

**MINUTES OF THE 70TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON WEDNESDAY, 25TH SEPTEMBER 2019 IN 2ND FLOOR,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 11.30 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, M.P - Vice Chairperson
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Ali Mbogo, M.P
7. Hon. Babu Owino, M.P
8. Hon. Caleb Kositany, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. Owen Baya, M.P
11. Hon. Samuel Kinuthia Gachobe, M.P
12. Hon. Simon Nganga Kingara, M.P
13. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Catherine Waruguru, M.P
4. Hon. George Aladwa, M.P
5. Hon. Jane Wanjuki Njiru, M.P
6. Hon. Josphat Gichunge Kabeabea, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Clerk Assistant I
2. Mr. Ahmad Guliye - Clerk Assistant III
3. Ms. Jemimah Waigwa - Legal Counsel I
4. Mr. Joseph Tiyan - Research Officer II
5. Mr. Nimrod Ochieng - Audio Recording Officer
6. Ms. Peris Kaburi - Serjeant – At – Arms
7. Ms. Winnie Kizzia - Media Relations Officer

MIN. NO. NA/DCS/LANDS/2019/264: PRELIMINARIES

The meeting was called to order at twenty minutes to twelve o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/265: CONFIRMATION OF PREVIOUS MINUTES

- i. The minutes of the 63rd sitting held on Tuesday 17th September, 2019 were confirmed as true record of the Committee's proceedings after it was proposed and seconded by Hon. Kimani Ngunjiri, MP and Hon. George Sunkuyia, M.P respectively.
- ii. The minutes 64th sitting held on Wednesday, 18th September 2019 were confirmed as true record of the Committee's deliberations after it was proposed and seconded and by Hon. Teddy Mwambire, MP and Hon. Khatib Mwashetani, MP respectively.
- iii. The minutes of 65th sitting held on Thursday 19th September, 2019 at 9.00 a.m. were confirmed as true records of the Committee's proceedings after it was proposed and seconded by Hon. George Sunkuyia, MP and Hon. Samuel Gachobe, MP respectively.
- iv. The minutes of 66th sitting held on Thursday 19th September, 2019 at 2.00 p.m. were confirmed as true record of the Committee's proceedings after it was proposed and seconded by Hon. Caleb Kositany, MP and Hon. Khatib Mwashetani, MP respectively.
- v. The minutes of 67th sitting held on Friday 20th September, 2019 were confirmed as true record of the Committee's proceedings after it was proposed and seconded by Hon. Ali Mbogo, MP and Hon. Khatib Mwashetani, MP respectively.
- vi. The minutes of the 68th sitting held on Saturday, 21st September, 2019 were confirmed as true record of the Committee's deliberations after it was proposed and seconded and by Hon. Samuel Gachobe, MP and Hon. Khatib Mwashetani, MP respectively.
- vii. The minutes of the 69th sitting held on Sunday, 22nd September, 2019 were confirmed as true record of the Committee's deliberations after it was proposed and seconded by Hon. Simon Kingara, MP and Hon. George Sunkuyia, MP respectively.

MIN. NO. NA/DCS/LANDS/2019/266: MATTERS ARISING

I. Under Min. No. NA/DCS/LANDS/2019/252

The Committee noted that;

- a. Hon. Samwel Kazungu Kambi had not availed to the Committee the consent letter indicating that Giriama Ranching Company Limited had guaranteed a commercial loan in favour of Riva Oil Company Limited as he stated during the approval hearings.
- b. There was a contradiction in the statement made by Hon. Kazungu Kambi that he guaranteed the loan obtained by Riva Oil Company Limited from the Development Bank of Kenya given that he also stated the said loan was secured by Giriama Ranching Company.

c. The following cases involving the Development Bank of Kenya, Hon. Kazungu Kambi and Giriama Ranching Company Limited regarding the loan obtained by Riva Oils Company that were pending in Court had been erroneously omitted from the stamen made by Hon Kazungu Kambi during the approval hearings;

- i. High Court Civil Case No. 57/2018;
- ii. Civil Case No.304/2018; and
- iii. Civil Case No. 155/2018.

II. Under Min. No. NA/DCS/LANDS/2019/262

The Committee was informed that the following documents were availed by two nominees;

- a. Ms. Gertrude Nduku Nguku availed her original birth certificate and the Committee certified itself on her correct date of birth as being 11/7/1966.
- b. Prof. James Tuitoek, PhD and Ms. Gertrude Nduku Nguku had submitted updated Directorate of Criminal Investigations clearance certificates issued on 24th September 2019.

MIN. NO. NA/DCS/LANDS/2019/267: CONSIDERATION A REPORT BY KENYA REVENUE AUTHORITY REGARDING TAX COMPLIANCE STATUS OF NOMINEE FOR THE POSITION OF MEMBER, NATIONAL LAND COMMISSION, HON. TIYAH GALGALO ALI

The Committee was informed that Kenya Revenue Authority had submitted a report, vide a letter Ref No. KRA/M&CF/SEEM19/11 dated 25th September 2019 on the above-mentioned matter as directed by the Committee on 20th September 2019. The report stated the following in respect of tax compliance status of Hon. Tiyah Galgalo Ali, a nominee for the position of Member, National land Commission;

- i. Tax Compliance Certificate number KRAWON3033692018 issued to Hon. Tiyah Galgalo Ali on 23rd October 2018 was withdrawn for having been irregularly issued;
- ii. The Authority was pursuing internal disciplinary action on the officers who issued the certificate with full knowledge that the return for the year 2017 had not been filed;
- iii. The review had identified transactions and amounts that were received by her that will require further investigations. She will be required to provide explanation and supporting

evidence before she could be considered for issuance of a valid Tax Compliance Certificate; and


- iv. The Authority concluded that she has not been tax compliant and further put her returns for 2017 and 2018 under investigations having identified funds that need to be explained/supported in the determination of her taxable income.

The Committee resolved to postpone the adoption of the report on vetting of nominees for positions of Chairperson and members of the National Land Commission to Thursday, 26th September 2019 at 9.30 a.m.

MIN. NO. NA/DCS/LANDS/2019/268: ADJOURNMENT

The meeting was adjourned at six minutes past two o'clock. The next meeting will be held on Thursday, 26th September 2019 at 9.30 a.m.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

26/09/2019

**MINUTES OF THE 69TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON SUNDAY, 22ND SEPTEMBER 2019 AT BAOBAB CONFERENCE
CENTRE, SERENA RESORT AND SPA, MOMBASA AT 10.00 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, M.P - Vice Chairperson
3. Hon. Joshua Kutuny, M.P
4. Hon. Kimani Ngunjiri, M.P
5. Hon. Mishi Mboko, M.P
6. Hon. Omar Mwinyi Shimbwa, M.P
7. Hon. Ali Mbogo, M.P
8. Hon. Caleb Kositany, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. Josphat Gichunge Kabeabea, M.P
11. Hon. Samuel Kinuthia Gachobe, M.P
12. Hon. Simon Nganga Kingara, M.P
13. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Babu Owino, M.P
3. Hon. Catherine Waruguru, M.P
4. Hon. George Aladwa, M.P
5. Hon. Jane Wanjuki Njiru, M.P
6. Hon. Owen Baya, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. John Mutega - Principal Clerk Assistant
2. Mr. Leonard Machira - Clerk Assistant I
3. Mr. Ahmad Guliye - Clerk Assistant III
4. Ms. Jemimah Waigwa - Legal Counsel I
5. Mr. Joseph Tiyan - Research Officer II
6. Mr. Nimrod Ochieng - Audio Recording Officer
7. Ms. Peris Kaburi - Serjeant – At – Arms
8. Mr. Brian Wechabe - Legal Assistant

MIN. NO. NA/DCS/LANDS/2019/261: PRELIMINARIES

The meeting was called to order at twenty-two minutes past ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/262: CONSIDERATION OF THE DRAFT REPORT ON THE VETTING OF NOMINEES FOR THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Consideration of Committee Observations

The Committee made the following observations;

(1) The procedure used to arrive at the nominees to the position of the Chairperson and Members of the National Land Commission.

1. The Committee observed that the Selection Panel was properly constituted although the two nominees from the Non- Governmental Organizations Council had not been appointed by the President.
2. The Committee further observed that pursuant to paragraph 1(d) of the First Schedule to the National Land Commission Act, it is the Non- Governmental Organizations Council that is required by law to nominate the two persons of opposite gender under paragraph 1(d).
3. The Committee also observed that vide a letter dated dated 18th October, 2018 by the Head of the Public Service, Mr. Joseph Kinyua wrote to the Chairperson of the Non- Governmental Organizations Council, Mr. Gichira Kibara, informing the Council of the dictates of paragraph 1(d) of the First Schedule to the National Land Commission Act. The Head of Public Service through the letter also requested the Council to nominate the two persons required under paragraph 1(d) for appointment by the President.
4. The noted that on 30th October, 2018, one Ms. Joyce Yiale on behalf of the Chairman of the Non- Governmental Organizations Coordination Board replied to the Head of the Public Service and stated that they were unable to nominate the two persons required under paragraph 1(d) due to the fact that the Non- Governmental Organizations Council was still under leadership of different factions that had culminated into litigation.
5. In this regard, the Committee observed that the absence of the persons under paragraph 1(d) of the First Schedule to the National Land Commission Act was occasioned by the inability of

the Council to nominate its nominees as required by law.

6. The Committee also observed that the Selection Panel followed all the procedures required in law to be undertaken in arriving at all the nine nominees to the National Land Commission. The panel invited for applications to the positions of the chairperson and members of the National Land Commission through print media, Public Service Commission and MyGov websites, the shortlist was also published in print media, Public Service Commission and MyGov websites, the interviews were also conducted in public.
7. The Committee also observed that in respect of the issues raised in relation to Hon. Esther Murugi and Hon. Tiya Galgalo Ali to the effect that the two had been shortlisted for Chairperson and not Member of the National Land Commission, the Committee examined the shortlist and interview schedule and confirmed that the two were shortlisted in the category of the Chairperson.
8. The Committee also further verified the long list of the Selection Panel culminating from closure of the application period and observed that Hon. Esther Murugi and Hon. Tiya Galgalo Ali did actually apply for both positions as evidenced by the long list No.41 and 115 for both candidates respectively for the position of Chairperson and the long list No. 372 and 897 for both candidates respectively for the position of Member
9. The Committee further noted both Hon. Esther Murugi and Hon. Tiya Galgalo Ali confirmed during the approval hearings that they applied for both positions although they had been shortlisted for the position of Chairperson, on the day she appeared before the Panel she was interviewed for both the position of a Chairperson and Member.

(2) Constitutional or statutory requirements relating to the office in question

- a) The Committee observed that based on evidence submitted in terms of original academics certificates and testimonials during the approval hearings by all the nominees, a scrutiny of each of the nominee's curriculum vitae and oral submissions made by each of the nominee during the approval hearings, the following nominees had met all the respective constitutional and statutory requirements for appointment to the National Land Commission –

- | | |
|-----------------------------------|---------------|
| (2) Mr. Gershom Otachi Bw'Omwanwa | - Chairperson |
| (3) Hon. Esther Murugi Mathenge | - Member |
| (4) Mr. Reginald Okumu | - Member |
| (5) Ms. Hubbie Hussein Aj-Haji | - Member |
| (6) Mr. Alister Murimi Mutugi | - Member |
| (7) Hon. Samwel Kazungu Kambi | -- Member |

b) The Committee further observed that it had received clearance reports on ethics and integrity, tax compliance, criminal records and higher education loan repayments from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Directorate of Criminal Investigations and the Higher Education Loans Board with respect to the following nominees-

- | | |
|-----------------------------------|---------------|
| (1) Mr. Gershom Otachi Bw'Omwanwa | - Chairperson |
| (2) Hon. Esther Murugi Mathenge | - Member |
| (3) Mr. Reginald Okumu | - Member |
| (4) Hon. Samwel Kazungu Kambi | - Member |
| (5) Ms. Hubbie Hussein Aj-Haji | - Member |
| (6) Mr. Alister Murimi Mutugi | - Member |

2. The suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is made.

The Committee observed that based on the oral submissions of the nine nominees to the National Land Commission during the approval hearings, the Committee did confirm that all the nine nominees possessed abilities, experience and qualities necessary for which the nomination was made.

