to an inquest conducted by a court of law;

- i) take all reasonable steps to facilitate access to the Authority's services for the public;
- j) subject to the Constitution and the laws related to freedom of information, publish findings of its investigations, monitoring, reviews and audits as it sees fit, including by means of the electronic or printed media;
- k) make recommendations to the Service or any State organ
- l) report on all its functions under this Act or any written law; and
- m) Perform such other functions as may be necessary for promoting the objectives for which the Authority is established.

### **Procedure for appointment of the members of the Board**

Section 11 (5) of the Independent Policing Oversight Authority provides that

The President shall, if he approves, within fourteen days of receipt of the names of successful applicants forwarded, select the chairperson and members of the Commission and forward the names of the persons so selected to the National Assembly for approval.

#### **2.1 Issues for consideration in conducting the Approval hearing**

##### **Public access and participation.**

Article 118 (1) of the Constitution provides that; Parliament shall

- (a) Conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and
  - (b) Facilitate public participation and involvement in the legislative and other business of Parliament and its committees.
- (2) Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

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 Sections 6 (7) and 7 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

Article 73 (2) of the Constitution provides that:

(2) The guiding principles of leadership and integrity include—

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

## **2.2 Notification of nomination by the appointing authority.**

Pursuant to Article 250 (2) (b) of the Constitution and section 11(5) of the Independent Policing Oversight Authority Act No. 35 of 2011, His Excellency the President has nominated the following persons for appointment to the position of Chairperson and Members of the Independent Policing Oversight Authority, subject to approval by the National Assembly.

### **Chairperson**

Mrs. Anne Wacheke Makori

### **Board Members**

1. Mrs. Doreen Nkatha Muthaura



2. Mrs. Fatuma Mohamud Mohamed
3. Dr. Walter Owen Owuor Ogony
4. Mr. Jonathan Ltipalei Lodompui
5. Ms. Praxedes Chepkoech Tororey
6. Dr. Jimmy Mutuku Mwithi
7. Hon. John Muriithi Waiganjo

### **2.3 Communication and committal to committee**

Pursuant to Standing Order 42(2) of the National Assembly on Tuesday 7<sup>th</sup> August 2018 the Speaker communicated a message from, H. E. the President with respect to the nomination of the aforementioned persons for appointment to the position of Chairperson and Members of the Independent Policing Oversight Authority.

The Speaker further informed the House that H.E. the President forwarded the names of the nominees for approval by the National Assembly before appointment.

In accordance with Standing Order 42(3) (c) the Speaker having read the Message from the H.E. the President referred the names of the nominees together with their curriculum vitae to the Departmental Committee on Administration and National Security to conduct approval hearings. The Speaker advised the Committee to conduct extensive public participation as provided for under Article 118 of the Constitution as well as the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) and report to the House.

### **2.4 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”*.

The Clerk of the National Assembly on **Thursday 9<sup>th</sup> August, 2018** placed a notification in the print media informing the public of the intention of the Committee to conduct approval hearings as provided for under Article 118 (1) (a) (b) and (2) of the Constitution

and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, (No.33 of 2011), which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, on the suitability or otherwise of the nominee by **Wednesday 15<sup>th</sup> August 2018, at 5.00 pm.**

### **2.5 Notification to the nominees**

On Thursday 9<sup>th</sup> August, 2018 the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, notified the nominees in writing that the approval hearing was scheduled to take place on Wednesday 15<sup>th</sup> August, 2018 in Mini Chamber County Hall Parliament Buildings, at 9.60 am.

### **2.6 Clearance requirements**

On Thursday 9<sup>th</sup> August 2018 the Clerk of the National Assembly wrote letters to–

- 1) the Ethics and Anti-Corruption Commission;
- 2) the Criminal Investigation Department;
- 3) the Kenya Revenue Authority (KRA);
- 4) the Higher Education Loans Board (HELB); and
- 5) the Office of the Registrar Political Parties.

seeking information on the nominees with respect to matters relating to integrity, status of any pending criminal record, tax compliance, any unpaid loan and whether the nominee is an official of a registered political party.

The Committee received letters from the Kenya Revenue Authority indicating that all nominees were tax compliant, and the Higher Education Loans Board stating that the Board was not owed any loans by the nominees.

The Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigation confirmed that there were no outstanding issues or ongoing investigations against the nominees. The Office of the Registrar of Political Parties confirmed that the

nominees were not officials of a registered political party. The nominees also presented before the Committee their Certificates of Good Conduct.

## **2.7 Committee proceedings**

The National Assembly having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability pursuant to the provisions of section 11 (5) of the Independent Policing Oversight Authority Act as read together with section 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee held a total of two sittings to receive the notification and plan on how to conduct the approval hearings, examine and review the nominees' certificates, testimonials, consider public views and hold vetting meeting with the nominees.

## **2.8 Legal framework and issues for consideration in conducting the approval hearing**

The Committee observed that the issues for consideration in relation to the nomination and approval exercise are as provided under section 7 of the Public Appointments (Parliamentary Approvals) Act, as follows-

- a) the procedure used to arrive at the nominee;
- b) the constitutional and statutory requirements relating to the office in question; and
- c) the suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is being made.

### ***(a) Procedure used to arrive at the nominee***

The procedure for appointment of the Chairperson and Members of the Independent Policing Oversight Authority is outlined under the Constitution, the Independent Policing Oversight Authority Act and the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee observed that Article 250(2)(a) of the Constitution, section 11(5) the Independent Policing Oversight Authority Act No. 35 of 2011 and the Public

Appointments (Parliamentary Approvals) Act, 2011 provides that nomination and appointment of the Chairperson and Members of the Independent Policing Oversight Authority is by the President after competitive recruitments.

