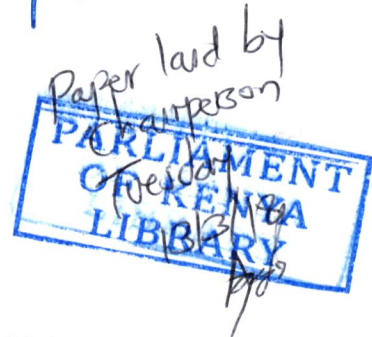


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**PARLIAMENT OF KENYA**

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**THE NATIONAL ASSEMBLY**

**TWELFTH PARLIAMENT – SECOND SESSION**

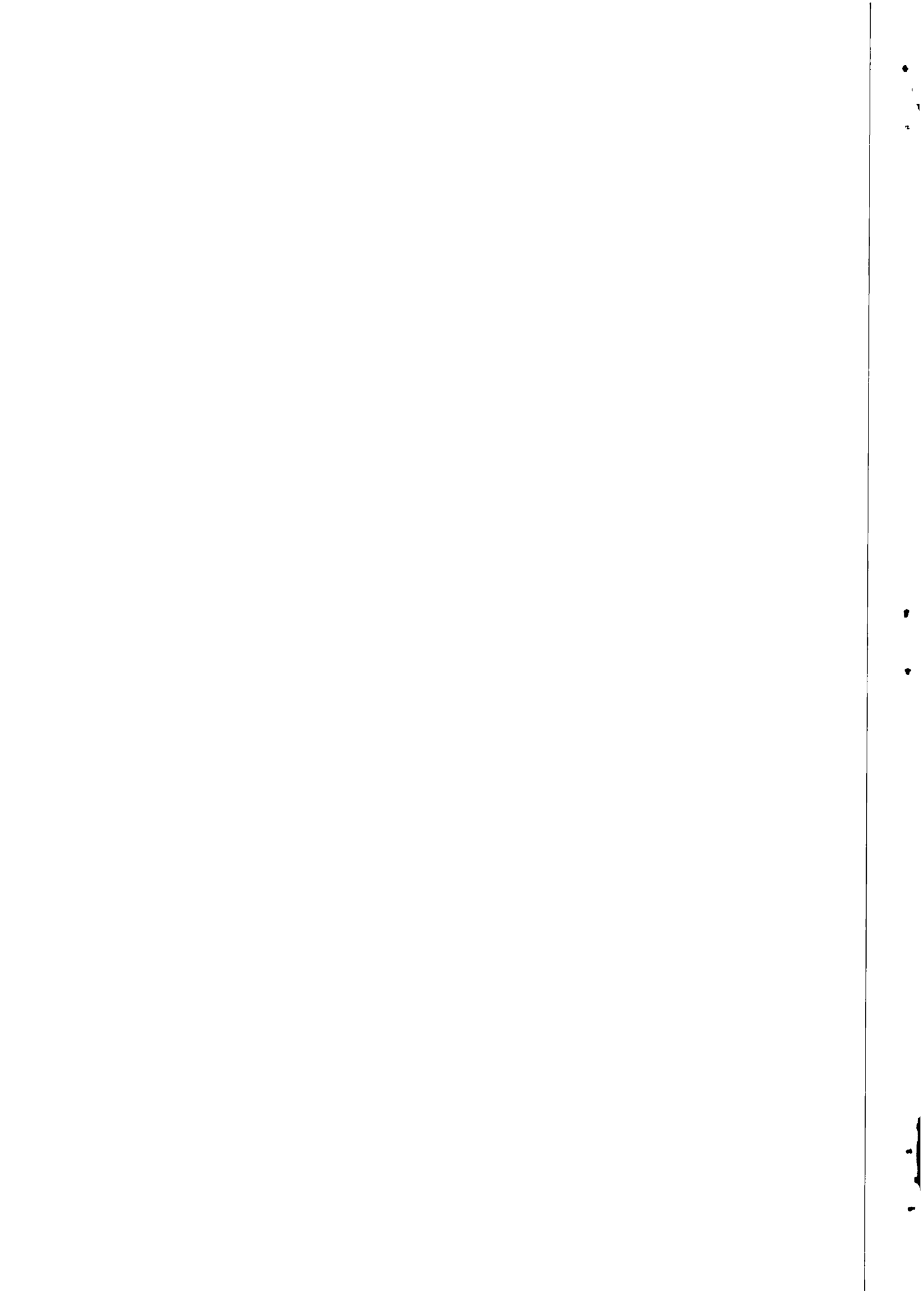
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**DEPARTMENTAL COMMITTEE ON JUSTICE AND  
LEGAL AFFAIRS**

**REPORT ON:**

**VETTING OF MR. KENNEDY NYABUTI OGETO FOR  
APPOINTMENT TO THE POSITION OF SOLICITOR-  
GENERAL**

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

**March, 2018**



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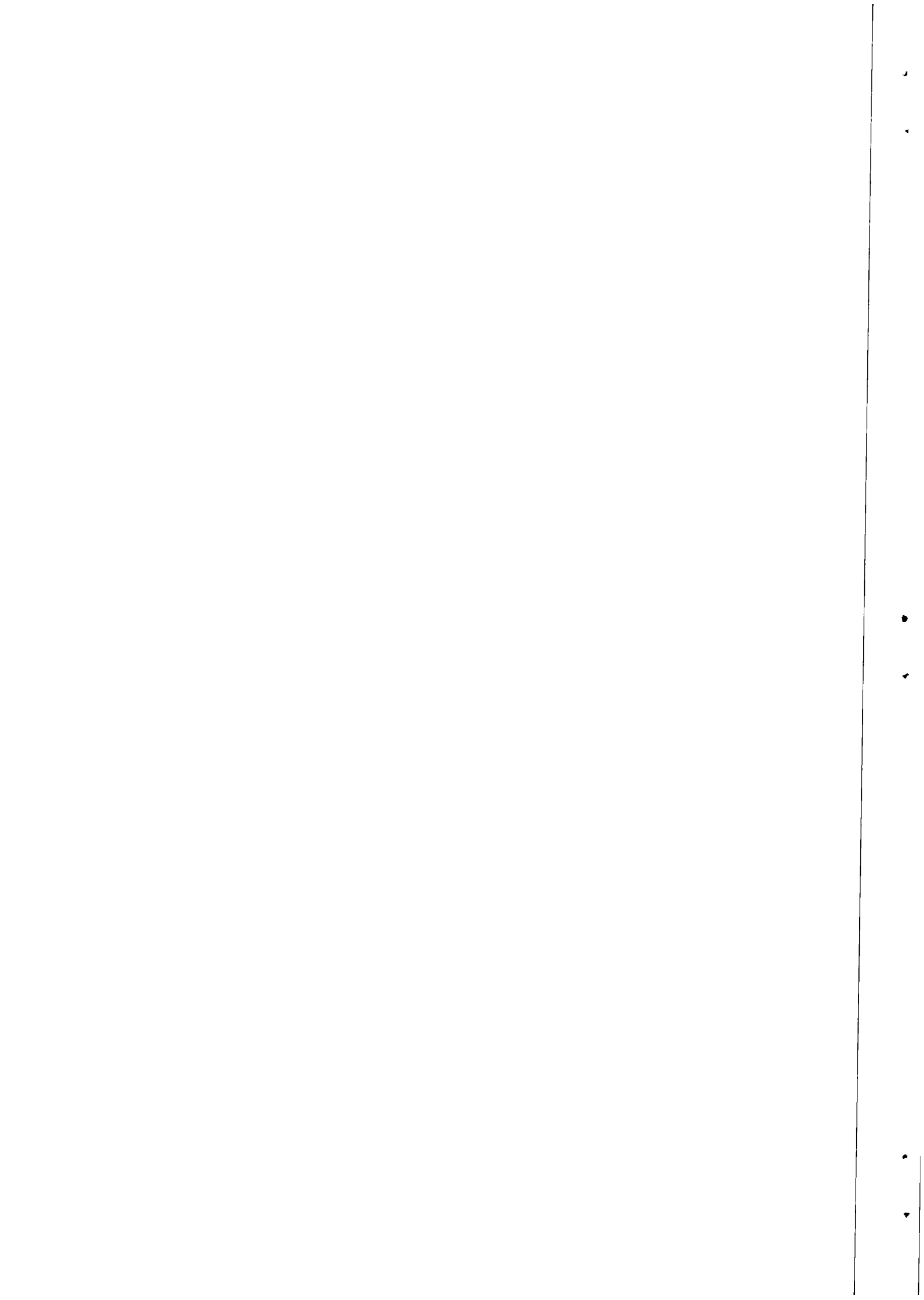
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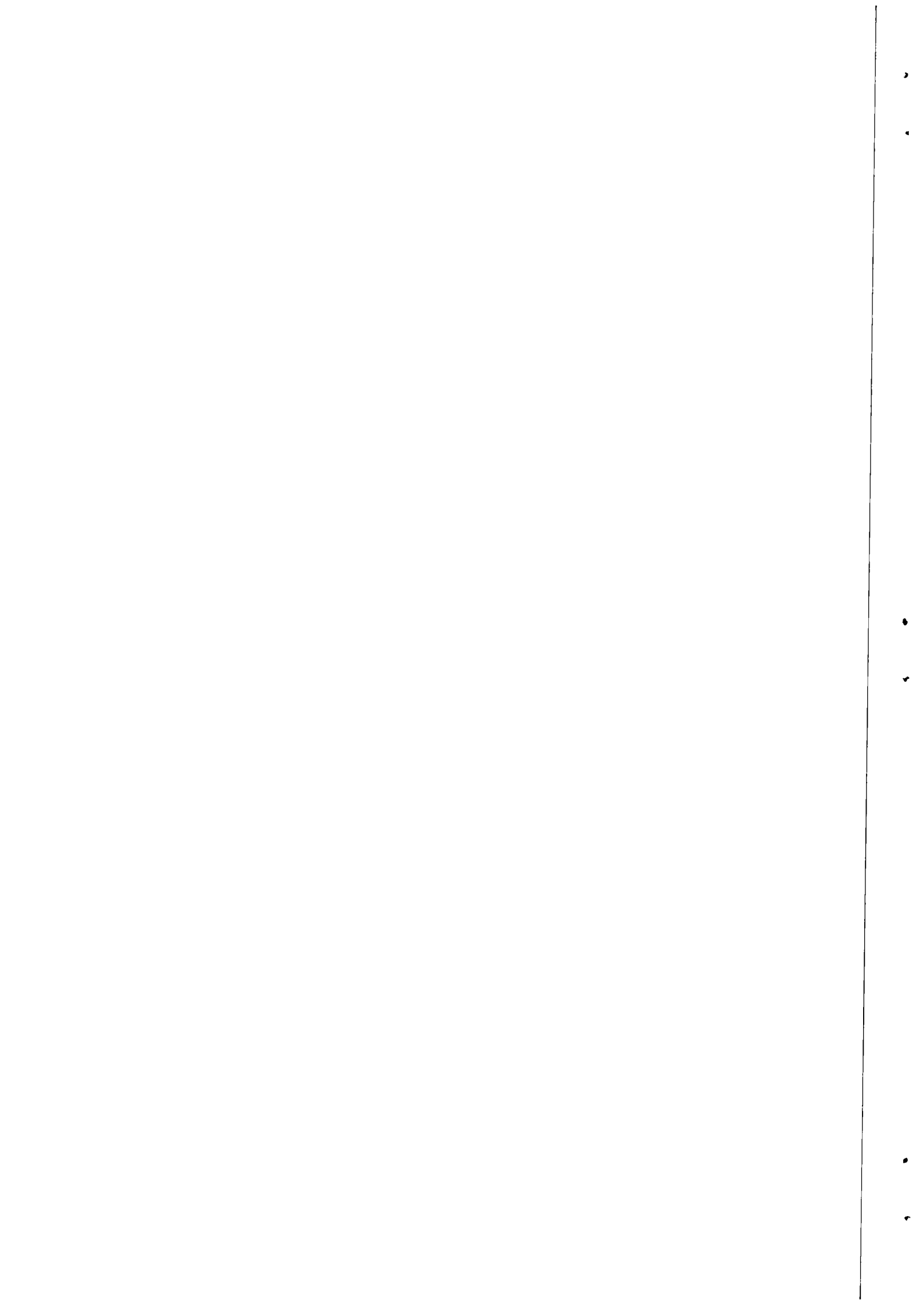


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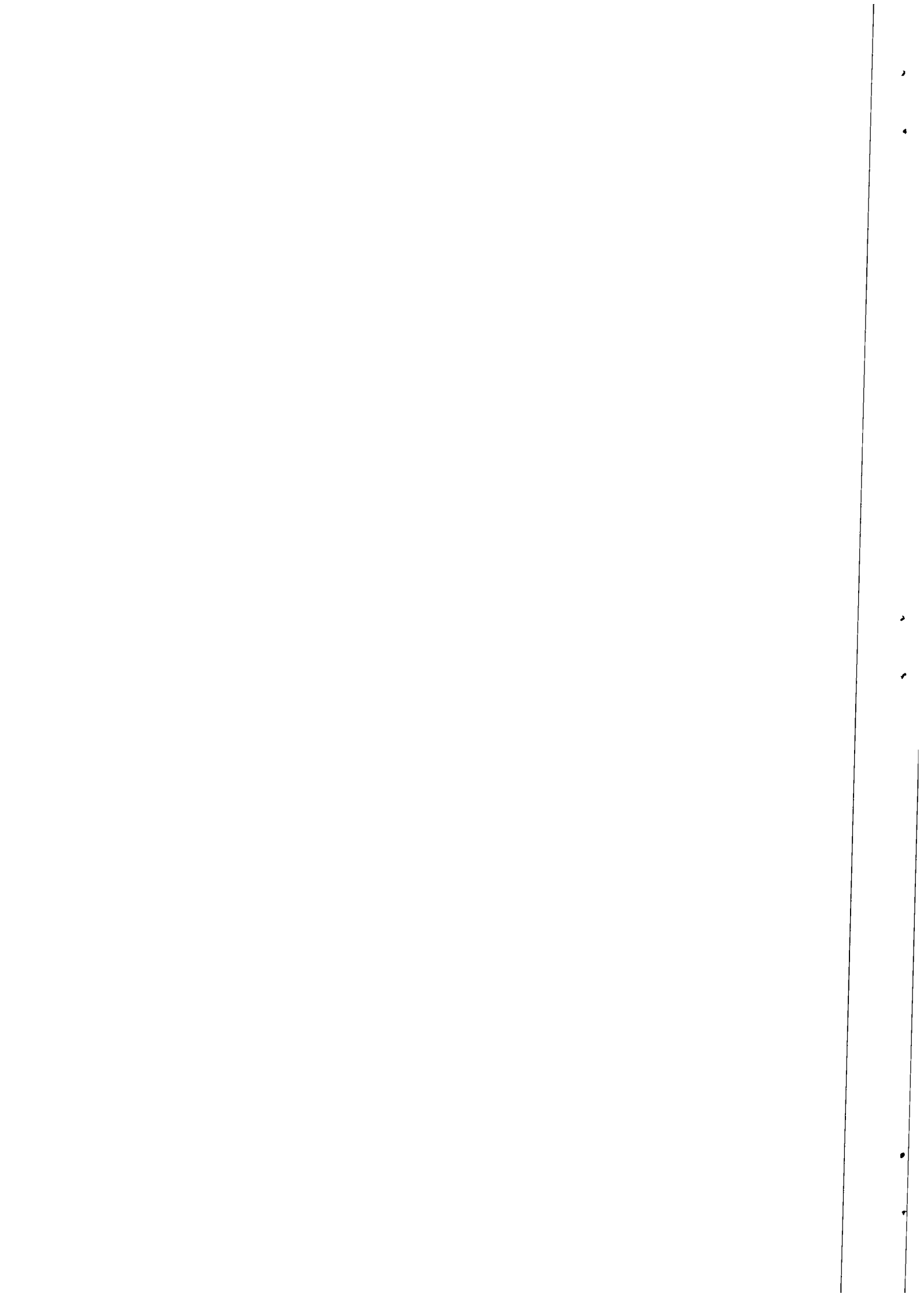
## **LIST OF ABBREVIATIONS AND ACRONYMS**

ADT	-	Advocates' Disciplinary Tribunal
CLE	-	Council of Legal Education
KPA	-	Kenya Ports Authority
CV	-	Curriculum Vitae
DCI	-	Directorate of Criminal Investigation
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
KRA	-	Kenya Revenue Authority
RPP	-	Registrar of Political Parties
USD	-	United States Dollar



## **LIST OF ANNEXURES**

- Annexure 1:** Minutes of Committee sittings on the vetting process
- Annexure 2:** Letter from the Office of the President conveying the name of the nominee to the National Assembly for approval for appointment
- Annexure 3:** Newspaper advertisement inviting the public to submit memoranda on the suitability of the nominee for appointment
- Annexure 4:** Newspaper advertisement notifying the public of the venue, date and time of approval hearings
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- Annexure 6:** Nominee's Certificate of Good Conduct from the Directorate of Criminal Investigations
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## **CHAIRPERSON'S FOREWORD**

In exercise of powers conferred by Section 9(1) of the Office of the Attorney-General Act, 2012 and pursuant to the provisions of Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya forwarded to the Clerk of the National Assembly, a notification of nomination containing the name and Curriculum Vitae of Mr. Kennedy Nyabuti Ogeto as a nominee for appointment to the position of Solicitor-General.

Pursuant to provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker on 22<sup>nd</sup> February, 2018 conveyed to the House the message from His Excellency the President to the House effectively committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

Section 8 of the Public Appointments (Parliamentary Approval) Act gives a timeline of fourteen (14) days within which a committee must conclude vetting and report to the House. The fourteen (14) days include seven (7) days of receiving memoranda from the public on the suitability of the nominees for appointment.

The Committee was supposed to table its report in the House on or before 8<sup>th</sup> March, 2018. However, the House altered its calendar for the session as adopted on 14<sup>th</sup> February, 2018 to proceed on a short recess from Friday, 2<sup>nd</sup> March, 2018 and resume on 14<sup>th</sup> March, 2018. In view of the Committee's predicament, the House extended the timeline for the for vetting and submission of a report by a further period of ten (10) days from 7<sup>th</sup> March, 2018 in order to comply with the law.

The Committee held a total of two (2) sittings on the vetting process. The nominee appeared before the Committee for vetting on 2<sup>nd</sup> March, 2018 at 10.45 a.m. and at 4.00 p.m. of the same day the Committee held its second sitting where it considered and unanimously adopted its report on the vetting.

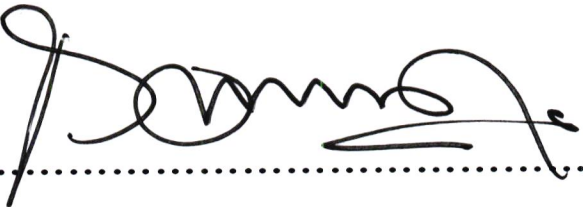
May I take this opportunity to express gratitude to the Honourable Members of the Committee for their resilience and devotion to duty which made the vetting exercise successful. May I also take this opportunity to express gratitude to the Committee's secretariat for its exemplary performance in provision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





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

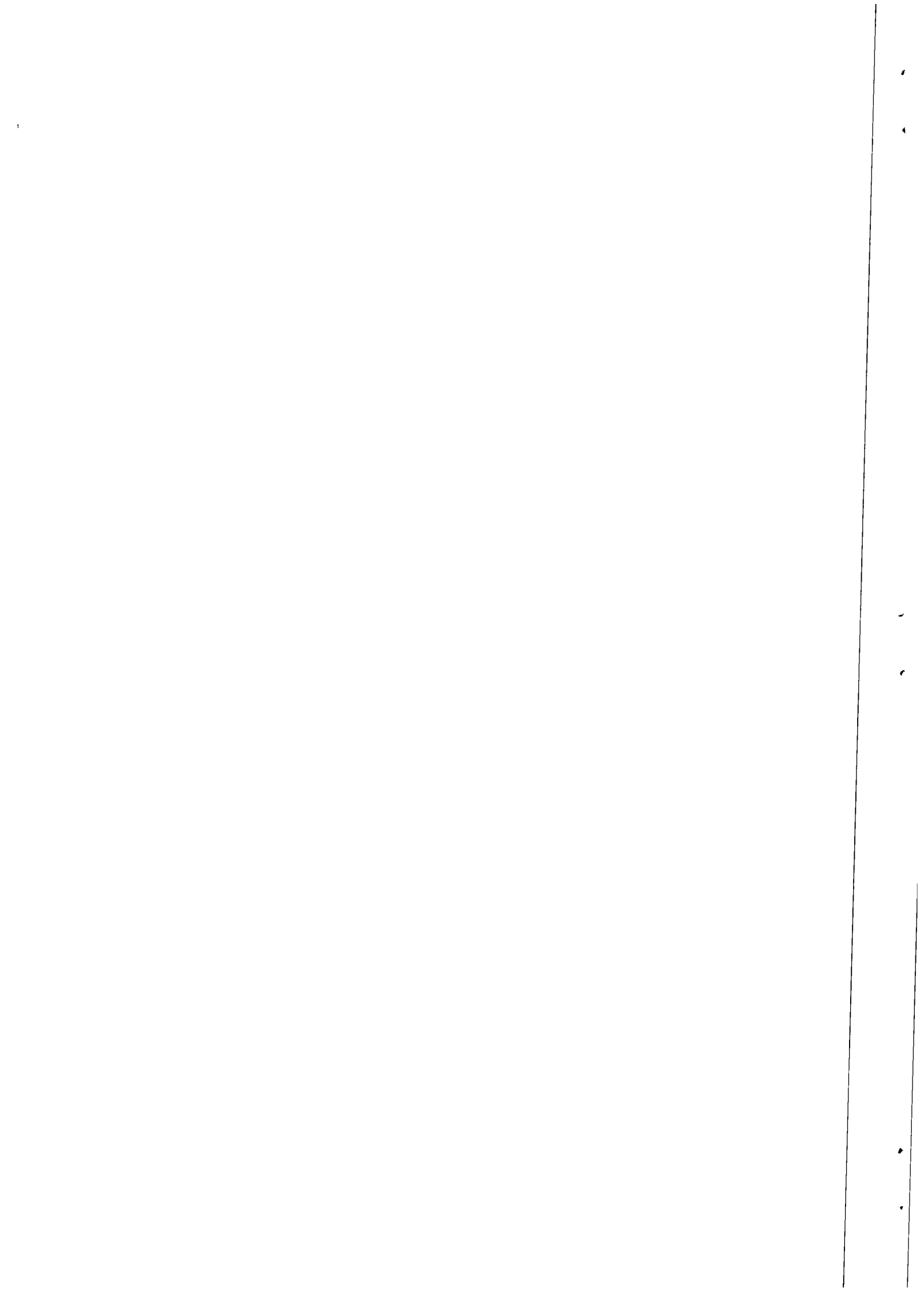
On behalf of the Committee and pursuant to the provisions of Article 124(4) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and provisions of Standing Orders 45(4) and 199(6) of the National Assembly Standing Orders, it's my pleasant privilege to present to the House the Committee's report on the approval hearing of Mr. Kennedy Nyabuti Ogeto.

Signed.....

**HON. WILLIAM CHEPTUMO, M.P.**

**Chairperson, Departmental Committee on Justice and Legal Affairs**

Date.....02.03.018



## EXECUTIVE SUMMARY

In exercise of powers conferred by Section 9(1) of the Office of the Attorney-General Act, 2012 and pursuant to the provisions of Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya forwarded to the Clerk of the National Assembly, a notification of appointment containing the name and Curriculum Vitae of Mr. Kennedy Nyabuti Ogeto as a nominee for appointment to the position of Solicitor-General.

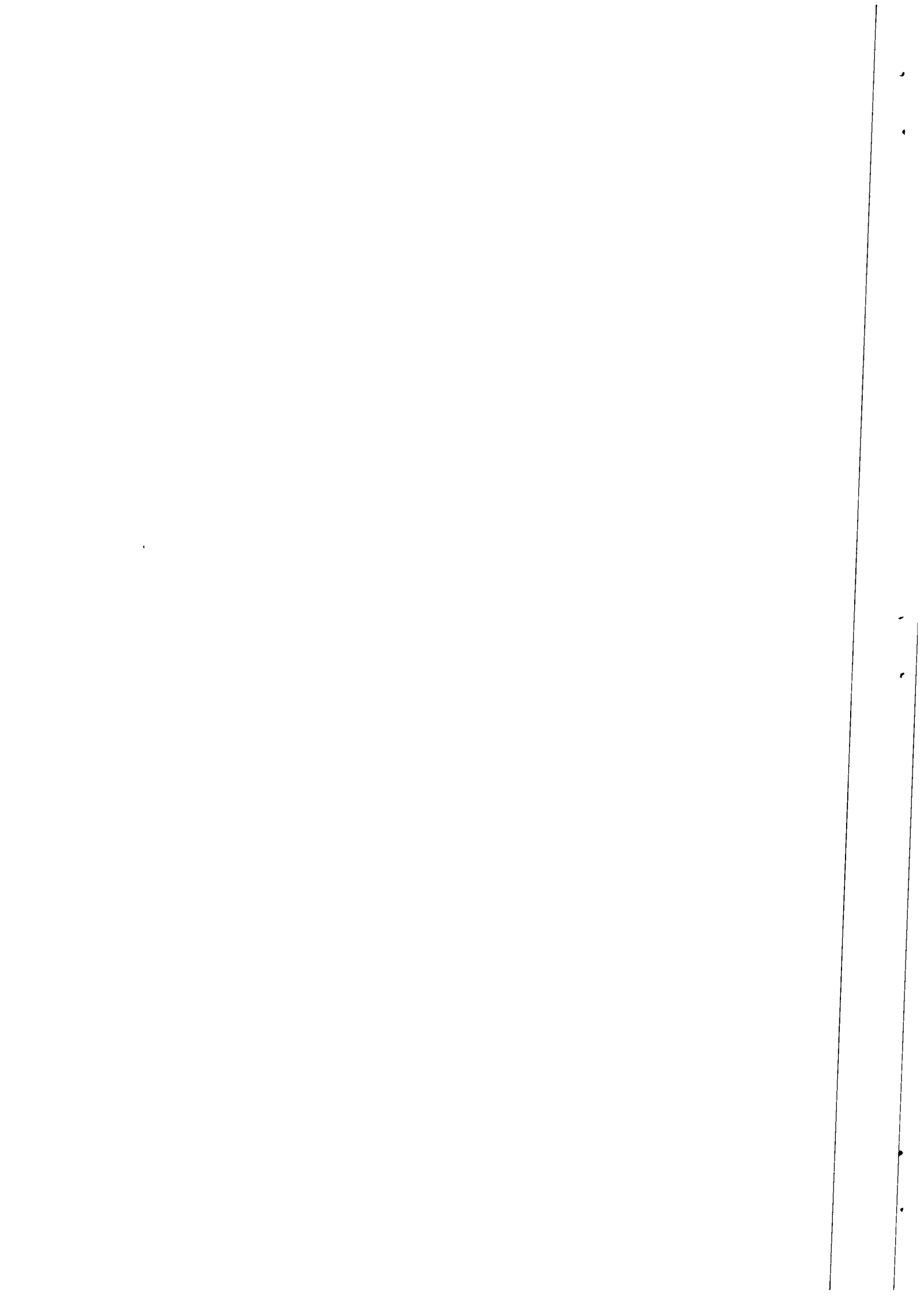
Pursuant to provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker on 22<sup>nd</sup> February, 2018 conveyed to the House the message from His Excellency the President to the House effectively committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

The Committee held a total of two (2) sittings on the vetting process. The nominee appeared before the Committee for vetting on 2<sup>nd</sup> March, 2018 at 10.45 a.m. and at 4.00 p.m. of the same day the Committee held its second sitting where it considered and unanimously adopted its report on the vetting.

As per the provisions of the Public Appointments (Parliamentary Approval) Act, among the issues that the Committee considered in determining if the nominee was suitable to hold office were the procedure used to arrive at his name, constitutional or statutory requirements relating to the position in question and whether the nominee's ability, experience and qualities meet the needs of the position to which the nomination was made.

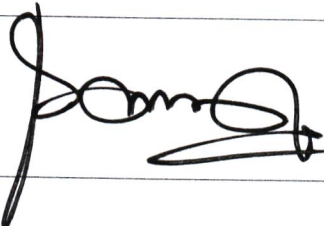
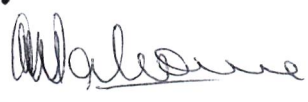

The public was invited through newspaper advertisements to submit memoranda on the suitability of the nominee to hold office. There were no memoranda received contesting the nominee's nomination and suitability to hold office by the deadline of 1<sup>st</sup> March, 2018, 5.00 p.m.

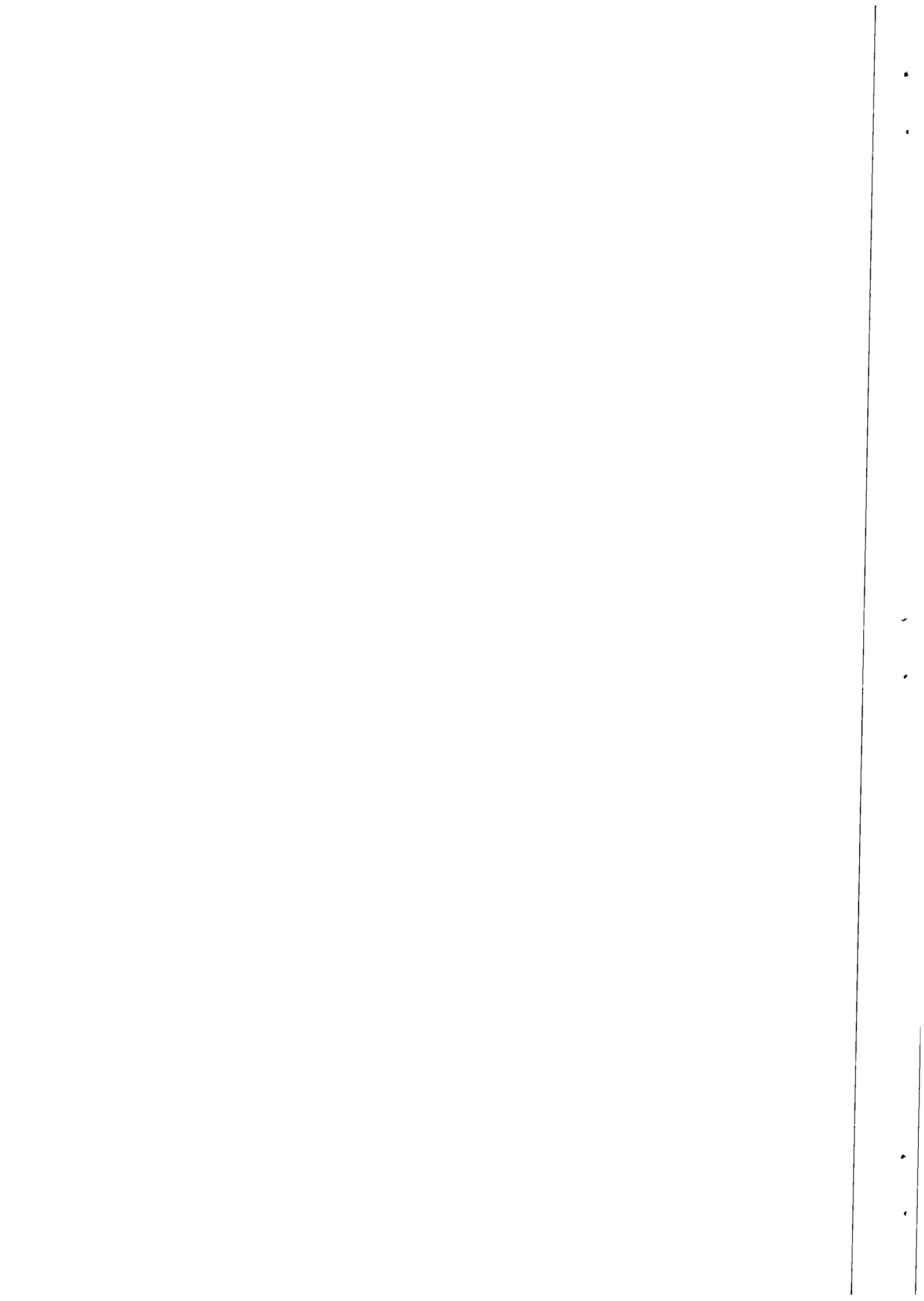
Upon hearing the nominee and examining his CV, certificates and testimonials, the Committee was convinced that the nominee qualifies to be appointed as Solicitor-General and recommends that the House approves his appointment by His Excellency the President of the Republic of Kenya.

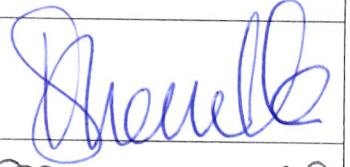


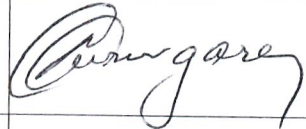
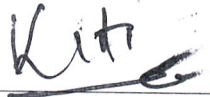
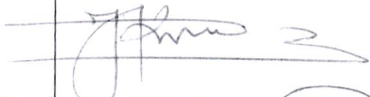
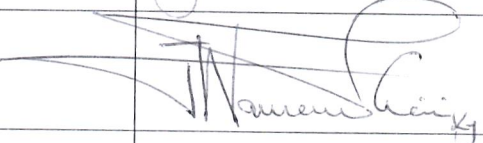



**ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE VETTING OF MR. KENNEDY NYABUTI OGETO AS THE NOMINEE FOR APPOINTMENT TO THE POSITION OF SOLICITOR-GENERAL**

We the Honourable Members of the Departmental Committee on Justice and Legal Affairs today the 2<sup>nd</sup> of March, 2018 do hereby affix our signatures to this report on the vetting of Mr. Kennedy Nyabuti Ogeto as the nominee for appointment as Solicitor-General to affirm our approval, support, accuracy, credibility and authenticity.