3. Personal Integrity Issues.

- a. The Committee observed that in respect to the memoranda submitted contesting the suitability of the nominee for Member of the National Land Commission, Prof. James K. Tuitoek, the documents submitted by the ADC indicated that the beneficiary of the ADC land in question was and not Prof. James K. Tuitoek.
- b. In this regard, the Committee observed that although the two affidavits raised in respect of the suitability of the nominee, touched on integrity issues which is a

requirement for qualification for appointment as a Member, the nominee was not the said beneficiary of alleged allocation of ADC land. The beneficiary was Mr. James C. Tuitoek and not the nominee.

c. The Committee observed that in respect of the affidavit contesting the suitability of Hon. Kambi Kazungu, the dispute between the nominee, the Development Bank and the Giriama Ranch owners relating to a bank facility the following cases were still pending in various courts awaiting determination:

- (1) High Court Civil Case No. 57/2018;
- (2) Civil Case No.304/2018; and
- (3) Civil Case No. 155/2018.

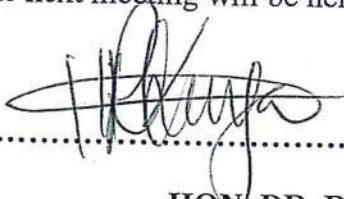
4. Other issues arising from the approval hearings

- a) The Committee observed that in respect to the issue of inconsistencies between the date of birth of Ms. Gertude Nduku Nguku, as indicated in her Identification Card as 1/1/1966 vis-à-vis the information contained in the duly filled questionnaire as 11/7/1966 the nominee submitted her original passport and birth certificate. The Committee certified itself on the correct date of birth of the nominee as being 11/7/1966.
- b) On the issue of the tax compliance status of the Hon. Tiya Galgalo Ali the Committee resolved to defer the matter until Wednesday 25th September 2019.
- c) On the issue of clearance certificate report for Prof. James K. Tuitoek Ms. Gertrude Nduku Nguku from the Directorate of Criminal Investigations. The committee noted that although the submitted certificates by the two candidates had expired and they need to submit updated certificates by Tuesday 24th September 2019.

MIN. NO. NA/DCS/LANDS/2019/263: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at twenty-four minutes to two o'clock. The next meeting will be held on Wednesday, 25th September, 2019 at 11:30 a.m.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

25/09/2019

**MINUTES OF THE 68TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON SATURDAY, 21ST SEPTEMBER, 2019 AT BAOBAB CONFERENCE
CENTRE, SERENA RESORT AND SPA, MOMBASA AT 2.00 P.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, M.P - Vice Chairperson
3. Hon. Joshua Kutuny, M.P
4. Hon. Kimani Ngunjiri, M.P
5. Hon. Mishi Mboko, M.P
6. Hon. Omar Mwinyi Shimbwa, M.P
7. Hon. Ali Mbogo, M.P
8. Hon. Caleb Kositany, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. Josphat Gichunge Kabeabea, M.P
11. Hon. Samuel Kinuthia Gachobe, M.P
12. Hon. Simon Nganga Kingara, M.P
13. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Babu Owino, M.P
3. Hon. Catherine Waruguru, M.P
4. Hon. George Aladwa, M.P
5. Hon. Jane Wanjuki Njiru, M.P
6. Hon. Owen Baya, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. John Mutega - Principal Clerk Assistant
2. Mr. Leonard Machira - Clerk Assistant I
3. Mr. Ahmad Guliye - Clerk Assistant III
4. Ms. Jemimah Waigwa - Legal Counsel I
5. Mr. Joseph Tiyan - Research Officer II
6. Mr. Nimrod Ochieng - Audio Recording Officer
7. Ms. Peris Kaburi - Serjeant – At – Arms
8. Mr. Brian Wechabe - Legal Assistant

MIN. NO. NA/DCS/LANDS/2019/258: PRELIMINARIES

The meeting was called to order at twenty-two minutes past two o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/259: CONSIDERATION OF THE DRAFT REPORT ON THE VETTING OF NOMINEES FOR THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

The Committee considered the draft report on the vetting of nominees for the position of Chairperson and members of the National Land Commission and noted the following;

a) Clearance report from the Directorate of Criminal Investigations:

The Committee was informed that the Directorate of Criminal Investigations (DCI) through a letter Ref DCI/CRO/SEC/6/7/2/AVOL.VIII/38 dated 18th September 2019 (*Annexure VII*) confirmed that all the nominees were issued with clearance certificates. The DCI however, clarified that the clearance certificates issued to Prof. James K. Tuitoek and Gertrude Nduku Nguku had expired and they were therefore required to make fresh applications for forensic analysis. The validity of Police Clearance Certificate lasts for six (6). The two nominees; Prof. James K. Tuitoek, PhD and Ms. Gertrude Nguku Nduku had applied for their clearance certificates in 2018.

On approval hearing the committee noted that the draft report had omitted information on responses provided by the nominees. The omissions were then rectified.

b) Consideration of draft Committee observations

- i. **The Committee unanimously agreed that the procedure used to arrive at the nominees to the position of the Chairperson and Members of the National Land Commission was adhered to by the Selection panel**
- ii. The Committee observed that based on evidence submitted in terms of original academics certificates and testimonials during the approval hearings by all the nominees, a scrutiny of each of the nominee's curriculum vitae and oral submissions made by each of the nominee during the approval hearings, the following nominees had met all the respective constitutional and statutory requirements for appointment to the National Land Commission –

- | | |
|-----------------------------------|---------------|
| (1) Mr. Gershom Otachi Bw'Omwanwa | - Chairperson |
| (2) Hon. Esther Murugi Mathenge | - Member |

- | | |
|--------------------------------|-----------|
| (3) Mr. Reginald Okumu | - Member |
| (4) Ms. Hubbie Hussein Aj-Haji | - Member |
| (5) Mr. Alister Murimi Mutugi | - Member |
| (6) Hon. Samwel Kazungu Kambi | -- Member |

- iii. The Committee agreed to wait for confirmation of the authenticity of the letter originated by the University of Nairobi and produced by Ms. Nguku in lieu of her certificate. Ms. Nguku had claimed that she lost her certificate and the letter was confirming that she was a graduate from School of Law, University of Nairobi;
- iv. Ms. Gertrude Nduku Nguku was also asked to produce her original birth certificate to verify whether her date of birth was corresponding with the information she had given in her questionnaire as her date of birth in her Identity Card was conflicting with the information she provided in her questionnaire;
- v. The Committee noted that the respective nominees met the requirements for appointment of Chairperson and members of the National Land Commission subject to the production and verification of the above-mentioned documents by the affected nominees.
- vi. The Committee agreed to wait for a report from the Kenya Revenue Authority regarding the tax compliance status of Hon. Tiyah Galgalo Ali, nominee for the position of a member of the National land Commission before deciding on her suitability.

MIN. NO. NA/DCS/LANDS/2019/260: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at thirty minutes past four o'clock. The next meeting will be held on Sunday 23rd September 2019

Signature

HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 25/09/2019

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MINUTES OF THE 67th SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON FRIDAY, 20TH SEPTEMBER 2019 IN 1ST FLOOR, MINI – CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 9.00 A.M

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Jayne Kihara, M.P
4. Hon. Joshua Kutuny, M.P
5. Hon. Kimani Ngunjiri, M.P
6. Hon. Mishi Mboko, M.P
7. Hon. Omar Mwinyi Shimbwa, M.P
8. Hon. Ali Mbogo, M.P
9. Hon. Caleb Kositany, M.P
10. Hon. George Risa Sunkuyia, M.P
11. Hon. Josphat Gichunge Kabeabea, M.P
12. Hon. Samuel Kinuthia Gachobe, M.P
13. Hon. Simon Nganga Kingara, M.P
14. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Babu Owino, M.P
2. Hon. Catherine Waruguru, M.P
3. Hon. George Aladwa, M.P
4. Hon. Jane Wanjuki Njiru, M.P
5. Hon. Owen Baya, M.P

IN ATTENDANCE

1. Mr. James G. Mburu - Commissioner General, Kenya Revenue Authority
2. Edward Mbugua - Kenya Revenue Authority
3. Beatrice Mundia -- Kenya Revenue Authority
4. Ms. Hubbie Hussein Al – Hajj- Nominee, Member, National Land Commission
5. Mr. Alister Murimi Mutugi - Nominee, Member, National Land Commission
6. Hon. Tiyah Galgalo Ali - Nominee, Member, National Land Commission

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira	-	Clerk Assistant I
2. Mr. Ahmad Guliye	-	Clerk Assistant III
3. Ms. Jemimah Waigwa	-	Legal Counsel I
4. Mr. Joseph Tiyan	-	Research Officer II
5. Mr. Nimrod Ochieng	-	Audio Recording Officer
6. Ms. Peris Kaburi	-	Serjeant – At – Arms
7. Mr. Brian Wechabe	-	Legal Assistant

MIN. NO. NA/DCS/LANDS/2019/254: PRELIMINARIES

The meeting was called to order at eight minutes past nine o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/255: MEETING WITH THE COMMISSIONER GENERAL, KENYA REVENUE AUTHORITY ON THE VETTING OF THE NOMINEES FOR THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Mr. James Mburu, the Commissioner General, Kenya Revenue Authority stated the following in respect of the tax status of Mr. Gershom Otachi, the nominee for Chairperson of the National Land Commission and Hon. Tiyah Galgalo Ali, a nominee for the position of member of the National Land Commission;

- i. The tax compliance certificate that was issued to Mr. Gershom Otachi Bw'omwanwa – PIN A002584975J on 12th June 2019 was due to expire on 11th June 2020.
- ii. It was issued based on an installment payment plan arrangement to clear outstanding taxes.
- iii. There was a payment delay on the installment which made him technically non-compliant. Subsequently, he paid the full outstanding tax on 19th June 2019 making him tax compliant.
- iv. Hon Tiyah Galgalo Ali- PIN-AOO1864763G, was issued with a tax compliance certificate on 23rd October, 2018 that is due to expire on 22nd October, 2019.
- v. Upon request on her compliance status by this Committee, it was established that she had not filed tax returns in 2017 and 2018.
- vi. Upon inquiry, she filed NIL return on 18th September 2019 indicating that she had not earned any taxable income during the period under review.
- vii. She amended her returns on 19th September 2019 by including Ksh. 8,348,300.00 earned from the Parliamentary Service Commission and Ksh 3,125,500.00 earned from the County Government of Isiolo for 2017 and 2018 respectively.
- viii. Verification of the returns she made were being undertaken to determine its correctness and also investigations were being done to establish how a certificate of clearance was issued to her since she had not met conditions of issuance.

- ix. He undertook to report on the verification of the said returns to the Committee by Wednesday, 25th September 2019 at 10.00 a.m.