***(b) Constitutional and Statutory requirements***

The Constitution, in addition, sets out requirements regarding the appointment of persons to public office which include –

***(i) Leadership and Integrity***

The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- i. Article 73(2) of the Constitution which provides that the guiding principles of leadership and integrity include –
  - (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
  - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
  - (c) selfless service based solely on the public interest, demonstrated by-
    - (i) honesty in the execution of public duties; and
    - (ii) the declaration of any personal interest that may conflict with public duties;
  - (d) accountability to the public for decisions and actions; and
  - (e) discipline and commitment in service to the people.
- ii. Article 75(1) of the Constitution that requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution that prohibits a State Officer who has been removed from office under that Article from holding any other State Office.

- iii. Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.
- iv. Article 78 of the Constitution that disqualifies persons who are not Kenyan Citizens and persons holding dual citizenship from appointment as State Officers.

***c) Suitability of the nominees for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made***

The Committee observed that suitability of the nominees should be evaluated holistically taking into account the nominee's academic credentials, professional training, experience, background and personal qualities as well as the performance of the nominee during the approval hearing.

**2.9 Qualifications for appointment as Chairperson and Members of the Independent Policing Oversight Authority**

In conducting the Approval hearing, the Committee was guided by Article 250(2)(b) Constitution, section 11(5) of the Independent Policing Oversight Authority Act No. 35 of 2011 and the provisions of Section 3 and 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

Article 250(3) of the Constitution provides that to be appointed as a member to a Commission or Independent Office, a person shall have specific qualifications required by the Constitution or national legislation. Further Article 250(4) provides that appointments to Commissions and Independent Offices shall consider the national values referred to in Article 10 and the principle that the composition of the Commissions and Offices, taken shall reflect the regional and ethnic diversity of the people of Kenya.

Article 73 of the Constitution provides that: (2) The guiding principles of leadership and integrity include— *(a) selection on the basis of personal integrity, competence and*

*suitability, or election in free and fair elections; (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices; (c) selfless service based solely on the public interest, demonstrated by— (i) honesty in the execution of public duties; and, (ii) the declaration of any personal interest that may conflict with public duties; (d) accountability to the public for decisions and for decisions and actions; and (e) discipline and commitment in service to the people.*

## **2.10 Submission of memoranda**

At the close of business **Wednesday 15<sup>th</sup> August 2018**, the Office of the Clerk, had not received any memoranda contesting the suitability of the nominee.

## **3.0 APPROVAL HEARINGS**

The Committee conducted approval hearings for the nominees to the position of Chairperson and members of the Independent Policing Oversight Authority on **Wednesday 15<sup>th</sup> August, 2018**. In conducting the vetting exercise, the Committee was guided by, the Constitution, the Independent Policing Oversight Authority Act No. 35 of 2011 and the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and the National Assembly Standing Orders.

The Committee examined the nominees 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 nominees -

- i) Academic qualifications;
- ii) Employment record and work experience;
- iii) Professional Experience;
- iv) Integrity;
- v) Potential Conflict of Interest; and
- vi) Suitability for the position.

### **3.1 VETTING OF MRS. ANN WACHEKE MAKORI –NOMINEE FOR THE POSITION OF CHAIRPERSON, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

She appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August 2018, she was orally interviewed by the Committee and responded to questions during vetting as follows: -

#### **Personal Background**

She was born in 1965 in Muranga County and married in Nyamira County.

#### **3.1.2 Academic Background**

She is an advocate of the High Court of Kenya with Bachelor of Law (LLB Hons) degree from the University of Nairobi, Human Resource Management from the Institute of Human Resource Management (Now College of Human Resources), leadership & Business Entrepreneurship from Pan African Christian University.

#### **3.1.2 Work Experience**

Currently she is a Legal Counsel at MMA Law, a private Legal practice firm that offers a wide range of Legal services among them, Corporate, Commercial law contracting, Company registration & Company secretarial services, conveyancing, litigation and governance

She is a Part- time consultant & trainer at Blue Strategy Africa with a bias to HR component, strategy development & Implementation. Among the recent assignments (April 2017 – October 2017), is in the Republic of Rwanda as a lead consultant at Umwalimu SACCO covering organizational review, job evaluation & Grading, development of a salary structure, Review and Development of the Human Resource Manual & policies, introduction of & Training on the use of a Balance score card as the preferred performance management tool and development of various Job descriptions.

- ◆ Served as the Company Secretary for Faulu Microfinance Bank from 2010 – 2014 alongside the Human Resource function as Company Secretary & Head of Human

resource

- ◆ Was responsible for setting up of the Human Resources as well as the Legal functions at Faulu Microfinance Bank Limited during which time she set up score card as the preferred tool for performance management.
- ◆ Spearheaded organizational participation in the Deloitte Best Company to work for and Franklin Covey 360-degree leadership quotient surveys in capacity building intervention programs within the organization's strategic plan aimed at helping the organization enhance staff satisfaction and engagement for improved productivity
- ◆ Provided leadership and participated in the development and roll out of a selling skills curriculum that delivered double benefits to the organization. Ownership of copyrighted training materials for organizational continuity and Cultural change to selling and results orientation leading to increased productivity.
- ◆ Overseeing the introduction, recruitment, training and roll out of a direct sales team initiative, with over 1000 direct (commission sales agents) sales team members having been recruited, trained and assigned within a period of 1 & 1/2 years.
- ◆ Between December 2006 to November 2014 worked with Faulu Microfinance Bank Limited as General Manager, Legal, Human Resource & Business Development and the Key responsibility included ensuring legal compliance, talent acquisition, development, retention and business growth.
- ◆ Group Human Resource and Services Manager with the Standard Group from 2001 to 2006 overseeing the human resource and administration functions.