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



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

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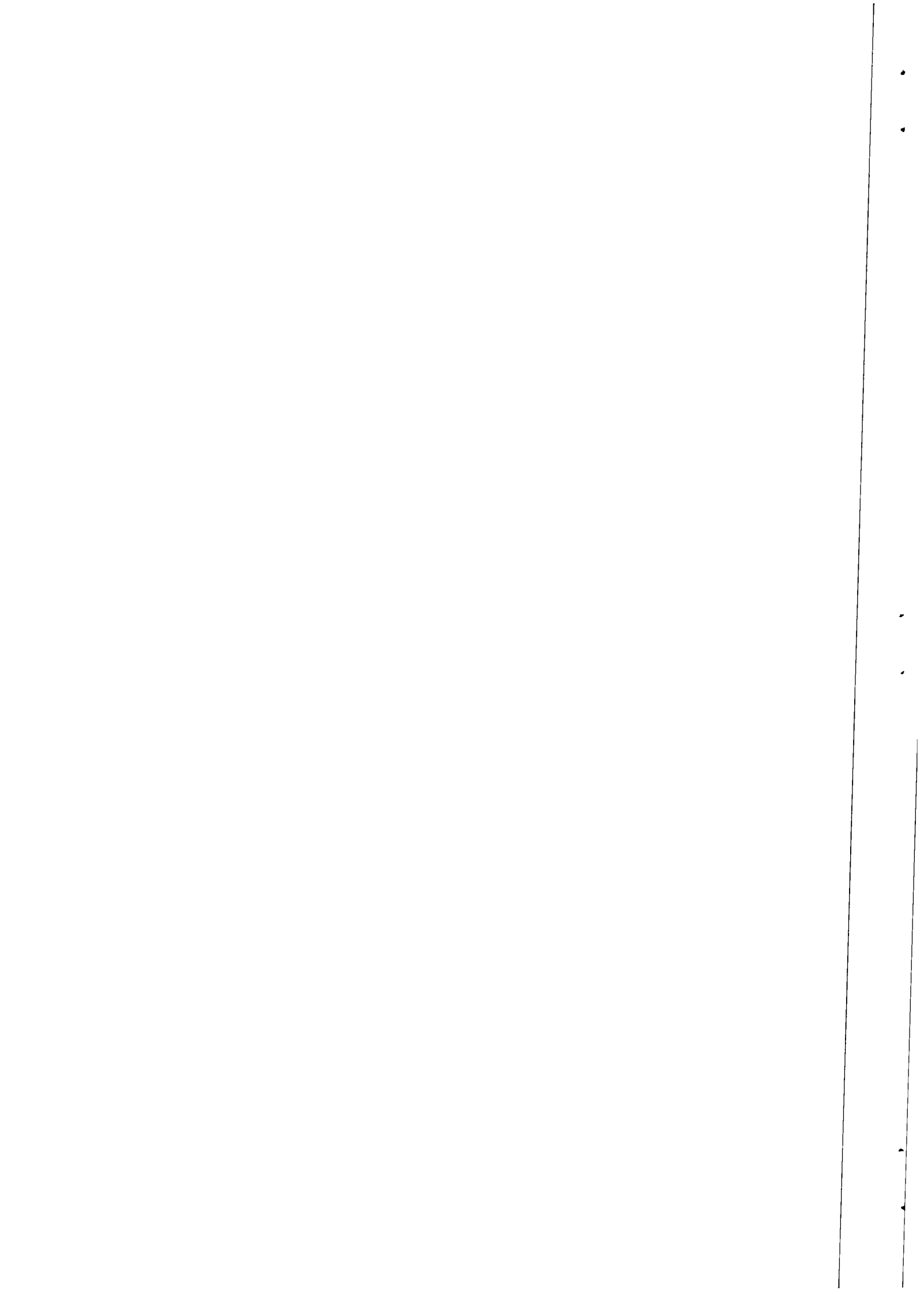
## **PART 1**

### **1. PREFACE**

#### **1.1. Mandate of the Committee**

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

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



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

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

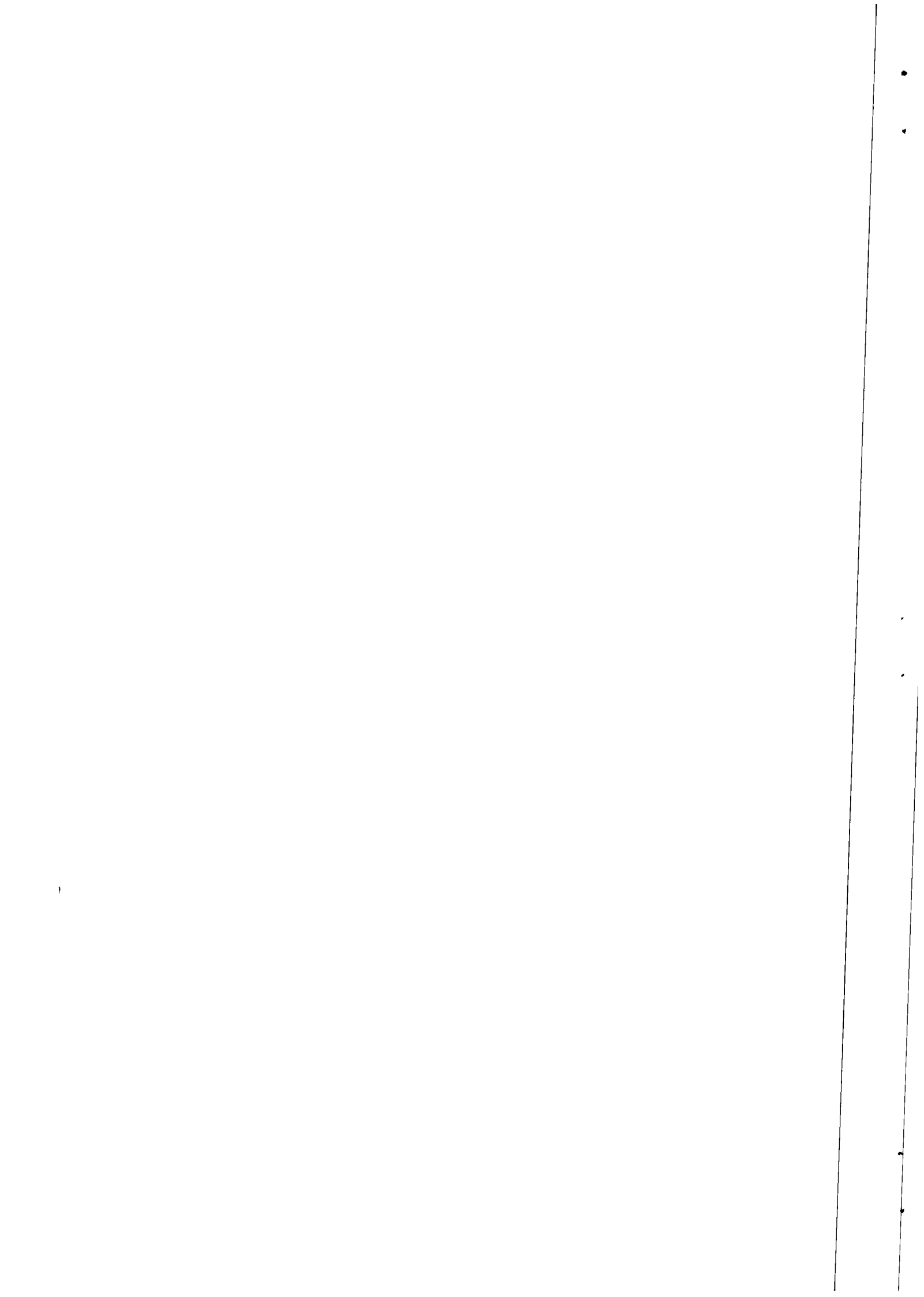
### **1.2. Committee Membership**

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

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

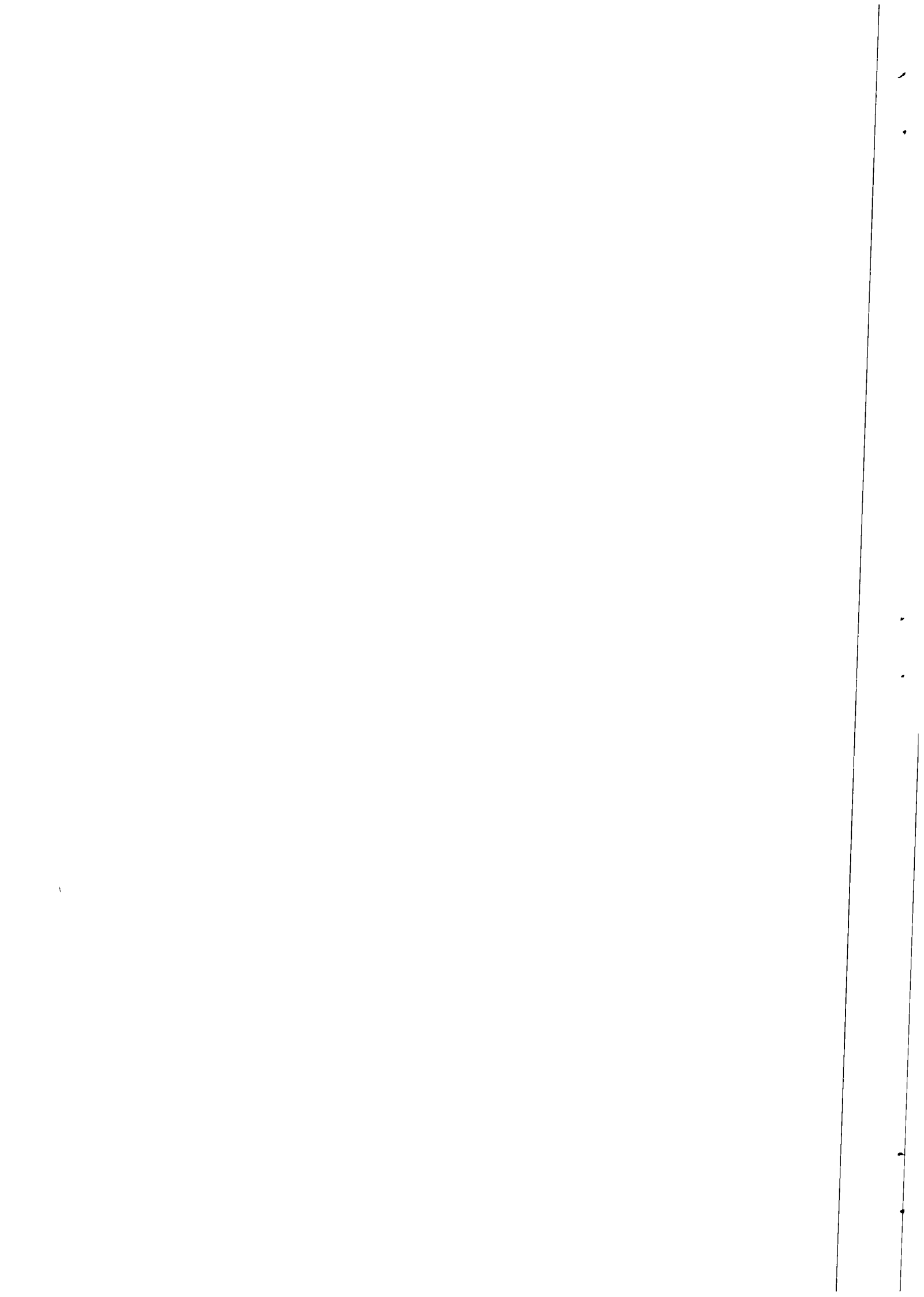
### **1.3. Committee Secretariat**

Mr. George Gazemba	-	Senior Clerk Assistant and Head of Secretariat
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III



Mr. Omar Abdirahim	-	Fiscal Analyst III
Mr. James Macharia	-	Media Liaison Officer
Ms. Roselyne Ndegi	-	Serjeant-at-Arms
Mr. Richard Sang'	-	Serjeant-at-Arms
Mr. Ian Otieno	-	Audio Officer

The Minutes of sittings of the Committee in respect of the approval process are attached to this report annexure 1.



## PART 2

### **2. INTRODUCTION AND BACKGROUND**

#### **2.1. The position of Solicitor-General**

The Office of the Attorney General's Act, 2012 provides for the position of Solicitor-General in the Office of the Attorney General. Section 9 of the Act provides as follows-

- (1) *there shall be a Solicitor-General who shall be appointed by the President with the approval of the National Assembly.*

#### **2.2. Functions of the Solicitor-General**

Section 9 (4) of the Office of the Attorney-General Act provides that; *the Solicitor General shall assist the Attorney-General in the performance of duties of the Attorney-General.*

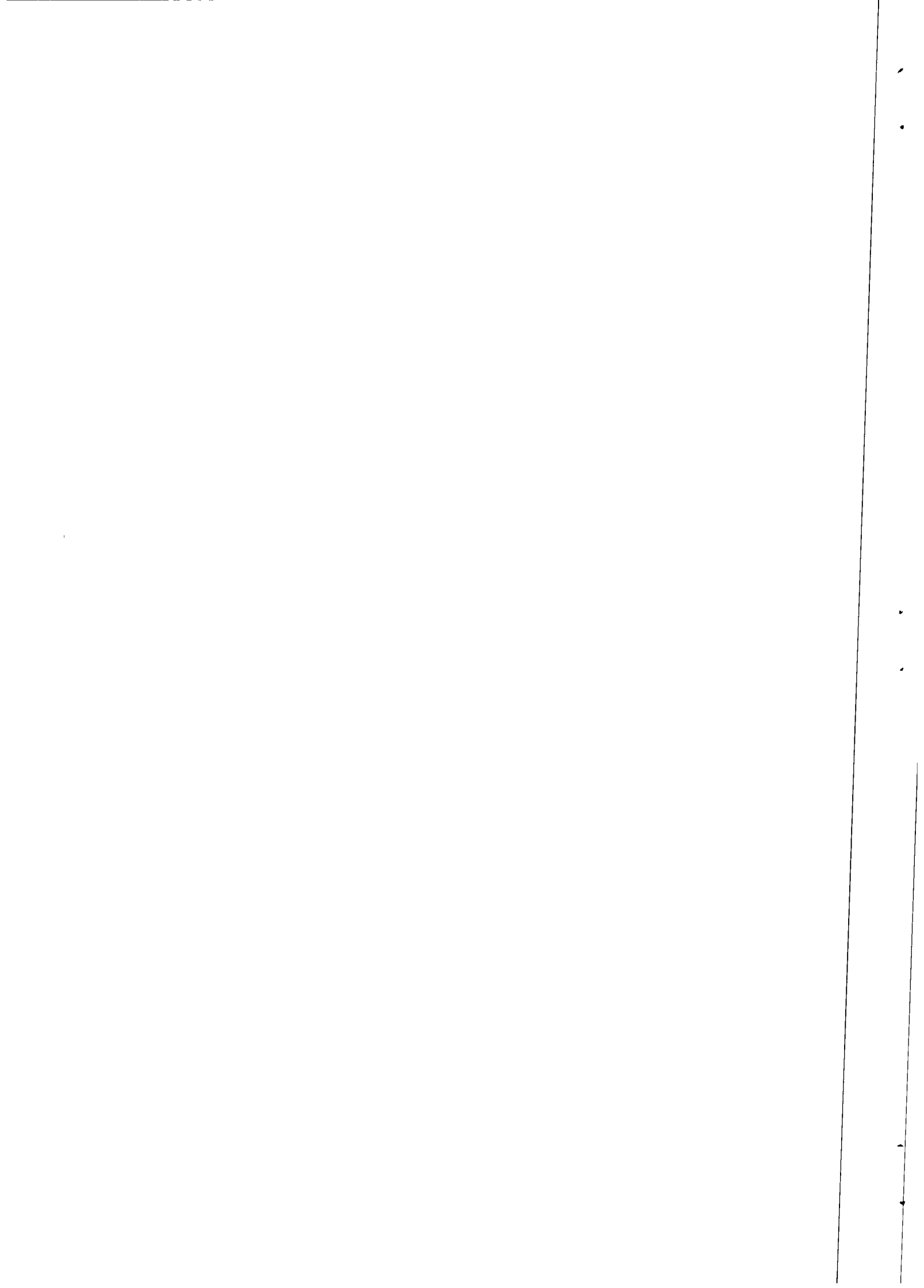
Section 9 (5) of the Act provides as follows-

*The Solicitor-General shall carry out any function, discharge any duty and exercise any power as may be directed by the Attorney General and shall-*

- (a) *organize, co-ordinate and manage the administrative and legal functions of the Office;*
- (b) *assist the Attorney-General in the performance of his duties as the principal legal advisor to the Government;*
- (c) *conduct, or assign and supervise all court cases, including appeals or petitions on behalf of the Attorney-General; an*
- (d) *subject to Article 234 of the Constitution, be responsible for the discipline of State Counsel and other members of staff of the office*

Section 9 (6) of the Act further states as follows-

*In the performance of the functions and the exercise of the powers of the Solicitor-General, the Solicitor-General shall be responsible for:-*





- (a) *organizing and coordinating the administrative legal functions of the Office;*
- (b) *formulating and ensuring implementation of development strategies for Government Legal Services;*
- (c) *undertaking duties of alternate Chairperson of the Disciplinary Tribunal;*
- (d) *performing duties of alternate Chairperson of the College of Arms;*
- (e) *performing duties as a member of the Council of Legal Education;*
- (f) *coordinating the attachment of candidates for pupillage in the office; and*
- (g) *performing such other duties as may be conferred by law or otherwise assigned to the Solicitor-General by the Attorney-General*

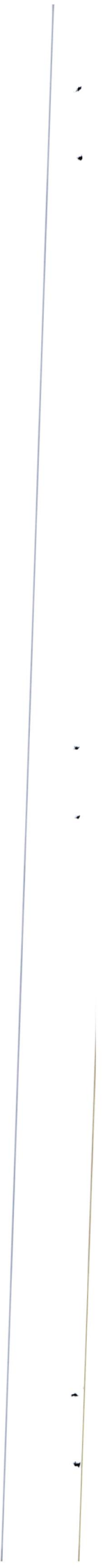
### **2.3. Notification of nomination to the House**

Following the occurrence of vacancy in the position of Solicitor-General, Office of the Attorney-General and in exercise of powers conferred to him by Section 9(1) of the Office of the Attorney-General Act, 2012 and pursuant to the provisions of Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya vide a letter dated 21<sup>st</sup> February 2018 as per annexure 2 forwarded to the Speaker of the National Assembly a notification of appointment containing the name of Mr. Kennedy Nyabuti Ogeto as the nominee for approval for appointment to the position of Solicitor-General.

The Committee noted that Mr. Ogeto had been nominated to replace Mr. Njee Muturi who had since been appointed as Deputy Chief of Staff in the Office of the President.

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#### **2.4. Committal of the nominee to the Departmental Committee on Justice and Legal Affairs for vetting**

Pursuant to the provisions of Standing Order 42(1) and 42(3) of the National Assembly Standing Orders, the Honourable Speaker on 22<sup>nd</sup> February, 2018 conveyed to the House the message from His Excellency the President of the Republic of Kenya effectively committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

#### **2.5. Public participation in the vetting process**

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

*‘Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees’*

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

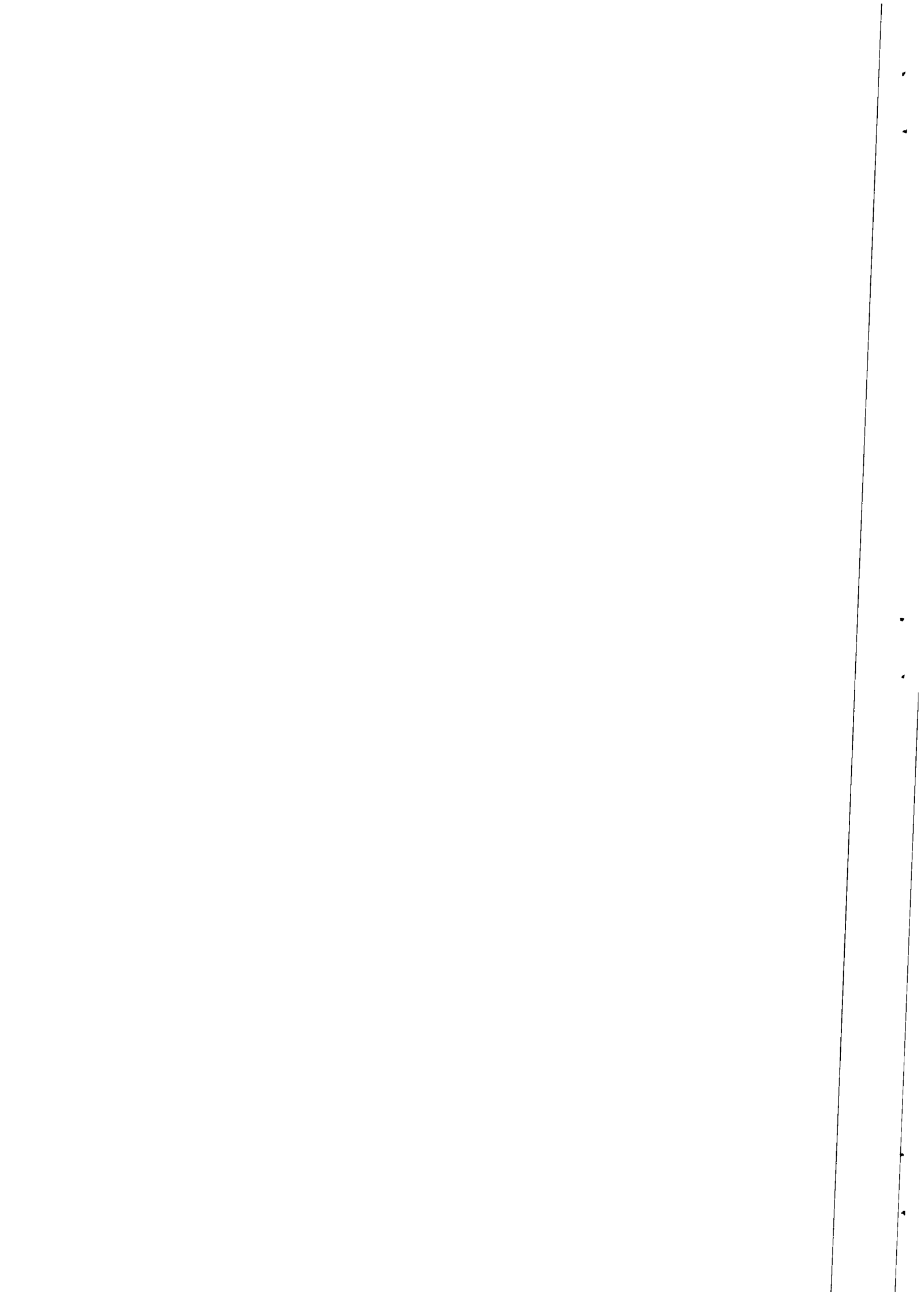
*‘Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of candidate to hold the office to which a candidate has been nominated’*

On Friday, 23<sup>rd</sup> February, 2018, the Clerk of the National Assembly through advertisement in the local daily newspapers of *Daily Nation*, *The Star* and *The Standard* attached as annexure 3 invited the public to submit memoranda by way of written statements on oath on the suitability of the nominee to hold the position he had been nominated for. There was no memoranda received contesting the nominee’s nomination and suitability for appointment.

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

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

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



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

In line with Article 118(1) (b) of the Constitution of Kenya, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, of 2011 and Standing Order 45(3) of the National Standing Orders, the Committee in the local daily newspapers of *Daily Nation*, *The Star* and *The Standard* of Friday, 23<sup>rd</sup> February, 2018 notified the public of the date, time and venue of approval hearings as per annexure 4.

## **2.6. Notification of approval hearings to the nominees**

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

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

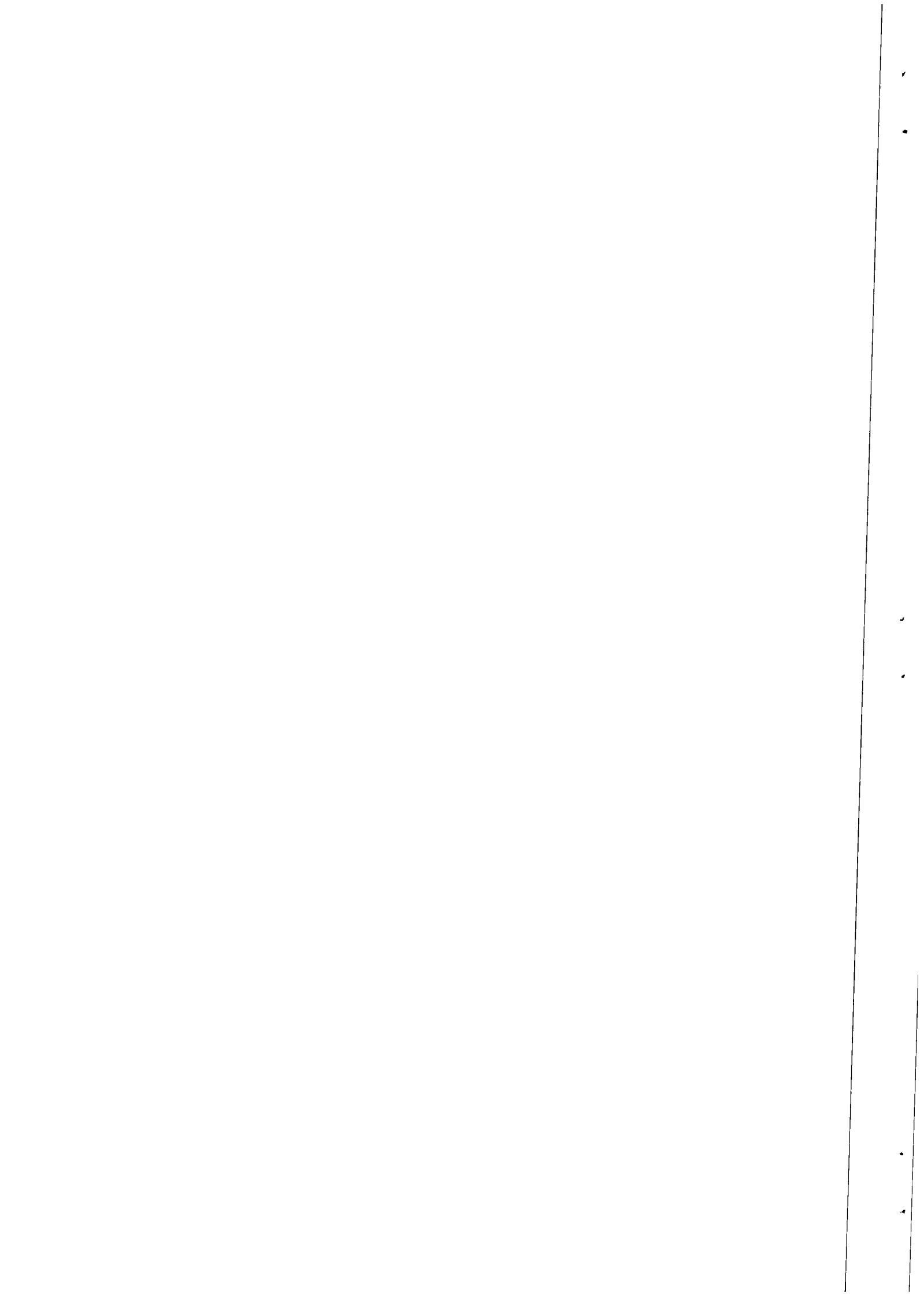
The National Assembly Standing Order 45(3) states as follows:-

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

Pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, and the National Assembly Standing Order 45(3), the Committee by way of letter invited the nominee for approval hearing on Friday, 2<sup>nd</sup> March, 2018, at the specified time in the Boardroom on 4<sup>th</sup> Floor, Continental House, Parliament Buildings. Owing to unavoidable circumstances, the venue was changed to Committee Room, 7 in the Main Parliament Building where the approval hearing took place.

## **2.7. Clearance requirements**

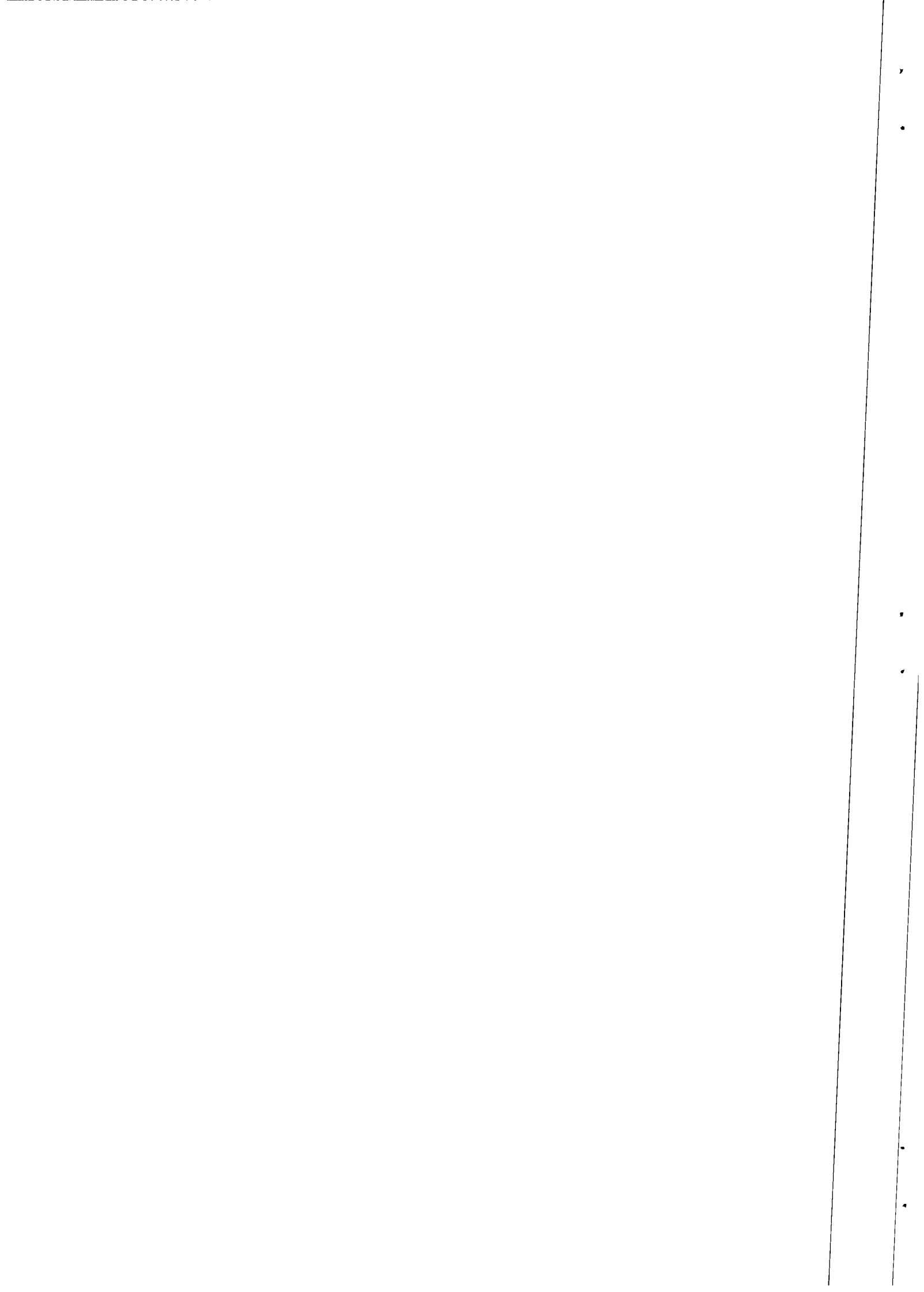
By letters dated 22<sup>nd</sup> February 2018, the Clerk of the National Assembly requested for information regarding the nominee from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigation (DCI); the Higher Education Loans Board (HELB) and the Registrar of Political



Parties (RPP). The information requested sought to establish the status of the nominee on the following issues-

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

The EACC, KRA, HELB and RPP informed the National Assembly that they did not have any outstanding issues with the nominee as per their letters in annexure 5 The nominee provided a Certificate of Good Conduct issued by the DCI as per annexure 6.





## PART 3

### **3. ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARING**

The Committee observed that the issues for consideration are provided for under Section 7 of the Public Appointments (Parliamentary Approval) Act, 201 which provides as follows-

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

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

#### **3.1. Procedure used to arrive at the nominee**

The procedure for appointment of the Solicitor-General is provided for by the Office of the Attorney-General Act, 2012 Section 9(1) and (2) of which states as follows:-

*9 (1) There shall be a Solicitor-General who shall be appointed by the President with the approval of the National Assembly;*

*(2) The President shall nominate a person for appointment as a Solicitor-General from among persons recommended by the Public Service Commission*

The Committee observed that the nominee's name was forwarded to the House by His Excellency the President as per annexure 2.

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

##### **(i) Qualifications for appointment as Solicitor-General**

Section 9(3) of the Office of the Attorney-General Act provides-

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(3) *a person shall be qualified for appointment to the Office of the Solicitor General if the person –*

- (a) *is qualified to hold the office of Judge of a superior court under the Constitution; and*
- (b) *meets the requirements of Chapter Six of the Constitution*

Article 162 (1) of the Constitution defines superior courts as the Supreme Court, the Court of Appeal, the High Court, the Employment & Labour Relations Courts and the Environment & Land Courts.