MIN. NO. NA/DCS/LANDS/2019/256: APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

1. Ms. Hubbie Hussein Al-Haji – Nominee for the position of Member, National Land Commission

Ms. Hubbie Hussein Al - Hajj, Informed the Committee;

- i. She is a Kenyan Citizen born in 1958 in Garissa County.
- ii. She holds a Bachelor of Arts in Development Studies from Kimmage Development Studies Centre, Kimmage Manor, Ireland.
- iii. She served as Chief Executive Officer, Womankind Kenya from 2008 to 2013 and founded Umul – Kheir Welfare Society to assist the underprivileged women and children.
- iv. She published Engendered analysis on water management practice in Masalani Division of Ijara District-North Eastern Province of Kenya, *The Impact of traditional harmful practices against Somali Women in Kenya and Base line Survey on human rights and female Genital Mutilation.*
- v. She served as the County Executive Member for Agriculture, Livestock and Fisheries 2013-2014, County Executive Member for Health 2015-2016 in Garissa County.
- vi. She is worth 50 million and has no potential conflict of interest.
- vii. She is versed with conflict management and dispute resolution. The nominee advocates for the employment of 'alternative dispute resolution' (ADR) as an alternate to court litigation as the latter is costly to both parties in terms of time and other resources.
- viii. She abhors corruption and in her last assignment as County Executive Committee Member for Health in Garissa County Government, she blew a whistle on impending projects that were not beneficial to the People of Garissa. The projects were finally cancelled.
- ix. She has hearing impairment and was nominated to represent people living with disabilities.

2. Mr. Alister Murimi Mutugi – Nominee for the position of Member, National Land Commission

Mr. Alister Murimi Mutugi, informed the Committee that;

- i. He is a Kenyan Citizen born on 15th July 1972.
- ii. He is a holder of a Bachelor degree in Land Economics from University of Nairobi (1992-1996), he also holds a Post Graduate Diploma from the Institution of surveyors, a Postgraduate Diploma in Project Management from the University College of Estate

- Management, Reading United Kingdom: (2002-2006), MBA in Construction and Real Estate from the same university: (2002-2006). He is currently pursuing a MSs. Finance at the University of Nairobi. He also attended Lenana School Nairobi where he obtained a K.C.S.E certificate in 1990 and Nairobi River Primary School where he obtained a K.C.S.E a certificate in 1986.
- iii. He is currently serving as the Managing Director in Ark Consultants Limited and is a registered Valuer and a member of the Institution of surveyors of Kenya. He is also a registered Real estate agent, a member of the Chartered Institute of Builders and Africa Real Estate Society (AFRES).
 - iv. He is worth Ksh. 250 million and has no potential conflict of interest.
 - v. He will also recommend the development of an inventory on land owned by absentee landlords and all public land to ensure that such land is utilized for public value should he be appointed
 - vi. He will further recommend strategic rethinking in the commission and discourage confrontation with stakeholders but instead develop an accommodate approach in stakeholder engagement;
 - vii. He stated that he had interacted with the public sector through his work in the National Transport and safety Authority (NTSA).

3. Hon. Tiyah Galgalo Ali – Nominee for the position of Member, National Land Commission

Hon. Tiyah Galgalo Ali, informed the Committee that;

- i. She is Kenyan Citizen born in 1966 in Isiolo County.
- ii. She holds Masters of Education and Bachelor of Education (Arts) from Kenyatta University and University of Nairobi respectively.
- iii. she is currently serving as County Executive Committee Member in charge of Public Service & County Administration, Tourism, Wildlife, Trade, Co-operative, Industrialization and Enterprise Development in Isiolo County (2017-Date), Emergency Education Officer; UNICEF (2008-2009), Programme Officer; Pastoralists Development Network (2005-2009) and School Principal; Isiolo Girls High School (1992-2004).
- iv. The nominee informed the Committee that she was issued with a tax compliance certificate on 23rd November, 2018 which she acquired through the KRA i-tax platform which she has been using in all her applications subsequent to that date;
- v. She was only made aware of her tax non-compliance status by KRA two days prior to her vetting and was advised to file nil returns on 18th September 2019 which she later amended on 19th September by including Ksh. 8,348,300.00 earned from the Parliamentary Service Commission and Ksh 3,125,500.00 earned from the County

Government of Isiolo for 2017 and 2018 respectively. She also stated that she had paid Ksh. 4000 as penalty for late submission of the returns

- vi. She is worth 116 million Kenyan shillings and has no potential conflict of interest.
- vii. The nominee advocates for close corporation and collaboration between the Commission and other relevant agencies for the Commission to achieve its expected mandate optimally.
- viii. The nominee indicated that she applied for the positions of the Chairperson and Member of the Commission, was shortlisted for the Chairperson's position and interviewed for both positions.

MIN. NO. NA/DCS/LANDS/2019/257: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at thirty minutes past one o'clock. The next meeting will be held on Saturday 21st September 2019 at 2:00 pm

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date

25/9/2019

**MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON THURSDAY, 19TH SEPTEMBER 2019 IN 1ST FLOOR, MINI –
CHAMBER, COUNTY HALL, PARLIAMENT AT 2.00 P.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, M.P - Vice Chairperson
3. Hon. Jayne Kihara, M.P
4. Hon. Joshua Kutuny, M.P
5. Hon. Kimani Ngunjiri, M.P
6. Hon. Mishi Mboko, M.P
7. Hon. Omar Mwinyi Shimbwa, M.P
8. Hon. Ali Mbogo, M.P
9. Hon. Caleb Kositany, M.P
10. Hon. Catherine Waruguru, M.P
11. Hon. George Risa Sunkuyia, M.P
12. Hon. Josphat Gichunge Kabeabea, M.P
13. Hon. Samuel Kinuthia Gachobe, M.P
14. Hon. Simon Nganga Kingara, M.P
15. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Babu Owino, M.P
2. Hon. George Aladwa, M.P
3. Hon. Jane Wanjuki Njiru, M.P
4. Hon. Owen Baya, M.P

IN ATTENDANCE

**NOMINEES FOR THE POSITION OF MEMBERS OF THE NATIONAL LAND
COMMISSION**

1. Ms. Gertrude Nguku Nduku - Member
2. Mr. Reginald Okumu - Member
3. Hon. Samwel Kazungu Kambi - Member

- v. She also informed the committee that she was not aware of an anomaly in her National Identification Card that indicated that she was born on 1st of January, 1966 while she had stated that she was born on 11th of July, 1966 and also indicated the same in the questionnaire.
- vi. The Committee noted that she had lost the original copy of her LLB degree certificate and obtained a letter from the university indicating the same.

The Committee requested her to submit her original passport to the Committee by Friday 20th September 2019 at 10:00 am enable the committee to confirm her date of birth.

2. Mr. Reginald Okumu - Nominee for the position of Member, National Land Commission

Mr. Reginald Okumu, informed the Committee that;

- i. He is a Kenyan Citizen born in 1971 in Busia.
- ii. He graduated in 1995 from the University of Nairobi with a degree in Lands Economics.
- iii. He is the Chief Executive Officer of Solum Consultants Limited from 1st December, 2018 to date.
- iv. He has also worked as a Chairman/Acting Chief Operating Officer; Superior Homes Kenya, Kenya Power and Lighting Company from 26th March, 2018 to 16th July 2018, Director Ark Consultants Limited from 1st September 2004 to 31st March 2018, Head of Agency and Marketing/Senior Valuer ; CB Richard Ellis Limited from October 2003 to August 2004, Associate Director (Letting); Tysons Limited; May from 2001 to September 2003, Commercial Negotiator, Lloyd Masika Limited from April 1997 to April 2001, Branch Manager Metrocosmo Valuers Limited from September 1996 to March 1997 and Trainee Valuer/Estate Manager Metrocosmo Valuer Limited; January 1996- August 1996.
- v. He is worth 32 million and has no potential conflict interest.
- vi. The nominee observed that the Private Sector and Public Sector both play key roles in the development of the Country. Having been in the Private Sector, he will use his expertise to advise Government on how land can be viewed and used much better.
- vii. He indicated that he will promote Alternative Dispute Resolution mechanism to solve land disputes to avoid long litigation processes in the courts.
- viii. He noted that Akiwumi Commission Report had made good recommendations on the issue of Land clashes and that the implementation of such recommendation to address land related conflict in the country.

3. Hon. Samwel Kazungu Kambi – Nominee for the position of Member, National Land Commission

Hon. Samwel Kazungu Kambi, informed the Committee that;

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------------------------|
| 1. Mr. Peter Chemweno | - | Deputy Director, Committee Services |
| 2. Mr. Leonard Machira | - | Clerk Assistant I |
| 3. Mr. Ahmad Guliye | - | Clerk Assistant III |
| 4. Ms. Jemimah Waigwa | - | Legal Counsel I |
| 5. Mr. Joseph Tiyan | - | Research Officer II |
| 6. Mr. Nimrod Ochieng | - | Audio Recording Officer |
| 7. Ms. Peris Kaburi | - | Serjeant – At - Arms |

MIN. NO. NA/DCS/LANDS/2019/250: PRELIMINARIES

The meeting was called to order at eighteen minutes past two o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/251: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Samuel Gachobe, M.P and Hon. Simon Kingara, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/252: APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

1. Ms. Gertrude Nduku Nguku - Nominee for the position of Member, National Land Commission

Ms. Gertrude Nduku Nguku, informed the Committee that;

- i. She is a Kenyan Citizen born on 11th July 1966.
- ii. She is a holder of a Master of Advanced Studies in peace and Conflict Studies from European University Centre for Peace Studies, Stadchlaining/Burg, Austria ; September 2002- January 2005, LLB degree (with Honors) from University of Nairobi: 1989-1990.
- iii. She is currently a consultant and also worked at United Nations Integrated Mission in Timor Leste: as a Protection Officer-April 2011-December 2012, United Nation Interim Administration Mission in Kosovo-Legal Officer October 2004-February 2009, United Nation Interim Administration Mission in Kosovo: Deputy Head of Region-August 2003-September 2004, People for Peace in Africa: Legal Strategist & Seminar Leader -January 2002-August 2002, Nguru & Co Advocates: Legal Consultant and Partner- January 1995-August 2002 and Otieno Kajwang & Co Advocates as a Legal Associate in November 1990 to December 1994.
- iv. She is worth 60 million and has no potential conflict of interest.

- i. He is a Kenyan Citizen born on 12th February, 1962 in Kilifi County.
- ii. He holds a Bachelor of Arts Degree in Development Studies from the University of East Africa, Baraton, a Masters Degree in Business Administration from the same University and is currently pursuing PhD in Finance from Maseno University.
- iii. He is the current Chairperson of Coast Development Authority and Executive Chairperson of River oil Company.
- iv. He served as the Cabinet Secretary, Ministry of Labour, Social Security and Services from May 2013 to 2015 and an Assistant Minister of Medical Services from December 2007 to March 2013. He has served as a Member of Parliament for Kaloleni Constituency from January 2008 to March 2013.
- v. He is worth 50 million Kenyan shillings and has no potential conflict of interest.
- vi. He stated that he did not personally obtain a loan from Development Bank but the facility was taken by Riva Oil, a company in which he has interests. He informed the Committee that he only guaranteed the loan. In 2009, Riva oils lost approximately 15 Billion during the triton scandal and couldn't pay the loan. Subsequent to a court decree, the nominee managed to pay Kshs 30 million towards settlement of the loan and entered a payment plan with the creditors. He also stated the loan was secured by Giriama Ranching Limited.
- vii. He promised to foster teamwork in the Commission and discourage the assigning of commissioners to oversee a given region as was done in the previous Commission.