### **On the suitability of the nominee for appointment as Chairperson Independent Policing Oversight Authority**

The nominee informed the Committee that she is currently a Legal Counsel at MMA Law, a private Legal practice firm that offers a wide range of Legal services among them, Corporate, Commercial law contracting, company registration & company secretarial services, conveyancing, litigation and governance.

The nominee informed the Committee that she is an advocate of the High Court of Kenya with vast experience in law, human resource and her exposure at senior management level including having served at board level as a company secretary for about 5 years will help the authority address challenges on complaints and investigation of cases.

The nominee further informed the Committee that the authority will maintain transparency openness in all communications, transactions and operations when carrying out its mandate always;

### **On the matter regarding corporation with National Police Service Commission**

The nominee informed the Committee that, if approved as Chairperson of Independent Policing Oversight Authority, she will work pursuant to the provisions of the law and closely with National Police Service Commission and other stakeholders for the effective and efficient service delivery to Kenyans.

### **With regard to relationship with the donor community**

The nominee informed the Committee that, while the funding for the core activities will come from the National Treasury, the Independent Policing Oversight Authority will look for funding and technical assistance for specified interventions such as capacity building and creation of awareness.

### **3.2 VETTING OF MRS. DOREEN NKATHA MUTHAURA NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

She appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018. She was orally interviewed by the Committee and responded to questions during vetting as follows: -

#### **Academic Background**

She holds a Master of Laws (LL.M) in Advanced Legislative Study- (Distinction) 2009-2010 from the University of London School of Advanced Studies: Institute of Advanced Legal Studies. A Bachelor of Laws (LLB) from the Moi University Eldoret, a Certificate in Legislative Drafting Royal Institute of Public Administration (RIPA) International-London.

She is also an advocate of the High court of Kenya with a Postgraduate Diploma in Legal Studies Diploma in law. 2003-2004 from Kenya School of Law- Nairobi

#### **Work Experience**

She is currently the Vice Chairperson (Commissioner) Kenya Law Reform Commission where her duties are-

- Offer strategic leadership to the Commission
- Engage in law reform initiatives and legislative drafting
- Legislative development
- Participate in the drafting of all the Post-Constitution legislation
- Research and specifically Legal research
- Training of Commission officers on legislative drafting and parliamentary Process
- Training of national and county governments legal officers on legislative drafting and policy formulation
- Administrative tasks related to the aforementioned functions, amongst other tasks
- Drafting of technical and complex Bills
- Drafting of policies and other administrative measures

- Drafting of East African Community Legislation
- Drafting of laws to domesticate international treaties and obligation
- Offering legal and constitutional advice to the National and County Governments

**Key achievements:**

- Chairperson and Convener of the Committee on Law Reform, Policy Formulation and Legislative Services
- She oversaw the drafting of the first ever Guide to the Legislative Process in Kenya: the guide has since been published and very instrumental to both National and County Government in the formulation of legislation and policies
- Chairperson and Convener of the Committee on Advocates Act Review
- Chairperson of the Committee responsible for the formulation of a Legislative Drafting Manual and Guide
- Training of County Attorneys and other legal officers on legislative drafting and policy formulation at the Kenya School of Law and Kenya School of Government
- Drafting over 60 model laws for County Governments

Principal Program Officer (HOD): – legislative drafting Commission for Implementation of the Constitution; where her duties were-

- In charge of all matters touch on legislative drafting in the Commission
- Legislative drafting: drafted numerous Bills to implement the Constitution including amendment Bills
- Legislative development which entailed formulation of Bills based on instructions received from client an or on Commission initiative on Bills touching on the Constitution
- Drafting and reviewing of administrative measures required to implement the Constitution
- Research; Legal research
- Review of Bills and administrative measures to ensure that they conform to the letter and spirit of the Constitution;

**On the suitability of the nominee for appointment as a member Independent Policing Oversight Authority**

She is an Advocate of the High Court of Kenya and is currently Vice Chairperson (Commissioner) Kenya Law Reform Commission.

Worked as Principal Program Officer (HOD): – legislative drafting Commission for Implementation of the Constitution.

The nominee informed the Committee that, she drafted the first ever guide to the Legislative Process in Kenya: the guide has since been published and very instrumental to both National and County Government in the formulation of legislation and policies.

The nominee informed the Committee that, she was part of the team that drafted the Independent Policing Oversight Authority Act and the National Police Service Commission and therefore considers herself equipped and suitable to serve as a member of the board.

**On conflict of interest and other interferences**

The nominee informed the Committee that her tenure at Kenya Law Reform Commission is lapsing at the end of August 2018, she will always hold dear to the oath of office and will embrace objectivity and impartiality in decision making pursuant to the provisions of article 73 of the constitution.

**On the matter regarding the psychological challenges faced by the police**

The nominee informed the Committee that she will come up with a policy to address the general welfare particularly in the provision of affordable housing to the Service.