Article 166(2) provides for the qualifications for appointment as a superior court Judge and states as follows:-

*Each judge of a superior court shall be appointed from among persons who-*

- (a) *hold a law degree from a recognized university or are advocates of the High Court of Kenya, or possess an equivalent qualification in common law jurisdiction;*
- (b) *possess the experience required under clause (3) to (6) as applicable, irrespective of whether that experience was gained in Kenya or in another Commonwealth common-law jurisdiction; and*
- (c) *have a high moral character, integrity and impartiality.*

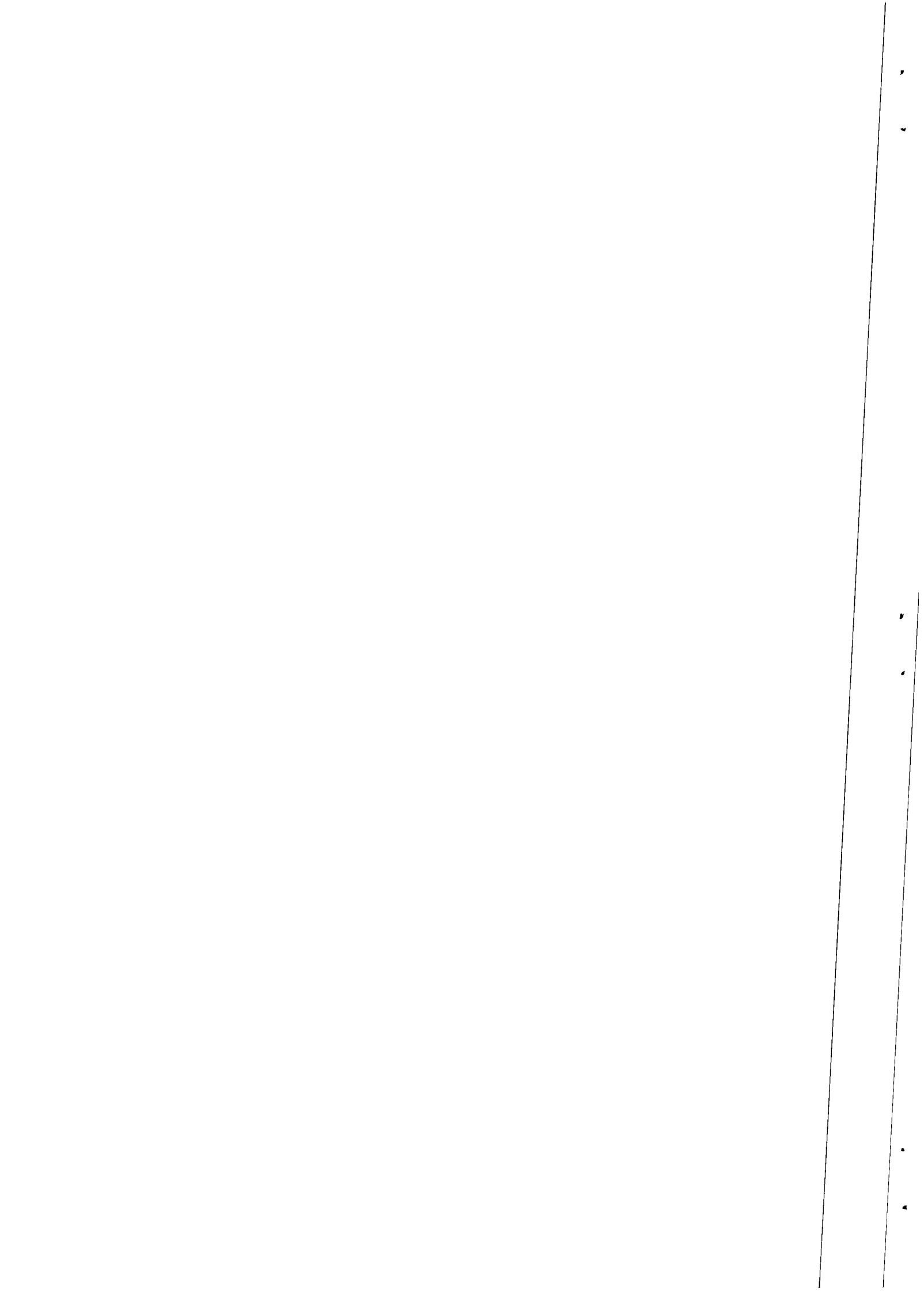
Article 166 (3), (4) and (5) provide for the experience that a judge of a superior court must possess:-

### **1. Chief Justice and Judges of the Supreme Court**

- (a) *at least fifteen years' experience as a superior court judge;*
- (b) *at least fifteen years' experience as distinguished academic, judicial officer, legal practitioner or relevant experience in other legal field; and*
- (c) *held the qualifications specified in paragraph (a) and (b) for a period amounting, in the aggregate to fifteen years.*

### **2. Court of Appeal Judges**

- (a) *at least ten years' experience as a superior court judge;*



- (b) *at least ten years' experience as a distinguished academic or legal practitioner or such other experience in other relevant field*
- (c) *held the qualifications specified in paragraph (a) and (b) for a period amounting, in the aggregate to ten years.*

## **2. High Court Judges**

- (a) *At least ten years' experience as a superior court judge or professionally qualified magistrate*
- (b) *at least ten years' experience as a distinguished academic or legal practitioner or such other experience in other relevant field*
- (c) *held the qualifications specified in paragraph (a) and (b) for a period amounting, in the aggregate to ten years.*

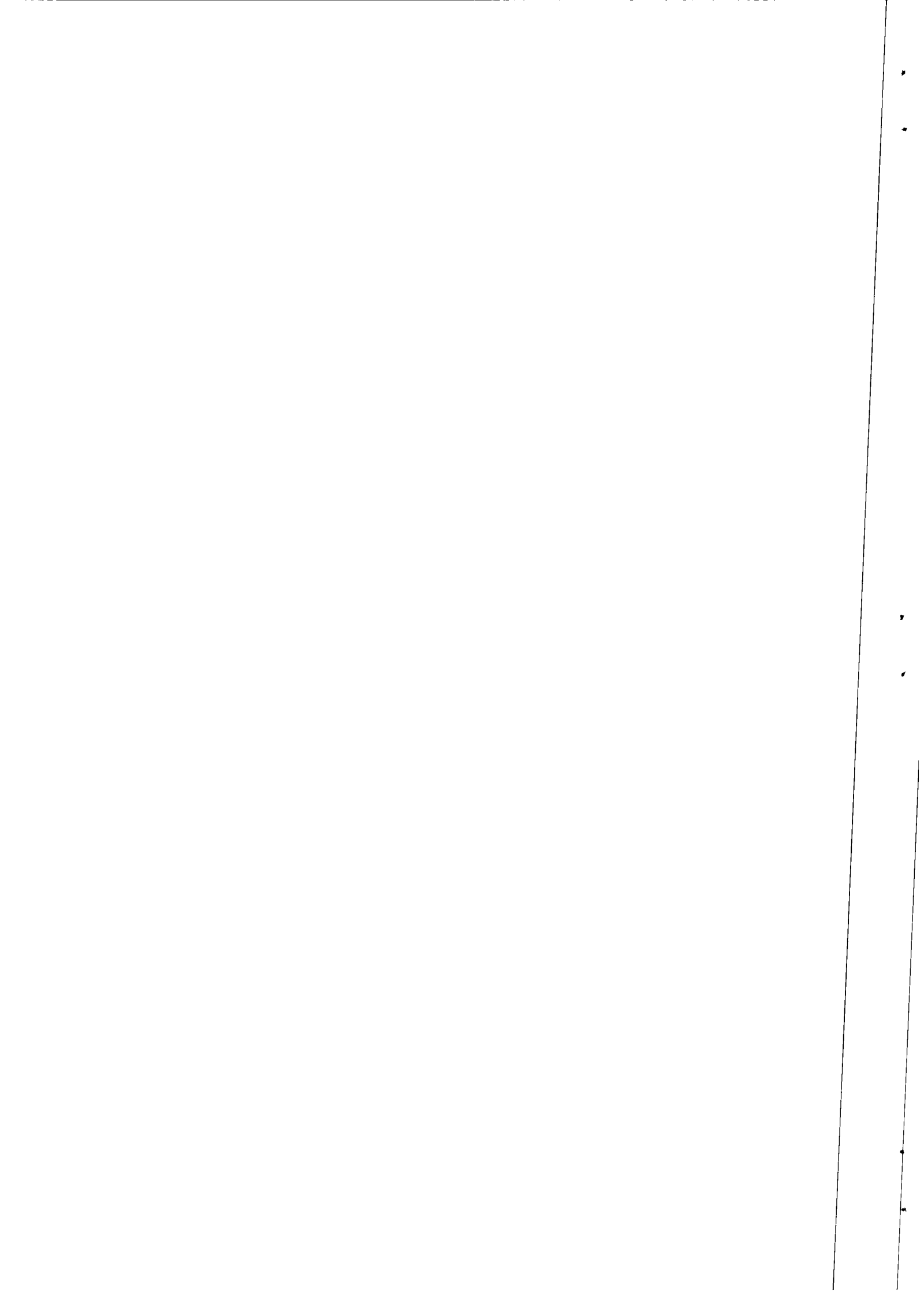
### **(ii) Leadership and Integrity**

While determining the suitability of the nominee for appointment as Solicitor-General, the Committee took into account the provisions of leadership and integrity as provided for by Chapter 6 of the Constitution of Kenya. Most importantly, the Committee took into account the following provisions-

Article 73(2) states as follows-

*The guiding principles of leadership and integrity include:-*

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



(e) *Discipline and commitment in service to the people.*

Article 75(1) provides as follows:-

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

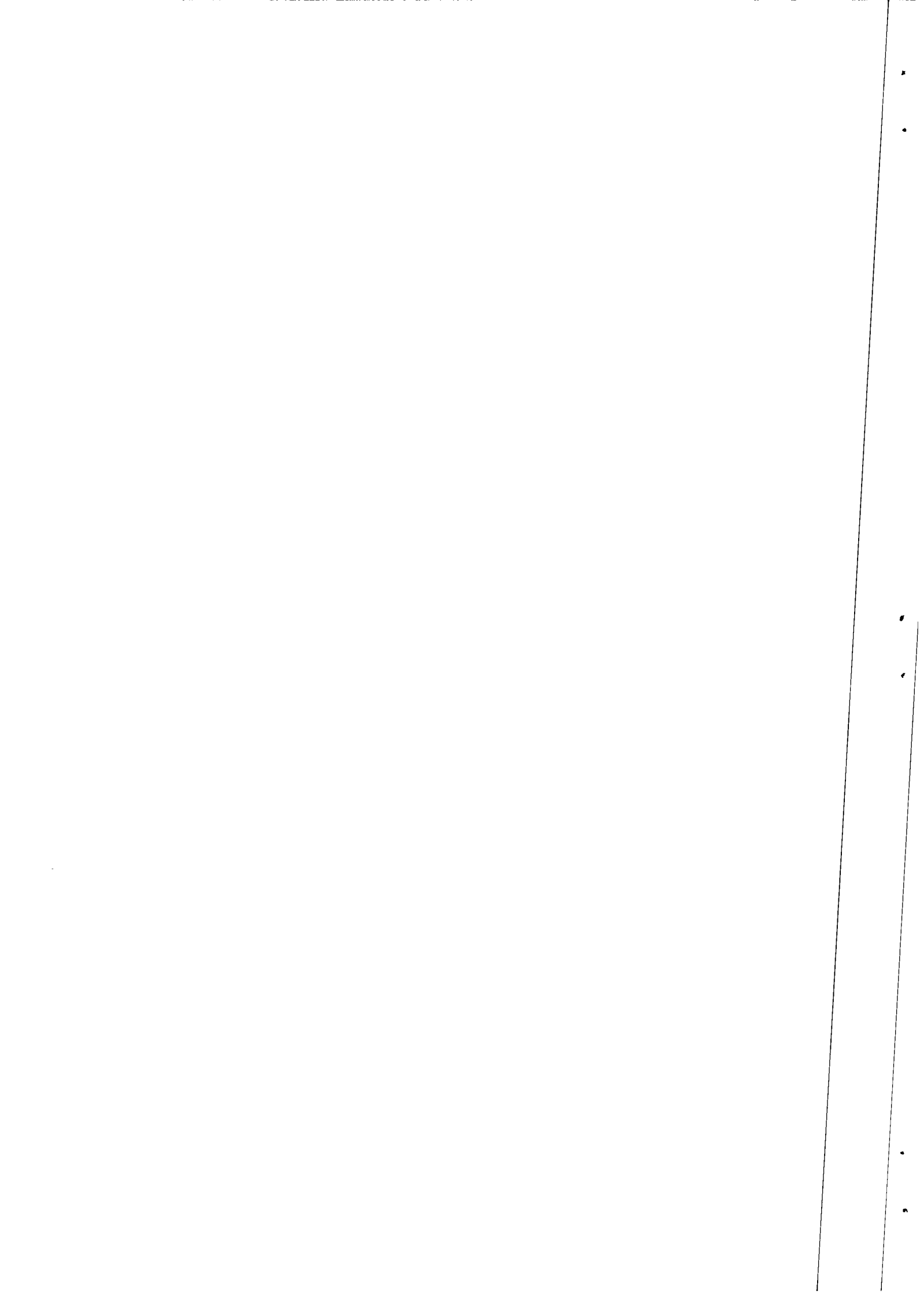
- (a) *Any conflict between personal interests and public official duties;*
- (b) *Compromising any public or official interest in favour of personal interest; or*
- (c) *Demeaning the office the officer holds*

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

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

- (1) *A full time State Officer shall not participate in any other gainful employment;*
- (2) *Any appointed State Officer shall not hold office in a political party;*
- (3) *A retired State Officer who is receiving pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of –*
  - (a) *A company owned or controlled by the state*
  - (b) *A State organ*
- (4) *A State Officer shall not receive remuneration from public funds other than contemplated in clause (3)*

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





The Committee undertook due diligence on the nominee to establish his leadership and integrity record. This included obtaining information from relevant government agencies namely: EACC, KRA, HELB, RPP and DCI. The agencies did not have issues with the nominee.

Based on the nominee's submissions before the Committee and the information received from the five (5) government agencies, the Committee was satisfied that the nominee had met the leadership and integrity requirements as set out in Chapter Six (6) of the Constitution. Letters by all relevant government agencies and institutions attesting to his integrity are attached to this report as annexure 5 and 6.

### **3.3. The suitability of the nominee for appointment proposed with due regard as to whether his abilities, experience and qualities meet the needs of the body to which the nomination is made**

The Committee was of the considered opinion that a nominee's suitability for the position should be evaluated in all relevant areas most importantly, academic credentials, professional training, and work experience and how he responded to questions and issues during the approval hearing.

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

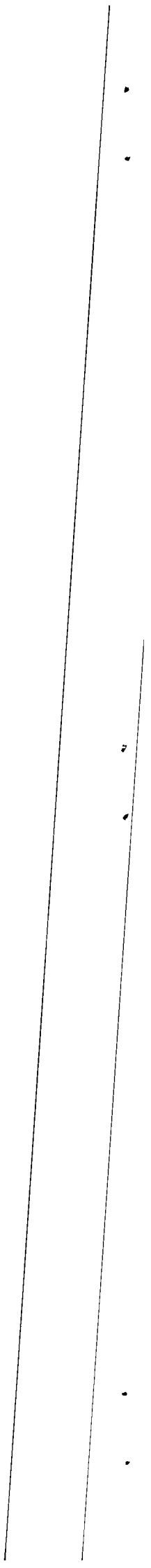
### **3.4. Memoranda from the public concerning the nominee**

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

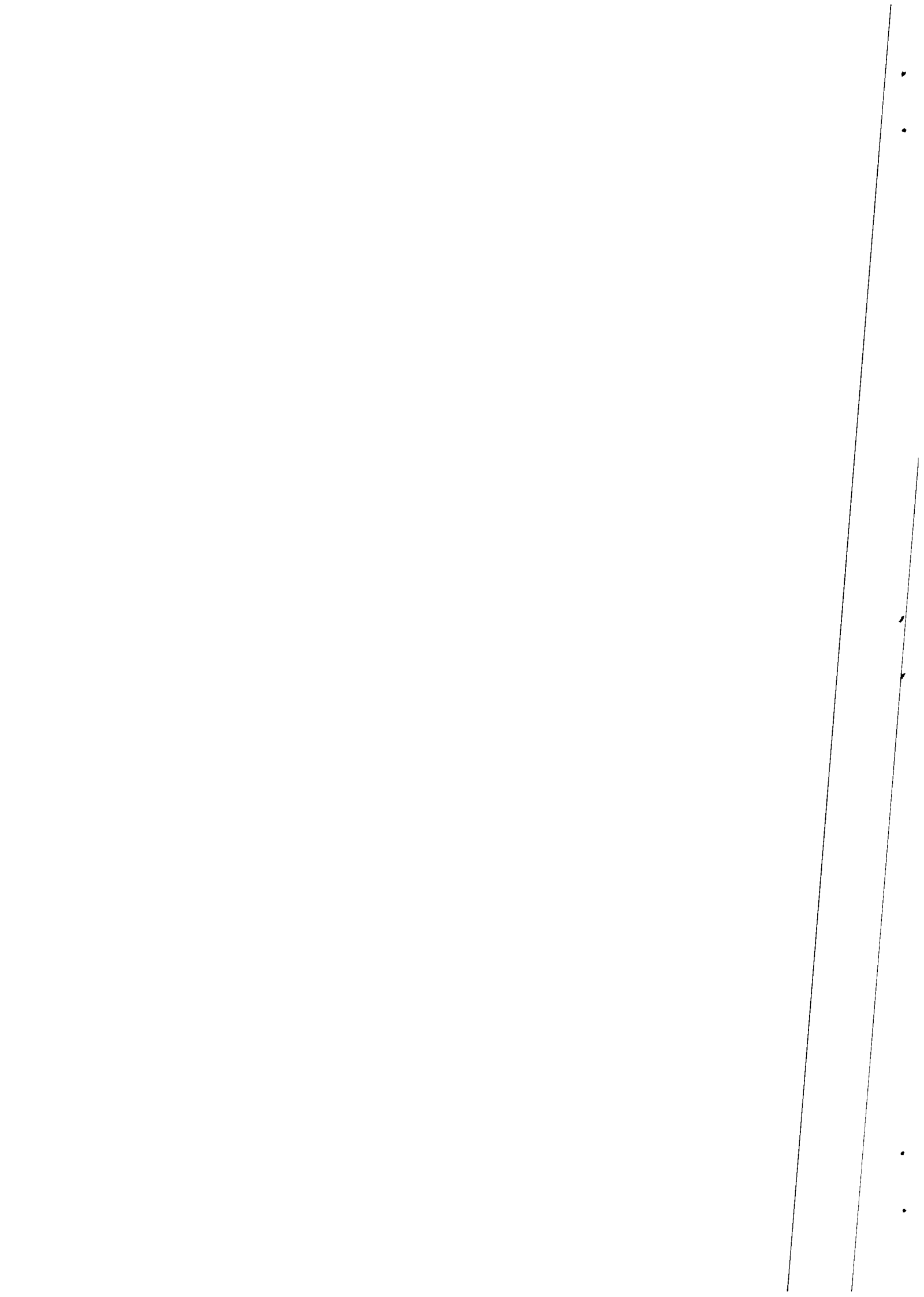
*‘Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of candidate to hold the office to which a candidate has been nominated’*

On 23<sup>rd</sup> February, 2018, the Clerk of the National Assembly through a newspaper advertisement in the local daily newspapers invited the public to submit memoranda by way of written statements on oath on the suitability of the nominee to hold the position he had been nominated for. The deadline of submitting memoranda was 1<sup>st</sup> March, 2018.

There were no memoranda received contesting the nominee's suitability for appointment. However, the Committee received a



memorandum from one Mr. Wilfred Ngunjiri Nderitu vouching for the nominee's appointment. The memorandum was inadmissible as it was not contesting the suitability of the nominee for appointment as required under Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011.



## PART 4

### **4. APPROVAL HEARING ON THE SUITABILITY OF MR. KENNEDY NYABUTI OGETO FOR APPOINTMENT TO THE POSITION OF SOLICITOR-GENERAL**

The Committee conducted the approval hearing on 2<sup>nd</sup> March, 2018 in Committee Room 7, Main Parliament Building when the nominee appeared and made submissions on his suitability for appointment. While conducting the hearings, the Committee was most importantly guided by provisions of the Public Appointments (Parliamentary Approvals) Act, 2011, which confines examination of nominees to the following areas-

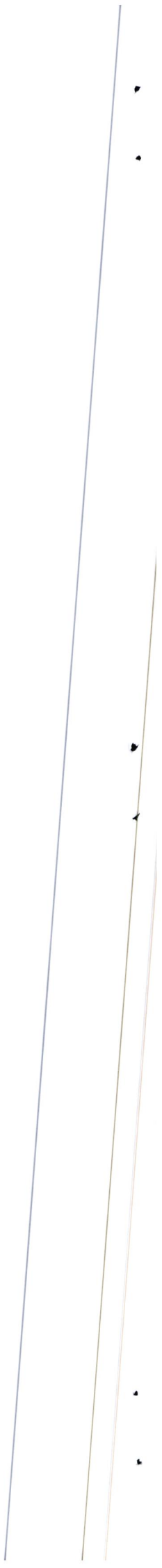
- (i) Academic qualifications;
- (ii) Employment record;
- (iii) Professional affiliations;
- (iv) Potential conflict of interest;
- (v) Knowledge of the relevant subject;
- (vi) Overall suitability for the position;
- (vii) Integrity;
- (viii) Vision and leadership; and
- (ix) Expectations and key priorities.

It should be noted that pursuant to the provisions of Section 6(8) of the Public Appointments (Parliamentary Approvals) Act, 2011, a questionnaire on criteria for vetting/approval of nominees for appointment was sent to the nominee to be filled and returned. The nominee returned the duly completed questionnaire which is attached to this report as per annexure 7.

While compiling this report, reference has been made to the questionnaire in respect of issues that may not have been discussed during the oral hearing.

#### **4.1. APPROVAL HEARING OF THE NOMINEE**

The nominee appeared before the Committee on 2<sup>nd</sup> March, 2018 at 10.45 a.m., took oath and after issuing an opening statement responded to questions and issues raised by the Committee as follows-





**(i) Employment and work experience**

He was born in Nyamira County on 24<sup>th</sup> June, 2064. He attended primary and secondary schools in Nyamira before joining Thika High School in Kiambu County for A level. He joined the University of Nairobi in 1986 for a Bachelors' degree in Law and graduated in 1989 with an Upper Second-Class. He graduated with a Masters' of Laws degree from the same University in 2002.

He had practised law for the last twenty-seven (27) years since admission to the Bar in 1991. As at the time of appearance before the Committee, he was a Managing Partner at the law firm of Ogetto, Otachi and Company Advocates. From 1996 to 2006, he was a Defence Counsel at the United Nations International Criminal Tribunal for Rwanda. In 2007 and 2008, he was a Defence Counsel at the United National Special Court for Sierra Leone. He had also been a Defence Counsel at the International Criminal Court.

He briefly served at the Attorney-General's Chambers (Kenya Law Reform Commission) immediately after admission to the Bar in 1991. He also served as the Chairman Anti-Money Laundering Advisory Board in 2015 and as at the time of vetting, he was a member of the board of directors of the Kenya Ports Authority (KPA) and Ecobank Kenya Ltd.

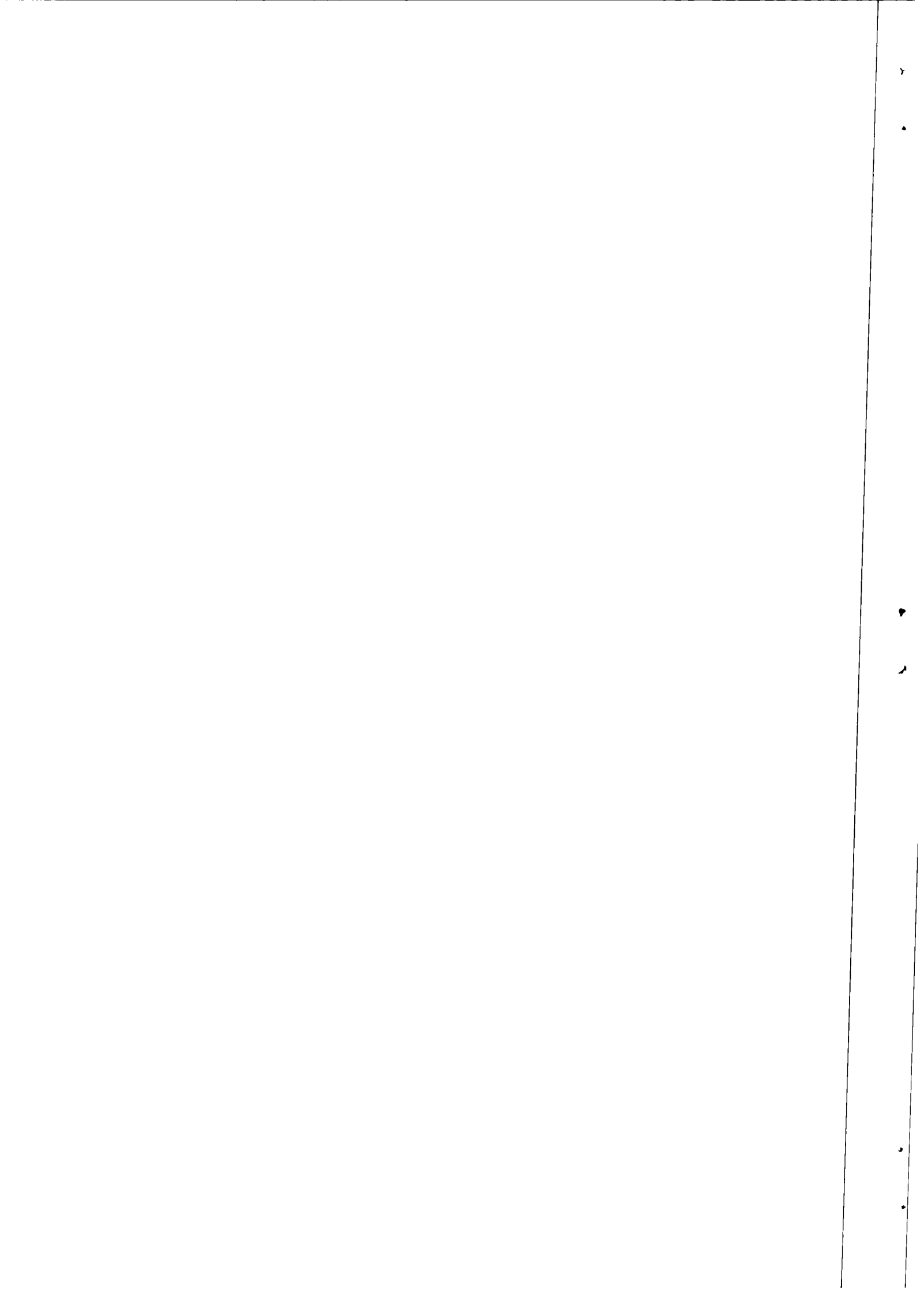
**(ii) Professional Associations' membership**

He was a member of the following professional associations:-

- (a) Law Society of Kenya;
- (b) The East African Law Society;
- (c) The International Criminal Law Network;
- (d) Commonwealth Lawyers Association
- (e) Association of Defence Attorneys at the United Nations
- (f) International Criminal Tribunal for Rwanda;
- (g) International Criminal Bar; and
- (h) Institute of Certified Public Secretaries of Kenya

**(iii) What he would do to enhance service delivery at the Office of the Attorney General**

He submitted that if appointed, he would do the following to enhance service delivery at the Office of the Attorney-General-





- (a) Embrace use of information technology, most importantly to make it possible to register a company within two (2) to three (3) working days;
  - (b) Increase capacity of legal staff to handle the huge volume of work;
  - (c) Improve terms and conditions of service of State Counsels to reduce their high turnover;
  - (d) Attract and retain competent staff especially State Counsels in order to get best results in court cases;
  - (e) Reduce litigation against the Government to save on huge sums of money paid as a result of cases against the Government;
  - (f) Address the issue of pending bills in respect of cases the Government lost;
  - (g) Strengthen relationship with law enforcement agencies;
  - (h) Digitize services and processes; and
  - (i) Put in place systems to address the issue of corruption.
- (iv) **Why he wants to leave the private sector and take up the position of Solicitor-General in the public service which has many challenges**

He stated that having worked in the private sector for many years, time had come for him to also serve in the public service. As an Advocate of the High Court of Kenya, he also experienced challenges in private practice. He was aware of challenges in the Office of the Attorney-General and he was up to the task serving in the position of Solicitor-General because of the following-

- (a) His experiences State Counsel as result of which he understood opportunities and challenges faced on the job;
- (b) His litigation practice and experience as State Counsel had laid ground for him to provide operational leadership;
- (c) His experience as a Board member of reputable institutions like the KPA and Ecobank Kenya Ltd had prepared him for the new job if appointed;
- (d) He had the energy, drive and vision required to transform the Office of the Attorney-General into a more effective and efficient Office.

(v) **On responsiveness to oversight institutions**

He submitted that if appointed, he would inculcate the spirit of co-operation and constructive engagement between the Office of the Attorney-General and oversight institutions such as Parliament, EACC



and Office of the Auditor-General with a view to ensuring enhanced oversight.

**(vi) On managing potential conflict of interest**

He informed the Committee that if appointed, he would-

- (a) He would resign as a board member of KPA and Ecobank Kenya Ltd;
- (b) Discharge duty with integrity and fidelity to the constitution to avoid any potential conflict of interest.

**(vii) Political activities and affiliations**

He stated that he was not a member, an affiliate or an official of a political party.

**(viii) On intergovernmental relations**

He averred that the National and County Governments were interdependent and that it was important for them to cooperate and consult on issues for the purposes of enhancing relations. If appointed, he would enhance relations between the Office of the Attorney-General and the counties by-

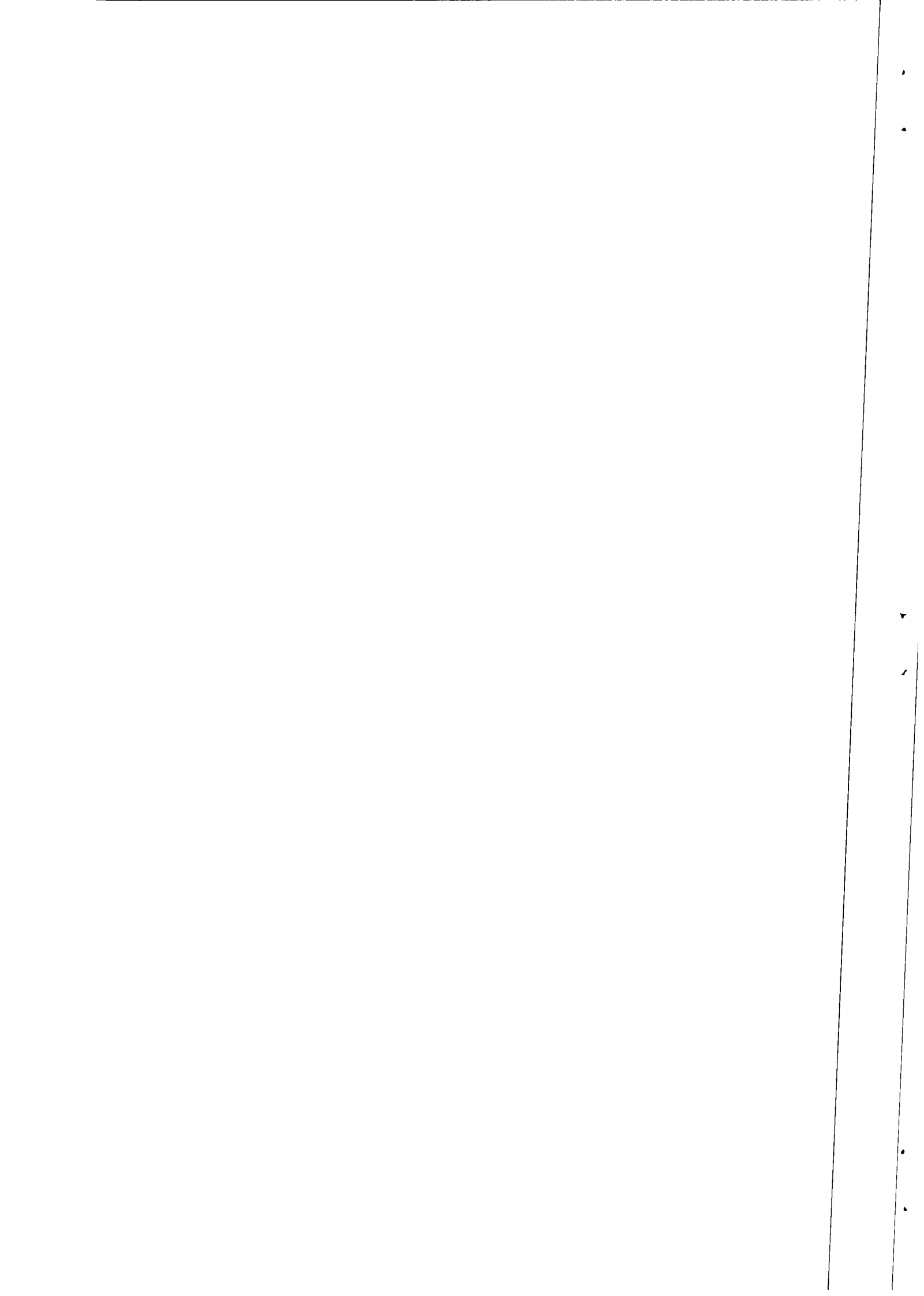
- (a) Seconding Legal Counsels to each of the forty seven (47) counties to assist in legal work; and
- (b) Training the counties on legal affairs with a view to enhancing capacity.

**(ix) On the role of the Office of the Attorney-General and the realization of Vision 2030**

He informed the Committee that a conducive business environment was key in the realization of Vision 2030. Towards a conducive business environment, the Office of the Attorney-General would ensure legislation is developed for enactment by Parliament.

**(x) On delayed disposal of cases by the Advocates Disciplinary Tribunal (ADT) chaired by the Solicitor General**

He admitted that there were close to four thousand (4,000) cases pending before the Advocates Disciplinary Tribunal which was of concern to the public considering that litigants had lost money in the





hands of Advocates. He attributed this to serious capacity and financial issues and submitted that if appointed, he would take action to address the issues to ensure service delivery.

(xi) **On the Advocates Training Programme and mass exam failure at the Kenya School of Law**

He acknowledged that there was mass exam failure at the Kenya School of Law and submitted that the underlying issues for the mass failure were complex. He observed that during his time at the School, a class had 80 students whereas currently, a class has 1,500 students.

He submitted that if appointed, he would ensure the Council of Legal Education (CLE) takes the following steps to remedy the situation:-

- (a) Relook at the facilities available *vis a viz* the capacity to provide quality education;
- (b) Put checks and balances to ensure that only quality students are admitted to the school

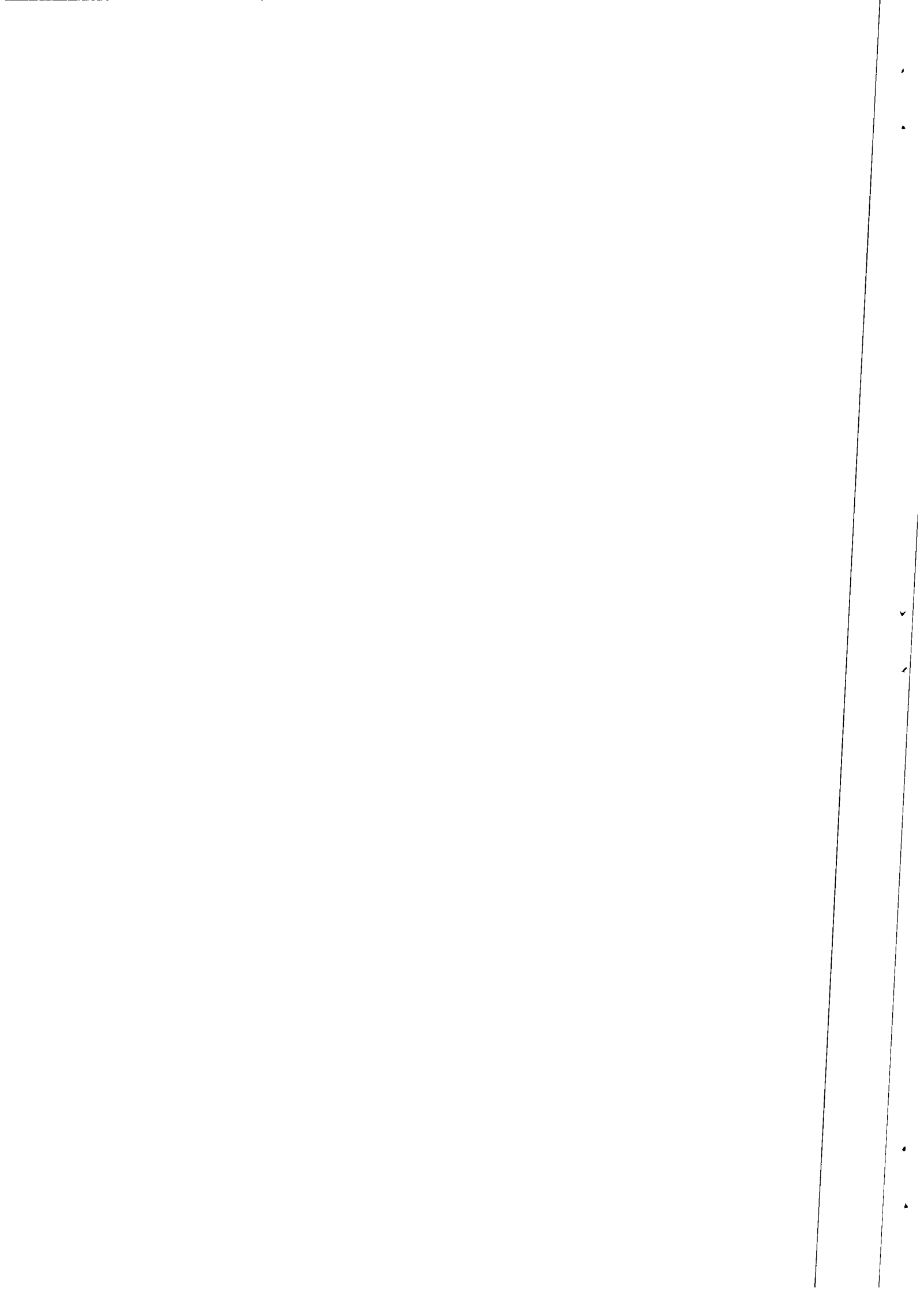
(xii) **On the cases against the Government of Kenya and why the Government lost cases**

He submitted that the Government of Kenya was a defendant in five (5) cases in International Arbitration Courts in which it could end up paying billions of USD if it lost, the effect of which would be significant on the economy. These cases would have been avoided if there was proper coordination between various contracting agencies and the Office of the Attorney General.

He informed the Committee that in many instances, the Government lost cases because Ministries and Departments failed to furnish the Office of the Attorney-General with proper instructions and evidence to support cases.