The Committee requested him to submit a copy of secondary school education certificate by Friday 20th September at 10:00 am

MIN. NO. NA/DCS/LANDS/2019/253: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at thirty minutes past six o'clock. The next meeting will be held on Friday 20th September at 9:30 am.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

25/9/2019

**MINUTES OF THE 65TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON THURSDAY, 19TH SEPTEMBER 2019 IN 1ST FLOOR, MINI –
CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 09.30 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Jayne Kihara, M.P
4. Hon. Joshua Kutuny, M.P
5. Hon. Kimani Ngunjiri, M.P
6. Hon. Mishi Mboko, M.P
7. Hon. Omar Mwinyi Shimbwa, M.P
8. Hon. Ali Mbogo, M.P
9. Hon. Caleb Kositany, M.P
10. Hon. Catherine Waruguru, M.P
11. Hon. George Risa Sunkuyia, M.P
12. Hon. Josphat Gichunge Kabeabea, M.P
13. Hon. Samuel Kinuthia Gachobe, M.P
14. Hon. Simon Nganga Kingara, M.P
15. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Babu Owino, M.P
2. Hon. George Aladwa, M.P
3. Hon. Jane Wanjuki Njiru, M.P
4. Hon. Owen Baya, M.P

IN ATTENDANCE

**NOMINEES FOR THE POSITION OF CHAIRPERSON AND MEMBERS OF THE
NATIONAL LAND COMMISSION**

1. Mr. Gershom Otachi Bw'Omanwa - Chairperson
2. Hon. Esther Murugi Mathenge - Member
3. Prof. James K. Tuitoek, PhD - Member

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Peter Chemweno - Deputy Director, Committee Services
2. Mr. Leonard Machira - Clerk Assistant I

- | | | |
|-----------------------|---|-------------------------|
| 3. Mr. Ahmad Guliye | - | Clerk Assistant III |
| 4. Ms. Jemimah Waigwa | - | Legal Counsel I |
| 5. Mr. Joseph Tiyan | - | Research Officer II |
| 6. Winfred Kizia | - | Media Relations Officer |
| 7. Mr. Nimrod Ochieng | - | Audio Recording Officer |
| 8. Ms. Peris Kaburi | - | Serjeant – At - Arms |

MIN. NO. NA/DCS/LANDS/2019/246: PRELIMINARIES

The meeting was called to order at eighteen minutes to ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/247: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Teddy Mwambire, M.P and Hon. George Sunkuyia, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/248: APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

The Committee was informed that Kenya Revenue Authority (KRA) had confirmed *vide* a letter Ref. No KRA/CDT/HO/54 dated 17th September 2019 (*Annexure V*) that all the nominees were tax compliant except Mr. Gershom Otachi Bw'Omanwa and Hon Tiyah Galgalo Ali.

The Committee resolved to invite the Commissioner General, Kenya Revenue Authority to a meeting on Friday 20th September 2019 at 8:30 am to provide a clarification on the non-compliance status of the two nominees.

Approval Hearings

- 1. Mr. Gershom Otachi Bw'Omanwa - Nominee for the position of Chairperson, National Land Commission**

Mr. Gershom Otachi Bw'Omanwa, , the nominee for the position of Chairperson, informed the Committee that;

- i. He is a Kenyan Citizen, born on 19th January, 1965 in present day Nyamira County. He is married with four children.
- ii. He is a holder of post-graduate Diploma from Kenya Law School, a Bachelor of Law Degree from the University of Nairobi and an alumnus of Alliance High School for both O & A levels. He topped his classes all through and was number five nationally in his A level exams in 1984.

- iii. He is an advocate of High Court of Kenya with 29 years experience in Civil, Land, Criminal, Matrimonial and Property matters Arbitrations, Elections petitions, among others. Currently he is the Managing Partner at Ogetto, Otachi & Company Advocates and had also worked in United National Tribunal for Rwanda as a Defence Attorney from 1996 to date.
- iv. He is a member of several professional associations such as the Law Society of Kenya since 1990, East African Law Society, Association of Defense Lawyers at the UNICTR (ADAD), he is also on the ICC list of Counsel for ICTR. He is the current Vice Chairperson, International Commission of Jurist- Kenya and a member in the International Criminal Bar and International Association of Defense Lawyers (IADAD).
- v. He has considerable experience in public service having chaired the policy holder's compensation fund for six years. The nominee is currently serving as Chairman of the Geothermal Development Company (State Corporation). He was appointed to the current position at the company in 2015 and re-appointed June 2018.
- vi. He has no potential conflict of interest and his net worth is Ksh. 200 million.
- vii. He was suitable for the position of chairperson, National land Commission have attained significant achievements at the Geothermal Development Company where he led the company to record profits of Kshs. 100 billion. He also demonstrated that he could work with people of different background during his service at the ICTR in Rwanda.
- viii. He indicated that he will seek the extension of admissibility of claims from the current five years. He would also recommend the development of a proper legal framework to ensure that historical land injustice claims are addressed noting that currently the role of the commission was only limited to making recommendations.
- ix. He informed the Committee that he was tax compliant and had been issued with a tax compliance certificate by the Kenya Revenue Authority on 12th June 2019 which will expire on 11th of June 2020.
- x. He assured the committee that he would discharge his duty as the chairperson of the commission if approved on a full time basis and that he will hand over his private legal work in order to concentrate in his new role as the chairperson of the commission if appointed.

2. Hon. Esther Murugi Mathenge - Nominee for the position of Member, National Land Commission

Hon. Esther Murugi Mathenge, informed the Committee that ;

- i. She is a Kenyan Citizen born on 21st September, 1953.
- ii. She holds a MBA in Global Business and Sustainability from Tangaza University College (2014 2015) and graduated from the University of Nairobi with Bachelor of Arts in Land economics in 1976. She is an alumnus of Highlands Secondary School in Eldoret for both her O and A levels.

- iii. She is the Managing Director, Lustman Co (90) Ltd & Mugi Property Consultants.
- iv. She is a member of *Soroptimist International* which deals with projects to advance human rights and status of women in society.
- v. She was a Member of Parliament, Nyeri Town Constituency, between 2007 – 2013, 2013 – 2017.
- vi. She stated that her net – worth is Ksh. 320 million and has no potential conflict of interest.
- vii. She informed the Committee that she had applied for both the position of Chairperson and Member of the National Land Commission. She further stated that she informed the selection panel that she would take up either of the position. Therefore, she was interviewed for both positions simultaneously.
- viii. She stated that she will ensure that all public land is identified and registered to protect it from grabbers and will also recommend measures to penalize grabbing of public land to deter people from the vice.
- ix. She informed the committee that during her tenure as the Minister of State for Special programmes, she had implemented resettlement of landless persons in Mogotio and would recommend similar measures to ensure that evictions are conducted in a humane manner and that the regulations on evictions are adhered to.

3. Prof. James K. Tuitoek, PhD – Nominee for the position of Member, National Land Commission

, Prof. James K. Tuitoek, PhD, informed the Committee that;

- i. He is a Kenyan citizen born on 9th October, 1958;
- ii. He is a holder of a PhD in Monogastric Nutrition from University of Guelph, Canada, a MSc Animal Science University of Manitoba, Canada, and a Bachelor of Science in Agriculture from University of Nairobi;
- iii. He served as a Vice Chancellor, Egerton University (2006-2016), Deputy Vice Chancellor (Admin and Finance) Egerton University, (2001-2006), Dean, Faculty of Agriculture, Egerton University (1997-2001) and Section Head, Pig Unit, Kenya Agricultural research institute (1983-1985, 1988-1989);
- iv. His publications include Tuitoek JK. 1992 pelagic wholefish (*Rastriobola argenteus* as a protein sources for pigs. *Trop.Anim.Helth.prod.*24:251-255, Tuitoek JK and AO Ayangbile. 1992. Fermented cattle blood for growing pigs. *Bull.Anim.Helth.Prod.Afr.*40:293-295 among others;
- v. He is worth Ksh. 109 million and has no potential conflict of interest;
- vi. He stated that he will restore public confidence in the commission by working in collaboration with the Ministry of Lands and Physical Planning, allowing the commission

secretariat to ply its role, developing a code of conduct for the commission, and applying the law consistently;

vii. He indicated that he was not litigious as claimed but he stands for his rights ;

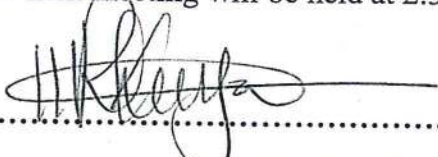
viii. In respect of the affidavit submitted by Mr. Mwalimu Kazungu Ng'andu and the affidavit submitted by Mr. Charo Kahindi Baya contesting the nomination of Prof. James K. Tuitoek as a Member of the National Land Commission, the nominee, responded as follows-

- a) That he is the Professor of Animal Nutrition in the department of Animal Science at Egerton University.
- b) That the said James Tuitoek is not Prof. James K Tuitoek as alleged in the press and he was not among the beneficiaries of the illegal allocation of ADC land in Magarini Constituency.
- c) That he wrote to the Chairperson of the Departmental Committee on Land and copied the Vice-Chairperson and other two persons stating that he had nothing to do with the ADC land in Magarini and expressed his interest to appear before the Committee.
- d) That on 6th June, 2019 he received a reply from the Acting Managing Director of ADC, Mr. Mohamed Bulle which confirmed the beneficiary of the said land as being Mr. James C. Tuitoek and had full details of the beneficiary including his photographs.
- e) That in view of the foregoing Mr. James C. Tuitoek cannot be Prof. James K. Tuitoek. (*Annexure Va*)
- f) That on 3rd June, 2019 he instructed his lawyers to demand an apology from two media houses that had published malicious and baseless materials against him.
- g) That he is not a beneficiary of the ADC land in Kiswani Complex.
- h) That he meets the requirements of Chapter Six of the Constitution.

MIN. NO. NA/DCS/LANDS/2019/249: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at fifteen minutes to one o'clock. The next meeting will be held at 2:30 pm

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 25/09/2019

**MINUTES OF THE 64TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON WEDNESDAY, 18TH SEPTEMBER 2019 IN 2ND FLOOR,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.30 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Jayne Kihara, M.P
4. Hon. Kimani Ngunjiri, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Ali Mbogo, M.P
7. Hon. Caleb Kositany, M.P
8. Hon. Catherine Waruguru, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. Josphat Gichunge Kabeabea, M.P
11. Hon. Samuel Kinuthia Gachobe, M.P
12. Hon. Simon Nganga Kingara, M.P
13. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Mishi Mboko, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Babu Owino, M.P
4. Hon. George Aladwa, M.P
5. Hon. Jane Wanjuki Njiru, M.P
6. Hon. Owen Baya, M.P

IN ATTENDANCE

Mr. Okiyah Omtatah - Petitioner

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Clerk Assistant I
2. Mr. Ahmad Guliye - Clerk Assistant III
3. Ms. Jemimah Waigwa - Legal Counsel I
4. Mr. Joseph Tiyan - Research Officer II
5. Mr. Nimrod Ochieng - Audio Recording Officer
6. Ms. Peris Kaburi - Serjeant – At - Arms

MIN. NO. NA/DCS/LANDS/2019/242: PRELIMINARIES

The meeting was called to order at eighteen minutes to eleven o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/243: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Teddy Mwambire, M.P and Hon. George Sunkuyia, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/244: MEETING WITH MR. OKIYAH OMTATAH REGARDING THE VETTING OF THE NOMINEES FOR APPOINTMENT TO THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Mr. Okiyah Omtatah appeared before the Committee and averred the following;

- i. He challenged the constitutional and statutory validity of the Selection Panel for the Chairperson and Members of the National Land Commission as the President had failed to make any appointments under paragraph 1(d) of the First Schedule to the National Land Commission Act being two persons, of opposite gender, nominated by the Non-Governmental Organizations Council, who have demonstrated competence and capacity in matters related to natural resources;
- ii. That the Selection Panel processes used to select persons presented to the President for nomination were opaque as the public was not involved in the exercise; and
- iii. That Hon. Esther Murugi and Hon. Tiyah Galgalo Ali both being nominees for the position of Members of the National Land Commission nomination was invalid as the two Members were never shortlisted and interviewed for the position of Members of the National Land Commission but were shortlisted and interviewed for the position of Chairperson of the National Land Commission.

The Committee resolved that the report of the Selection Panel be availed for its consideration to enable it to consider the procedure used to arrive at the nominees during the approval hearings as scheduled. In this regard the secretariat was tasked to write to the Head of Public Service to request for the said report.