### **3.3 VETTING OF MS. FATUMA MOHAMUD MOHAMED - NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

#### **Personal Background**

Born in 1967

#### **Academic Background**

She possesses Master of Arts degree in Gender and Development Studies and Bachelor of Arts degree in Gender and Development Studies from the University of Nairobi.

#### **Work Experience**

##### **June 2015 to date Consultant**

- Consultancy in Women Peace and Security and Organizational development with different organizations in Kenya.
- Working with -International Peace Support Training Centre (IPSTC) Training grassroots peace committees on peace and security.
- Worked with Coffey International, National Democratic Institute, UN Women on Women Participation in Democracy among other organizations.
- Member of the National Women Steering Committee which is advocating for the implementation of the 2/3 constitutional gender rule; successfully carried out a situation analysis of the political environment surrounding devolution and its impact on women's participation particularly in addressing their socio-economic rights.
- Working with the African Women and Child Services at community level with Kenya women in helping to fight Female Genital Mutilation (FGM) and Peace and Security issues.
- Member of the Governor's Gender Round-Table which addresses the opportunities around safeguarding the gender gains brought about by the new

constitutional dispensation and addressing the lack of political goodwill and the attempts at negating the inclusion principle

### **2009-2013: Commissioner - National Cohesion and Integration Commission.**

#### Duties

- Facilitated and promoted equal opportunity, good relations, harmony and peaceful co-existence between the different ethnic communities in Kenya;
- Developed various strategies and initiatives to respond to ethnicity, discrimination and inequality as an initial effort towards a more harmonious and integrated Kenyan society;
- Promoted national cohesion and integration by outlawing discrimination on ethnic, religion and racial grounds.

#### **Achievements:**

- She was head of research, policy and planning committee whereby we developed various strategies and initiatives to respond to ethnicity, discrimination and inequality as an initial effort towards a more harmonious and integrated Kenyan society.
- She spearheaded a UN Women funded project on training women and youth in peace building and conflict management.
- She also Spearheaded mediation in several conflicts with success

#### **On the suitability of the nominee for appointment as a member Independent Policing Oversight Authority**

The nominee informed the Committee that, she was a commissioner in the National Cohesion and Integration Commission where she spearheaded in the development of various strategies and initiatives in response to ethnicity, discrimination and inequality towards a more harmonious and integrated Kenyan society.

The nominee informed the Committee that besides her academic qualifications on gender development, she has wealth of experience on gender and women issues that will help in mainstreaming gender issues in the Authority.

The nominee further informed the Committee that she will initiate the introduction of gender desk on every police station to fasten and facilitate cases and complaints forwarded to the Independent Policing Oversight Authority.

#### **On the matter regarding conflict of interest**

The nominee informed the Committee that, she will be guided by Chapter six of the Constitution to ensure objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, and other improper motives.

#### **On Value addition to the Board**

The nominee informed the Committee that, besides her qualification and experience she possesses wide knowledge on peace building and community policing and understands well the dynamics of different communities in Kenya.

### **3.4 VETTING OF DR. WALTER OWEN OWUOR OGONY – NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

#### **Personal Background**

He was born in Kakamega County in 1957

#### **Academic Background**

Bachelor of Medicine and Surgery (MB.ChB) degree, Master of Medicine degree in Ophthalmology (M.Med.) from the University of Nairobi and Diploma in Community in Eye Health (University of London);

## **Work Experience**

He is a medical practitioner and he has been practicing for the last 35 years;

- a) Head of department and provided direction on professional, administrative and policy issues;
- b) Gave Leadership and strategic direction in line with the Strategic Plan of the Hospital;
- c) Provided prudent management of both human and material resources.
- d) Supervised all staff in the department;
- e) Identified weaknesses in the department and recommended capacity building, training and staff development for the department;
- f) Provided linkages with the other departments of the hospital internally;
- g) Established collaborations and linkages with other health institutions;
- h) Undertook teaching and research in KNH, Kenya Medical Training College (K.M.T.C.) and School of Medicine, University of Nairobi;
- i) Developed policy for eye care services planning;
- j) Acted in the office of the Deputy Director Clinical Services;
- k) Trained staff in Ophthalmic Sub specialties;
- l) Introduced Sub specialty clinics;
- m) Enhanced Day care surgery;
- n) Taught staff and students on operation room nursing;
- o) Initiated participation of the eye department in the hospital tumor board meetings;
- p) Developed curriculum for training of Ophthalmic Clinical Officers and Nurses;
- q) Developed curriculum for training in low vision therapy;
- r) Developed curriculum for training in optometry and refraction;
- s) Initiated collaboration with Daisy Eye Cancer Project;
- t) Collaboration with Germany and Spain on Specialized Eye Surgery projects;
- u) Developed revised patient consent form;

## **2000-2004: - Senior Medical Specialist – KNH.**

Achievements-



- i. Headed the department and provided professional, administrative and policy guidance.
- ii. Provided leadership to the department
- iii. Supervision of all staff in the department
- iv. Provided linkage with the other departments of the hospital
- v. Undertook teaching and research in KNH, Kenya Medical Training College and School of Medicine, University of Nairobi

#### **On the new ideas he intends to bring in to the Authority**

The nominee informed the Committee that, his medical qualifications and experience will complement the work of police in carrying out postmortems, filling P3 forms and in traffic department vision and visibility.

He intends to bring his professionalism experience to assist the Board in interpreting medical records.