If appointed, he would institute measures to reduce litigation against the Government to the bare minimum. To achieve this, he would ensure strict compliance to Section 19 of the Office of the Attorney-General Act, 2012 which requires all Government Agencies to seek opinion of the Attorney General on matters raising substantial legal or constitutional issues.

He would also initiate enactment of legislation to provide for sanctions against public officers who fail, refuse or neglect to cooperate with the

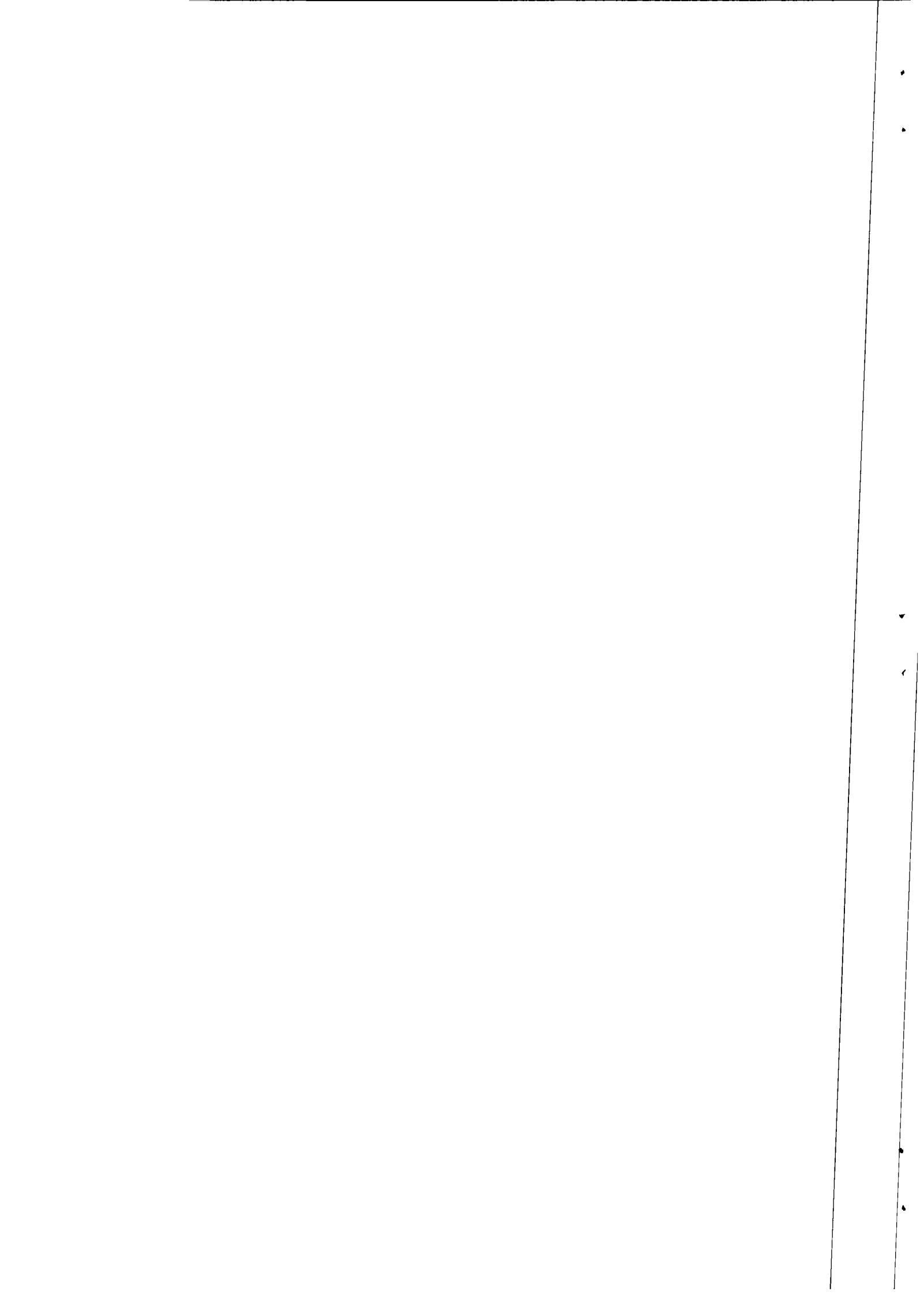


Office of the Attorney-General in providing instructions and evidence for cases involving them.

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

From the questionnaire, the Committee observed that his net worth was approximately Kenya Shillings three hundred and fifty million (Kshs.350,000,000).

The nominees CV, certificates and testimonials are attached as annexure 8.



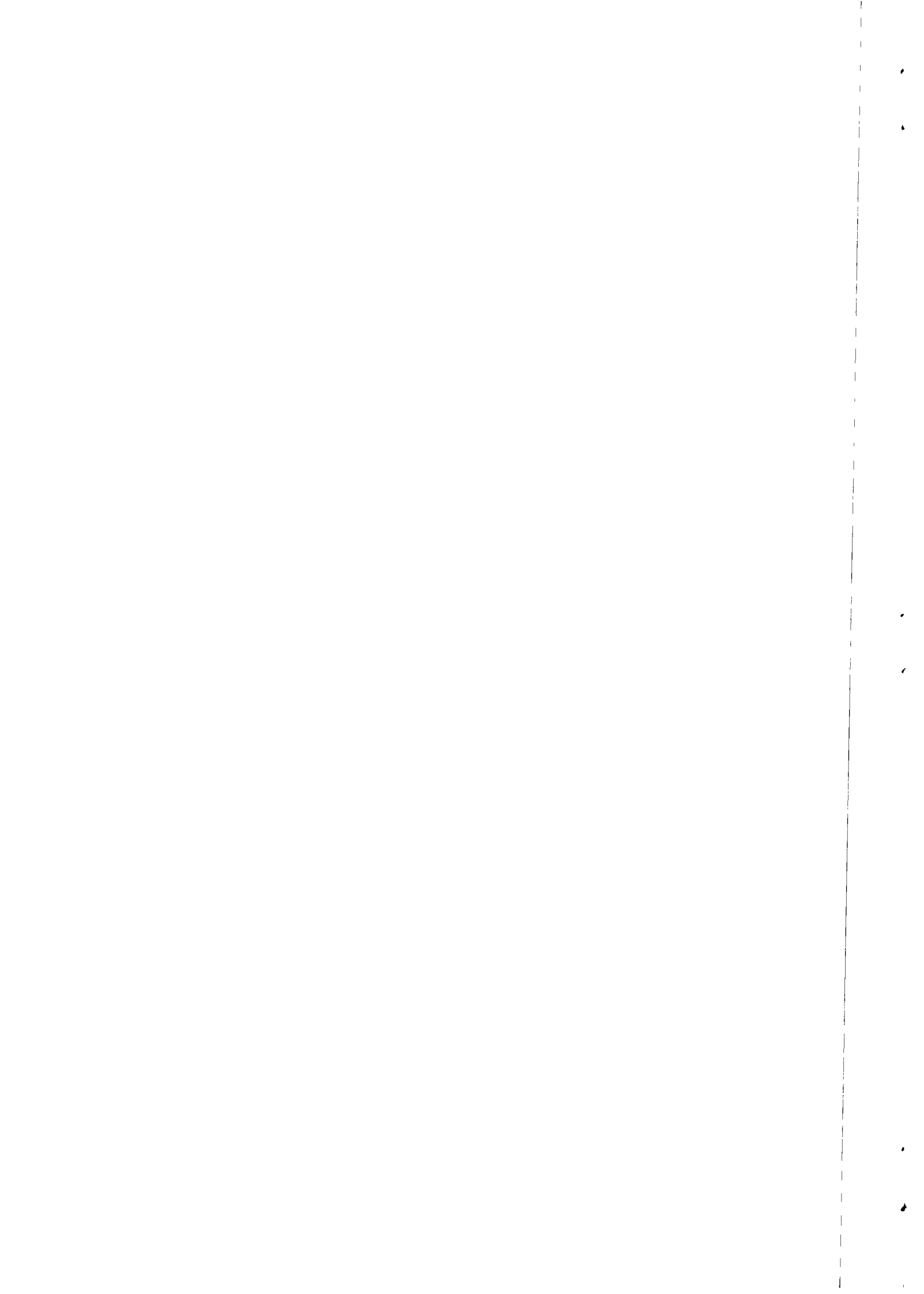


## PART 5

### 5. COMMITTEE OBSERVATIONS, FINDINGS AND CONCLUSIONS

Upon hearing the nominee and examining his CV, certificates and testimonials, the Committee made the following observations, findings and conclusions about him:-

- (1) His academic credentials and professional training and experience are in compliance with the qualifications for appointment as Solicitor-General as set out under Section 9(3) of the Office of the Attorney-General Act, 2012 because-
  - (a) He holds a Masters' and Bachelors' degrees in Law from the University of Nairobi;
  - (b) He has over twenty-seven (27) years' experience as a legal practitioner having served in the Office of the Attorney-General and private practice;
  - (c) He is a person of high moral character, integrity and impartiality;
  - (d) He has not attained the age of seventy (70) years;
  - (e) He is qualified to hold the office of judge of a superior court as outlined in Article 166(2) of the Constitution;
- (2) His experience in both the public and private sector would add value to the Office of the Solicitor-General if appointed;
- (3) There was no memorandum received contesting his nomination and suitability for appointment;
- (4) He satisfied Article 78(1) (2) of the Constitution because he is a Kenyan Citizen and does not hold dual citizenship;
- (5) There would be no potential conflict of interest as stipulated in Article 75(1) of the Constitution should the nominee be appointed to the position;
- (6) He had never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution;



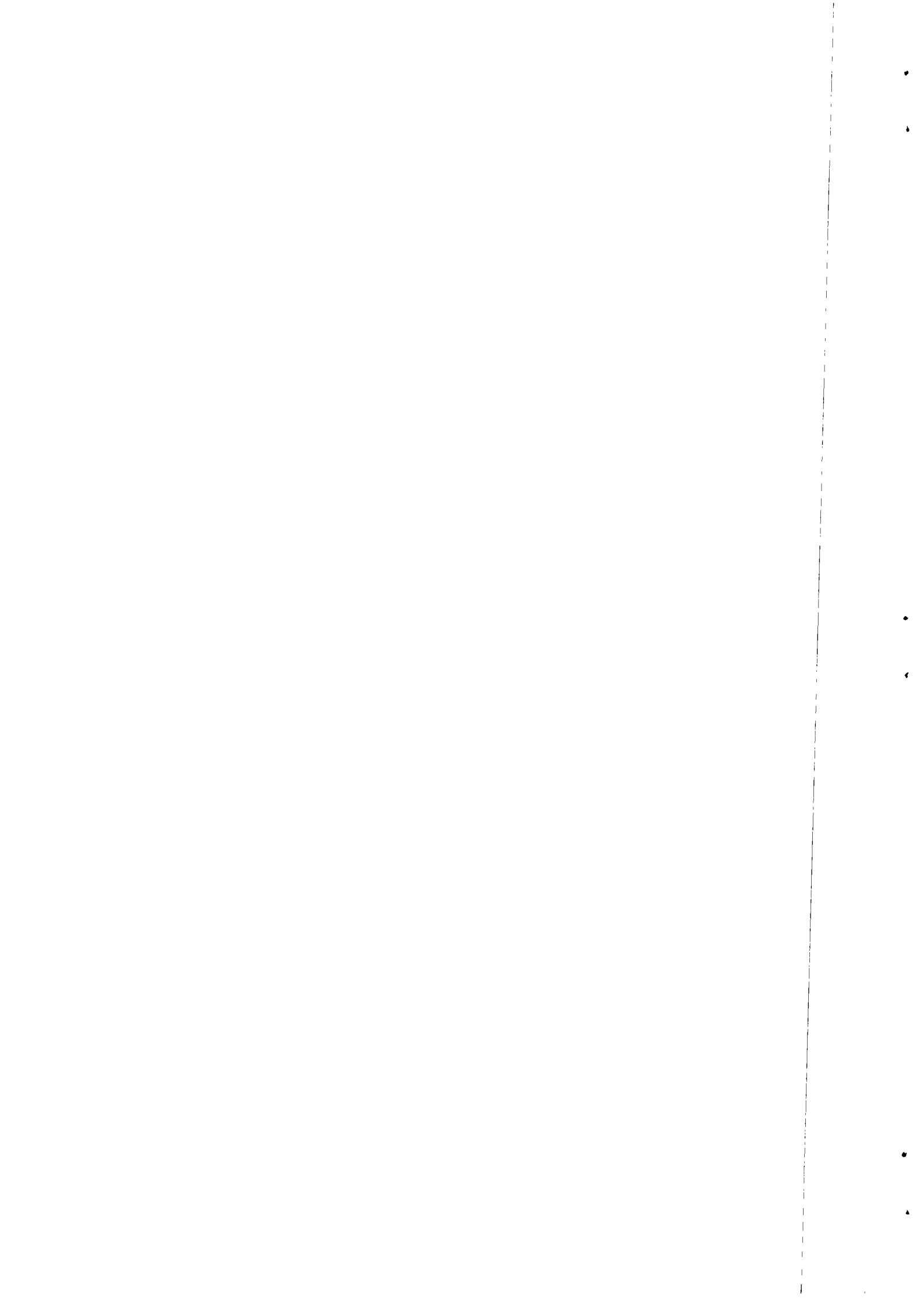
- (7) He satisfied the requirements of Chapter 6 of the Constitution on leadership and integrity as DCI, KRA, RPP, HELB and EACC did not raise any issues against him;
- (8) He had never been charged with a criminal offence in a Court of Law;
- (9) He had not been adversely mentioned in an investigatory report of Parliament or any other Commission of Inquiry in the last three (3) years;
- (10) He satisfied the requirements of Article 77(2) of the Constitution because he did not hold an office in a political party;
- (11) He had never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State Officers and Article 78(2) on dual citizenship;
- (12) He exhibited knowledge and understanding of the mandate and other pertinent issues relating to the Office of the Solicitor-General.



## PART 6

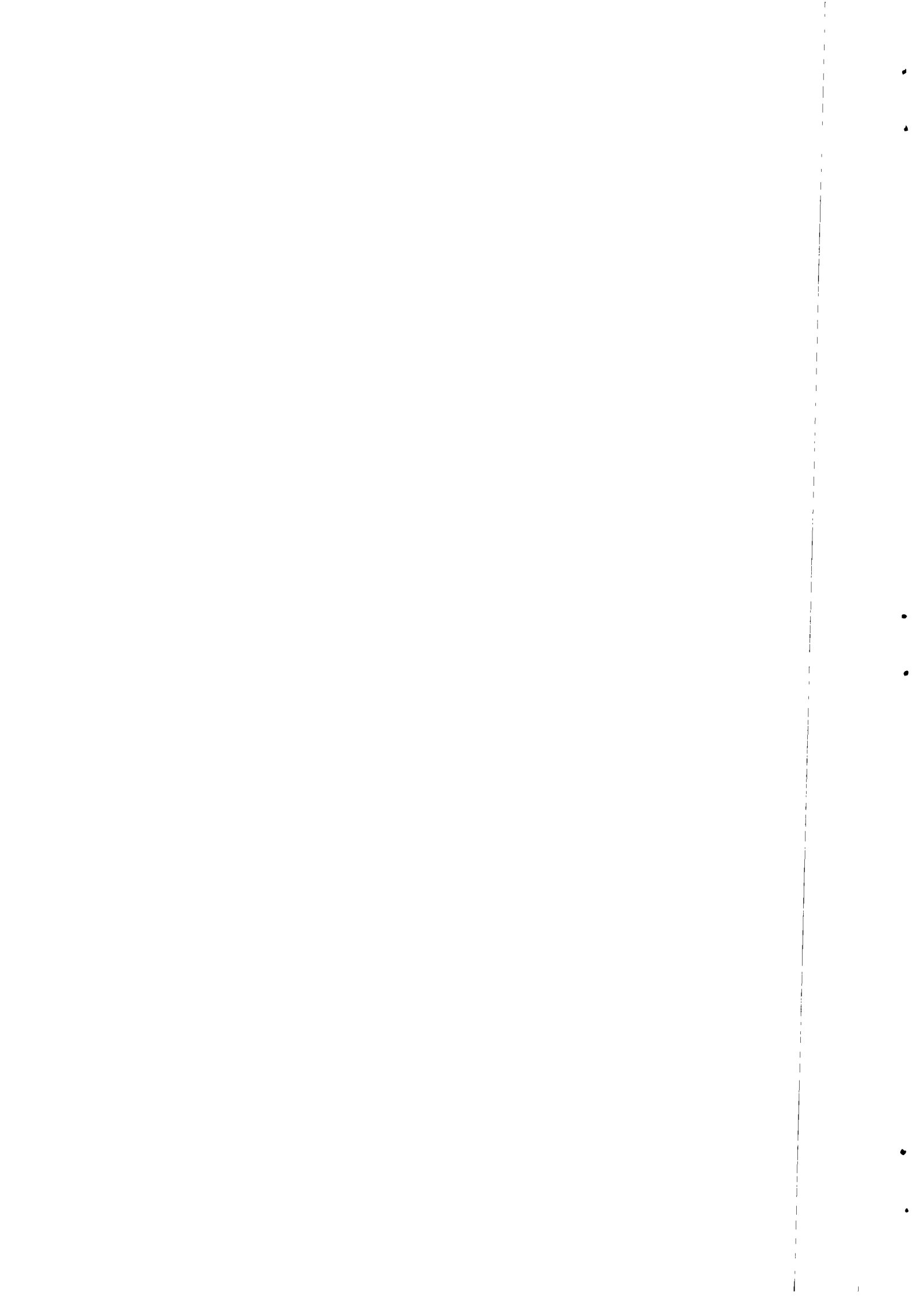
### **6. COMMITTEE RECOMMENDATION**

The Committee recommends that **pursuant to Section 9 (1) of the Office of the Attorney-General Act, the House approves the appointment of Mr. Kennedy Nyabuti Ogeto as Solicitor General by His Excellency the President.**



# **ANNEXURE 1**

(Minutes of Committee sittings on the  
approval hearings)





**MINUTES OF THE TWENTIETH SITTING OF THE DEPARTMENTAL  
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY,  
2<sup>ND</sup> MARCH, 2018 AT 9.30 A.M. IN COMMITTEE ROOM 7, MAIN  
PARLIAMENT BUILDING**

**PRESENT:**

Hon. William Cheptumo, M.P.	-	<b>Chairperson</b>
Hon. Alice Muthoni Wahome, M.P.	-	<b>Vice Chairperson</b>
Hon. Ben Momanyi Orori, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Gladys Boss Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M. Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. John Kiarie Waweru, M.P.		

**ABSENT:**

Hon. John Olago Aluoch, M.P.
Hon. Roselinda Soipan Tuya, M.P.
Hon. Zuleikha Hassan, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. William K. Mwamkale, M.P.
Hon. Johana Ng'eno, M.P.
Hon. Beatrice Adagala, M.P.

**IN ATTENDANCE:**

**COMMITTEE SECRETARIAT**

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

Mr. Ian Otieno - Audio Officer

**NOMINEE FOR VETTING FOR APPOINTMENT TO THE POSITION OF SOLICITOR-GENERAL**

Mr. Kennedy Ogeto - Nominee  
Dr. Buguka Obuya - Lecturer and brother to the nominee

**MIN No. 67/2018: PRAYERS AND PRELIMINARIES**

The Chairperson called the meeting to order at 10:00 a.m. followed by a word of prayer by Hon. John Kiarie Waweru, M.P.

**MIN No. 68/2018: VETTING OF MR. KENNEDY NYABUTI OGETO, THE NOMINEE FOR APPOINTMENT TO THE POSITION OF SOLICITOR-GENERAL**

The nominee appeared before the Committee at 10.45 a.m., took oath and after issuing an opening statement responded to questions and issues raised by the Committee as follows-

- (i) He was born in Nyamira County and attended primary and secondary schools in Nyamira before joining Thika High School in Kiambu County for A level. He joined the University of Nairobi in 1986 for a Bachelor's degree in Law and graduated in 1989 with an Upper Second-Class. He graduated with a Master of Laws degree from the same University in 2002.
- (ii) He had practised law for twenty seven (27) years since admission to the Bar in 1991. As at the time of appearance before the Committee, he was a Managing Partner at the law firm of Ogetto Otachi and Company Advocates. He had been a Defence Counsel at the United Nations International Criminal Tribunal for Ruanda, a Defence Counsel at the United National Special Court for Sierra Leone and also a Defence Counsel at the International Criminal Court.
- (iii) He had served at the Attorney General's Chambers immediately after admission to the Bar in 1991. He briefly served as the Chairman Anti-Money Laundering Advisory Board in 2015 and as at the time of vetting,

he was a member, Board of Directors, Kenya Ports Authority (KPA) and Ecobank Kenya Ltd.

- (iv) He was a member of the following Professional Associations-
- a) Law Society of Kenya;
  - b) The East African Law Society;
  - c) The International Criminal Law Network;
  - d) Commonwealth Lawyers Association
  - e) Association of Defence Attorneys at the United Nations
  - f) International Criminal Tribunal for Ruanda;
  - g) International Criminal Bar;
  - h) Institute of Certified Public Secretaries of Kenya
- (v) He submitted that if appointed, he would do the following to enhance service delivery at the Office of the Attorney General:-
- a) Embrace use of information technology, most importantly to make it possible to register a company within two (2) to three (3) working days;
  - b) Increase capacity of legal staff to handle the huge volume of work;
  - c) Attract and retain competent staff especially State Counsels in order to get best results in court cases;
  - d) Improve terms and conditions of service of State Counsels to reduce their high turnover;
  - e) Reduce litigation against the Government to save on huge sums of money paid as a result of cases against the Government;
  - f) Address the issue of pending bills in respect of cases the Government lost;
  - g) Strengthening relationship with law enforcement agencies;
  - h) Digitization of services and processes; and
  - i) Put in place systems to address the issue of corruption.
- (vi) His private practice experience, State Counsel job experience had laid ground for him to provide operational leadership. His experience as a Board member of reputable institutions like the KPA and Ecobank Kenya Ltd had prepared him for the new job should he be appointed. He added that he had the energy, drive and vision required to transform the Office of the Attorney-General into a more effective and efficient Office.



- (vii) If appointed, he would inculcate the spirit of co-operation and constructive engagement between the Office of the Attorney-General and oversight institutions such as Parliament, EACC and Office of the Auditor General with a view to ensuring enhanced oversight.
- (viii) If appointed, he would resign as a board member of KPA and EcoBank Kenya Ltd and would discharge duty with integrity and fidelity to the constitution to avoid any potential conflict of interest;
- (ix) On intergovernmental relations he stated that he would enhance relations between the Office of the Attorney-General and the counties by seconding Legal Counsels to each of the forty seven (47) counties to assist in legal work and training the counties on legal affairs with a view to enhancing capacity.
- (x) Conducive business environment was key in the realization of Vision 2030 and the Office of the Attorney-General would ensure appropriate legislation is developed for enactment by Parliament to give the Vision effect.
- (xi) There were close to four thousand (4000) cases pending before the Advocates Disciplinary Tribunal which was of concern to the public considering that litigants had lost money in the hands of Advocates. He attributed this to serious capacity and financial issues and submitted that if appointed, that he would take action to address the issues facing the Tribunal to ensure service delivery.
- (xii) On the Advocates Training Programme and mass exam failure at the Kenya School of Law he stated that the underlying issues for mass failure were complex and he will ensure the Council of Legal Education (CLE) takes the following steps to address the situation:
  - a) Relook at the facilities available *vis a viz* the capacity to provide quality education;
  - b) Put checks and balances to ensure that only quality students are admitted at the school
- (xiii) On the cases against the Government and why the Government lost many cases he submitted that the Government of Kenya was a defendant in five

(5) cases in International Arbitration Courts in which it would end up paying billions of USD if it lost, the effect of which would be significant on the economy. He stated that proper coordination between various contracting agencies and the Office of the Attorney General would reduce such in future. The Government in many instances lost cases because the Ministries and Departments failed to furnish the Office of the Attorney General with proper instructions and evidence to present or argue cases.

(xiv) If appointed, he would endeavour to reduce litigation against the Government to the bare minimum through strict compliance to Section 19 of the Office of the Attorney-General Act which requires all Government Agencies to seek opinion of the Attorney General on matters raising substantial legal or constitutional issues. He would also initiate enactment of legislation to provide for sanctions against public officers who fail, refuse or neglect to cooperate with the Office of the Attorney-General in providing instructions and evidence.

(xv) His net worth was approximately Kenya Shillings three hundred and fifty million (Kshs 350,000,000) net worth.

**MIN No. 69/2018:**

**ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at 1.00p.m. till 4.00 p.m. of the same day at the same venue.

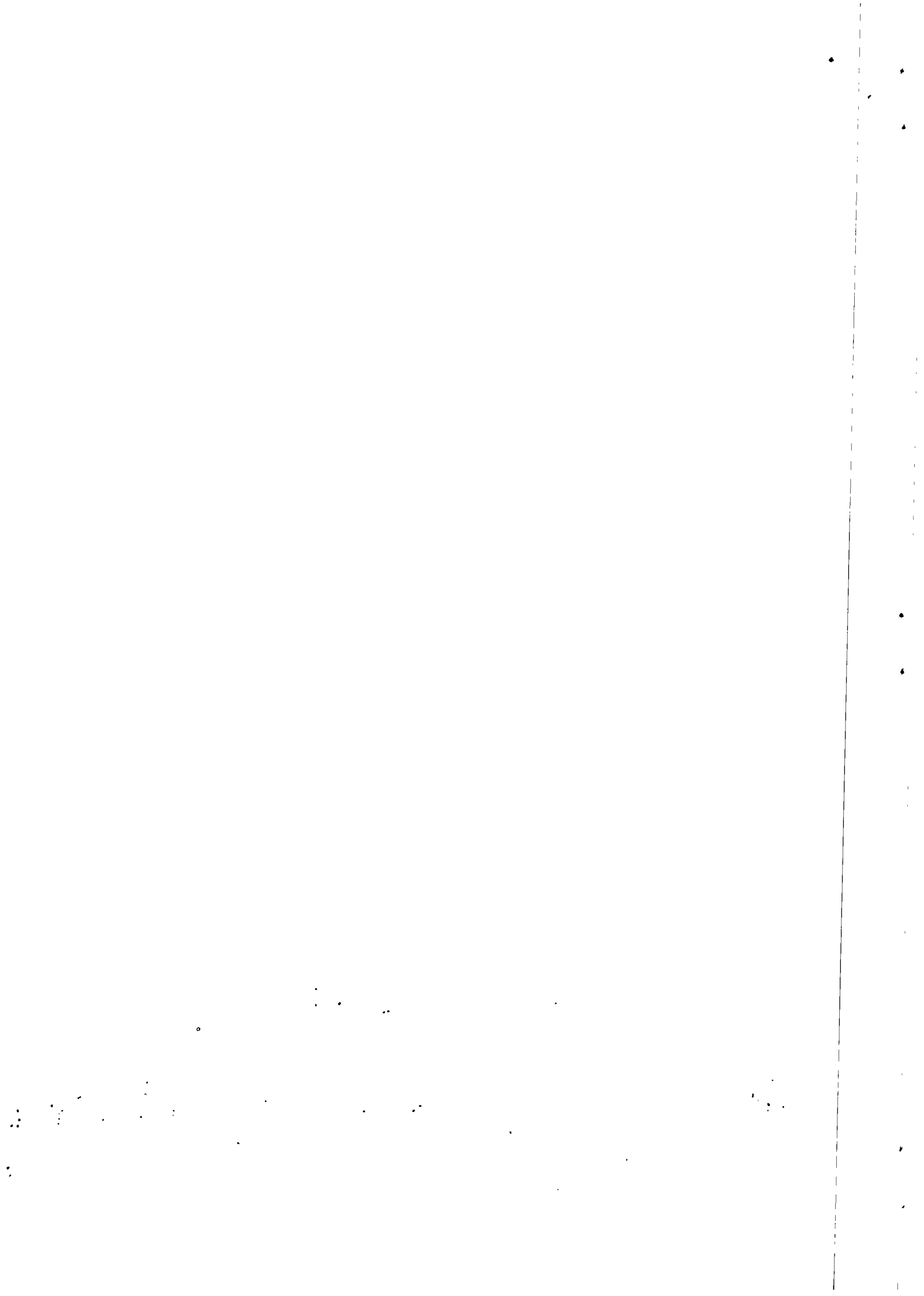
Signed.....



Chairperson

Date.....

02.02.018



**MINUTES OF THE TWENTY FIRST SITTING OF THE  
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS  
HELD ON FRIDAY, 2<sup>ND</sup> MARCH, 2018 AT 4.00 P.M. IN COMMITTEE  
ROOM 7, MAIN PARLIAMENT BUILDING**

**PRESENT:**

Hon. William Cheptumo, M.P.	-	<b>Chairperson</b>
Hon. Alice Muthoni Wahome, M.P.	-	<b>Vice Chairperson</b>
Hon. Ben Momanyi Orori, M.P.		
Hon. Charles Gimose, M.P.		
Hon. Gladys Boss Shollei, CBS, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M. Wambugu, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Adan Haji Yussuf, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. Japheth Mutai, M.P.		
Hon. John Kiarie Waweru, M.P.		

**ABSENT:**

Hon. John Olago Aluoch, M.P.  
Hon. Roselinda Soipan Tuya, M.P.  
Hon. Zuleikha Hassan, M.P.  
Hon. Peter O. Kaluma, M.P.  
Hon. William K. Mwamkale, M.P.  
Hon. Johana Ng'eno, M.P.  
Hon. Beatrice Adagala, M.P.

**IN ATTENDANCE:**

**COMMITTEE SECRETARIAT**

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

Mr. Ian Otieno - Audio Officer

**MIN No. 70/2018: PRAYERS AND PRELIMINARIES**

The Chairperson called the meeting to order which was followed by a word of prayer from Hon. Japheth Mutai.

**MIN No. 71/2018: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Minutes of the twentieth (20<sup>th</sup>) sitting of the Committee were confirmed as a true record of the proceedings and signed by the Chairperson after being proposed and seconded by Hon. Gladys B. Shollei, CBS, M.P. and Hon. Anthony G. Kiai, M.P. respectively.

**MIN No. 72/2018: CONSIDERATION AND ADOPTION OF REPORT ON THE VETTING OF MR. KENNEDY NYABUTI OGETO, THE NOMINEE FOR APPOINTMENT TO THE POSITION OF SOLICITOR-GENERAL**

The Committee considered and unanimously adopted its report recommending that the House approves Mr. Kennedy Nyabuti Ogeto for appointment to the position of Solicitor General by His Excellency the President of the Republic of Kenya. The adoption of the report was proposed by Hon Anthony G. Kiai and seconded by Hon. George G. Murugara.

**MIN No. 73/2018: ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at 5:30 p.m.

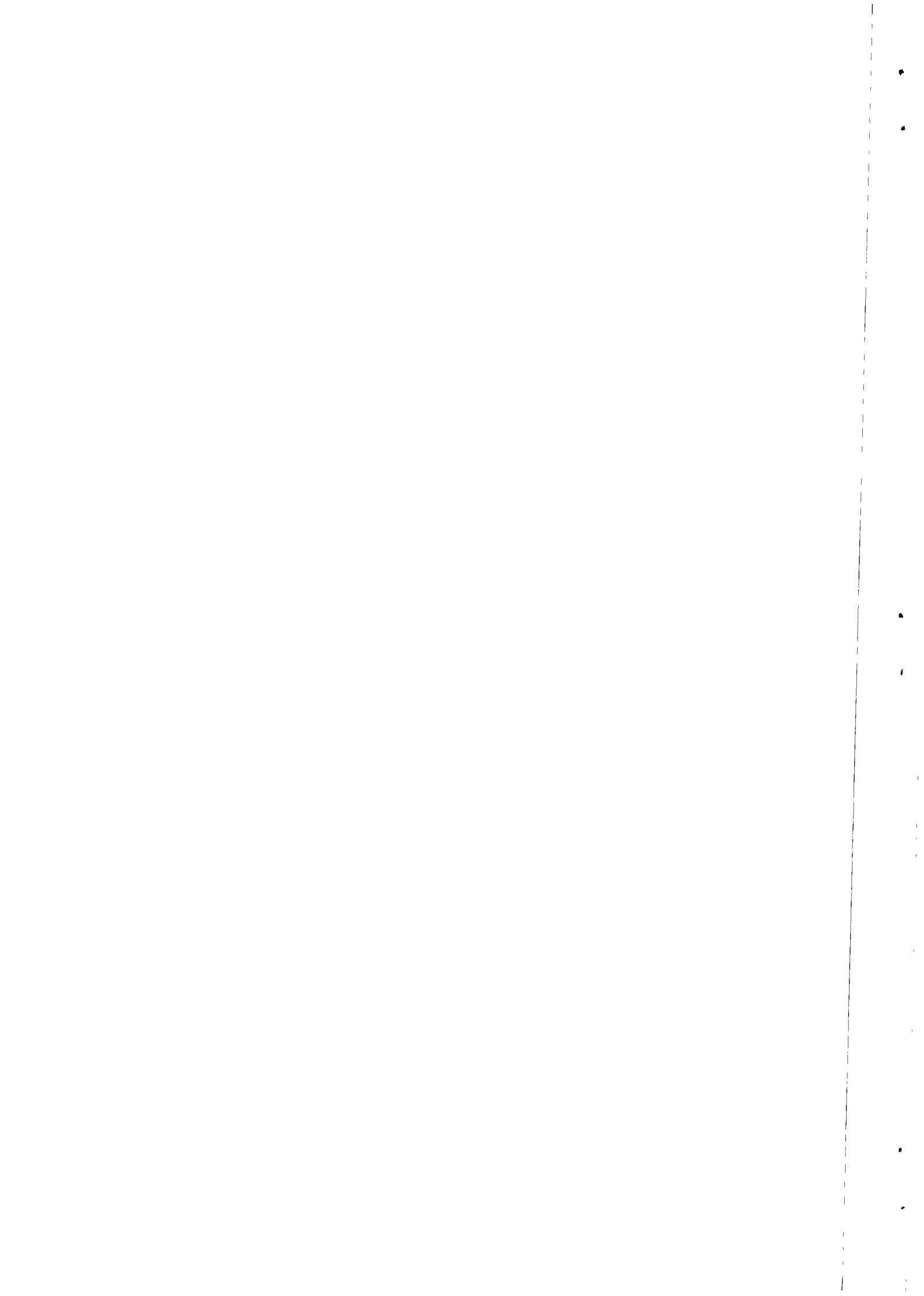
Signed.....  
Chairperson

Date.....02.03.2018.....