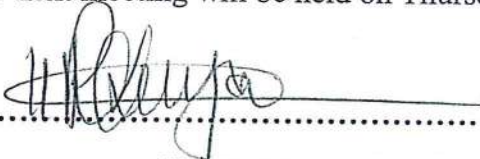
The Committee was also informed that Mr. Antony Otiende declined to appear before the Committee to make his submissions during its sitting held on 18th September, 2019 despite being invited to do so sighting the fact that he had filed a suit at the High Court challenging the constitutional and legal basis for vetting some of the nominees.

He further stated that he had listed the National Assembly as one of the respondents in the suit and that the reliefs he was seeking in Court were incapable of being delivered either by the Committee or the National Assembly.

MIN. NO. NA/DCS/LANDS/2019/245: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at four minutes past one o'clock. The next meeting will be held on Thursday, 19th September, 2019 at 9:00 a.m.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

Date.....

25/09/2019 (Chairperson)

MINUTES OF THE 63RD SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY, 17TH SEPTEMBER 2019 IN SMALL DINNING, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.30 A.M

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Jayne Kihara, M.P
4. Hon. Joshua Kutuny, M.P
5. Hon. Kimani Ngunjiri, M.P
6. Hon. Ali Mbogo, M.P
7. Hon. Babu Owino, M.P
8. Hon. Caleb Kositany, M.P
9. Hon. George Risa Sunkuyia, M.P
10. Hon. Samuel Kinuthia Gachobe, M.P
11. Hon. Simon Nganga Kingara, M.P

APOLOGIES

1. Hon. Mishi Mboko, M.P
2. Hon. Omar Mwinyi Shimbwa, M.P
3. Hon. Catherine Waruguru, M.P
4. Hon. George Aladwa, M.P
5. Hon. Josphat Gichunge Kabeabea, M.P
6. Hon. Jane Wanjuki Njiru, M.P
7. Hon. Owen Baya, M.P
8. Hon. Teddy Mwambire, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Peter Chemweno - Deputy Director, Committee Services
2. Mr. Leonard Machira - Clerk Assistant I
3. Mr. Ahmad Guliye - Clerk Assistant III
4. Ms. Jemimah Waigwa - Legal Counsel I
5. Mr. Joseph Tiyan - Research Officer III
6. Mr. Adan Abdi - Fiscal Analyst III
7. Mr. Nimrod Ochieng - Audio Recording Officer
8. Ms. Peris Kaburi - Serjeant – At - Arms

MIN. NO. NA/DCS/LANDS/2019/238: PRELIMINARIES

The meeting was called to order at fifteen minutes to twelve noon and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/239: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Caleb Kositany, M.P and Hon. Joshua Kutuny, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/240: PREPARATION FOR VETTING OF THE NOMINEES FOR APPOINTMENT TO THE OFFICES OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

The Members were informed that the Committee had received a memorandum from the Directorate of Litigation & Compliance Services addressed to the Speaker indicating that two suits had been lodged in court in respect of the vetting exercise that was scheduled for 19th and 20th September, 2019;

1. **Employment and Labour Relations Court Nairobi Petition No. 162 of 2019 Mr. Okiya Omtatah Okoiti vs the Selection Panel for the National Land Commission, the Speaker of the National Assembly & Others**

The Committee was informed that Mr. Okiya Omtatah Okoiti was contesting the constitutionality of the composition of the Selection Panel as it did not include two representatives from the NGO Council in line with the requirement of the first schedule of the National Land Commission Act. He also contested the procedure under which the Selection Panel undertook the interviews as it was opaque and not open to the public.

2. **Nairobi HCC No. 344 of 2019 Anthony Otiende versus the Selection Panel for the nomination of the Chairperson and Members of the National Land Commission**

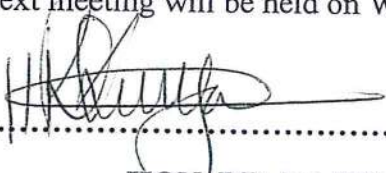
The Committee was informed that Mr. Anthony Otiende sought to stop the National Assembly from proceeding with the vetting exercise. The Committee was advised to consider according the two an opportunity to present their views on the vetting the nominees.

The Committee resolved to invite both Mr. Omtatah and Mr. Otiende on Wednesday, 18th September 2019 at 10.00 am to accord them an opportunity to present their views prior to the Committee undertaking the approval hearings.

MIN. NO. NA/DCS/LANDS/2019/241: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at twenty-four minutes to two o'clock. The next meeting will be held on Wednesday, 18th September, 2019 at 10:30 a.m.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

25/09/2019

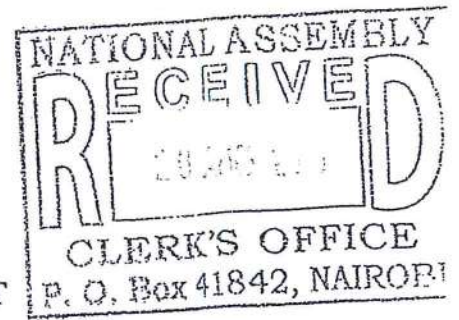
ANNEXTURE I

Notification from the Appointing Authority

Hand, take 19/8/2019
No response
W. Muturi
2/8/19



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



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

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

CONFIDENTIAL

15th August, 2019

Ref. No. **OP/CAB.1/40A**
 and date

Hon. Justin B. Muturi, EGH, MP,
 Speaker
 The National Assembly
 Parliament Building
 Parliament Road
NAIROBI

① Noted. CNA to prepare the necessary communications.

BN
SNA
19/8/2019
20/8

Dear *Hon. Muturi,*

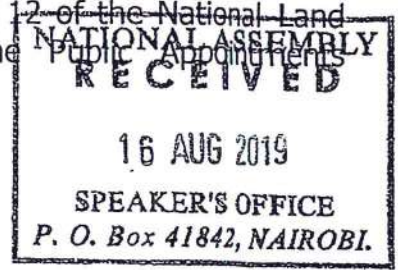
RE: NOMINEES FOR APPOINTMENT TO THE POSITIONS OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION [NLC]

We refer to the above subject matter.

In full discharge of the Constitutional and Statutory requirements, we humbly convey to the National Assembly for its consideration and approval of **His Excellency the President's Nominees** for appointment to the positions of Chairperson and Members of the National Land Commission; namely:

DESIGNATION	NOMINEE
Chairperson	Mr. Gershom Otachi Bw'Omanwa
Members	Hon. Esther Murugi Mathenge
	Prof. James K. Tuitoek, Ph.D
	Ms. Getrude Nduku Nguku
	Mr. Reginald Okumu
	Hon. Samuel Kazungu Kambi
	Ms. Hubbie Hussein AlHaji
	Mr. Alister Murimi Mutugi
	Hon. Tiya Galgalo

The nominations and transmittal to the National Assembly are made pursuant to Article 250 (2) (b) of the Constitution as read together with Section 12 of the National Land Commission Act [No. 5 of 2012] and Section 5 of the Public Appointments (Parliamentary Approval) Act [No.33 of 2011].

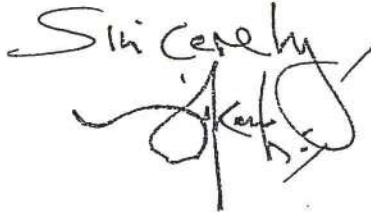


CONFIDENTIAL

Enclosed herewith are the Nominees' Curriculum Vitae and Testimonials, to aid the August House in its consideration and approval processes.

Given the pivotal nature of the National Land Commission in the implementation of the national development programmes, I urge the National Assembly to prioritize the vetting of the nominees.

Yours



JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

Copy to:-

Mr. Michael Sialai, CBS
Clerk of the National Assembly
The National Assembly
Parliament Building
Parliament Road
NAIROBI

V

Q

2011/08/11



TWELFTH PARLIAMENT
(THIRD SESSION)

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE PRESIDENT
(No. 11 of 2019)

ON THE NOMINATION OF CHAIRPERSON AND MEMBERS
OF THE NATIONAL LAND COMMISSION (NLC)

Honourable Members,

Pursuant to Standing Order 42(2) of the National Assembly Standing Orders, I wish to convey a Message from His Excellency the President.

The Message was submitted by way of a letter which was delivered to my office on 16th of August 2019 for presentation to the House in accordance with Article 250(2) of the Constitution as read together with Section 12 of the National Land Commission Act (No. 5 of 2012) and Section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

Hon. Members, Article 250(2) requires that, and I quote;

“250. (1) Each commission shall consist of at least three, but not more than nine, members.

(2) The chairperson and each member of a commission, and the holder of an independent office, shall be—

(a) identified and recommended for appointment in a manner prescribed by national legislation;

(b) approved by the National Assembly; and

(c) appointed by the President.”

Further, Standing Order 42(2) provides, and I quote;

"If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits".

In the Message, His Excellency the President has nominated the following to serve as Chairperson and Members of the Commission: -

1. Mr. Gershom Otachi Bw'Omanwa, Chairperson
2. Hon. Esther Murugi Mathenge, Member
3. Prof. James K. Tuitoek, Ph.D, Member
4. Ms. Getrude Nduku Nguku, Member
5. Mr. Reginald Okumu, Member
6. Hon. Samuel Kazungu Kambi, Member
7. Ms. Hubbie Hussein Al-Haji, Member
8. Mr. Alister Murimi Mutugi, Member
9. Hon. Tiya Galgalo, Member

H.E. the President now seeks the approval of the National Assembly on the nominees for appointment as Chairperson and Members of the National Land Commission. At the same time, Standing Order 45 requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committee for consideration. Consequently, upon resumption of sittings of the House, and pursuant to the provisions of Standing Order 42(3) (c), I shall duly refer the nominations to the relevant Departmental Committee.

I have also directed the Clerk of the National Assembly to promptly convey this notification together with the nominees' Curriculum Vitae and Testimonials to all Members.

Hon. Members, for the avoidance of doubt, the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act take effect upon my report to the House when it next sits.

I thank you!



THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

AUGUST 19, 2019



REPUBLIC OF KENYA

TWELFTH PARLIAMENT (THIRD SESSION)

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE PRESIDENT

_____ (No. 10 of 2019) _____

**ON THE NOMINATION OF PERSONS TO THE OFFICES OF
CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND
COMMISSION (NLC)**

Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency the President relating to the nomination of persons for appointment to the Offices of the Chairperson and Members of the National Land Commission.

Honourable Members, the Message which was received in my office on 16th August, 2019, conveys that, in exercise of powers conferred by Article 250(2) of the Constitution as read together with Section 12 of the National Land Commission Act, 2012 and Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, H.E. the President nominated the following persons for appointment to the respective offices in the National Land Commission:-

- | | |
|---------------------------------|--------------|
| 1. Mr. Gershom Otachi Bw'Omanwa | -Chairperson |
| 2. Hon. Esther Murugi Mathenge | -Member |
| 3. Prof. James K. Tuitoek, PhD | -Member |
| 4. Ms. Gertrude Nduku Nguku | -Member |
| 5. Mr. Reginald Okumu | -Member |
| 6. Hon. Samwel Kazungu Kambi | -Member |
| 7. Ms. Hubbie Hussein Al-Haji | -Member |
| 8. Mr. Alister Murimi Mutugi | -Member |
| 9. Hon. Tiyah Galgalo Ali | -Member |

In this regard, therefore, H.E. the President now seeks the approval, by this House, of the nominations.

Honourable Members, Standing Order 42(2) states, and I quote:

"(2) If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits."

In accordance with the said Standing Order, I notified all the Members of the nominations via a Message dated 18th August, 2019.

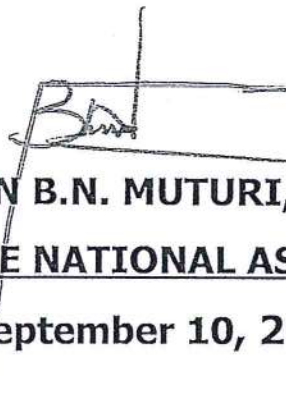
Pursuant to the provisions of Standing Order 45, I refer the Message together with the *Curriculum Vitae* of the nominees to the Departmental Committee on Lands for consideration.