#### **On psychological welfare of the Police Officers**

The nominee informed the Committee that, he will advise the Board to recommend establishment of a department within the Police Service that will be dealing with counselling and psychology and further address challenges on housing in the service.

#### **On the matter regarding pending cases**

The nominee informed the Committee that, the Board will consider the cases and weigh their merits and determine the ones that should be dealt with immediately by the Authority from those that require the assistance of other government agencies for onward transmission and investigation.

#### **On the matter regarding cases not properly investigated**

The nominee informed the Committee that, the board will look into the problem and establish whether it was as result of incompetence or neglect. The Board will impress

upon officers to carry out proper investigations as enshrined in the Independent Policing Oversight Authority Act no. 35 of 2011.

#### **On the matter regarding doctors interfering with postmortem reports**

The nominee informed the Committee that, the pathologist who doctor postmortem reports will be reported to Kenya Medical Practitioners Board for professional misconduct so that they are held accountable and prosecuted.

### **3.5 VETTING OF MR. JONATHAN LTIPALEI LODOMPUI - NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

#### **Personal Background**

He was born in Samburu County in 1967

#### **Academic Background**

He possesses Bachelor of Arts degree in Political Science and Public Administration and Masters of Arts degree in International Relations and Diplomacy from the University of Nairobi and currently pursuing a Doctorate of Philosophy Degree (PhD) in Peace Building and Conflict Transformation.

#### **Work experience**

##### **Kenya Vision 2030 Delivery Secretariat, Director, Enablers and Macro Directorate**

He was in charge of infrastructural development in roads, rail, ports, airports, LAPSSSET, energy generation, science, technology and innovation. Also incharge of overseeing the reform agenda for Kenya including Public Service reforms, Security and Land reforms. The department is in charge of the foundations upon which the Economic and Social-Political Pillars of Kenya Vision 2030 are anchored.

The duties and responsibilities included creating linkages with key stakeholders including development partners and private sector,

### **Teachers Service Commission Chief Research Officer**

He was in charge of 275,000 staff countrywide and was involved in Policy Planning and Monitoring and Evaluation processes. This involved the design of operation plans and targets, staff appraisals and giving technical advice on general development and strategic planning on teacher management.

### **NYUAT integrated programme**

NYUAT Integrated Programme is affiliated to the global Christian Children's' Fund; operating community based integrated programs in Samburu District. Its goal is to both achieve and demonstrate effectiveness and accountability in its program activities and to add value to the efforts of local partners through quality development programs that are responsive and innovative in helping children in need.

Duties and responsibilities;

#### **1. Leadership**

- Promote a dynamic organizational culture that is supportive of staff and Nyuat's mission through coaching & mentoring.
- Lead an ongoing process of review/refinement in terms of organizational strategy and policy development with an emphasis on benchmarking/environmental scanning.

#### **2. Program Management**

- Expand & develop program of activities through the development of initiatives that further *the organization* impact on the well-being of children & their communities.
- Ensure that quality proposals and programs are developed and that reports for donors are produced as required.
- Ensure that the effectiveness, impact and direction of the program is appropriately monitored on a continuing basis, and the lessons from this process shared widely.

- Promote capacity building at all levels among *the organization* staff and partners, whether government offices, staff or communities
- Ensure that program priorities are identified and investigated, in line with *the organization* policy and "well-being" strategy, as well as capacity and resources.

### **3. Staff Development**

- Sustain team building amongst senior management and ensure regular opportunities for two-way feedback as well as formal performance & development reviews.
- Ensure training & development efforts at all management levels.
- Ensure effective Human Resources Development & Management practices (effective recruitment, induction & retention, training & development, performance & development review) & policies are maintained.

### **4. Funding**

- Identify and pursue funding opportunities within the country and internationally that are in harmony with *the organization* mission and program direction; ensure active liaison with the main donors.
- Explore partnerships/alliances to achieve organizational growth and increased program impact.

#### **On Perceptions and expectations of the public**

The nominee informed the Committee that, he will impress upon the Board to undertake widespread stakeholder engagement as enshrined in article 118 of the Constitution in reaching out to the public, the police, State and non-State organs on the activities and programmes of the Board.

#### **On violence against women**

The nominee informed the Committee that, he will come up with a policy framework that will address attitude change amongst the youth which will help in creating awareness on the importance of living together harmoniously.

#### **On the relationship between IPOA and NPSC**

The nominee informed the Committee that, he will use his experience in the disciplined forces to bring close the relationship of the two government agencies mandated on police reforms by coming up with a policy to enhance coordination between the two in the fulfillment of their mandates for the effective and efficient service delivery.

### **3.6 VETTING OF HON. JOHN MURIITHI WAIGANJO NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

#### **Academic Background**

Possesses Bachelor of Law Degree from University of Nairobi

He is an advocate of the High Court of Kenya and he has been practicing law for over twenty years.

#### **Work Experience**

1996 to date John Murithi Waiganjo & Co Advocates (Senior Partner).

#### **Responsibilities**

- i. Providing legal advice to clients in areas such as violation to human rights, criminal matters, civil matter, children issues, conveyance and commercial transactions amongst others;
- ii. Court attendance;
- iii. Drafting of Court application;
- iv. Drafting, negotiations and finalization of contracts;
- v. Drafting Conveyance documents and registration where necessary;
- vi. Conducting legal research;
- vii. Providing of legal opinion on various legal aspect to the media;
- viii. Arbitration;
- ix. Commissioning and notarizing of documents; and

- x. Legal lead in all matters of the firm.