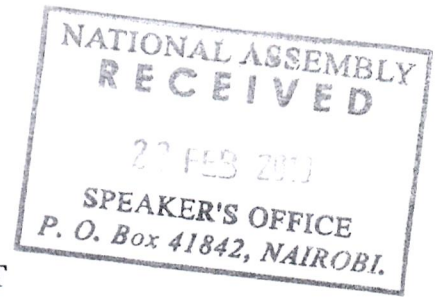
# **ANNEXURE 2**

(Letter from the Office of the President conveying the name of the nominee to the National Assembly for approval for appointment)





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



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

**OP.CAB.14.1A**

Ref. No.....  
and date

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

**21<sup>st</sup> February, 2018**  
....., 20.....

**Hon. Justin Muturi, EGH, MP**  
Speaker of the National Assembly  
Parliament Buildings  
**NAIROBI.**

*Noted. CNA to prepare the necessary communication*

*BW*  
*SNA*  
*22/2/18*

Dear *Hon. Muturi;*

**RE: NOMINATION FOR SOLICITOR GENERAL**

In exercise of the powers conferred by Section 9(1) of the Office of the Attorney-General Act, 2012, the President has nominated **Mr. Kennedy Nyabuti Ogeto to the Position of Solicitor General.**

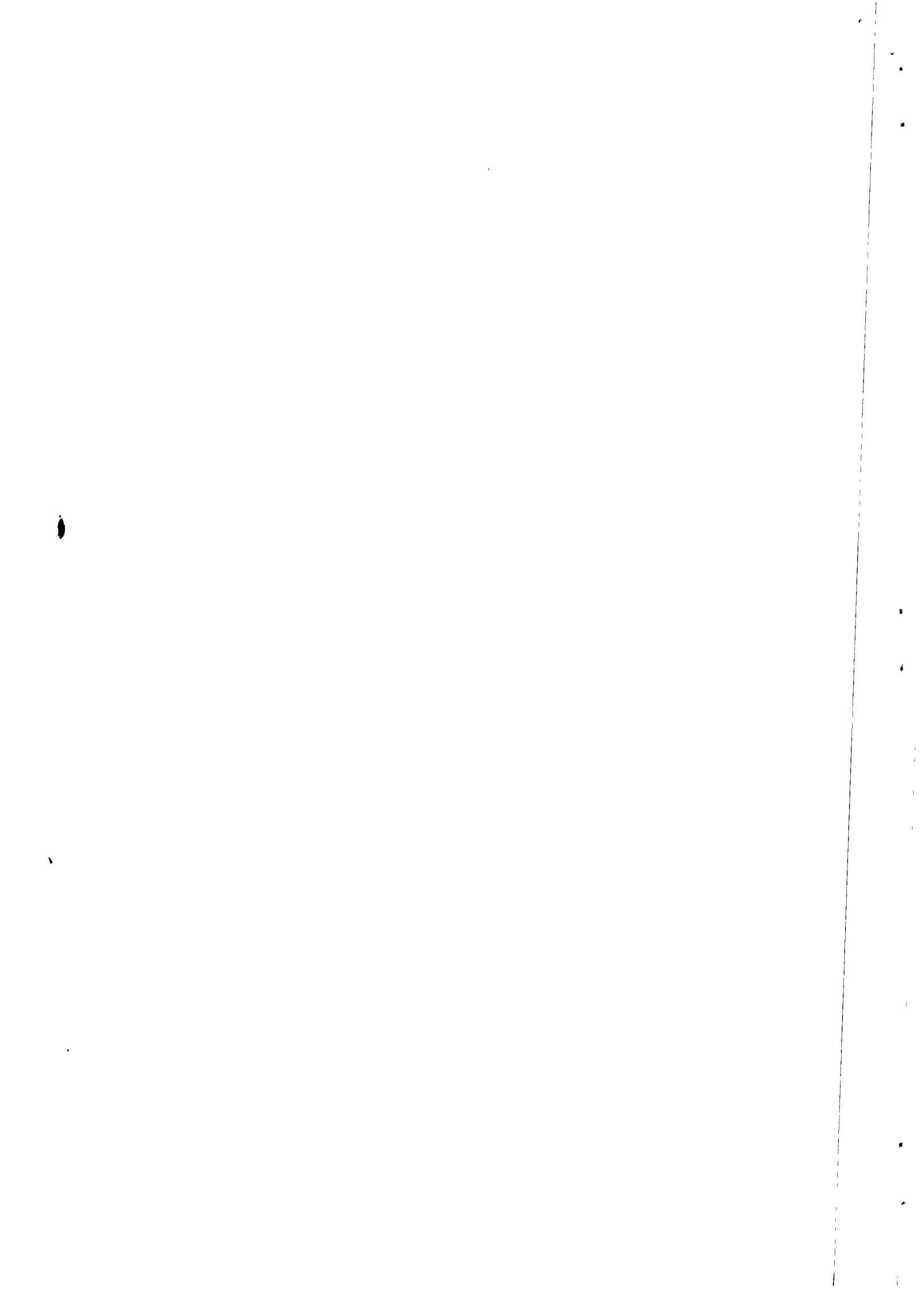
The President has directed me to request you to submit the name of the nominee to the National Assembly for approval. His Curriculum Vitae and other testimonials are herewith attached for your necessary action.

Yours *Sincerely*  
*[Signature]*

**JOSEPH K. KINYUA, EGH**  
**HEAD OF THE PUBLIC SERVICE**

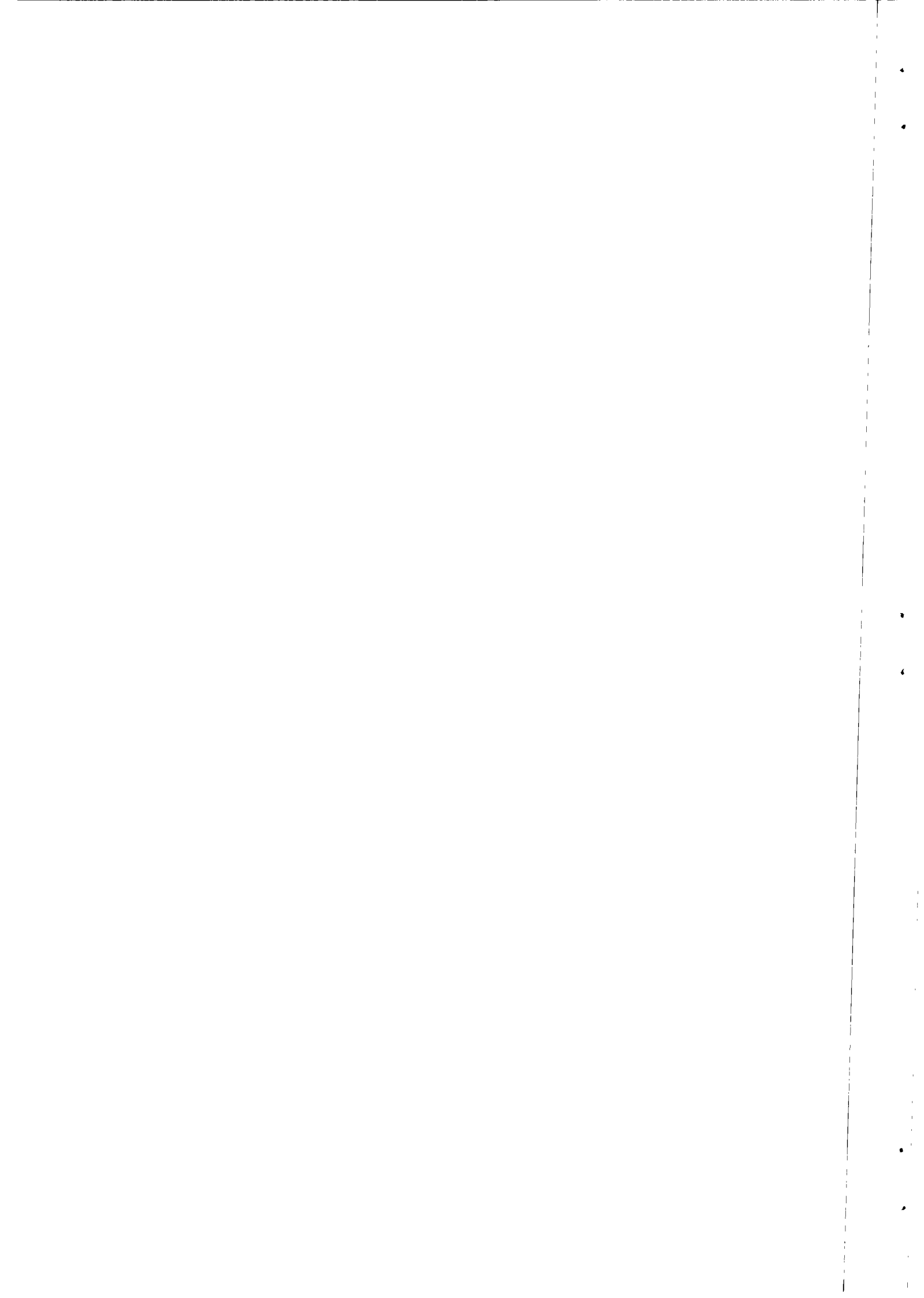
**Encl.**

Copy to: **Mr. Michael Sialai, CBS**  
Clerk of the National Assembly  
The National Assembly  
Parliament Building,  
**NAIROBI**



# **ANNEXURE 3**

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





REPUBLIC OF KENYA



NATIONAL ASSEMBLY

## TWELFTH PARLIAMENT - SECOND SESSION

In the Matter of Approval by the National Assembly of the person nominated for appointment to the position of Solicitor General

## SUBMISSION OF MEMORANDA

Pursuant to the provisions of Section 9(1) of the Office of the Attorney-General Act, 2012, H.E. the President has nominated **Mr. Kennedy Nyabuti Ogeto** to the position of **Solicitor General**.

Following the receipt of the nomination, the **Departmental Committee on Justice and Legal Affairs** is mandated to vet, consider the suitability of the said nominee for appointment to the position of **Solicitor General**.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee now invites interested members of the public to submit any representations by written statement on oath (**affidavit**), that they may have on the suitability or otherwise of the said nominee for appointment to the position of **Solicitor General**. 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 Building, Nairobi; or emailed to **clerk@parliament.go.ke**; to be received on or before **Thursday 1<sup>st</sup> March, 2018 at 5.00 pm**.

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

## TWELFTH PARLIAMENT - SECOND SESSION

**NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL**

Pursuant to the provisions of section 9(1) of the Office of the Attorney-General Act, 2012, H.E. the President has nominated **Mr. Kennedy Nyabuti Ogeto** to the position of **Solicitor General**.

Pursuant to provisions of Article 118 of the Constitution and Section 6(4) of the Public Appointments ((Parliamentary Approval) Act (No. 33 of 2011), the general public is hereby notified that the **Departmental Committee on Justice and Legal Affairs** shall conduct the vetting of the said nominee on **Friday 2<sup>nd</sup> March, 2018 in Committee Room, 4<sup>th</sup> Floor, Continental House, Parliament Buildings at 10.00 am**.

The nominee should bring the originals of his identity card, academic and professional certificates clearance/compliance from:-

1. Ethics and Anti- corruption Commission
2. Kenya Revenue Authority
3. Higher Education Loans Board
4. Criminal Investigation Department

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

AFIDEP

African Institute for Development Policy  
Bridging Development Research, Policy & Practice

## VACANCIES ANNOUNCEMENT

The African Institute for Development Policy (AFIDEP) is a registered international Non-Governmental Organization in Kenya with a mandate to work on African development policy issues. Our mission is to translate and enable the utilization of evidence in policy-making, primarily in the fields of Population Change and Sustainable Development; Reproductive, Maternal, New born, Child, and Adolescent Health; Transformative Education and Skill Development; and Capacity Building in Evidence-Informed policy making in Africa. We work to bridge the gap between research, policy and practice by enabling use of research evidence in decision-making aimed at addressing various development challenges in Africa. We do this through fostering consistent availability of timely, relevant and accessible evidence from credible sources to support policymaking and implementation of effective development programmes in the continent. For more about the Institute, please visit our website [www.afiddep.org](http://www.afiddep.org). With our Head Office in Nairobi-Kenya and a regional office in Lilongwe-Malawi, we are seeking experienced and highly motivated individuals to fill the following positions.

## 1. Director, Education and Skills Development (1 position)

The role entails leading the Institute's Transformative Education and Skills Development thematic area. It involves development of Transformative Education and Skills Development thematic area through generation and implementation of knowledge translation and capacity building programmes and promoting use of the evidence in decision-making processes at national and regional levels. The role will develop programmes, carry out resource mobilization, provide leadership in programme implementation, and publishing. Successful candidate should have PhD in either Education, Development Policy, International Development or International Relations; at least ten (10) years' post-doctoral experience in policy research and advocacy in Education and Skills development or a related field, five (5) years of which should be at a senior level in research environment; in-depth knowledge of African education landscape, current emerging issues in African education, pedagogical approaches in education, and transferable skills.

## 2. Research Translation Scientist (3 positions)

In the following areas:

- a. Education and Skills Development
- b. Health System Strengthening - Health Economics/Public Health
- c. Population Change and Sustainable Development

These roles entail providing leadership in development and implementation of research, knowledge translation and capacity building programmes and promoting use of the evidence in decision-making at national and regional levels. These are senior technical positions with accountabilities to partners and the Institute leadership. The candidates should have a PhD in either Population Studies (Demography), Education, Health Economics or Development Economics; strong qualitative and quantitative research skills; a record of accomplishment in publications, grants proposal writing; experience in policy analysis, synthesizing and translating research evidence into outputs that can be easily used by policymakers, and in policy engagement.

## 3. Research Translation Officer (3 positions)

In the following areas:

- i. Education and Skills Development
- ii. Health System Strengthening - Health Economics/Public Health
- iii. Population Change and Sustainable Development

The roles entail coordination and management of knowledge translation and capacity building programmes. Successful candidates will coordinate implementation of research projects, contribute to advocacy for application of research findings in decision-making and carry out scientific writing, proposal writing and production of dissemination materials. Candidate should have a minimum of Master's degree qualification either in Population Studies (Demography), Education, Health Economics, Development Economics, Public Health, Policy Analysis or Science Communications and a minimum of 5 years of relevant experience in research programme management, knowledge translation, and policy engagement.

## 4. Partnership Building and Resource Mobilisation Manager (1 position)

The Partnership Building and Resource Mobilisation Manager will be responsible for ensuring effective engagement of stakeholders and the overall coordination of the planning, development and management of resource mobilization strategy and activities in raising resources for the institute. The successful candidate will have a minimum of Master's degree in either International Development, Communications, Marketing, Economics, or International Relations; bachelor's degree in any social sciences course; at least ten (10) years of relevant work experience most of which should be at international level; at least five (5) year's resource mobilization and partnership management.

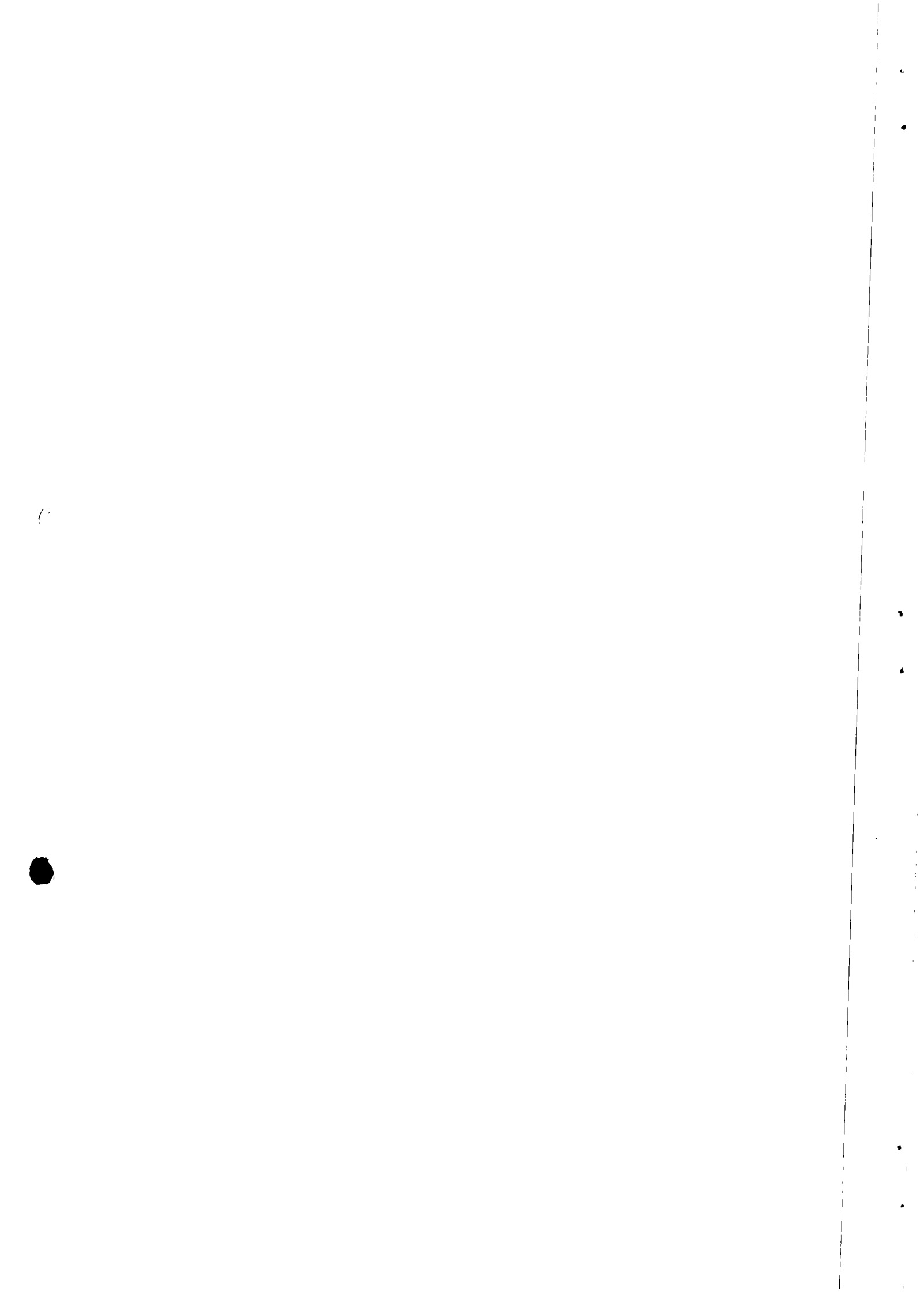
## 5. Communications Manager (1 position)

The Communications Manager will lead the work of AFIDEP's communications and policy engagement unit, overseeing the design and implementation of an innovative communications and policy-influencing strategy that will raise AFIDEP's profile as a regional development policy institute and enhance the role of research evidence in development processes in Africa. The successful candidate will have a Master's degree in either Communications, International Relations, or Policy Studies with at least five (5) years' experience in policy research communication and advocacy in the development sector or a related field with at least three (3) years at a senior level in an international development set up.

## 6. Communications Officer (1 position)

Based in our Lilongwe office in Malawi, the role will lead AFIDEP's communications and policy engagement activities and support programme implementation activities in Malawi and the Southern Africa region. The ideal candidate shall have Master's degree in either Communications, International relations, or related field with a minimum of five (5) years of relevant experience, preferably in a research setting in the areas of health, population, environment, education or development.

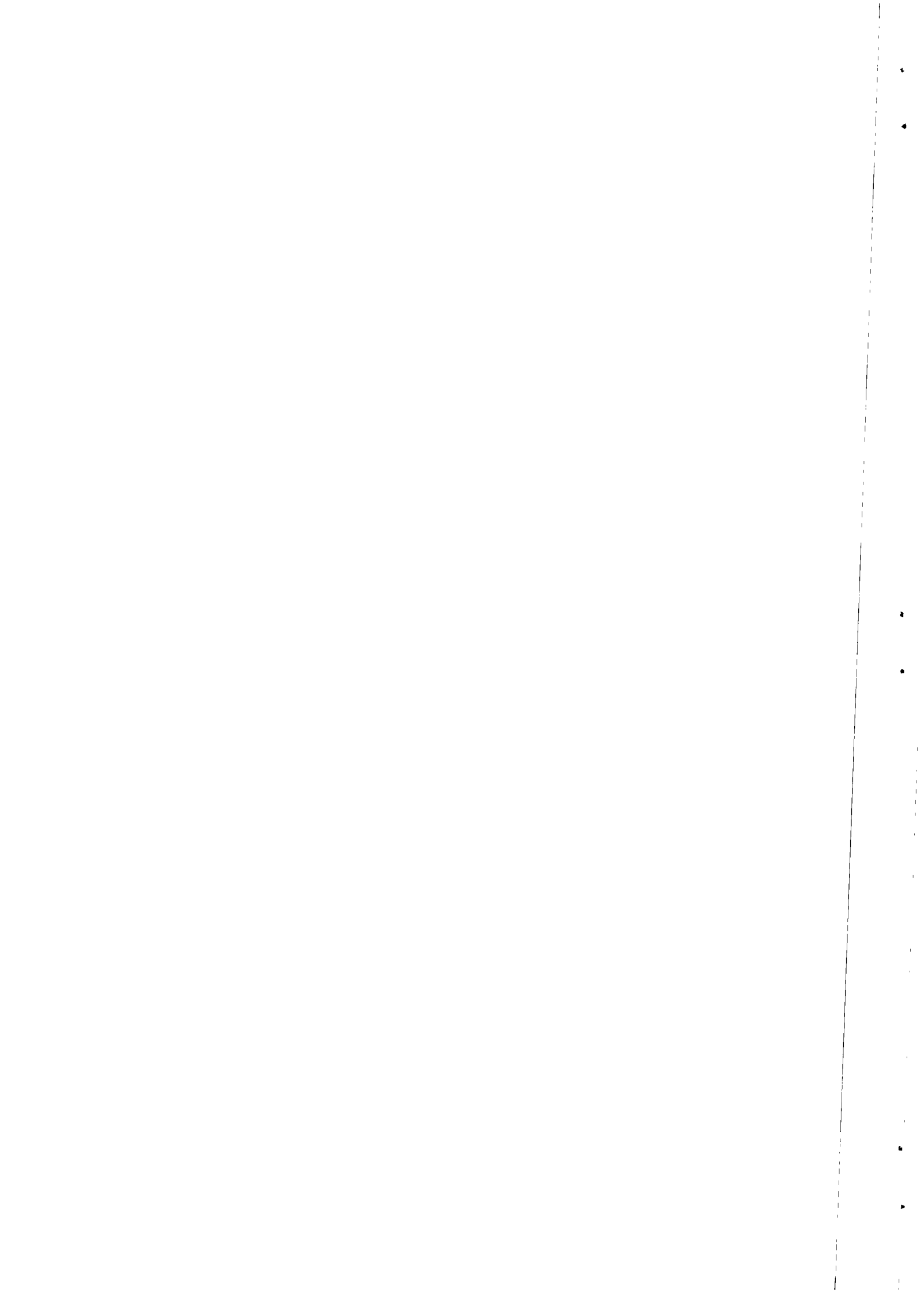
For detailed descriptions and on how to apply, please visit the career platform on our website.





# **ANNEXURE 4**

(Newspaper advertisement notifying the public of the venue, date and time of approval hearing)



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

## TWELFTH PARLIAMENT - SECOND SESSION

In the Matter of Approval by the National Assembly of the person nominated for appointment to the position of Solicitor General

## SUBMISSION OF MEMORANDA

Pursuant to the provisions of Section 9(1) of the Office of the Attorney-General Act, 2012, H.E. the President has nominated **Mr. Kennedy Nyabuti Ogeto** to the position of **Solicitor General**.

Following the receipt of the nomination, the **Departmental Committee on Justice and Legal Affairs** is mandated to vet, consider the suitability of the said nominee for appointment to the position of **Solicitor General**.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee now invites interested members of the public to submit any representations by written statement on oath (**affidavit**), that they may have on the suitability or otherwise of the said nominee for appointment to the position of **Solicitor General**. 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 Building, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before **Thursday 1<sup>st</sup> March, 2018 at 5.00 pm**.

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

## TWELFTH PARLIAMENT - SECOND SESSION

**NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL**

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The nominee should bring the originals of his identity card, academic and professional certificates clearance/compliance from:-

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**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

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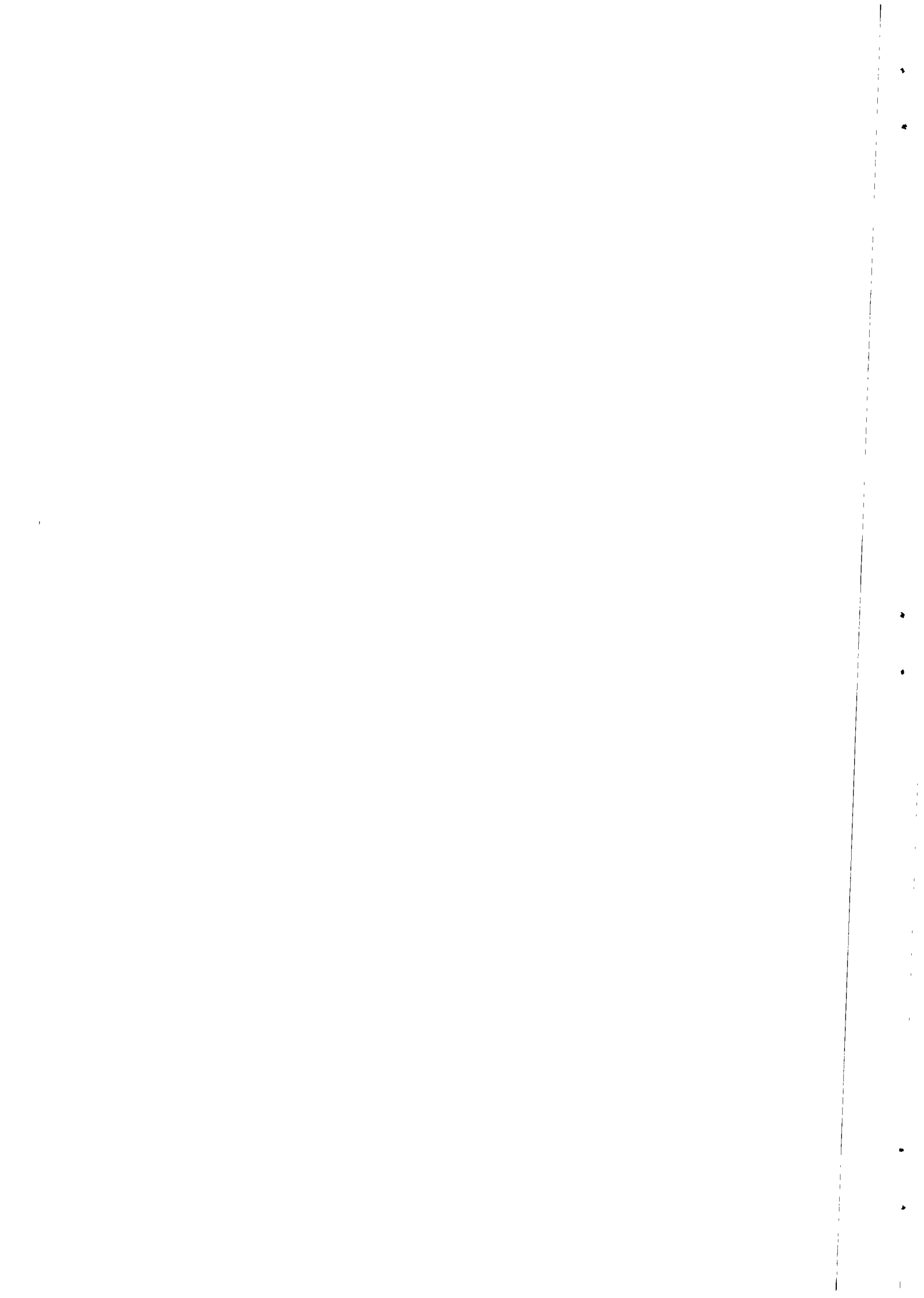
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## 6. Communications Officer (1 position)

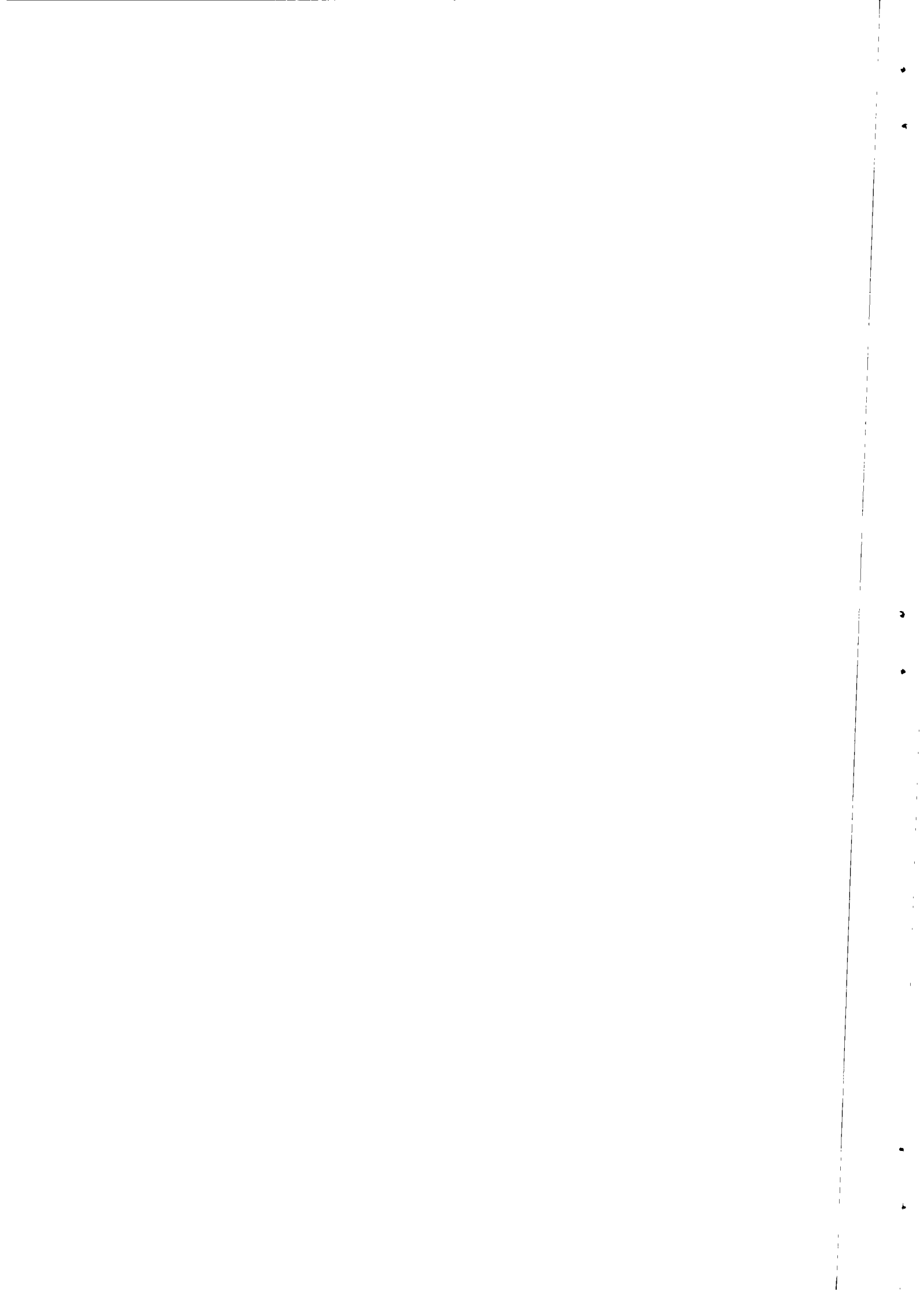
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For detailed descriptions and on how to apply, please visit the career platform on our website.



# **ANNEXURE 5**

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







# KENYA REVENUE AUTHORITY

ISO 9001:2008 CERTIFIED

OUR REF: KRA/CDT/HO/54

YOUR REF: NA/JLA/OC/2018/VOL.1

28<sup>th</sup> February, 2018

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

Dear Sir,

## COMPLIANCE STATUS OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL.

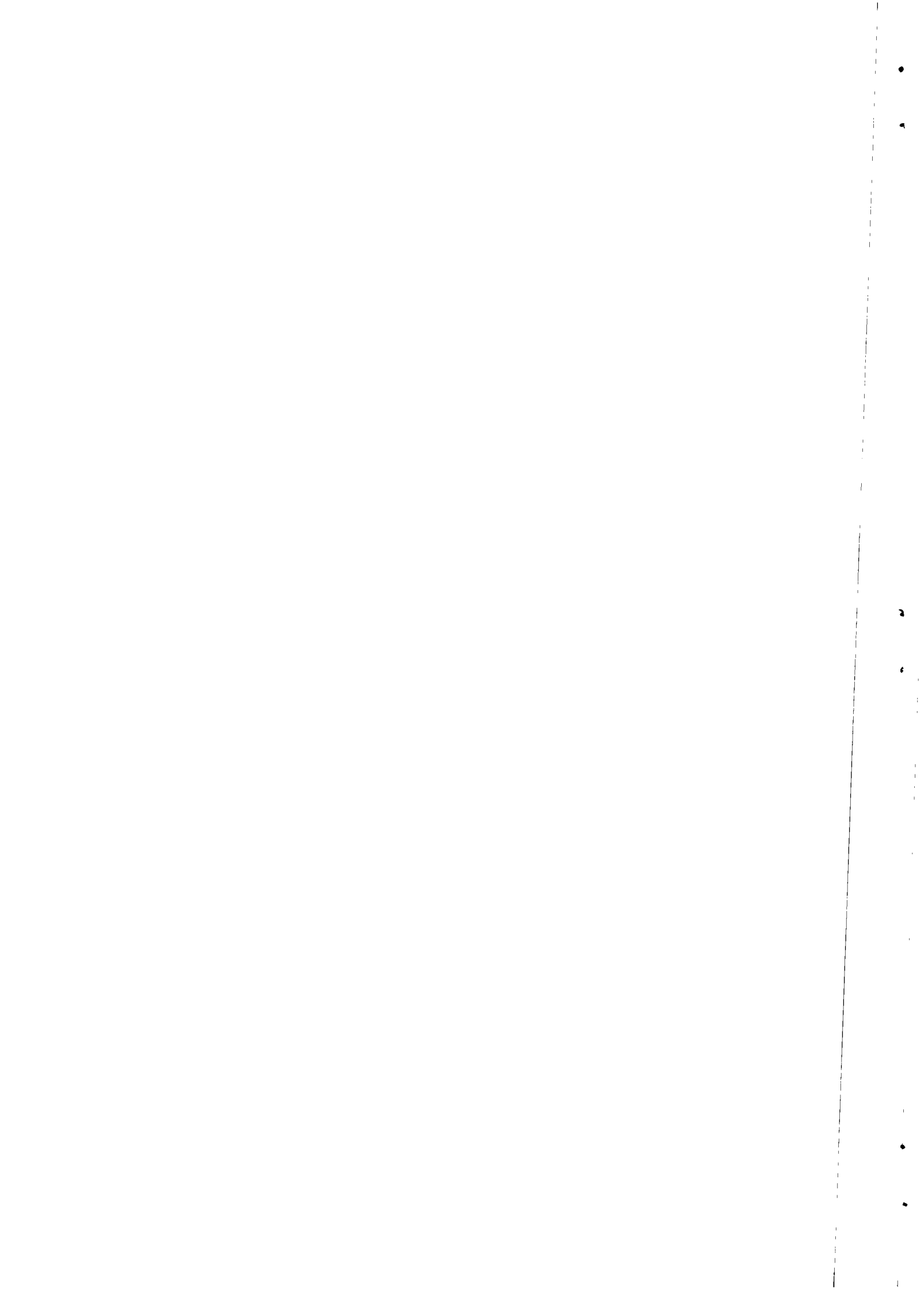
We refer to your letter dated 22<sup>nd</sup> February, 2018 on the subject matter herein

We hereby confirm that **Mr. Kennedy Nyabuti Ogeto (ID No. 5802462, KRA PIN A001290132Y)** has complied with all his Tax obligations and consequently has been issued with a Tax Compliance Certificate (TCC) number KRAWON6683072017.