Honourable Members, paragraph 6 in the First Schedule of the National Land Commission Act (No. 5 of 2012) requires the National Assembly to


either approve or reject any or all of the nominees to the respective positions within twenty-one days of the day it next sits.

In this regard, the Committee should expeditiously notify the nominees and the general public of the time and place for holding the approval hearings, making public notifications in at least two (2) newspapers of national circulation inviting any person with representation regarding the process of nomination of the candidates and their suitability for appointment to the offices so nominated to make submissions before the Committee. Thereafter, the Committee should commence the necessary approval hearings and submit its Report to the House **by 26th September, 2019** to enable the House to consider the nominees within the statutory timelines.

I thank you!



THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, September 10, 2019

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 SEP 2019	D.B.Y.
TABLED BY:	
CLERK-AT THE TABLE:	

ANNEXTURE II

Advert

CORPORATE NEWS

Home Afrika buys 40-acre land from chairman Gitahi

for Juma
vuma@kenationmedia.com

SH200M

CAPITALISATION

of the property development company at the Nairobi Securities Exchange



Home Afrika chairman Linus Gitahi - SALATON NJAU

Home Afrika has bought 40 acres of land in Isinya from its chairman, Linus Gitahi, in a transaction valued at tens of millions of shillings.

The transaction with Mr Gitahi, who joined the company's board in April 2016, has been disclosed in the property developer's latest annual report and resolutions of its annual general meeting last week which approved the deal.

The disclosures were made in line with provisions of the Companies Act which require shareholders to ratify substantial trades involving non-cash assets between a business and its directors.

"To consider and if found fit, to pass a special resolution approving a substantial property transaction between the company and a director, Mr Linus Gitahi in accordance with the provisions of Section 158 of the Companies Act 2015," reads the report.

Home Afrika's chief executive Dan Awendo told the *Business Daily* that Mr Gitahi is part of a group of individuals who sold

the land to the company at prices he described as below market value.

"This deal came to us to help Home Afrika at a most dire time

when we had no cash flows and no sellable inventory to help us get the cash flows we needed," Mr Awendo said.

Mr Gitahi, who has previously served as chief executive of Nation Media Group, is among prominent businessmen backing the loss-making developer as directors and shareholders.

Chinese investor Zeyun Yang, the developer of the Great Wall apartments in Machakos County, last year became the single largest shareholder in the company after acquiring 13.2 million shares equivalent to a 3.2 percent stake.

Home Afrika's latest annual report also shows that businessman Paul Ndung'u raised his ownership to a new high of 6.8 million shares, ranking him fourth with a stake of 1.69 percent.

The company says its market capitalisation on the NSE (Sh200 million or Sh0.5 per share), continues to discount the value of its land holdings, which it has not re-priced upwards to reflect what they can fetch in the market.

Home Afrika reported a net loss of Sh94.6 million in the half year ended June, narrowing it from Sh138.4 million a year earlier.

KBL targets the youth with new Cider beer

Diana Muthu
dmuthu@kenationmedia.com

Beer maker Kenya Breweries Limited (KBL) has launched a new brand of cider beer dubbed Sikera Apple as part of its plans to grow sales among young consumers.

It will retail at Sh150 for a 300ml bottle.

Its introduction comes after the launch of Tusker Cider in 2016. The brewer says it will continue to roll out a series of brands of cider beer.

KBL's managing director Jane Karuku said Sikera Apple cider targets consumers aged between 20 to 35 years.

"We realised they needed something else," she said.

Ms Joyce Kibe, head of innovation at KBL, said the product launch had been guided by its consumer research.

East Africa Breweries Limited, KBL's parent company, has in the past few years intro-



A guest samples the new, Sikera Apple cider during its launch in Mombasa. - KEVIN OORT

duced new alcoholic brands in the region, seeking to grow and diversify its product portfolio.

The strategy comes at a time when the market is witnessing increasingly diverse and sophisticated products, partly brought by the entry of new players including distributors of global liquor manufacturers.

The Nairobi Securities Exchange-listed firm is betting on the new products to acquire new customers and lift sales in the coming years.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the Matter of the Approval by the National Assembly of the persons nominated for appointment as the Chairperson and Members of the National Land Commission

SUBMISSION OF MEMORANDA

Pursuant to the provisions of Article 250(2) of the Constitution as read together with section 12 of the National Land Commission Act (No. 5 of 2012) and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated the following persons for appointment to the position of Chairperson and Members of the National Land Commission respectively:-

No.	Nominee	Position
1.	Mr. Gershon Otachi Bw'Orwanwa	Chairperson
2.	Hon. Esther Murugi Mathenge	Member
3.	Prof. James K. Tuitoek, Ph.D	Member
4.	Ms. Gertrude Nduku Nguku	Member
5.	Mr. Reginald Okumu	Member
6.	Hon. Samuel Kazungu Kambi	Member
7.	Ms. Hubbie Hussein Al-Haji	Member
8.	Mr. Alistair Murimi Mutugi	Member
9.	Hon. Tiya Galgalo	Member

Following the receipt of the nominations, the Departmental Committee on Lands is mandated to vet and consider the suitability of the said nominees for appointment to office pursuant to Standing Order 45 of the National Assembly.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee invites interested members of the public to submit any representations by written statement on oath (affidavit) with supporting evidence contesting the suitability of the said nominees for appointment to office.

The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 18th September, 2019 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the Matter of the Approval by the National Assembly of the persons nominated for appointment as the Chairperson and Members of the National Land Commission

NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON LANDS FOR PERSONS NOMINATED FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Pursuant to the provisions of Article 250(2) of the Constitution as read together with section 12 of the National Land Commission Act (No. 5 of 2012) and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated the following persons for appointment to the position of Chairperson and Members of the National Land Commission respectively:-

Pursuant to provisions of Article 118 of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, the general public is hereby notified that Departmental Committee on Lands shall conduct the vetting of the said nominees on Thursday, 19th and Friday, 20th September, 2019 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings as indicated below:-

No.	Nominee	Position	Date	Time
1.	Mr. Gershon Otachi Bw'Orwanwa	Chairperson	Thursday, 19 th September, 2019	9:30 am
2.	Hon. Esther Murugi Mathenge	Member	Thursday, 19 th September, 2019	10:30 am
3.	Prof. James K. Tuitoek, Ph.D	Member	Thursday, 19 th September, 2019	11:30 am
4.	Ms. Gertrude Nduku Nguku	Member	Thursday, 19 th September, 2019	2:30 pm
5.	Mr. Reginald Okumu	Member	Thursday, 19 th September, 2019	3:30 pm
6.	Hon. Samuel Kazungu Kambi	Member	Thursday, 19 th September, 2019	4:30 pm
7.	Ms. Hubbie Hussein Al-Haji	Member	Friday, 20 th September, 2019	9:30 am
8.	Mr. Alistair Murimi Mutugi	Member	Friday, 20 th September, 2019	10:30 am
9.	Hon. Tiya Galgalo	Member	Friday, 20 th September, 2019	11:30 am

The nominees should bring along their original academic and professional certificates, National Identification Card and other relevant documents and testimonials. In addition, the nominees should bring letters/certificates of clearance/compliance from:-

1. Ethics and Anti-Corruption Commission;
2. Kenya Revenue Authority;
3. Higher Education Loans Board;
4. Directorate of Criminal Investigations; and
5. Any of the Credit Reference Bureaus.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

Argument > Magistrates and judges association says there was no evidence against their colleague

Judiciary hits out at DPP in Kagoni case

Judicial players say the magistrate's arrest went against a court order and are seeking to stop Haji from charging him

BY VINCENT ACHUKA
vachuka@ke.nationmedia.com

The embarrassing episode on the prosecution of Mombasa Principal Magistrate Edgar Kagoni, who is accused of helping in the disappearance of exhibits worth Sh30 million in a narcotics case, has once again sparked a war between the Directorate of Public Prosecutions (DPP) and the Judiciary.

The DPP and the Judiciary are part of the same system and a good working relationship between them is critical for the dispensation of justice. But DPP Noordin Haji is learning from experience that prosecuting a judge or a magistrate is a tall order.

A Nairobi court on Tuesday released Mr Kagoni on Sh200,000 cash bail. But Chief Magistrate Lucas Onyina left his three co accused in custody as they waited to take their pleas.

Meanwhile, the fact that the magistrate was held the previous night despite the orders of the High Court in Mombasa against such a move has not gone unnoticed.

The DPP was not available for comment as he was said to be out of the country on official business.

But other judicial players have warned that by refusing to release the magistrate after a Mombasa court temporarily stopped the bid to charge Mr Kagoni, the DPP risks reigniting his icy relationship with the Judiciary while in the middle of a spirited war against graft.

The Law Society of Kenya (LSK) last evening termed the DPP's move to charge Mr Kagoni as unconstitutional.

"It is vital in a democracy that individual judicial officers and the Judiciary as a whole be impartial and independent of any external pressures so that those who appear before them and the wider public can have confidence that their cases will be decided fairly and in accordance with the law," LSK President Allen Gichuhi said.

Judicial officers must be ... only subjected to constitutionally prescribed disciplinary mechanisms ..."
LSK President Allen Gichuhi



LSK President Allen Gichuhi



DPP Noordin Haji

"It therefore follows that judicial officers must be adequately safeguarded and only subjected to constitutionally prescribed disciplinary mechanisms not undermined and intimidated by fellow players in the criminal justice sector in full glare of the public," he added.

In their appeal against the decision to charge Mr Kagoni, his lawyers, led by Mr Nelson Havi and Mr Vincent Omollo, argued that the independence of the judicial officer is guaranteed by the Constitution. "The intended prosecution of the petitioner in respect of a matter he handled as a judicial officer is a violation of the Constitution," Mr Havi said.

The Kenya Magistrates and Judges Association (KMJA), which also filed a suit defending Mr Kagoni, argued that the DPP intended to intimidate members of the Judiciary, and that there was no legal or factual justification for charging Mr Kagoni with theft of exhibits.

"The DPP seems keen on punishing Mr Kagoni for previously disallowing an application made on behalf of the republic, thus the decision is made in bad faith and in brazen violation of public interest and the magistrate's exercise of authority done in lawful performance of judicial function," KMJA said.

The argument is similar to that Deputy Chief Justice Philomena

Mwili's lawyers used when fig a move by the DPP to charge. They argued that the criminal execution of a sitting Supreme Court judge amounted to a violation of the independence of the Judiciary. Eventually, the case was thrown out on a technicality because the Director of Criminal Investigations (DCI) had collected information against Justice Mwili.

The new tension between DPP and Judiciary is coming months after Mr Haji and Chief Justice David Maraga agreed to stop blame games between the departments and close rank fight graft. They agreed that ruction cases should, at most, five months, which is still pro a tall order.

Secret search warrants Despite the truce, the DPP recently been hit by a string of adversarial court decisions. It has exposed the uphill task Mr. faces as he strives to get his first conviction in the more than 1,000 cases he has filed since taking office in March last year.

Yesterday, for instance, Nairobi Chief Magistrate Martha Mutu threw out a request by the DPP to introduce four more witnesses: the tail end of an Anglo Leasing case.

In addition, the DPP is waiting for the hearing of an appeal filed together with the Ethics and Anti-Corruption Commission challenging a ruling last month that outlawed the use of secret search warrants during investigations.