### **2013 to 2017 Member of Parliament, Ol Joro Orok Constituency, Nyandarua County**

#### **Responsibilities**

- i. Representation of the People of Kenya on all the issues affecting them;
- ii. Legislation including proposing Bills to the Assembly, Motions and scrutinizing various proposed legislation by the executive; and
- iii. Oversight of the National Government.

#### **Member Justice and Legal Affairs Committee**

##### **Duties**

General oversight, scrutiny and allocation of budget to the following Arms of the Government, State Agents and Constitutional Commissions-

- i. Office of the Attorney General. (AG);
- ii. Office of the Deputy Public Prosecutor (ODPP);
- iii. Independent Electoral and Boundaries Committee (I.E.B.C);
- iv. Commission of Administrative Justice. (CAJ);
- v. Kenya National Human Rights Commission. (KNHRC);
- vi. Ethics and Anti-Corruption Commission. (EACC);
- vii. Registrar of Political Parties. (RPP); and
- viii. Judicial Service Commission. (JSC).

#### **On the suitability of the nominee for appointment as a member of the Independent Policing Oversight Authority**

The nominee informed the Committee that, besides his qualifications he will use his experience as a former Member of Parliament and his skills in interacting with the public to ensure that the board undertakes outreach to the forty-seven counties in the Country.

#### **On Stakeholder engagement**

The nominee informed the Committee that, in line with his experience, he will formulate policies to spearhead the authority engagement with the National Assembly Committee

on Administration and National Security, the Budget and Appropriation Committee and the National Treasury in the allocation of adequate budget from the Exchequer towards achieving the authority mandate.

### **On the perception that IPOA is witch-hunting the Police**

The nominee informed the Committee that, the Board will come up with Dispute Resolution Mechanism which will ensure that the Board does not act when there is a conflict between the Police and the Public but will also act when there is conflict between senior and junior police officers.

### **Tackling Corruption in the Police Service**

The nominee informed the Committee that, he will impress upon the Board to act on its own motion where it be will be undertaking investigations and making recommendations to the National Police Service Commission to act according to the law.

### **Conflict of Interest**

He is a practicing lawyer and will be serving the Board on part time basis hence will not amount to any conflict of interest. He stated that his actions will be guided by chapter six of the Constitution.

### **Public awareness on the functions of IPOA**

The nominee informed the Committee that, he will initiate a policy to increase the Authority's regional offices from the current eight (8) to the forty-seven (47) counties. He will also advise the Board to create a directorate where the public will be reporting complains to the Board for action.

## **3.7 VETTING OF MS. PRAXEDES CHEPKOECH TOROREY - NOMINEE TO THE POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

## **Personal Background**

She was born in 1964

## **Academic Background**

- a) Currently pursuing Masters degree in Diplomacy and Foreign Policy (MDF) at Moi University;
- b) Masters degree in Women's Law, University of Zimbabwe;
- c) Bachelor of Laws (LLB) degree, University of Nairobi;
- d) Diploma in International Environmental Law-making and Diplomacy, University of Joensuu – UNEP Headquarters – Nairobi;
- e) Diploma in Women's Law;
- f) Diploma in Law, Kenya School of Law; and
- g) Admitted to the Roll of Advocates of the High Court of Kenya and subsidiary Courts thereto -

## **Work experience**

### **Director Legal and Public Affairs, Independent Electoral and Boundaries Commission (IEBC) January 2010 to March 2018.**

She informed the Committee that the role serves as the Principal Legal Counsel to the Commission and the Head of the Directorate to provide professional legal advice, ensure legal compliance, advise on dispute prevention and resolution; Management of external legal representation and support of legal reform initiatives; overseeing Investigations and Prosecutions of election offences; Liaison with Political Parties and enforcement of the Electoral Code of Conduct and guiding the commission on Public Affairs.

## **Responsibilities**

- Interpreting IEBC Constitutional mandate, developing the legal and regulatory framework and spearheading legal reform and ensuring compliance;
- Management of complaints and pre-election dispute resolution by the Commission;
- Regulation of the process by which Political Parties nominate candidates for elections;
- Regulation of campaign financing;



- Provision of well researched, reasoned and timely legal advice to the Commission;
- Ensuring compliance with legislative instruments with regard to financial management, employee management, procurement and governance;
- Developing preventive legal strategies to forestall avoidable disputes, controversies and litigation;
- Ensuring that all legal disputes and petitions concerning the Commission are professionally resolved including use of alternative dispute resolution mechanisms and effective management of external legal counsel;
- Developing, adapting and reviewing the strategic plan and budgets for the Legal and Public Affairs Directorate;
- Developing accountability structures and coordinating the development of the Directorate work plans and corresponding departmental work plans;
- Ensuring the Directorate is adequately resourced by professional and competent personnel;
- Overseeing the development and implementation of internal and external communication policies, strategies, plans and protocols;
- Organizing of Commission meetings, document Commission minutes, directives, circulars, procedures and other instructions;
- Liaising with the Attorney General and Parliamentary Committees on legislative reforms;
- Conveying Inter-Agency Meetings in the Justice System.