Yours faithfully,

**Benson Korongo, OGW**  
**Commissioner of Domestic Taxes**

*Tulipe Ushuru, Tujitegemee!*







592

# HIGHER EDUCATION LOANS BOARD

Tel: 0711052000  
E-mail: contactcentre@helb.co.ke  
Website: www.helb.co.ke

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

HELB/RR/112009/V/68

27<sup>th</sup> February, 2018

*D/Outlets*  
*2/3/18*

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

Dear Michael,

## **VETTING OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL**

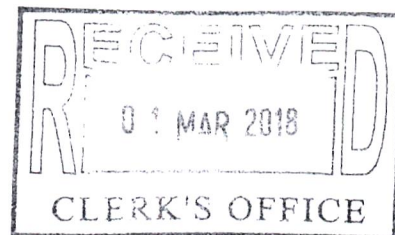
We acknowledge with thanks receipt of your letter dated 22<sup>nd</sup> February 2018 regarding the vetting of Kennedy Nyabuti Ogeto for appointment to the position of Solicitor General by the Committee on Justice and Legal Affairs.

The Higher Education Loans Board wishes to inform you that **Mr. Kennedy Nyabuti Ogeto (ID No. 5802462; Pin No. A001290132Y)** was a beneficiary of the Loans Scheme and fully repaid his loan and was issued with **Certificate Number 66988** on **2<sup>nd</sup> April 2014** as per attached.

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

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

Yours sincerely,



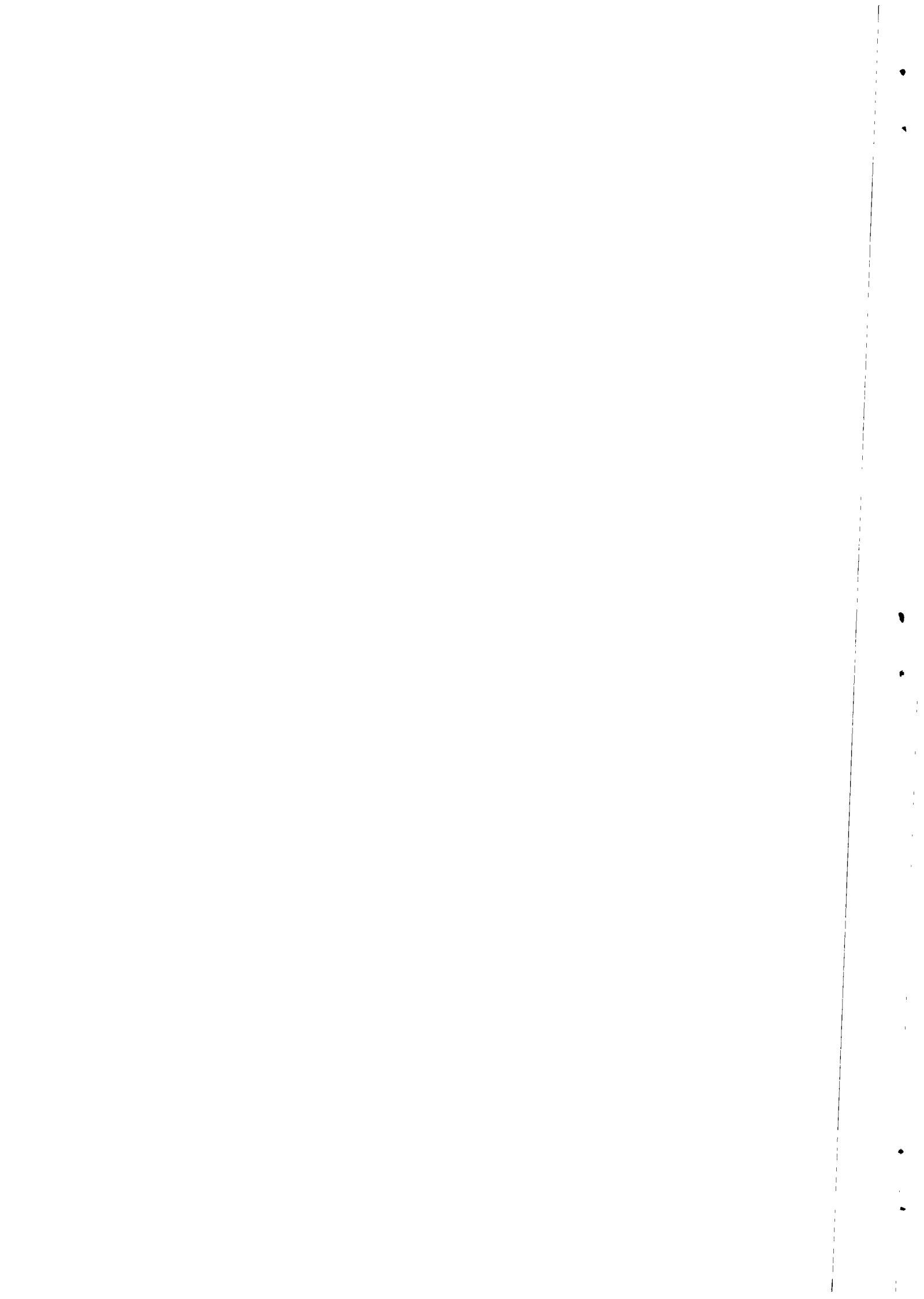
*2) large*  
*insert*  
*for consultant*  
*by committee*  
*2/3/18*

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

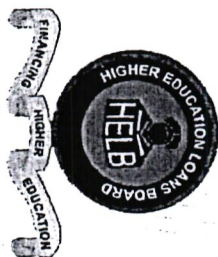


ISO 9001:2008 Certified.





# HIGHER EDUCATION LOANS BOARD



## Certificate of Clearance STUDENTS' LOANS

OGETO KENNEDY

This is to confirm that \_\_\_\_\_

ID No. 5802462

Registration No. \_\_\_\_\_

G34/1303/86

attended \_\_\_\_\_

UNIVERSITY OF NAIROBI

UNDERGRADUATE

has fully repaid his/her \_\_\_\_\_

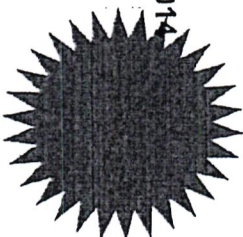
Principal Loan and interest thereon.

43595

Signature CEO/ BOARD SECRETARY

Date \_\_\_\_\_

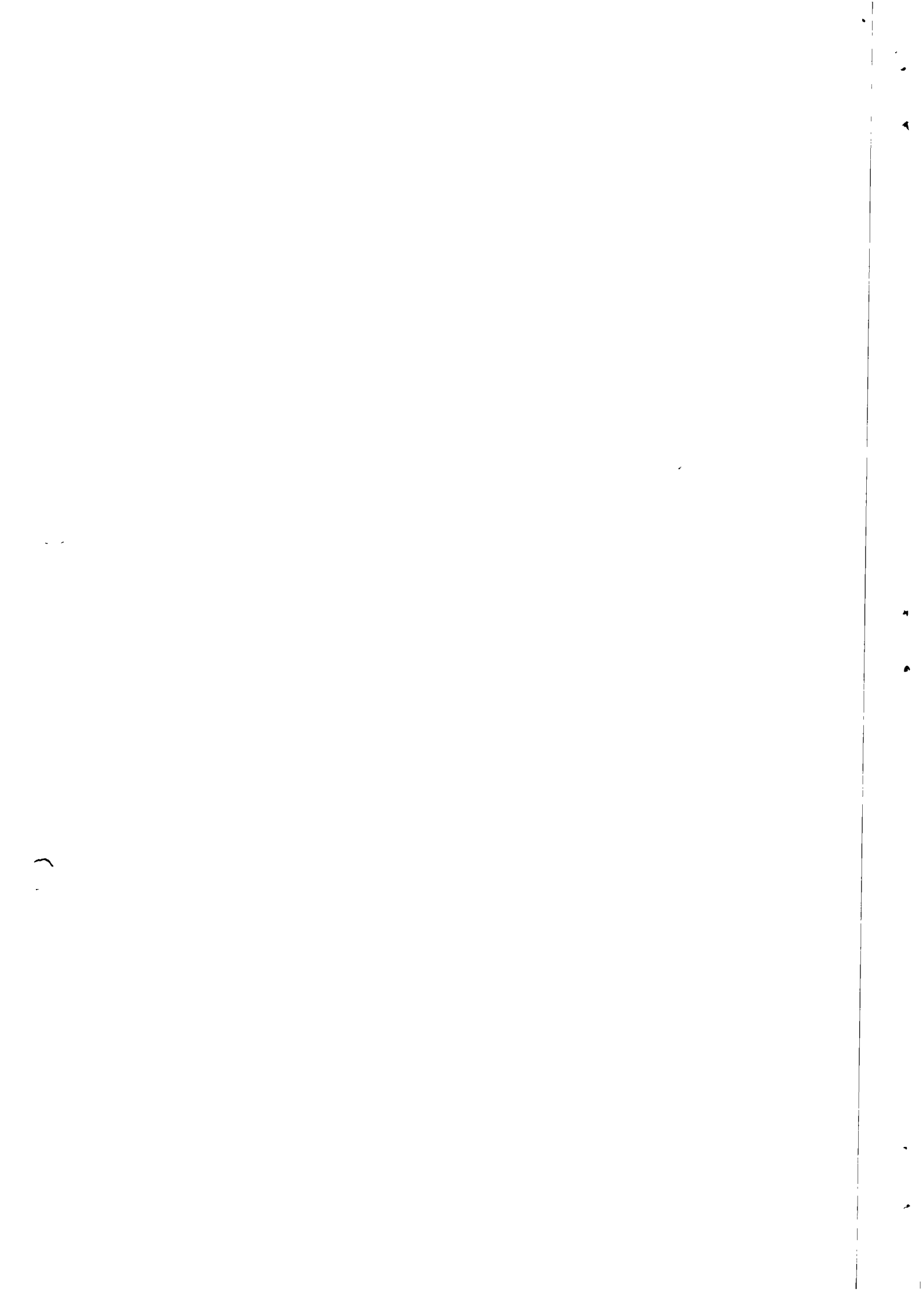
31 Mar 2014



Signature HEAD OF OPERATIONS

Date \_\_\_\_\_

31 Mar 2014





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



Republic of Kenya

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

① d/committee  
28/2/18

② AGZEMRA  
pls def

FA  
01/3/18

REF NO.: RPP/ORG/34 Vol. II (22)

DATE: 27<sup>th</sup> February, 2018

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

Dear Sir,

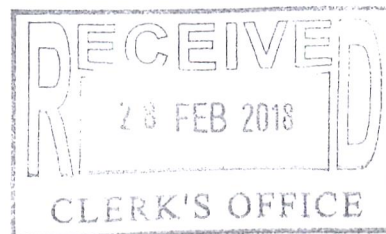
**RE: VETTING OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL**

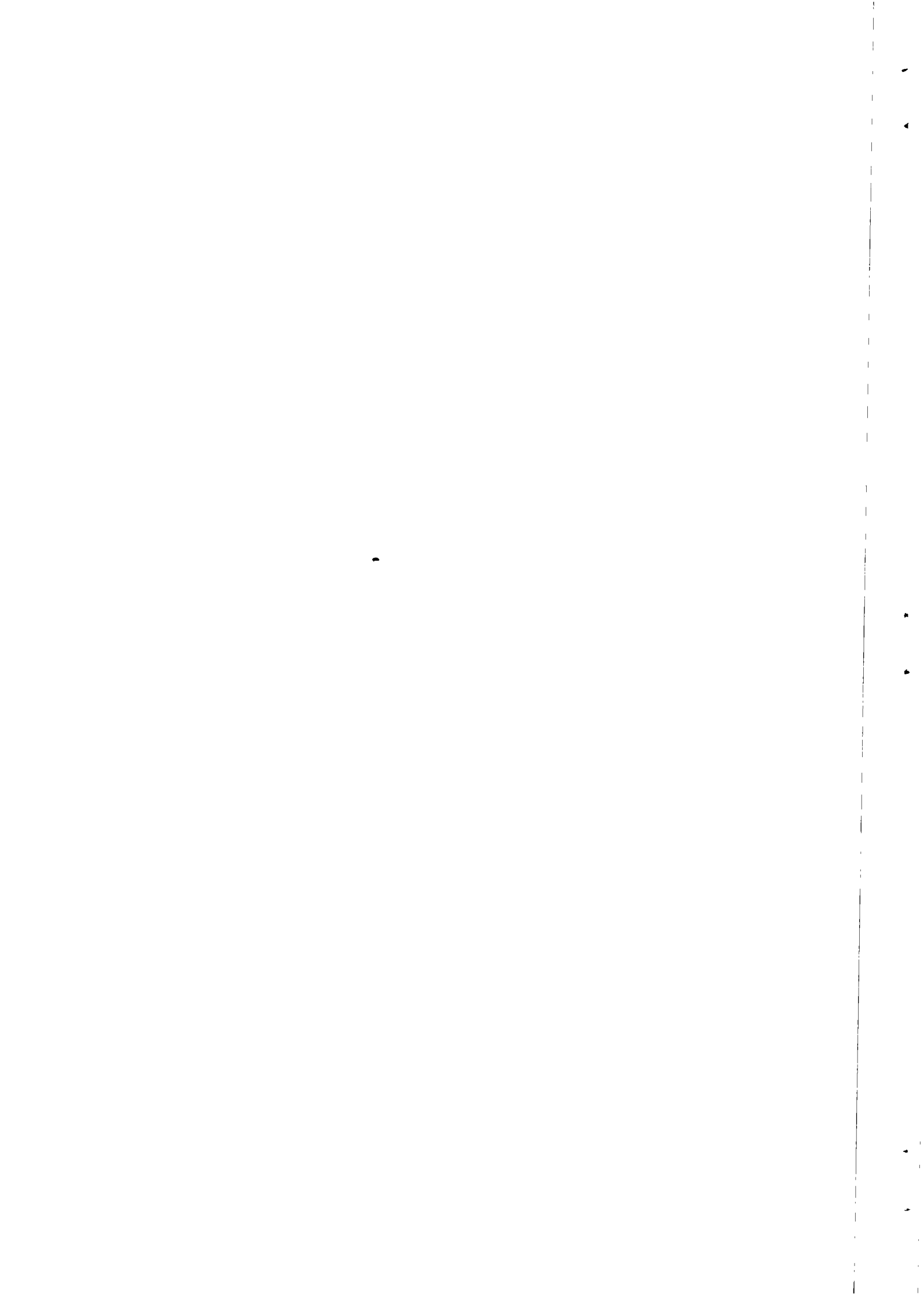
Reference is made to your letter Ref.NA/JLA/OC/2018/VOL.1 dated on 22<sup>nd</sup> February, 2018 on the above subject matter.

According to the records held by this office as at 26<sup>th</sup> February, 2018, **Mr. Kennedy Nyabuti Ogeto ID No. 5802462** is not an official of a registered political party.

Yours faithfully,

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









## ETHICS AND ANTI-CORRUPTION COMMISSION

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

When replying please quote:

Our Ref: EACC.7/10/5 VOL.V (152)



28<sup>th</sup> February, 2018

**Michael R. Sialai, EBS**

Clerk of the National Assembly  
National Assembly  
Parliament Building  
P O Box 41842-00100

**NAIROBI**

Dear Sir

**RE: VETTING OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF SOLICITOR GENERAL**

We acknowledge receipt of your letter referenced NA/JLA/OC/2018/VOL.I dated 22<sup>nd</sup> February, 2018 on the above subject matter.

We wish to confirm that there are no outstanding issues or ongoing investigations against the nominee for the position of Solicitor General, **Mr. Kennedy Nyabuti Ogeto** of Identification Card Number **5802462**.

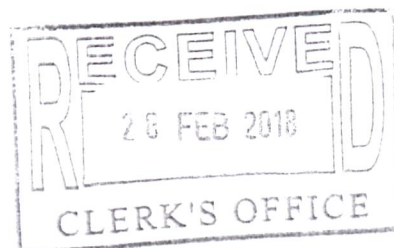
The information provided is based on records available as at 28<sup>th</sup> February, 2018.

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

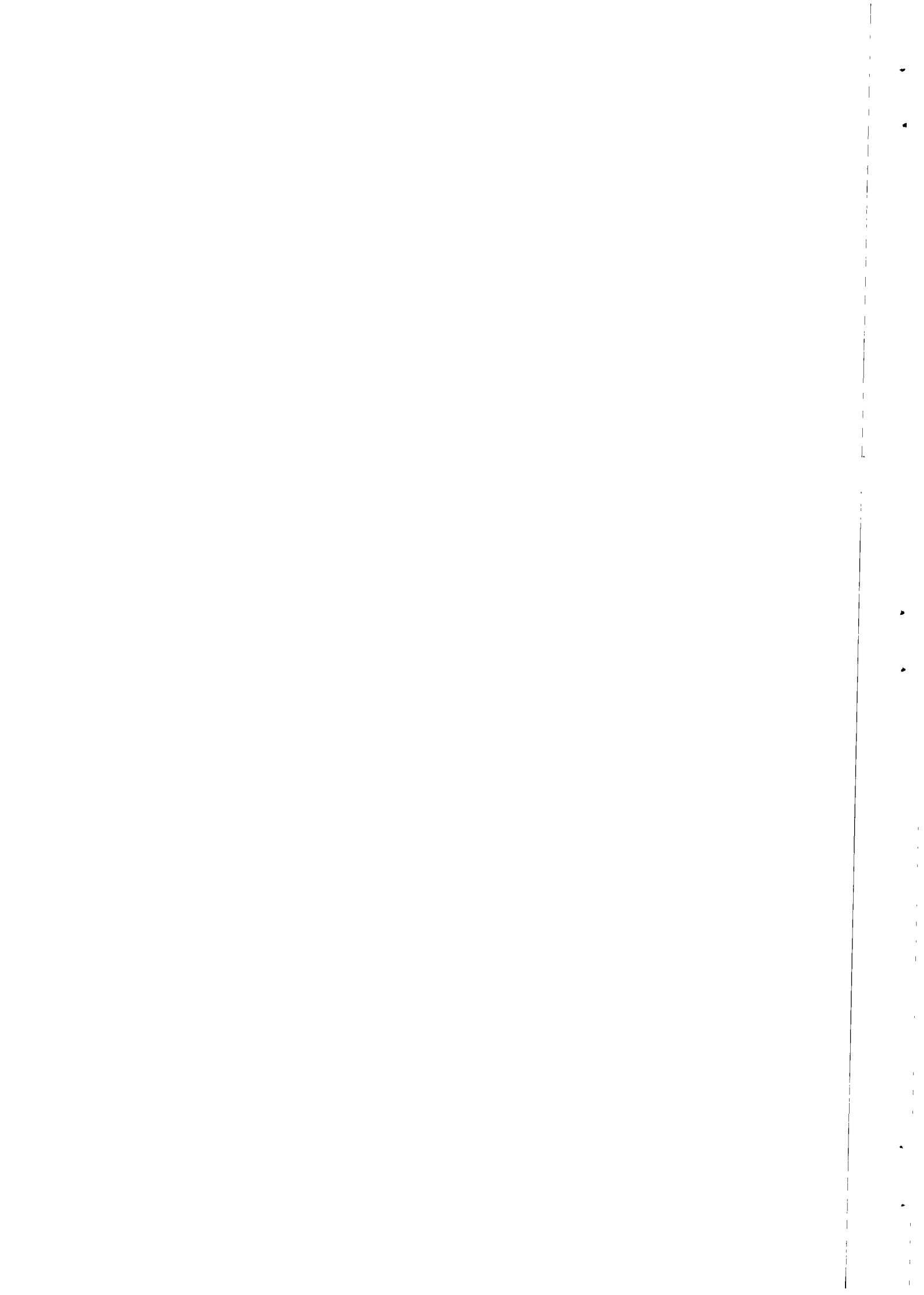
Yours faithfully

**ABDI A. MOHAMUD, MBS**  
**DIRECTOR, INVESTIGATION**  
**FOR: SECRETARY/CHIEF EXECUTIVE OFFICER**

*EH/tm*



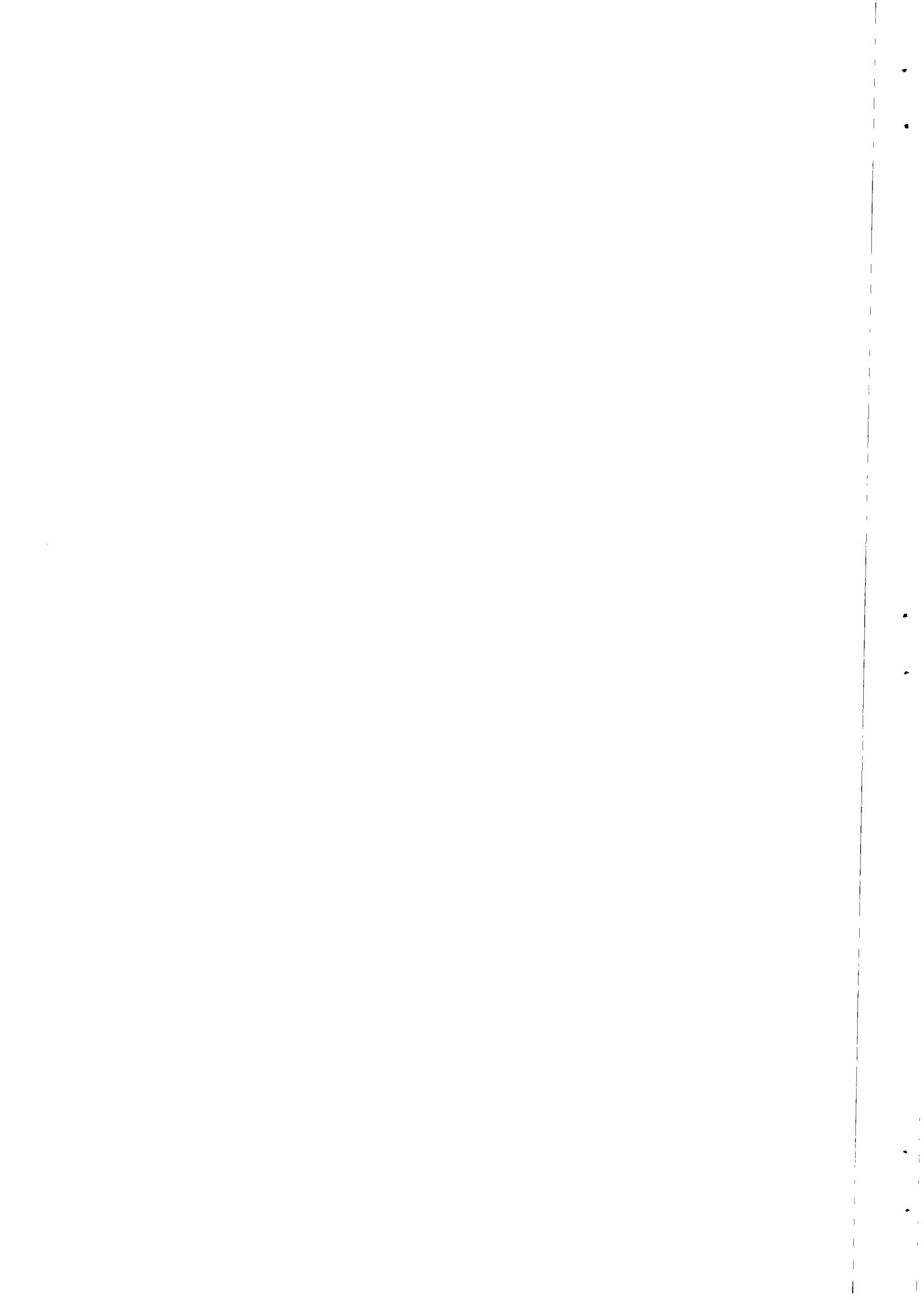
*(2) George Awendo  
Brig to attention  
committee.  
1/3/18*





# **ANNEXURE 6**

**(Nominee's Certificate of Good Conduct  
from the Directorate of Criminal  
Investigation)**



① D/Cutter  
28/2/18

# NATIONAL POLICE SERVICE

Telegrams: "IDENT CRIMINAL" Nairobi  
Telephone: 020-8512089/98  
Fax: 020-2606149  
E-mail: [identsnbi@gmail.com](mailto:identsnbi@gmail.com)  
When replying please quote ref No. and date



CRIMINAL RECORDS OFFICE,  
P.O. Box 30460 - 00100 GPO,  
NAIROBI.

② GAZEMBA  
pls deal

## DIRECTORATE OF CRIMINAL INVESTIGATIONS

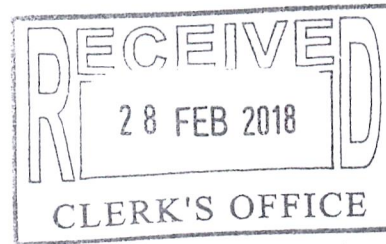
DCI/CRO/SEC/6/7/2/A/VOL.VI/20

28 FEBRUARY, 2018

**The Clerk**

National Assembly  
Clerk's Chambers  
Parliament Buildings  
P O Box 41842 - 00100  
**NAIROBI**

**Attn:** Michael R. Sialai, EBS



**SUBJECT: VETTING OF PERSON APPOINTED TO THE POSITION OF SOLICITOR GENERAL**

Your correspondence Ref. No. NA/JLA/OC/2018/VOL.I dated 22<sup>nd</sup> February, 2018 refers.

We hereby confirm that the below mentioned applied for Police Clearance Certificate and was **genuinely** issued with a certificate by this office on 27<sup>th</sup> February, 2018.

S/NO.	NAME	IDENTITY NO.
1.	Kennedy Nyabuti Ogeto	5802462

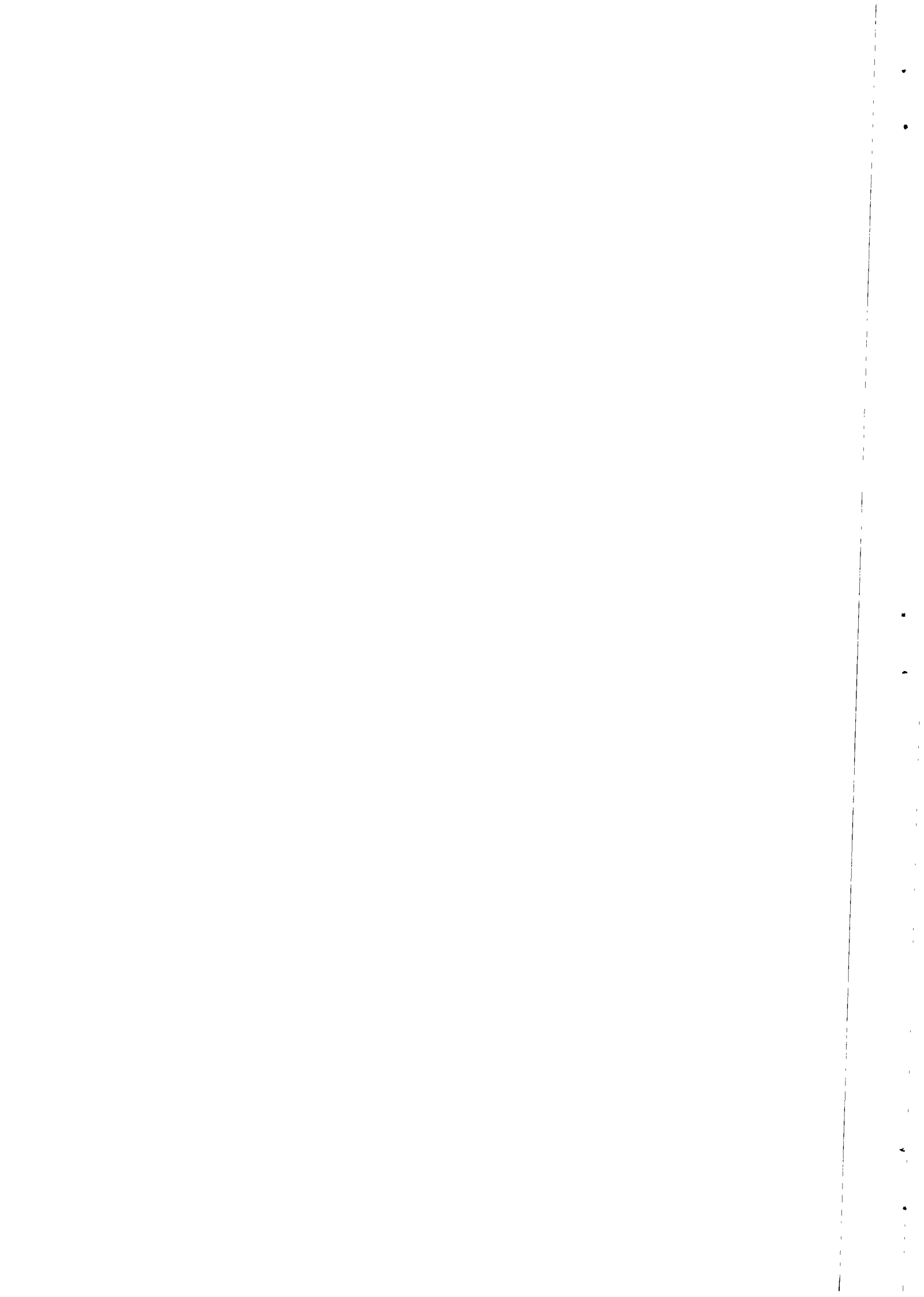
Kind regards.

*[Signature]*  
P.M. ONYANGO

**FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS**

**Copy to: DCI**

**OUR VISION:** To be the best forensic science laboratory with emphasis on continual linkage of the Crime, the Crime -Scene and the Criminal.  
**FACES CAN LIE, FINGERPRINTS NEVER.**



À



**DIRECTORATE OF CRIMINAL INVESTIGATIONS**

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

Ref. No. **PCC-AAADNVA0**

Date. **27 February 2018**

**POLICE CLEARANCE CERTIFICATE**

*I hereby certify that the fingerprints recorded from*

**KENNEDY NYABUTI OGETO**

holder of ID No. **5802462** have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

**REMARKS IN CASE OF PREVIOUS RECORD**

**OFFENCE(S): NIL**

**RESULTS OF TRIAL: NIL**

**DATE: NIL**

*This Certificate has been issued without any alteration or any erasure*

**(P.M. Ndunda)**

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

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

**REMARKS**

1.

Offence(s):  
.....

Result of Trial:  
.....

Date:  
.....

2.

Offence(s):  
.....

Result of Trial:  
.....

Date:  
.....

3.

Offence(s):  
.....

Result of Trial:  
.....

Date:  
.....

4.

Offence(s):  
.....

Result of Trial:  
.....

Date:  
.....

5.

Offence(s):  
.....

Result of Trial:  
.....

Date:  
.....

5.

Offence(s):  
.....

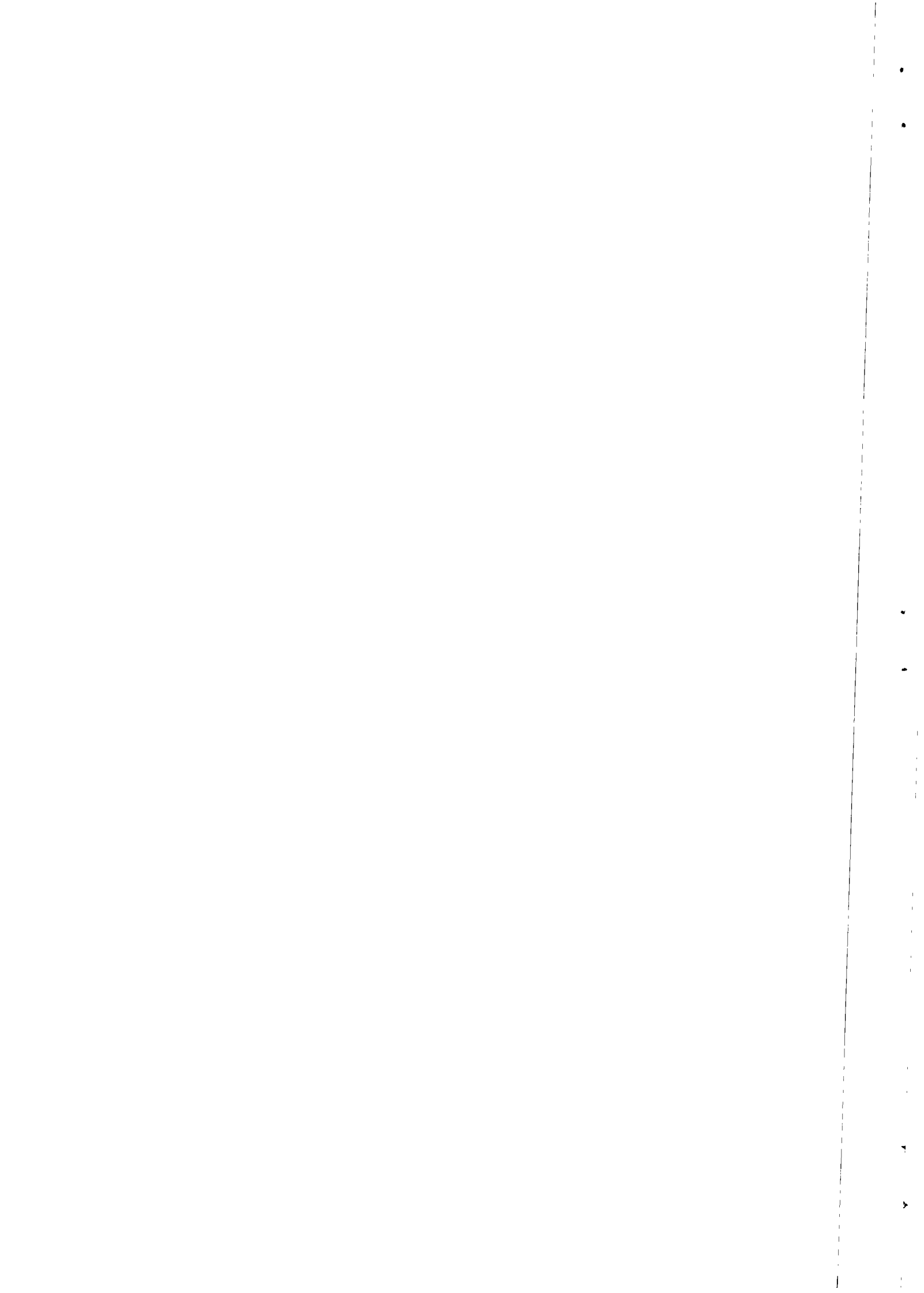
Result of Trial:  
.....

Date:  
.....