The move could undermine 1,000 corruption cases, they said.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the Matter of the Approval by the National Assembly of the persons nominated for appointment as the Chairperson and Members of the National Land Commission

SUBMISSION OF MEMORANDA

Pursuant to the provisions of Article 250(2) of the Constitution as read together with section 12 of the National Land Commission Act (No. 5 of 2012) and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated the following persons for appointment to the position of Chairperson and Members of the National Land Commission respectively:-

No.	Nominee	Position
1.	Mr. Gershom Otachi Bw'Omwanwa	Chairperson
2.	Hon. Esther Muriugi Mathenge	Member
3.	Prof. James K. Tuitoek, Ph.D	Member
4.	Ms. Gertrude Nduku Njoku	Member
5.	Mr. Reginald Okumu	Member
6.	Hon. Samuel Kazungu Kambi	Member
7.	Ms. Hubble Hussein Al-Haji	Member
8.	Mr. Alistair Murimi Mutugi	Member
9.	Hon. Tiya Galgalo	Member

Following the receipt of the nominations, the Departmental Committee on Lands is mandated to vet and consider the suitability of the said nominees for appointment to office pursuant to Standing Order 45 of the National Assembly.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee invites interested members of the public to submit any representations by written statement on oath (affidavit) with supporting evidence contesting the suitability of the said nominees for appointment to office.

The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday, 18th September, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the Matter of the Approval by the National Assembly of the persons nominated for appointment as the Chairperson and Members of the National Land Commission

NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON LANDS FOR PERSONS NOMINATED FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Pursuant to the provisions of Article 250(2) of the Constitution as read together with section 12 of the National Land Commission Act (No. 5 of 2012) and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated the following persons for appointment to the position of Chairperson and Members of the National Land Commission respectively:-

No.	Nominee	Position	Date *	Time
1.	Mr. Gershom Otachi Bw'Omwanwa	Chairperson	Thursday, 19 th September, 2019	9.30 am
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3.	Prof. James K. Tuitoek, Ph.D	Member	Thursday, 19 th September, 2019	11.30 am
4.	Ms. Gertrude Nduku Njoku	Member	Thursday, 19 th September, 2019	2.30 pm
5.	Mr. Reginald Okumu	Member	Thursday, 19 th September, 2019	3.30 pm
6.	Hon. Samuel Kazungu Kambi	Member	Thursday, 19 th September, 2019	4.30 pm
7.	Ms. Hubble Hussein Al-Haji	Member	Friday, 20 th September, 2019	9.30 am
8.	Mr. Alistair Murimi Mutugi	Member	Friday, 20 th September, 2019	10.30 am
9.	Hon. Tiya Galgalo	Member	Friday, 20 th September, 2019	11.30 am

The nominees should bring along their original academic and professional certificates, National Identification Card and other relevant documents and testimonials. In addition, the nominees should bring letters/certificates of clearance/compliance from:

- Ethics and Anti-Corruption Commission;
- Kenya Revenue Authority;
- Higher Education Loans Board;
- Directorate of Criminal Investigations; and
- Any of the Credit Reference Bureaus.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

ANNEXTURE III

LETTERS TO VARIOUS GOVERNMENT AGENCIES

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

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

Ref:NA/DC/LANDS/2019/88

11th September, 2019

Mr. George Kinoti

Director of Criminal Investigations
Directorate of Criminal Investigations,
P.O Box 30036 -00100,
Mazingira Hse, Kiambu Road,
Opp. Forestry Department Headquarters, Karura.
NAIROBI

Dear Mr Kinoti:

RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Departmental Committees of the National Assembly are established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204(Committee on Appointments).

The Departmental Committee on Lands shall conduct the vetting of the following persons (as per the attached schedule) for appointment to the position of Chairperson and Members of the National Land Commission on Thursday, 19th and Friday, 20th September, 2019.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is mandated to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is therefore, to request you to provide the Committee with information on whether the nominees are adversely mentioned in any investigations carried out by the Directorate in the normal course of discharging its mandate. This information will assist the Committee to effectively undertake its mandate.

We will appreciate if the information is received on or before Tuesday, 17th September, 2019.

Mr. Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com and Mr. Ahmed Guliye
Tel. No. 0723473758/ email- guliye27@gmail.com) are the liaison officers facilitating this matter.

Yours



JEREMIAH W. NDOMBI

For: CLERK OF THE NATIONAL ASSEMBLY

No.	Nominee	Position	National ID No.	KRA PIN No.
1.	Mr. Gershon Otachi Bw'Omwanwa	Chairperson	7466017	A00258495J
2.	Hon. Esther Murugi Mathenge	Member	1238807	A0012748K
3.	Prof. James K. Tuitoek, PhD	Member	0323892	A001311348B
4.	Ms. Gertrude Nduku Nguku	Member	7272450	A00254497C
5.	Mr. Reginald Okumu	Member	10907071	A002544097C
6.	Hon. Samuel Kazungu Kambi	Member	11262708	A00116228Z
7.	Ms. Hubbie Hussein Al-Haji	Member	0035410	A002020869K
8.	Mr. Alister Murimi Mutugi	Member	11289166	A002604756Y
9.	Hon. Tiya Galgalo	Member	7873996	A001864763G

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

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

Ref:NA/DC/LANDS/2019/90

11th September, 2019

Mr. Twalib Abdallah Mbarak
Secretary/Chief Executive Officer,
Ethics and Anti - Corruption Commission,
Integrity Centre,
Millimani/Valley Road Junction,
P. O. Box 61130 -00200,
NAIROBI

Dear Mr. Mbarak

RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The Departmental Committees of the National Assembly are established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204(Committee on Appointments).

The Departmental Committee on Lands shall conduct the vetting of the following persons (as per the attached schedule) for appointment to the position of Chairperson and Members of the National Land Commission on Thursday, 19th and Friday, 20th September, 2019.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is mandated to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is required to consider among other issues the personal integrity and background of the nominees in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

As the Constitutional body mandated to oversee the implementation of the provisions of Chapter Six of the Constitution, this is therefore to request you to provide any adverse information touching on the integrity of the nominees that may be in the possession of the Commission. This information will assist the Committee to effectively discharge its mandate.

We will appreciate if the information is received on or before Tuesday, 17th September, 2019.

Mr. Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com and Mr. Ahmed Guliye
Tel. No. 0723473758/ email- guliye27@gmail.com) are the liaison officers facilitating this matter.

Yours



JEREMIAH W. NDOMBI
For: CLERK OF THE NATIONAL ASSEMBLY

No.	Nominee	Position	National ID No.	KRA PIN No.
1.	Mr. Gershom Otachi Bw'Omwanwa	Chairperson	7466017	A00258495J
2.	Hon. Esther Murugi Mathenge	Member	1238807	A0012748K
3.	Prof. James K. Tuitoek Ph.D	Member	0323892	A001311348B
4.	Ms. Gertrude Nduku Nguku	Member	7272450	A00254497C
5.	Mr. Reginald Okumu	Member	10907071	A002544097C
6.	Hon. Samuel Kazungu Kambi	Member	11262708	A00116228Z
7.	Ms. Hubbie Hussein Al-Haji	Member	0035410	A002020869K
8.	Mr. Alister Murimi Mutugi	Member	11289166	A002604756Y
9.	Hon. Tiya Galgalo	Member	7873996	A001864763G

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

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

Ref.NA/DC.A/LANDS/2019/91

11th September, 2019

Mr. Charles M. Ringera
Chief Executive,
Higher Education Loans Board,
Anniversary Towers, 18th Floor,
University Way,
P.O. Box 69489 -00100,
NAIROBI

Dear *Mr Ringera*

RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The Departmental Committees of the National Assembly are established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204(Committee on Appointments).

The **Departmental Committee on Lands** shall conduct the vetting of the following persons (as per the attached schedule) for appointment to the position of **Chairperson and Members of the National Land Commission** on **Thursday, 19th and Friday, 20th September, 2019**.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is mandated to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is therefore, to request you to provide a report on repayment of any loans that may have been advanced by the Board to the nominees. This information will assist the Committee to effectively discharge their mandate.

We will appreciate if the information is received on or before **Tuesday, 17th September, 2019**.

Mr. Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com and Mr. Ahmed Guliye
Tel. No. 0723473758/ email- guliye27@gmail.com) are the officers facilitating this matter.

Yours



JEREMIAH W. NDOMBI

For: CLERK OF THE NATIONAL ASSEMBLY

No.	Nominee	Position	National ID No.	KRA PIN No.
1.	Mr. Gershom Otachi Bw'Omwanwa	Chairperson	7466017	A00258495J
2.	Hon. Esther Murugi Mathenge	Member	1238807	A0012748K
3.	Prof. James K. Tuitoek Ph.D	Member	0323892	A001311348B
4.	Ms. Gertrude Nduku Nguku	Member	7272450	A00254497C
5.	Mr. Reginald Okumu	Member	10907071	A002544097C
6.	Hon. Samuel Kazungu Kambi	Member	11262708	A00116228Z
7.	Ms. Hubbie Hussein Al-Haji	Member	0035410	A002020869K
8.	Mr. Alister Murimi Mutugi	Member	11289166	A002604756Y
9.	Hon. Tiya Galgalo	Member	7873996	A001864763G

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

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

Ref:NA/DC/LANDS/2019/89

11th September, 2019

Ms. Anne Njeri Nderitu
Registrar of Political Parties
Office of the Registrar of Political Parties
P. O. Box 1131 -00606
Lions Place, 1st Floor
Karuna Close, Waiyaki Way, Westlands
NAIROBI

Dear *Ms Nderitu*

**RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF
CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION**

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The Departmental Committees of the National Assembly are established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204(Committee on Appointments).

The **Departmental Committee on Lands** shall conduct the vetting of the following persons (as per the attached schedule) for appointment to the position of **Chairperson and Members of the National Land Commission** on **Thursday, 19th and Friday, 20th September, 2019**.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is mandated to consider whether the nominees meet all constitutional and Statutory requirements relating to the office in question.

In view of Article 77(2) which prohibits an appointed State Officer from holding office in a political party, this is therefore to request you to provide the Committee with information on whether the nominees holds an office in any political party. This information will assist the Committee to effectively undertake its mandate.

We will appreciate if the information is received on or before **Tuesday, 17th September, 2019**.

Mr. Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com and Mr. Ahmed Guliye Tel. No. 0723473758/ email- guliye27@gmail.com) are the responsible officers facilitating this matter.

Yours



JEREMIAH W. NDOMBI
For: CLERK OF THE NATIONAL ASSEMBLY

No.	Nominee	Position	National ID No.	KRA PIN No.
1.	Mr. Gershon Otachi Bw'Omwanwa	Chairperson	7466017	A00258495J
2.	Hon. Esther Murugi Mathenge	Member	1238807	A0012748K
3.	Prof. James K. Tuitoek, Ph.D	Member	0323892	A001311348B
4.	Ms. Gertrude Nduku Nguku	Member	7272450	A00254497C
5.	Mr. Reginald Okumu	Member	10907071	A002544097C
6.	Hon. Samuel Kazungu Kambi	Member	11262708	A00116228Z
7.	Ms. Hubbie Hussein Al-Haji	Member	0035410	A002020869K
8.	Mr. Alister Murimi Mutugi	Member	11289166	A002604756Y
9.	Hon. Tiya Galgalo	Member	7873996	A001864763G

ANNEXTURE IV

CLEARANCE LETTERS

② MAEHR A ✓
Please clear
FA 16/9/19

③ CHEMWER
Please note
FA 16/9/19



Republic of Kenya

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

① Dkents

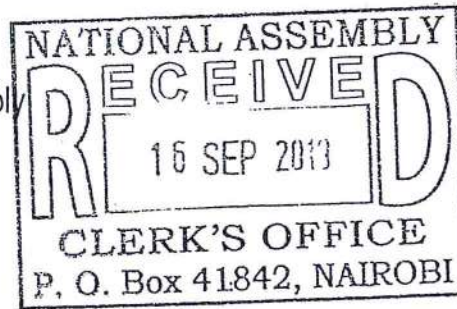
16/9/19

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

REF NO.: RPP/ORG/34 Vol. III (65)

DATE: 16th September, 2019

Clerk of the National Assembly,
Clerks Chambers, National Assembly
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.