### **Key Achievements**

- Supported the transition of Kenya's Electoral Management Body from ECK, IIEC to the IEBC;
- Developed Referendum Regulations, 2010
- Developed Referendum Media Guidelines, 2010
- Developed Legal Timelines for the Referendum, General Elections and By-elections
- Advisory Opinions on various activities including the date for the General Election under the Constitution of Kenya, 2010
- Undertook Policy and Legislative review of Electoral Laws by consolidating all pieces of different legislation governing the conduct of elections in Kenya;

- Coordinated the enactment Electoral Laws: IEBC Act, 2011; IEBC Fund Act and Regulations, 2011; Elections Act, 2011; Election Regulations, 2012; Political Parties Act, 2011; Enactment of Campaign Financing Act, 2013 and Campaign Financing Bill; and subsequent reviews.
- Oversaw the formulation of Dispute Resolution Rules and Procedure and manual for Investigations and Prosecutions;
- Participated in development of Election Petition Rules;
- Developed the Formula and criteria for Allocation of Special Seats (Political Party List);
- Played a critical role in review of delimitation of electoral boundaries in line with Article 89 of the Constitution which created 290 Constituencies, up from 210;
- Organizing hearing and determination of over 2000 disputes arising from the nomination exercise during the 2013 and 2017 general elections;
- Developed an effective strategy to deal with the Petitions to the Boundary delimitation exercise and election petitions in view of the strict timelines introduced by the Constitution 2010;
- Developed IEBC Case Digest on the decisions of the IEBC Dispute Resolution Committee with regard to the nomination disputes of the 2013 general election.
- Developed Commission Charter;
- Developed Rules of Procedure for Commission Plenary Meetings;
- Equipped Returning officers with knowledge and skills on electoral law, processes and procedures, and Conflict Management;
- Partnered with stakeholders to establish Conflict Management Resolution Panels in all the Provinces;
- Developed Legal and Public Affairs Directorate Strategic Plan 2011-2017;
- Supported in the design and implementation of the Election Security Arrangement Project; bringing together National Police Service, Directorate of Public Prosecution and IEBC;
- Coordinated training of police officers deployed as Election Security personnel;
- Provided training and sensitization for Police Officers and Prosecutors on electoral law and Election Offences;

- Provided training and sensitization for Political Party Agents and other stakeholders including Observers, Diplomatic Partners and Law Society of Kenya members on law governing elections and accreditation;
- Represented the Commission on various forums including the National Council on Administration of Justice;
- Established an Inter-Agency committee on Investigations and Prosecutions;
- Prepared annual reports on status of implementation of the National Values and Principles of Governance;
- Participated in the review of Legal, Policy and Institutional Framework for fighting Corruption in Kenya, 2015.

**Corporation Secretary/Head Legal Services, Kenya Forest Service, 2007 January, 2010**

Principal Legal Advisor to the Board and Management and Corporation secretarial duties.

**Responsibilities**

- Managing and organizing of Commission meetings and carrying out secretarial services,
- Establishing guidelines for investigation and prosecution of offenders in offences under the Forest Act,
- Offering advisory services to the Commission and Management on matters that have legal implications,
- Advising on the disciplinary procedure for the Disciplined Wing of Kenya Forest Service,
- Developing, adapting and reviewing the strategic plan and budgets for the Department of Legal Services,
- Negotiating agreements, licenses, memorandum of understanding between Kenya forest Service and partners,
- Vetting and interpretation of contracts and legal documents of the service with partners, insurers and stakeholders,
- Developing subsidiary rules that are expedient to giving effect to the Forest Act 2005,

- Integrating the contemporary issues of forestry to the National and Global Framework,
- Advising the Service on legal implications of all Insurance Contracts and procurement processes,
- Working hand in hand with the Communications Department in evaluating all forms of communications and relationship management to assess the legal and public image implications,
- Vetting and reviewing correspondences to mitigate possible legal and public relations risk,
- Liaising with external lawyers for representation of the Service in Court.

### **Achievements**

- Set up and recruited staff for the Legal Department at Kenya Forest Service,
- Initiated and took the lead in the development of Board Code of Conduct,
- Participated in development of Kenya Forest Service Communication Strategy,
- Initiated and took the lead in the development of Code of Conduct for disciplined officers,
- Trained and sensitized Judicial Officers on the New Forest Act No. 7 of 2005 and Environmental Laws,
- Training and Sensitization of Forest Officers and Rangers on the New Forest Act No. 7 of 2005 and Forest Policy,
- Formulated litigation strategy and pre-qualified a panel of external Lawyers,
- Trained Forest Officers in Prosecutions and Gazettement thereto,
- Developed four (4) Subsidiary Legislations under the Forest Act,
- Initiated the KFS Legal Bulletin.

### **Magistrate, Kenya Judiciary – 1991 to 2007**

**Law Court Stations:** Narok Law Courts (Head of Station), Machakos Law Courts, Nanyuki Law courts (Head of Station) and Karatina Law Courts (Head of Station)

### **Responsibilities**

- Hearing and determination of civil cases, criminal cases and land cases,
- Determining probate and succession matters,
- In charge of the Children's Court and member Case Committee,
- Chairperson Probation Case Committee and Court Users Committee,
- Deputy Registrar in matters of the High Court,
- General Administrative duties as Head of Station,
- Convened Court Users Committee bringing together all Agencies in the Justice system
- Prison: Visiting Justice.

#### **Achievements**

- Participated in the development of the Judiciary Bench Book for Magistrates in criminal proceedings,
- Developed a training manual on application of Human Rights Instruments in Courts by Judicial Officers,
- Instituted measures for reduction of backlog and expediting disposal of cases,
- Established vibrant Court Users Committees in Court stations worked,
- Participated in the inception of the East African Magistrates and Judges Association.