# **ANNEXURE 7**

(Questionnaire filled by the nominee  
pursuant to the provisions of Section 6(8)  
of the Public Appointments  
(Parliamentary Approval) Act, 2011)





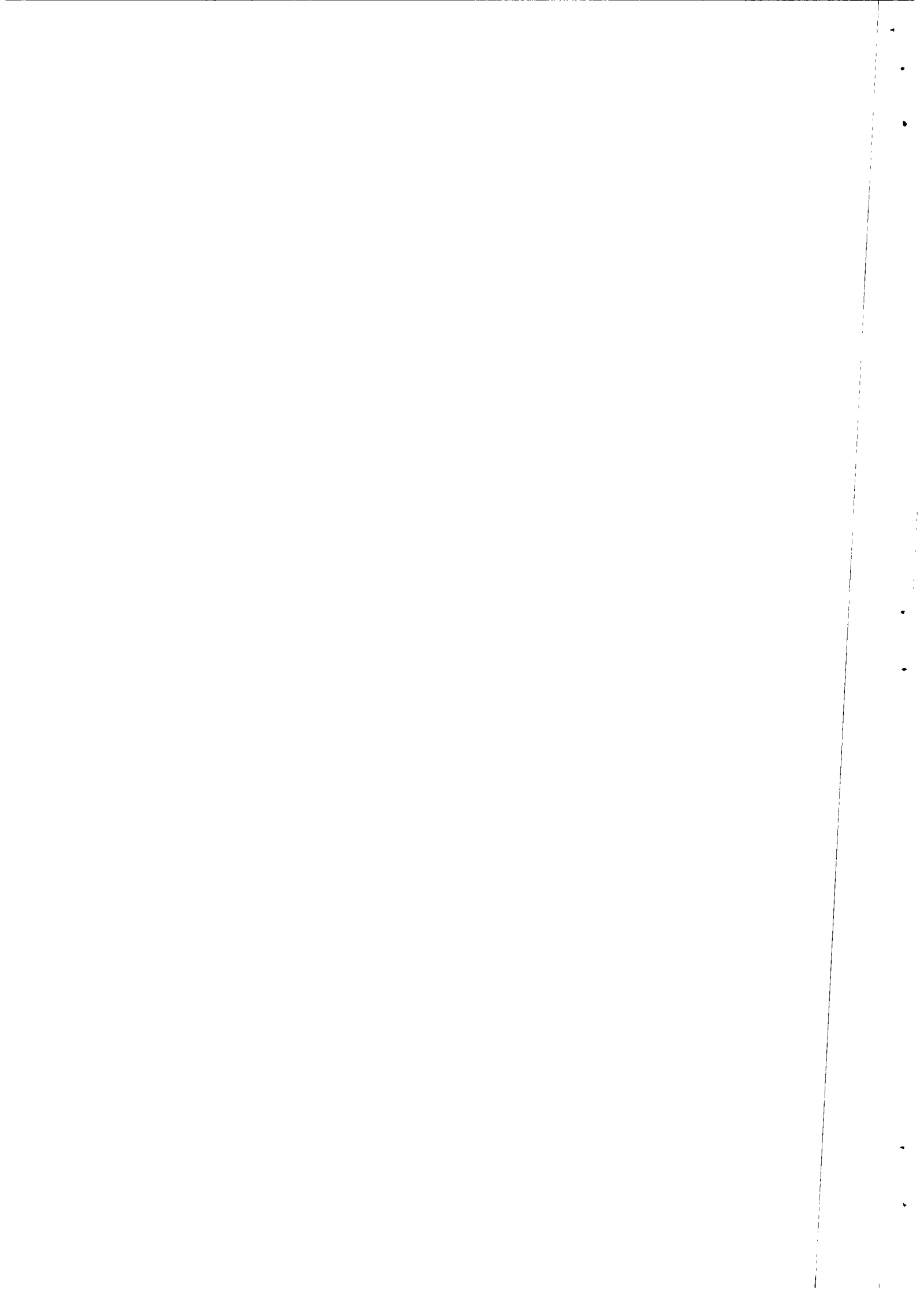
SCHEDULE  
[Section 6(8)]

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

**Notes:**

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

1. **Name:** (State full name)..... **KENNEDY NYABUTI OGETO**.....
2. **Position:** (State office to which you have been nominated).  
..... **SOLICITOR GENERAL** .....
3. **Sex:** ..... **MALE** .....
4. **Date of Birth:** (State year and place of birth)..... **1962, KISII** .....
5. **Marital Status:** ..... **MARRIED** .....
6. **Daytime phone number:** ..... **0722-531118** .....
7. **Mobile phone number:** ..... **0722-531118** .....
8. **Email Address:** ..... **kenogetto@gmail.com** .....



9. ID Number: 5802462
10. PIN Number: A0012901327
11. Nationality: KENYAN
12. Postal Address: P. O. Box 79438-00200 NAIROBI
13. Town/City: NAIROBI
14. Knowledge of Languages: (Specify Languages): ENGLISH AND KISWAHILI
15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

2002 LL.M DEGREE UNIVERSITY OF NAIROBI

1990 DIPLOMA IN LAW FROM COUNCIL OF LEGAL EDUCATION KENYA

1989 LL.B UNIVERSITY OF NAIROBI  
SECOND CLASS HONOURS UPPER DIVISION

**Employment Record:** (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant)

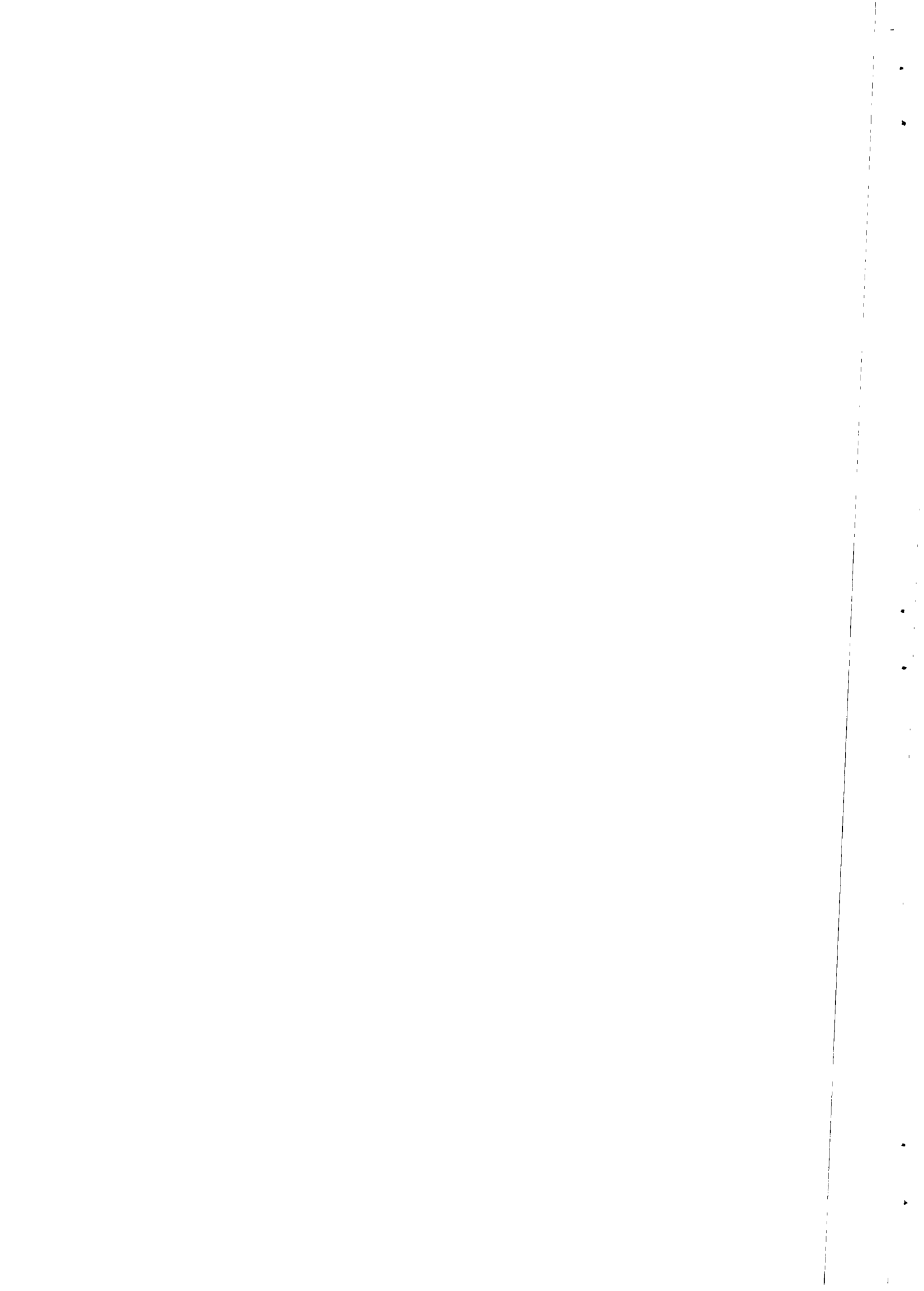
2007- TO DATE MANAGING PARTNER OGETTO, DTACHI &  
COMPANY ADVOCATES

2007 ADMITTED TO THE LIST OF COUNSEL AT THE INTERNATIONAL COURT, THE HAGUE, NETHERLANDS

2005 ADMITTED TO THE LIST OF COUNSEL AT THE SPECIAL COURT FOR SIERRA LEONE

1996-2011 PRACTICED AS LEAD COUNSEL IN THE MILITARY TRIAL UNITED NATIONS CRIMINAL TRIBUNAL FOR RWANDA ARUSHA, TANZANIA

1991-1995 LEGAL ASSISTANT, KILONZO & COMPANY ADVOCATES





1990-1991 LAW REFORM COUNSEL AS STATE  
COUNSEL 1

16. **Honours and Awards:** (List any scholarships, fellowships, honorary degrees, academic or professional honours, honorary society memberships, military awards and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award).

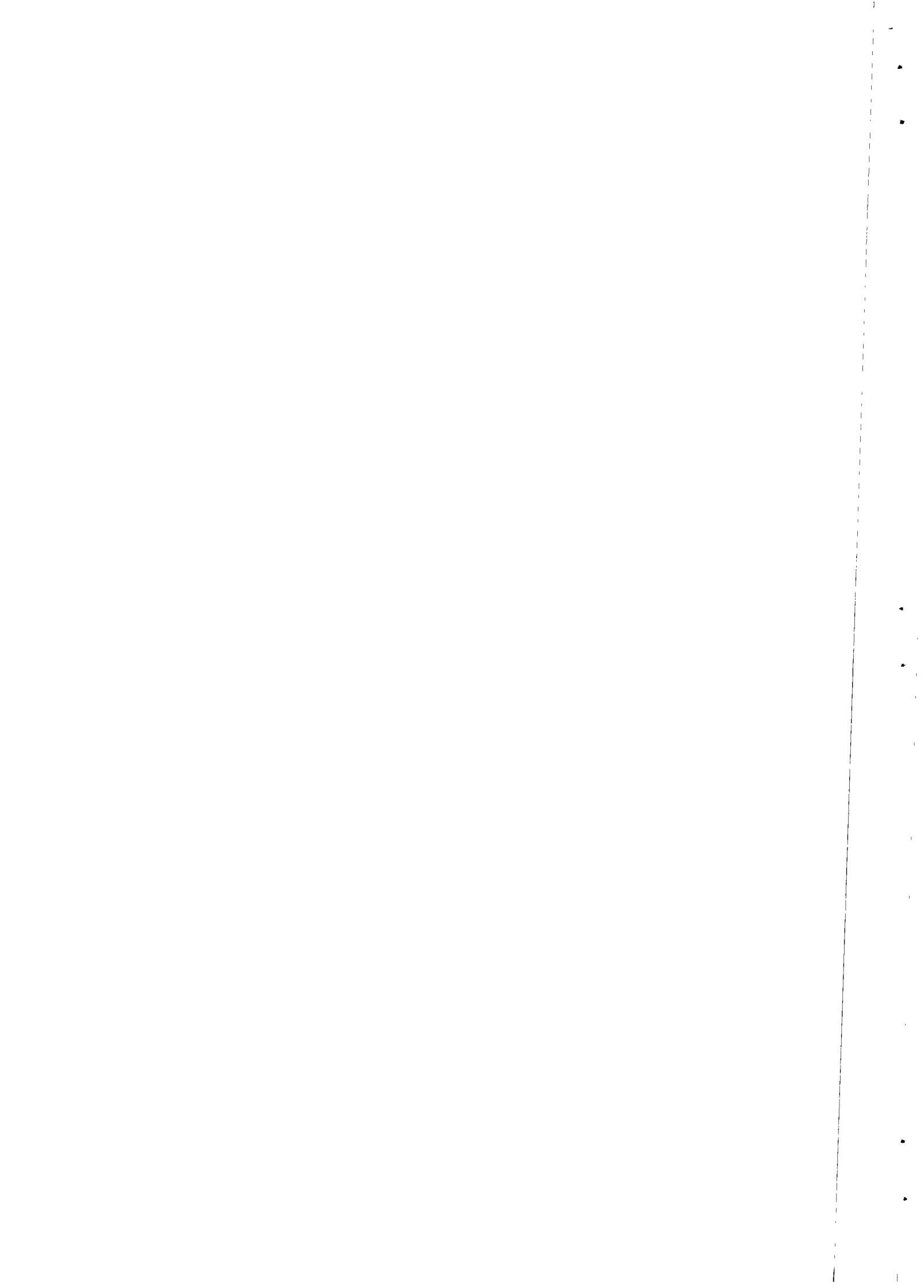
AWARDED THE ORDER OF THE ELDER OF THE BURNING SPEAR (EBS) BY HIS EXCELLENCY THE PRESIDENT OF KENYA IN DECEMBER 2016

17. **Professional Association** (where applicable): (List all professional associations of which you are or have a member and give any positions held and the respective dates when each such position was held).

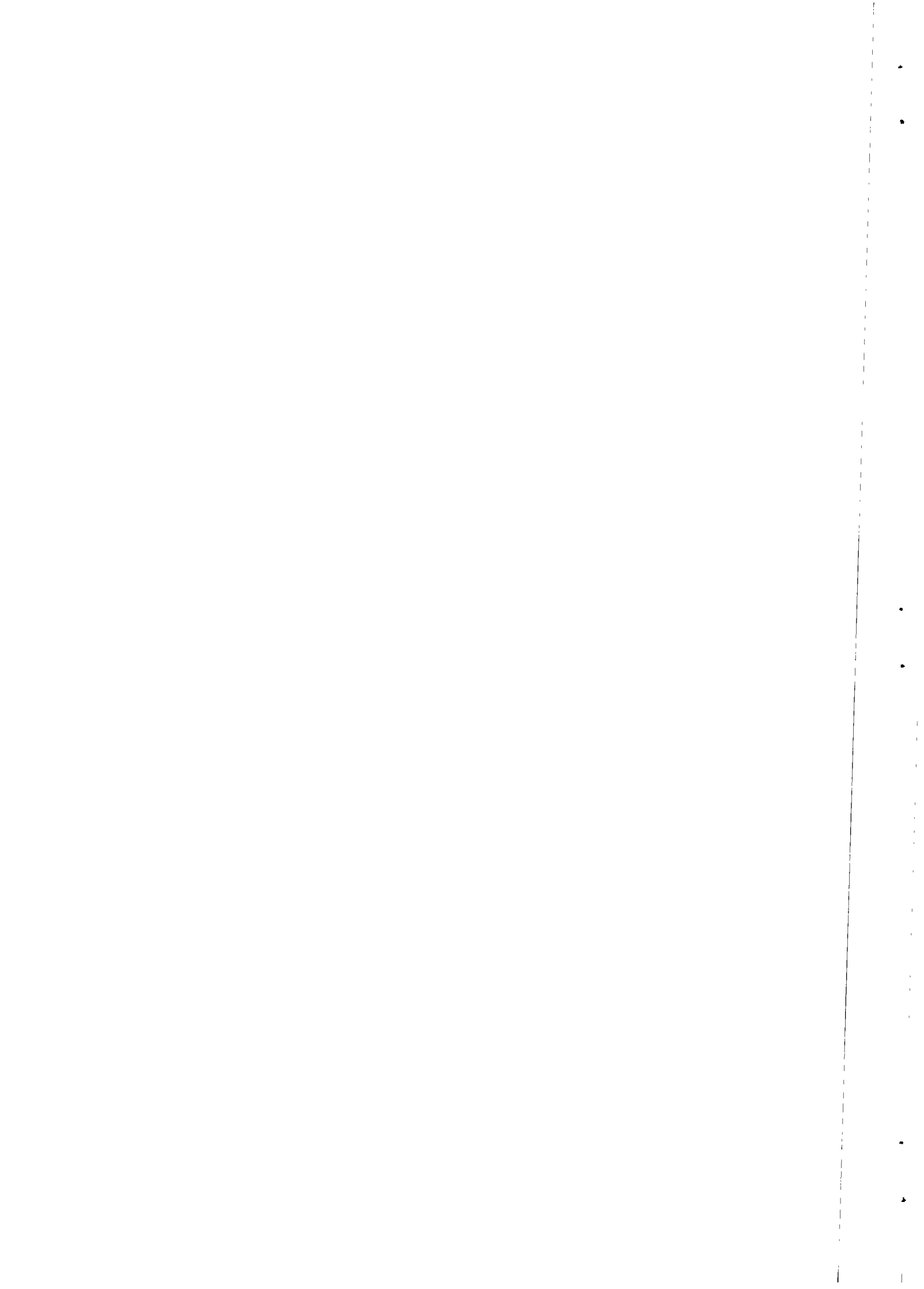
LAW SOCIETY OF KENYA  
THE EAST AFRICA LAW SOCIETY  
INTERNATIONAL CRIMINAL LAW NETWORK  
COMMONWEALTH LAWYERS ASSOCIATION  
ASSOCIATION OF DEFENCE ATTORNEYS AT THE UNITED NATIONS  
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA  
INTERNATIONAL CRIMINAL BAR  
INSTITUTE OF CERTIFIED PUBLIC SECRETARIES KENYA

18. **Memberships:** (List all professional, business, fraternal, scholarly, civic, charitable or other organizations, (other than those listed in response to Question 16) to which you belong or have belonged).

NIL









.....  
NIL  
.....  
.....  
.....  
.....  
.....  
.....

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution?

.....  
NO  
.....  
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.....  
.....  
.....

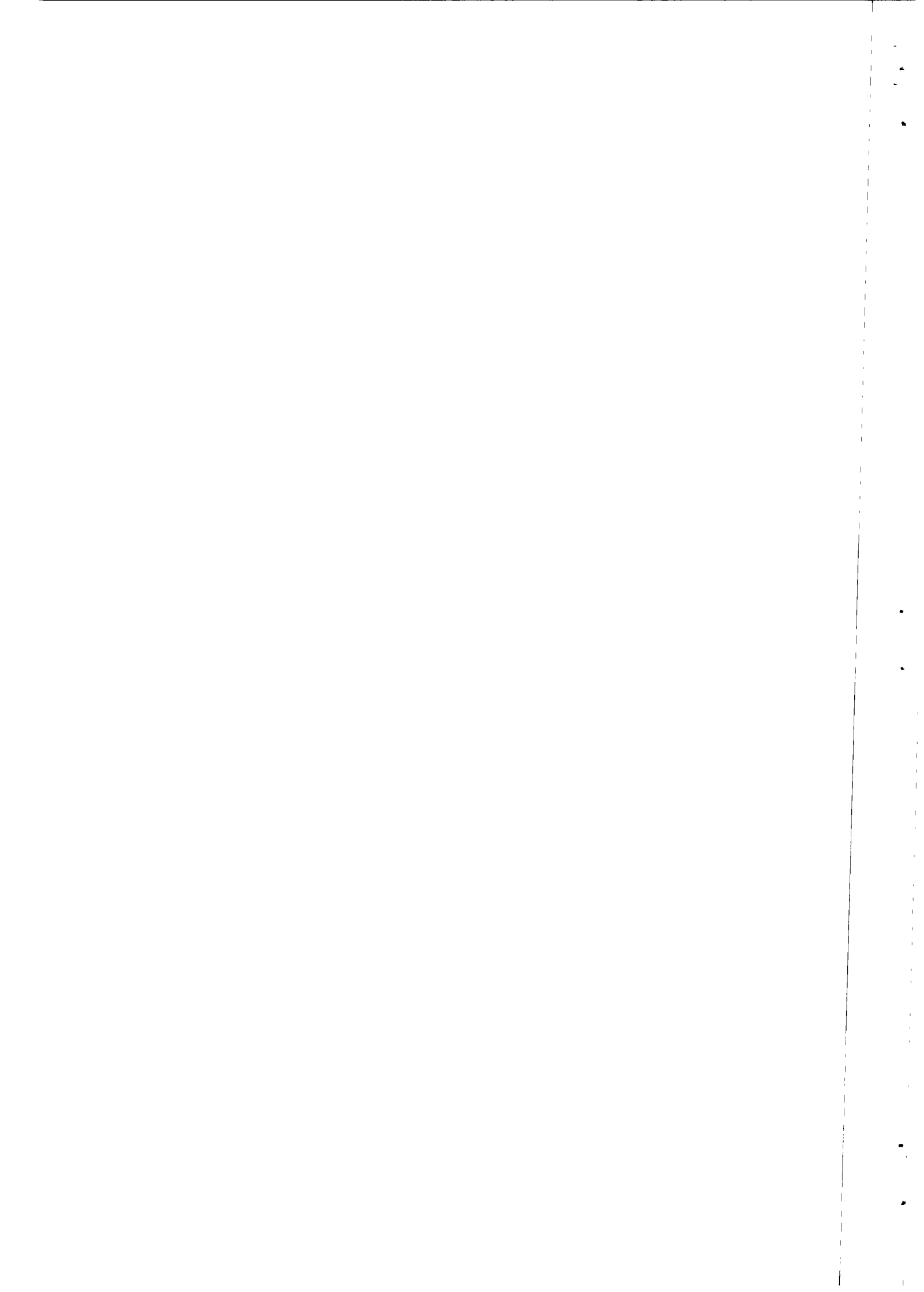
(d) Have you ever been adversely associated with practices that depict bias, favouritism or nepotism in the discharge of public duties?

.....  
NO  
.....  
.....  
.....  
.....  
.....

21. **Deferred Income/Future Benefits:** (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc).

.....  
NIL  
.....  
.....  
.....  
.....  
.....

22. **Outside commitment during service in office:** (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain). **NO**



.....  
.....  
.....  
23. **Sources of Income:** (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

LAW FIRM BUSINESS KSHS: 20 MILLION - 2017

LAW FIRM BUSINESS KSHS: 5 MILLION - 2018

24. **Tax Status:** (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment).

YES I HAVE COMPLIED WITH TAX OBLIGATIONS.

I HOLD A TAX COMPLIANCE VERIFICATE VALID UPTO APRIL 2018.

25. **Statement of Net Worth:** (State your financial net worth)

INCLUDING IMMOVEABLE AND MOVABLE ASSETS  
THEY ARE APPROXIMATED TO BE WORTH A SUM  
OF KSHS. 350,000,000 K

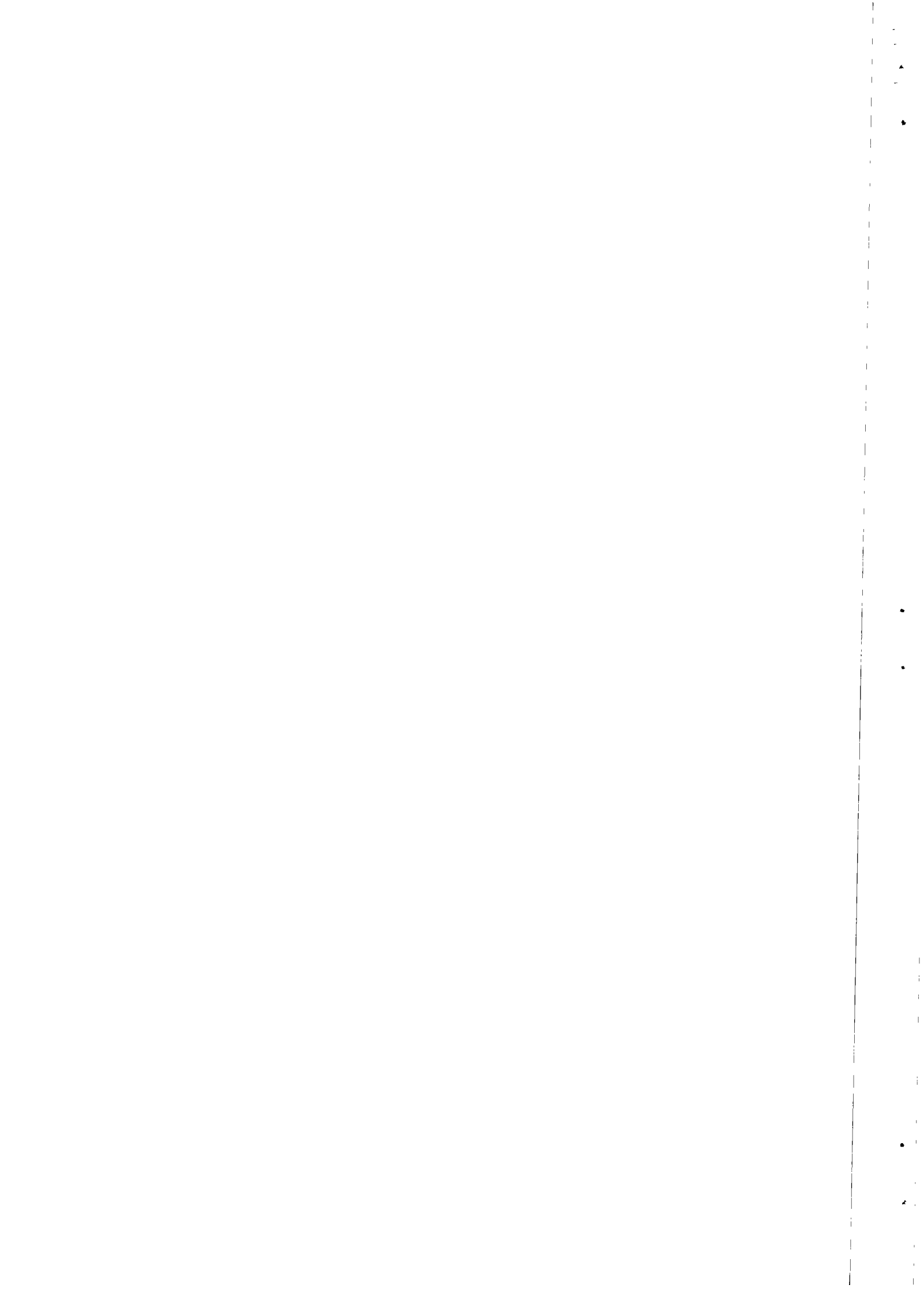
26. **Potential Conflict of Interest:**

(a) Identify the family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

NIL

(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

N/A



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-----  
27. **Pro-Bono/Charity Work/donation to charity:** (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each). I SPONSOR NEEDY CHILDREN IN PAYING OF FEES PATRON IGENAITAMBE HEALTH CENTRE IN NYAMIRA COUNTY CONSTRUCTION OF VARIOUS SCHOOLS NAMELY: KEBUSE PRIMARY SCHOOL, KRONGE BOARDING SCHOOL, KAHAWA SECONDARY SCHOOL, CONSTRUCTION OF CHURCHES NAMELY: RIATEKA SDA CHURCH, KAMKUNJI CENTRAL SDA CHURCH, NYAMURA CENTRAL SDA CHURCH AMONG MANY OTHERS

28. Have you ever been charged in a court or law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded.

-----  
NO  
-----  
-----  
-----

29. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years?

-----  
NO  
-----  
-----  
-----

30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

-----  
NO  
-----  
-----  
-----

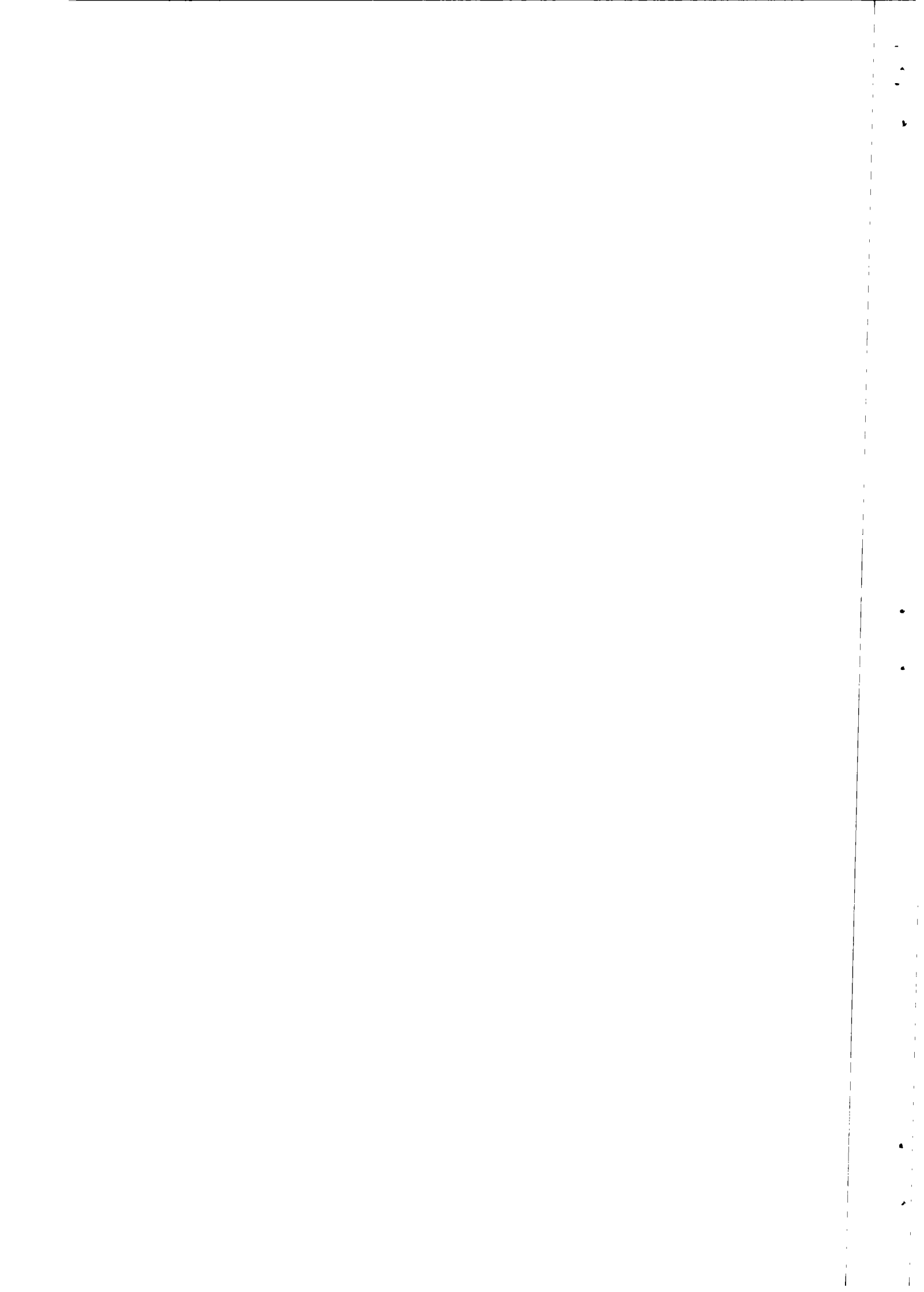
31. **References:**

(List three persons who are not your relatives who are familiar with your character, qualification and work).

MR. MOHAMMED NYADGA

MR. PROF GITHU MUIGA

MR. JOHN PETER NYANGERI SIMBA





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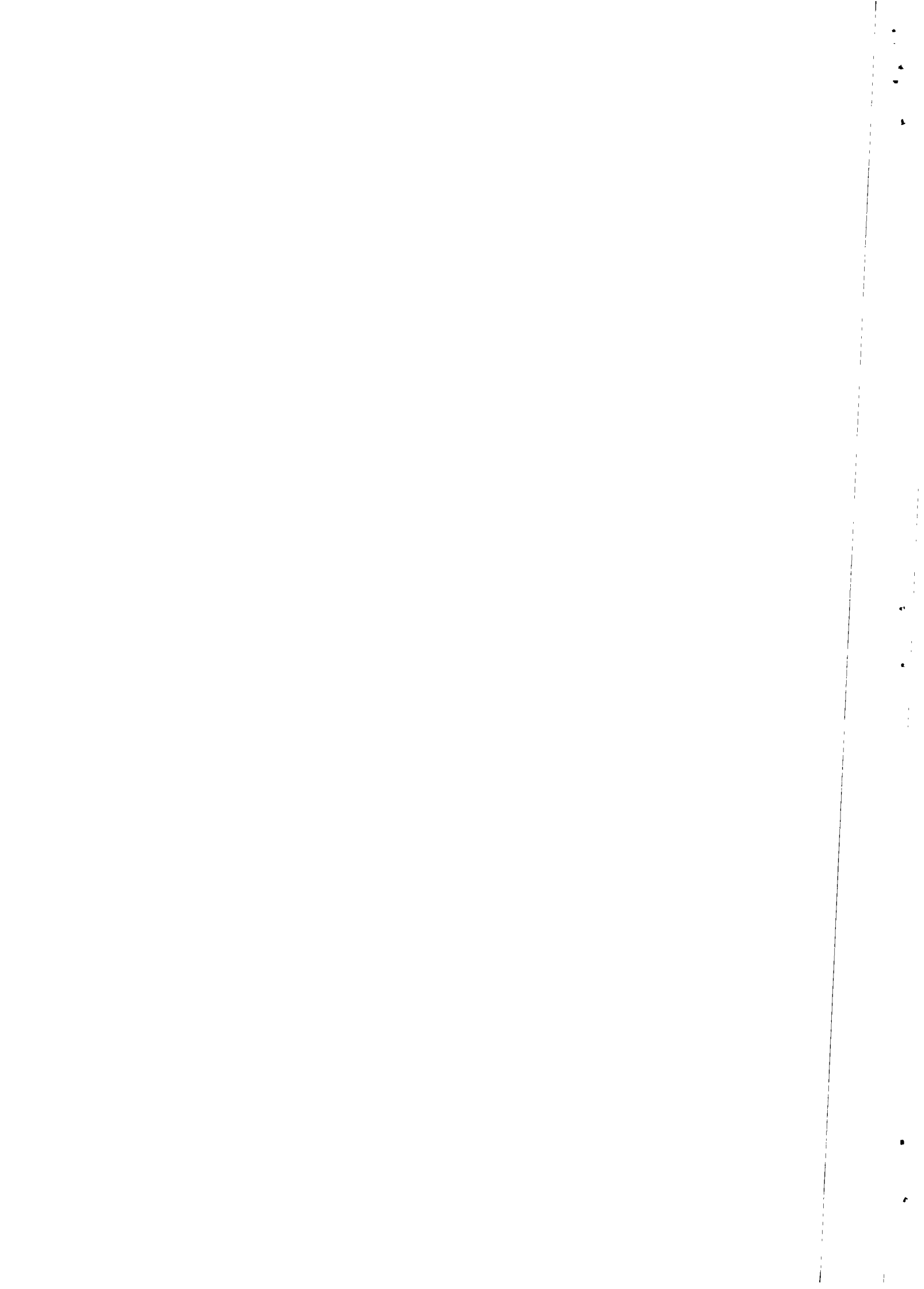
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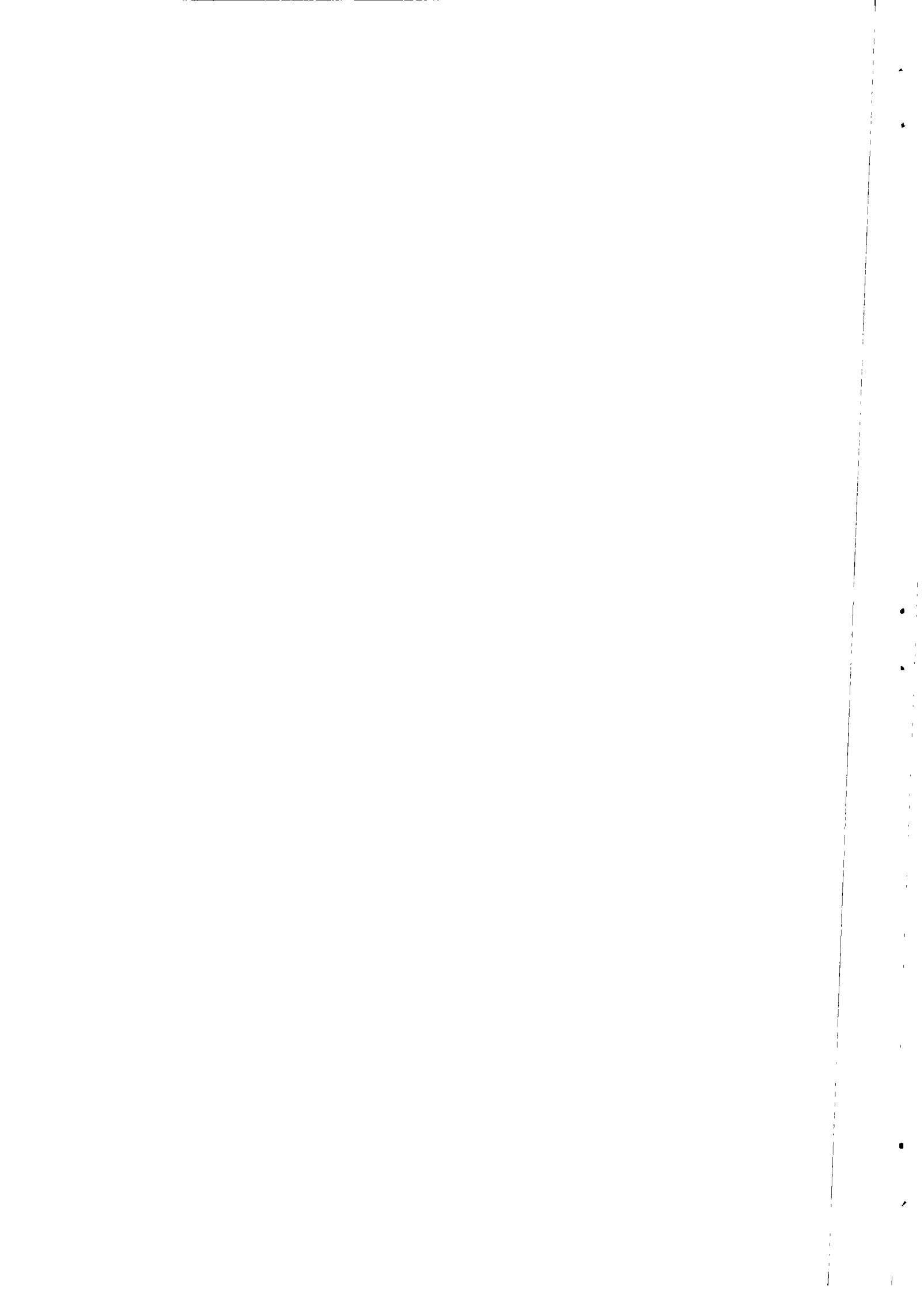
**No. 33 of 2011 [Rev. 2012]**  
*Public Appointments (Parliamentary Approval)*  
[Issue 1] 10





# **ANNEXURE 8**

(Nominee's CV, certificates and testimonials)



# Curriculum Vitae

## Kennedy Ogeto EBS

### Overview:

Currently the Managing Partner of the law firm Ogeto, Otachi and Company Advocates and an Advocate of the High Court of Kenya with 26 years legal experience since admission to the Bar in 1991.