#### **On the suitability of the nominee for appointment as a member Independent Policing Oversight Authority**

The nominee informed the Committee that she has twenty-six (26) years' experience in Public Sector Management, Constitutional Development, Administration of Justice, Human Rights, Devolution, Policy and Legislative Drafting, Elections management, Management of Forests and Corporate Governance including development of National Anti-corruption frameworks. This experience is drawn from working as a Judicial Officer in the Kenyan Judiciary and as an in-house General Counsel with a State Corporation and the Elections Management Body.

The nominee informed the committee that, she holds requisite academic qualification and relevant experience in terms of dispute resolution which will be necessary in resolving dispute which might arise from the members of the Police service and from the public;

The nominee further informed the committee that she intends to bring on board her working experience, values and integrity for the effective and efficient service delivery.

**On how she will deal issues of sexual offences**

The nominee informed the Committee that she will use her networks in FIDA Kenya and advice the public on sexual offences and other complaints.

### **3.8 VETTING OF DR. JIMMY MUTUKU MWITHI – NOMINEE FOR POSITION OF MEMBER, INDEPENDENT POLICING OVERSIGHT AUTHORITY**

**The nominee appeared before the Committee for vetting on Wednesday 15<sup>th</sup> August, 2018 and was orally interviewed by the Committee and responded to questions during vetting as follows:**

#### **Personal Background**

He was born in 1967

#### **Academic Background**

He holds Doctor of Philosophy, PhD in Leadership and Governance from Jomo Kenyatta University of Agriculture & Technology, MBA - Strategic Management from Kenya Methodist University KEMU and BA (Hons) Criminology & Security Studies from Egerton University

#### **Work experience**

##### **Consolidated Bank**

*2005 to date*

Head of Security & Anti-Fraud

- Develop departmental strategy and policies
- Review security operational and tactical plans
- Prepare monthly, quarterly reports on fraud and physical security management
- Act as liaison and primary contact with external law enforcement agencies to maintain awareness
- Develop banks health and safety framework, procedures and process from a safety and security perspective
- Establishment of business continuity plans
- Implement safety and security training and awareness programmes in line with the industry requirements
- Prepare budget for the department in line with the strategic plan and annual priorities
- Monitor and report expenditure in line with approved budget and operational plans

- Ensure appropriate technical advice and support is provided to all security personnel on an on-going basis

Between 1999 to 2004 he worked as Forensic Investigator in Kenya Anti-Corruption Commission Dealt with investigation of corruption in public sector

Worked in Efficiency Monitoring Unit EMU from 1997 to 1998 as lead investigator dealing with misappropriation of funds in government ministries.

### **On the suitability of the nominee for appointment as a member Independent Policing Oversight Authority**

The nominee informed the Committee that, besides his academic qualifications, he will use his experience in the police service and his network in the Directorate of Criminal Investigation to make the Authority's assignment success and make necessary recommendations for Police reforms.

The nominee further informed the Committee that he will come up with strategies to restore public confidence, trust and professionalism in the Police Force.

### **On the relationship between the Independent Policing Oversight Authority and National Police Service Commission**

The nominee informed the Committee that, he will nature the relationship between Independent Policing Oversight Authority and National Police Service Commission through enhanced engagement for the effective and efficient service delivery to Kenyans.



#### 4.0 COMMITTEE OBSERVATIONS

The Committee having considered the curriculum vitae of the nominees and having heard their oral submissions during the vetting exercise, at the sitting held on Wednesday 15<sup>th</sup> August 2018 made the following observations;

- i) THAT, the nominees had the requisite qualifications and experience pursuant to section 9(a)(b) of the Independent Policing Oversight Authority Act No. 35 of 2011 on the criteria for the appointment of Chairperson and Members of the Board;
- ii) THAT, all nominees had been cleared by the DCI, KRA on tax compliance and HELB;
- iii) THAT, the Committee did not receive any adverse information on any of the nominees from EACC, which is the constitutional body mandated to ensure compliance with and to enforce the provisions of Chapter Six of the Constitution;
- iv) THAT, none of the nominees has been convicted in a Court of Law for a criminal offence in the last three years;
- v) THAT, as stipulated in Article 75(1) of the Constitution, all the nominees indicated that they have no potential conflict of interest;
- vi) THAT, all the nominees do not hold office in any political party hence satisfy the provisions of Article 77(2) of the Constitution;
- vii) THAT, the Board's composition will comprise of four lawyers, a medical practitioner, a gender expert, a criminologist and a political scientist; and
- viii) THAT, the composition of the Board meets the Constitution principle on gender rule with four males and four females respectively.

## **5.0 COMMITTEE RECCOMENDATIONS**

**Having considered the suitability, capacity, qualifications and integrity of the nominees and pursuant to Article 250(2)(b) of the Constitution and Section 11 (5) of the Independent Policing Oversight Authority Act No. 35 of 2011 and Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Committee recommends that the National Assembly approves the nomination for appointment of the following as Chairperson and Members of the Independent Policing Oversight Authority.**

### **Chairperson**

**Mrs. Anne Wacheke Makori**

### **Board Members**

- 1. Mrs. Doreen Nkatha Muthaura**
- 2. Mrs. Fatuma Mohamud Mohamed**
- 3. Dr. Walter Owen Owuor Ogony**
- 4. Mr. Jonathan Ltipalei Lodompui**
- 5. Ms. Praxedes Chepkoech Tororey**
- 6. Dr. Jimmy Mutuku Mwithi**
- 7. Hon. John Muriithi Waiganjo**