Holds Bachelor of Laws (LL. B) and Master of Laws (LL.M) degrees from the University of Nairobi and a Postgraduate Diploma in Law from The Kenya School of Law.

Is a member of the Institute of Certified Public Secretaries of Kenya - ICPS (K) and holds a Certified Public Secretaries of Kenya Certificate.

Admitted to practice law in various jurisdictions regionally and internationally, and also admitted as Counsel at the International Criminal Court in The Hague, The Netherlands.

In the Public Service, has previously served as State Counsel II, Attorney General's Chambers (Law Reform Commission 1991-1992).

Has served as Chairman of the Anti-Money Laundering Advisory Board (2015).

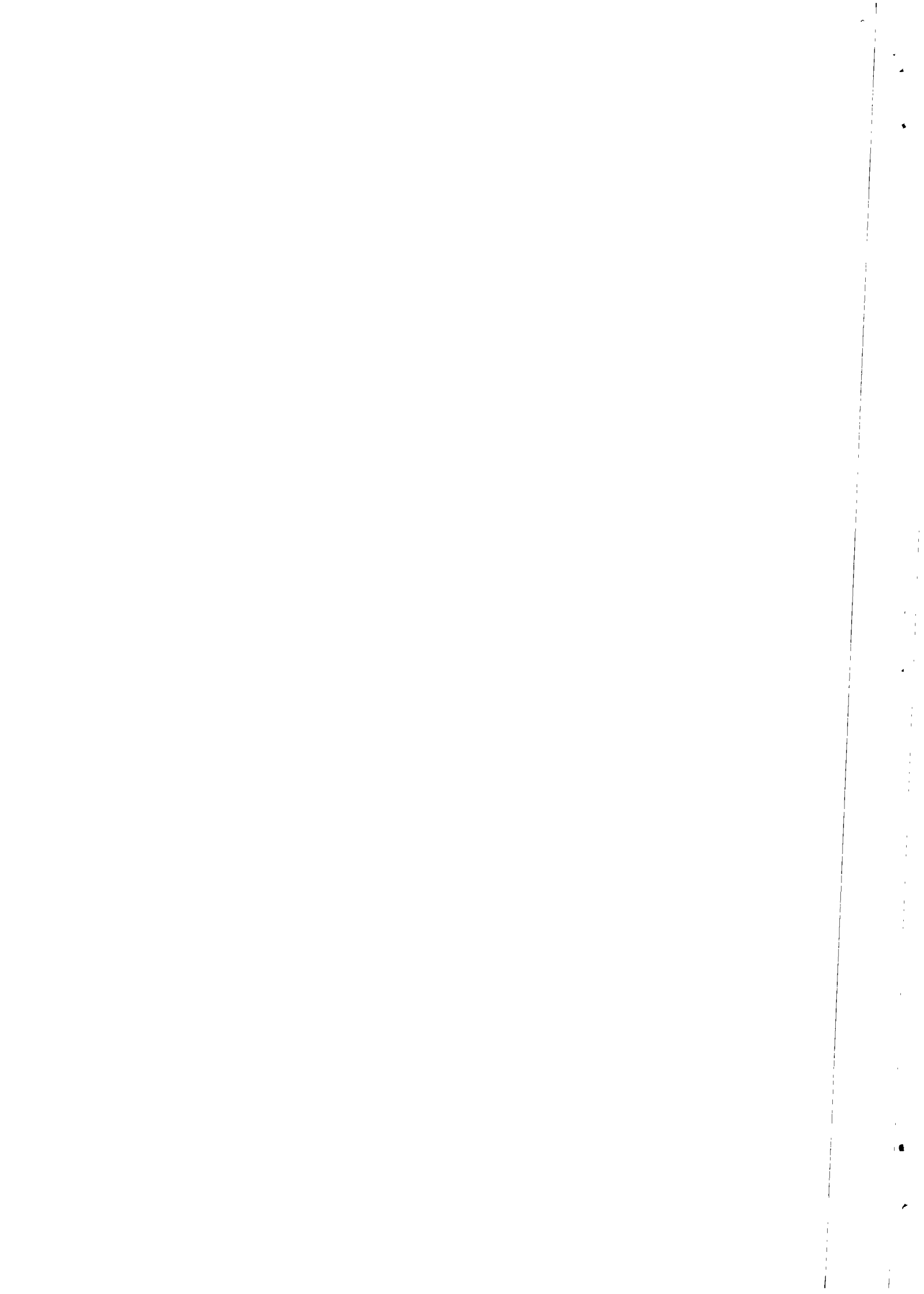
Currently serves as Member of the Board of Directors of the Kenya Ports Authority and Ecobank Kenya Limited.

In recognition of his contribution to public service, His Excellency The President Hon. Uhuru Kenyatta recently conferred him with the Order of the Elder of the Burning Spear (EBS)

### Personal Details

Nationality: Kenyan

Date of Birth: 24 June 1964



Marital Status: Married with four children

Contact Address: Ogetto, Otachi & Co. Advocates  
Sifa Towers, 7<sup>th</sup> Floor,  
Ring Road Kilimani, Lenana Road Junction  
P.O. BOX 79438-00200  
NAIROBI

Cell Phone: +254 733 755 759/ +254 722 531 118

Office: 020 2722470/90

Fax: 020 27222476

E-mail Address: Official: [ogetto@law-consults.org](mailto:ogetto@law-consults.org), [info@law-consults.org](mailto:info@law-consults.org)  
Personal: [kenogetto@gmail.com](mailto:kenogetto@gmail.com)

### **Professional and Academic Training:**

- LL.M, Master of Laws, University of Nairobi, Kenya (2002)
- Admitted to the Roll of Advocates in 1991
- Diploma in Law (Advocates Training Program); The Kenya School of Law; (1990)
- LL.B, Bachelor of Laws, Second Class Honours, Upper Division, University of Nairobi, Kenya (1989)

### **Professional Experience**

#### **Managing Partner, Ogetto, Otachi and Company Advocates**

- Practised law as an Advocate of the High Court of Kenya for the last twenty six years.
- Provided legal advice and representation to national and international clients on domestic and cross-border issues, focusing on Banking and Finance, Commercial and Company law, Mergers and Acquisitions, Debt Recovery, Conveyancing, Civil and Criminal Litigation, Aviation law, Energy and Infrastructure, Intellectual Property law, Alternative dispute resolution, mediation and arbitration, Procurement law, Legal



Compliance Audits, Due Diligence, Legal Framework Review, Constitutional law, Employment law, Defamation and International law;

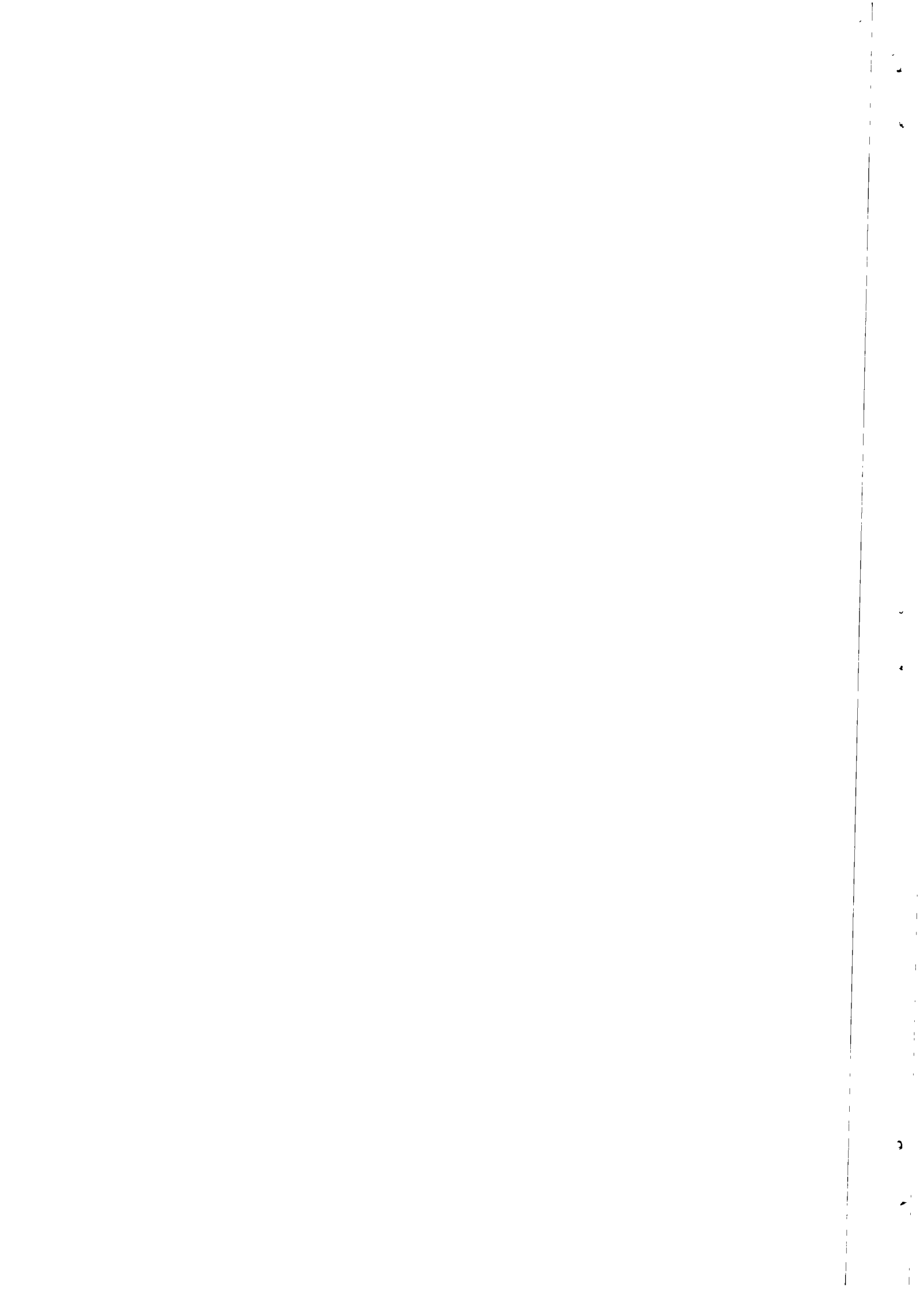
- Admitted to the list of counsel at The International Criminal Court, The Hague, The Netherlands in 2007;
- Admitted to the list of counsel at the Special Court for Sierra Leone -SCSL in 2005;
- **Practised as Lead Defence Counsel** in the Military 1 Trial ,United Nations International Criminal Tribunal for Rwanda, Arusha, Tanzania, from 1996 to 2011;
- **Practised as Defence Co-Counsel** in the RUF Trial, United Nations Special Court for Sierra Leone-Freetown Sierra Leone from 2007 to 2008;
- **Lead National Defence Counsel** for Ambassador Francis Muthaura at the International Criminal Court, Kenya case from 2010-2013.
- Member of Defence Team of His Excellency President Uhuru Kenyatta, at the Hague Netherlands.

#### **Other professional experience**

1990 - 1991	Law Reform Commission as State Counsel 1
1991 - 1995	Legal Associate ,Legal firm of Kilonzo and Company Advocates (1991 - 1995) in the Litigation and Property Departments.
Public Service:	Chairman of the Anti-Money Laundering Advisory Board (2015).  Currently serving as Member of the Board of Directors of the Kenya Ports Authority and Ecobank Kenya Limited.

#### **Academic Engagements**

##### **Publications: Books**





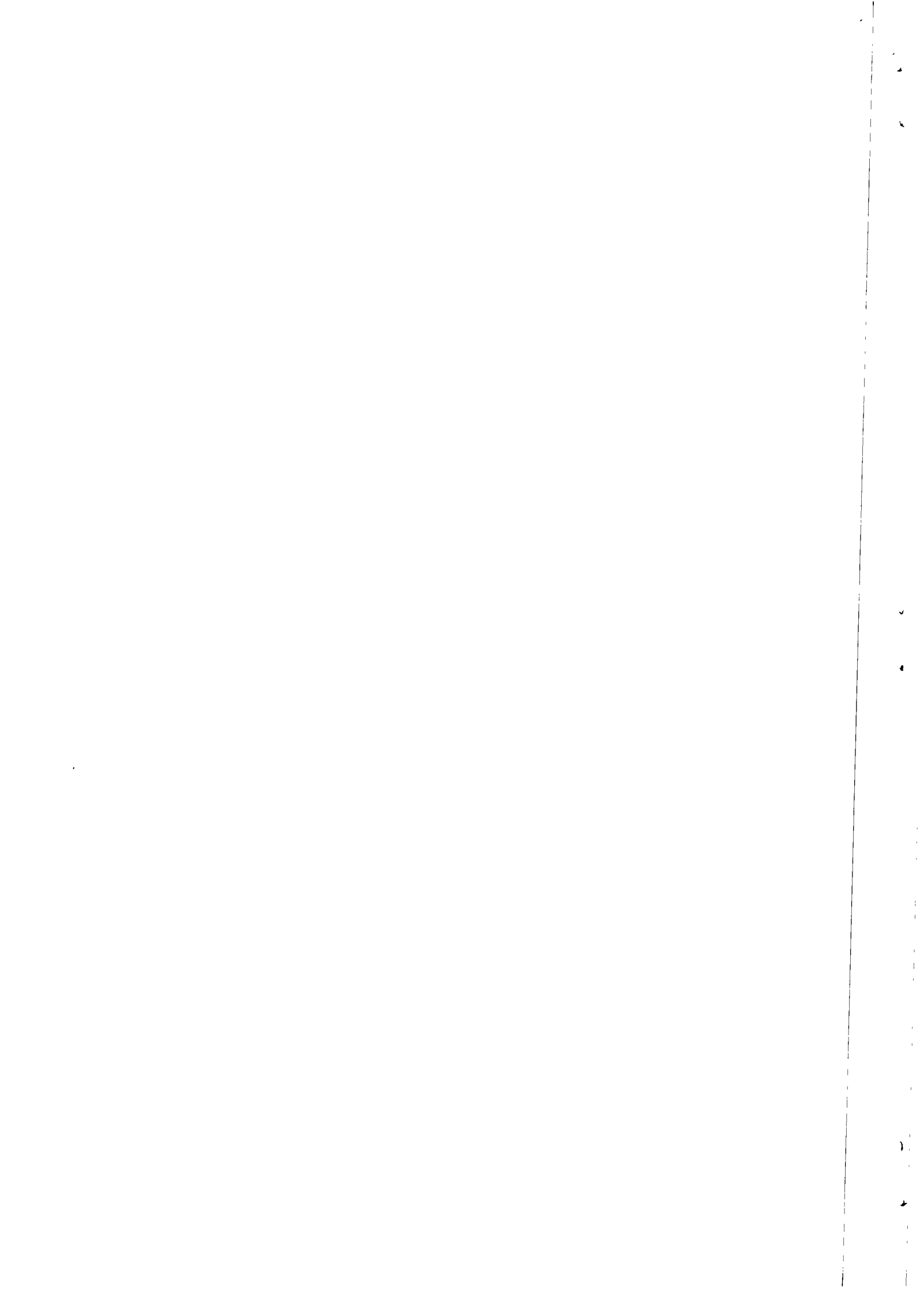
- Co-author: Defence in International Criminal Proceedings (Eds, Bohlander, Boed and Wilson, Transnational Publishers, 2006)

### Papers & Theses

- Habyarimana death: Cause or catalyst? The Rwandan Conflict and Lessons for the Future, (1999, Unpublished)
- Early Conflict Resolution as a tool against War, the Rwandan Case. (1999, Unpublished)
- Extension of Government Leases; a Critique of the Kenyan Land Laws (A Law Reform of Kenya Working Paper, 1991 Unpublished)
- Capital Punishment in Kenya; a Critique (A Law Reform of Kenya Working Paper, 1992 Unpublished)
- Emerging Right to a Decent Environment, a portrait for Kenya (LLM Thesis, University of Nairobi - 2002, Unpublished)
- The Independence of the Kenyan Judiciary: LLB Dissertation, University of Nairobi - 1989 (Unpublished)

### Conferences

- Member of Organizing Committee of the FIRST International Defence Conference; International Criminal Tribunal for Rwanda: ICTR and its Legacy from a Defence Perspective; Hague Netherlands 14-15 Nov 2009-  
*http://www.presseportal.ch/de/meldung/100593178*. Paper Presented: **"The Challenges of Defending International Crime Suspects"**.
- Member of Organising Committee of the SECOND International Defence Conference; International Criminal Tribunal for Rwanda: Independent Conference on its Legacy from Defence Perspective Brussels Belgium 21-23 May 2010 *www.ictrlegacydefenseperspective.org* Paper Presented: **"Review Procedures at the ICTR"**
- Presenter: Law Society of Kenya Annual Conference AUGUST 2009. Paper Presented: **Keeping Pace With Emerging Developments In Criminal Law: Some Challenges of Defending International Crime Suspects:**



- Presenter: 50<sup>TH</sup> Anniversary, International Commission of Jurists ICJ KENYA 17-21 Nov 2009. Paper presented: **“An Evaluation of the theories of Joint Criminal Enterprise and Command Responsibility”**
- Presenter: Symposium on the role of the ICTR in the Development of International Criminal Law (Paris, France 7<sup>th</sup> to 10<sup>th</sup> July 2002. Paper Presented: **National Reconciliation and the International Criminal Tribunal for Rwanda:**

#### **Membership of Professional Bodies**

- Law Society of Kenya (LSK)
- The East Africa Law Society
- International Criminal Law Network
- Commonwealth Lawyers Association
- Association of Defence Attorneys at the United Nations International Criminal Tribunal for Rwanda (ADAD)
- International Criminal Bar

#### **Leadership and Awards:**

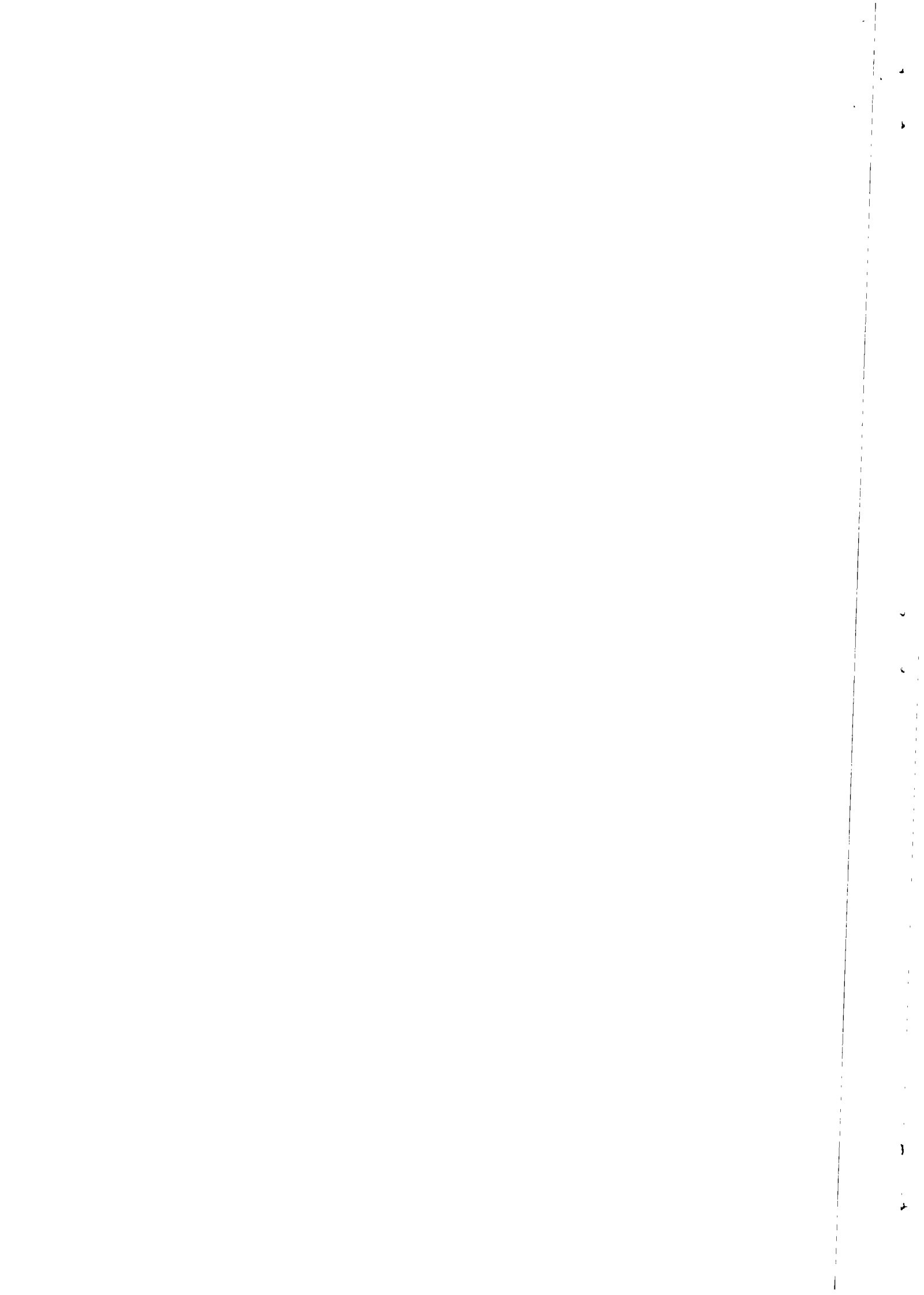
- Awarded the Order of the Elder of the Burning Spear (EBS) by His Excellency the President of Kenya in December 2016, in recognition of Mr. Ogeto's service to the country as a legal practitioner;
- President: Association of Defence Attorneys at the United Nations International Criminal Tribunal for Rwanda (ADAD) 2000-2002;
- Managing Partner: Ogetto, Otachi and Co. Advocates.

#### **Charity and Community work:**

Involved in several charity projects including the sponsorship of the education of children from disadvantaged backgrounds.

- **Africa Centre for Rights and Governance**  
Is the founder and Executive Director of the Africa Centre for Rights and Governance which is a Non-Governmental Organization that helps the disadvantaged in society by providing free legal clinics and conducting community outreach programs in Kenya.

#### **Referees:**



# UNIVERSITY OF NAIROBI



This is to certify that

*Kennedy Opeto*

having satisfied the requirements  
for the award of the degree of the

**BACHELOR OF LAWS**

*Second Class Honours (Upper Division)*

was admitted to the degree  
at a Congregation held at  
this University on the

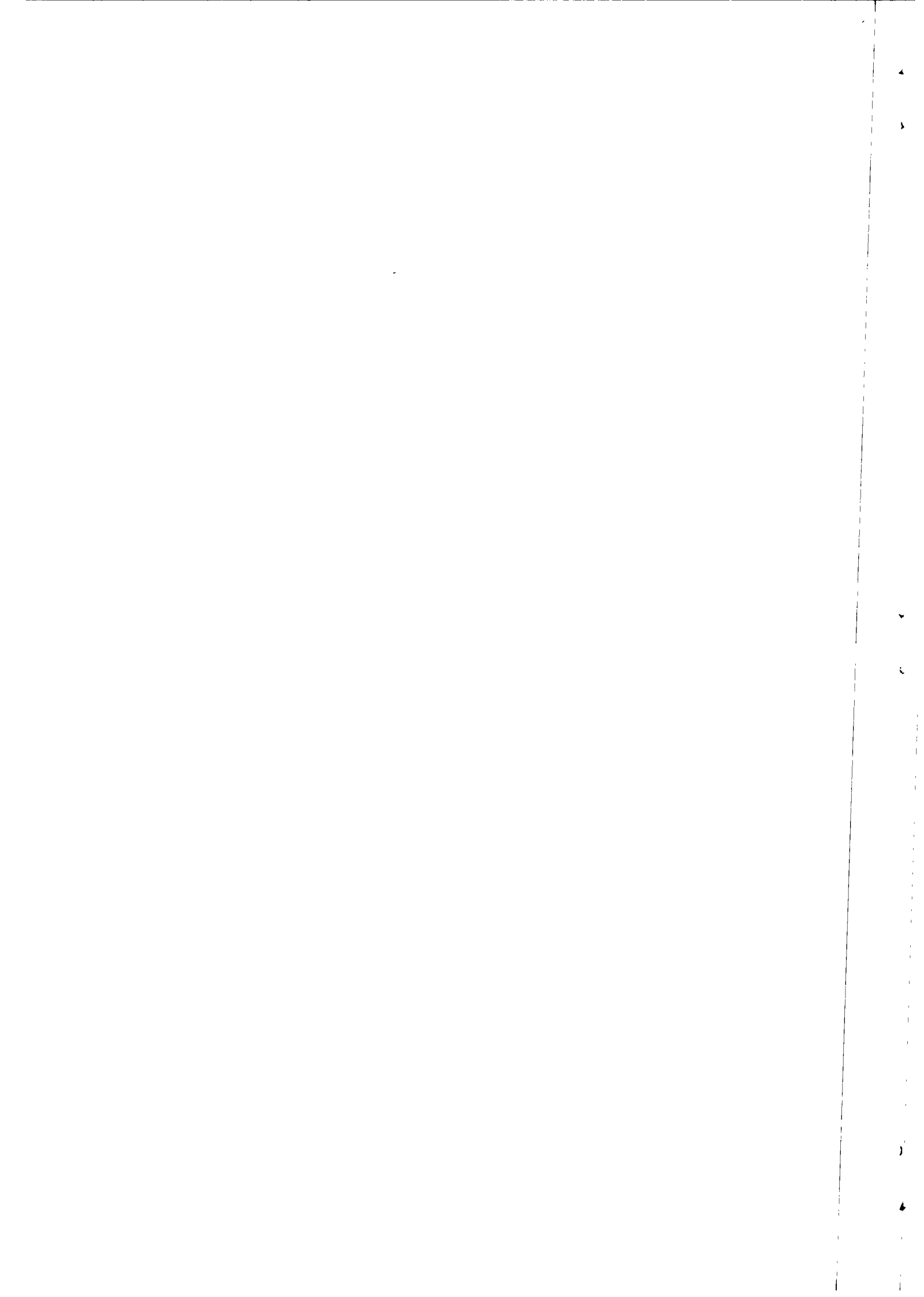
Twenty Eighth Day of November in the Year  
1989

*Philip G. Mbiti*

VICE - CHANCELLOR

*N. D. Swibo*

DEPUTY VICE - CHANCELLOR (ACADEMIC AFFAIRS)





# Council of Legal Education Kenya

Advocates Act—Section 13A

*This is to certify that—*

*Kennedy Ogeto*  
was admitted to the Kenya School of Law on *28<sup>th</sup>* September,  
*1989* and  
duly passed the examinations for admission to the Roll of Advocates in  
*April*, 19*90*, satisfactorily completed a course of  
legal education, service under pupillage and was awarded a Diploma in  
Law.

*Machii*  
Secretary of the Council

*Buyingi*  
Principal of the Kenya School of Law

*Mulachile*  
Chairman of the Council









**UNIVERSITY OF NAIROBI**  
 COLLEGE OF HUMANITIES & SOCIAL SCIENCES  
 FACULTY OF LAW, PARKLANDS CAMPUS

*Telegrams: "Varsity", Nairobi*  
*Telephone: 712261 / 1*  
*Fax: 251 2 336885*  
*251 2 713565*

*Your Ref:*

OFFICE OF THE DEAN

*P.O. Box 30197*  
*Nairobi, Kenya*

*Date: 3.3.2003*

**TO WHOM IT MAY CONCERN**  
**FACULTY TRANSCRIPT**  
**OGETO K. N. - G62/8114/90**

This is to certify that the above named has been a bona-fide Master of Laws student in the Faculty of Law, University of Nairobi. Mr. Ogeto completed his first year of the LL.M degree programme in the year 1990/91, was examined in the courses shown below and obtained the grades indicated.

1st Year: Environmental Law..... A  
 Comparative Constitutional Law..... B  
 Company Law..... B  
 Law of International Institutions..... A

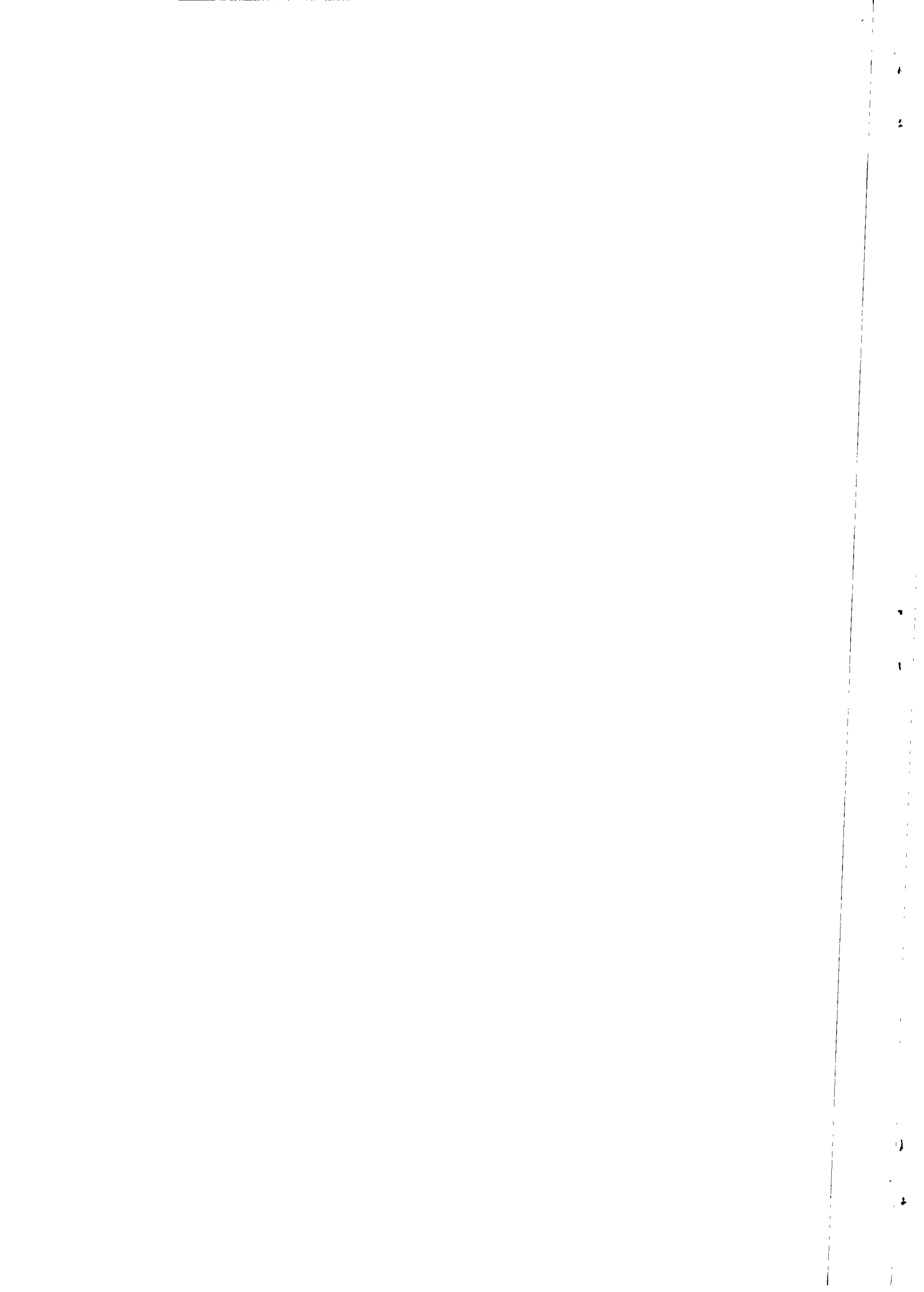
2nd Year: He wrote a thesis entitled "The Emergence of Fundamental Right to A Decent Environment: A Portrait for Kenya."

He was awarded the LL.M. degree in November, 2002.



**WANYONYI MASINDE**  
**SENIOR ADMINISTRATIVE ASSISTANT**

**KEY:**  
 70% AND ABOVE - A  
 60% - 69% - B  
 50% - 59% - C  
 49% AND BELOW - D (FAIL)





# The Institute of Certified Public Secretaries of Kenya

Established under the Certified Public Secretaries of Kenya Act (Cap 534 Laws of Kenya)

## Membership Certificate

This is to certify that

Nyabuti Kennedy Ogeto

is a

**Member**

of The Institute of Certified Public Secretaries of Kenya

Given under the common seal of The  
Institute of Certified Public Secretaries of Kenya

on this 22nd day of February 1995



Membership No. 762.

[Signature]  
Chairman

[Signature]  
Member

[Signature]  
Secretary