Dear Sir,

RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Reference is made to letter Ref. NA/DC/LANDS/2019/89 dated 11th September, 2019 on the above subject matter.

According to the records held by this office as at 16th September, 2019, the list of the nominees tabulated herein below are not officials of a registered political party.

No.	Nominee	ID No.
1.	Mr. Gershorn Otachi Bw Omwanwa	7466017
2.	Hon. Esther Murugi Mathenge	1238807
3.	Prof. James K. Tuitoek, Ph.D	0323892
4.	Ms. Gertrude Nduku Nguku	7272450
5.	Mr. Reginald Okumu	10907071
6.	Hon. Samuel Kazungu Kambi	11262708
7.	Ms. Hubbie Hussein Al-Haji	0035410
8.	Mr. Alister Murimi Mutugi	11289166
9.	Hon. Tiya Galgalo	7873996

Yours faithfully,

Ann N. Nderitu, MBS
Registrar of Political Parties



NATIONAL POLICE SERVICE

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



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

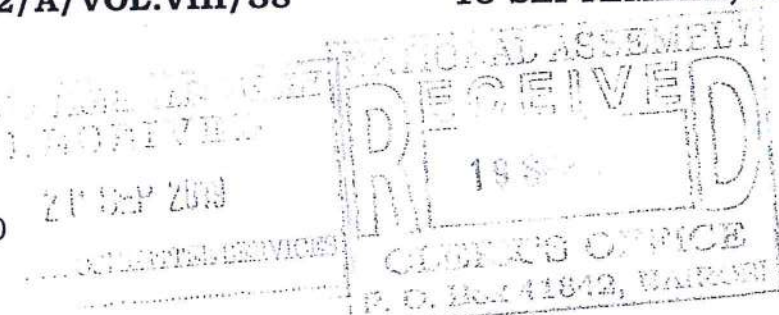
DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.VIII/38

18 SEPTEMBER, 2019

The Clerk

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



Attn: Jeremiah W. Ndombi

SUBJECT: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Your correspondence Ref. No. NA/DC/LANDS/2019/99 dated 11th September, 2019 refers.

This office confirms that the below mentioned applied for Police Clearance Certificates on diverse dates and were **genuinely** issued with certificates by this office as follows:-

S/NO.	NAME	IDENTITY NO.	DATE OF ISSUE
1.	Mr. Gerishom Otachi Bw'Omwanwa	7466017	15/3/19
2.	Hon. Esther Murugi Mathenge	1238807	17/09/19
3.	Mr. Reginald Okumu	10907071	20/08/19
4.	Hon. Samuel Kazungu Kambi	11262708	05/09/19
5.	Ms. Hubbie Hussein Al-Haji	0035410	08/06/19
6.	Mr. Alister Murimi Mutugi	11289166	23/06/19
7.	Hon. Tiya Galgalo	7873996	25/06/19
8.	Prof. James K. Tuitoek, PhD	0323892	2018
9.	Ms. Gertrude Nduku Nguku	7272450	2018

Please note that Police Clearance Certificate is valid for six months only. In this regard, we advise that nominees Number 8 and 9 above make fresh applications for forensic analysis to be done.

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.

Kind regards.



D. NDETO

FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS



DIRECTORATE OF CRIMINAL INVESTIGATIONS

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

Ref. No. **PCC-AAALXBR9**

Date. **24 September 2019**

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

GERTRUDE NDUKU NGUKU

*holder of ID No. **7272450** 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:
.....

6.

Offence(s):
.....

Result of Trial:
.....

Date:
.....

NATIONAL POLICE SERVICE

C. 24A



DIRECTORATE OF CRIMINAL INVESTIGATIONS

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

Ref No: **PGC-AAALXGC2**

Date: **24 September 2019**

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

JAMES KIPROP TUITOEK

holder of ID No: **0323892** 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:

6.

Offence(s):

Result of Trial:

Date:

③ CHEMUNU
please note
FA
18/9/19



② MACHIA
please note
FA
18/9/19

ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000
FAX: 254 (020) 2240954 EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL.XI (29)

17th September, 2019

The Clerk of the National Assembly

National Assembly
Parliament Building
P O Box 41842-00100

NAIROBI

(Attn: Mr. Jeremiah W. Ndombi)

① Dlant
17/9/19

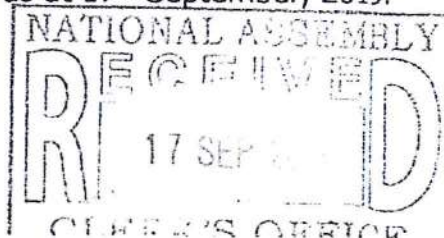
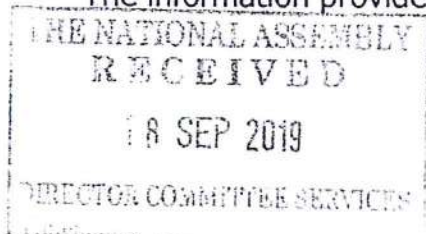
RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Your letter referenced NA/DC/LANDS/2019/90 dated 11th September, 2019 on the above subject matter refers.

We wish to confirm that we have not undertaken any investigations where the following nominees have been found culpable:

S/No	Name	ID No.
1.	Mr. Gershom Otachi Bw'Omanwa	7466017
2.	Hon. Esther Murugi Mathenge, EGH	1238807
3.	Prof James K. Tuitoek, Ph.D	0323892
4.	Ms. Gertrude Nduku Nguku	7272450
5.	Ms. Reginald Okumu	10907071
6.	Hon. Samuel Kazungu Kambi	11262708
7.	Ms. Hubble Hussein Al-Haji	0035410
8.	Mr. Alister Murimi Mutugi	11289166
9.	Hon. Tiya Galgalo	7873996

The information provided is based on records available as at 17th September, 2019.



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



TWALIB MBARAK
SECRETARY/CHIEF EXECUTIVE OFFICER

EH/tnm

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 20 SEP 2019	DAY.
TABLED BY:	
CLERK-AT THE TABLE:	

ANNEXTURE V

REPORT BY THE KENYA REVENUE AUTHORITY



DL/Coms
①
Please deal
~~with~~
25/09/19

KRA/M&CD/SEEM19/11

25th September, 2019

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

② MAETHRA
Please deal
FA
25/9/19

Dear Mr. Sialai,

**VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITIONS
OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION**

The above captioned subject matter refers.

Kenya Revenue Authority (KRA) appeared before the Departmental Committee on Lands Friday, 20th September 2019, at 10.00.am. Following that meeting, the Committee requested for additional information on one of the nominees.

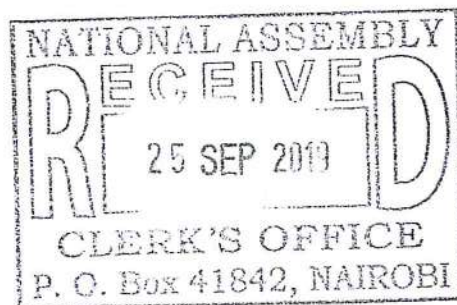
Attached herein, please find our submission.

Yours Sincerely,

Grace Wandera

**GRACE WANDERA
FOR: COMMISSIONER GENERAL**

Encl



Tulipe Ushuru, Tujitegemee!

Handwritten text, possibly a page number or reference, located at the top left of the page.

Vertical text or markings along the right edge of the page, possibly bleed-through or a margin.



**KENYA REVENUE
AUTHORITY**
ISO 9001:2015 CERTIFIED

**REPORT TO THE NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON LANDS ON VETTING OF NOMINEES TO THE
POSITION OF CHAIRPERSON AND MEMBERS OF
THE NATIONAL LAND COMMISSION**

KENYA REVENUE AUTHORITY
Confirmed
P.O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: _____

20TH SEPTEMBER 2019

KENYA REVENUE AUTHORITY
Confirmed
P.O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: 

1.0 INTRODUCTION

The National Assembly Departmental Committee on Lands vide their letter Ref: NA/DC/LANDS/2019/87 dated 11th September, 2019 requested Kenya Revenue Authority to provide the tax compliance status of the nominees for the positions of the Chairperson and Members of the National Land Commission.

Following submission by KRA, the Committee during its sitting on Thursday, 19th September 2019 resolved to invite KRA to a meeting on Friday, 20th September, 2019 at 8:30am to shed more light on the report specifically on the status of two of the nominees.

2.0 RESPONSES TO THE COMMITTEE

Further to the previous submission vide KRA letter Ref: KRA/CDT/HO/54 dated 17th September 2019, KRA provides additional information on the two nominees as follows:

(i) M/STIYAH GALOGALO ALI- PIN-A001864763G

The above taxpayer was issued with a Tax Compliance Certificate (TCC) on 23rd October 2018. The TCC has an expiry date of 22nd October 2019.

Upon receiving request for a tax status for vetting purposes it was established that she had not filed Income tax returns for 2017 and 2018. She was contacted to explain the reason for not filing the returns and was required to do so.

As at the time of responding to the Clerk of the National Assembly this had not been done. However she filed the returns on 18th September 2019 indicating she did not earn any taxable income and therefore was not required to pay any taxes. She however amended the same position on 19th September 2019 and included employment income of Ksh. 8,348,300 earned from Parliamentary Service Commission for the year 2017 and Ksh. 3,125,500 earned from Isiolo County Government for the year 2018.

Verification of the returns filed will be undertaken to determine the correctness of the same.

The circumstances under which the TCC was issued are currently under investigation given that she had NOT met conditions of issuance of the TCC as the returns for year 2017 had not been filed. KRA is currently investigating various TCCs that were irregularly issued, some of which are the subject of an ongoing investigation by the Directorate of Criminal Investigation under DCI headquarters inquiry file number 102/2019.

(ii) Mr. OTACHI BW'OMWANWA – PIN - A002584975J

The above taxpayer was issued with a Tax Compliance Certificate on 12th June 2019. The TCC will expire on 11th June 2020.

This Tax Compliance Certificate was issued on the basis of installment payment plan arrangement to clear outstanding taxes. However there was a payment delay on the installment which technically made him non compliant. The taxpayer on 19th of September 2019 paid fully the tax outstanding making him tax compliant. We now consider the TCC number KRAEON1142317819 issued on 12th June 2019 as valid since the taxes that were outstanding are now fully paid.

KENYA REVENUE AUTHORITY
Confirmed
P. O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: 



KENYA REVENUE
AUTHORITY

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4999 999
Cell: +254(0711)099 999
Email: callcentre@kra.go.ke

www.kra.go.ke

Taxpayer PIN : A001864763G

Certificate Date: 23/10/2018

Name and Address :

Tiyah Galgalo Ali
N/A, ISIOLO, Isiolo District,
PO Box:207,
Postal Code:60300

Certificate Number:

KRAWON3033692018



This is to confirm that Tiyah Galgalo Ali,
Personal Identification Number A001864763G
has filed relevant tax returns and
paid taxes due as provided by Law.

This Certificate will be valid for
twelve (12) months up to 22/10/2019.

Caveat This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the

Disclaimer : This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.



KENYA REVENUE
AUTHORITY

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4999 999
Cell: +254(0711)099 999
Email: callcentre@kra.go.ke

www.kra.go.ke

Certificate Date: 12/06/2019

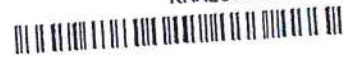
Taxpayer PIN: A002584975J

Name and Address:

OTACHI BW'OMANWA
N/A, NAIROBI CITY (EAST), Nairobi East District,
PO Box:79438,
Postal Code:00200

Certificate Number:

KRAEON1142317819



This is to confirm that OTACHI BW'OMANWA,
Personal Identification Number A002584975J
has filed relevant tax returns and
paid taxes due as provided by Law.

This Certificate will be valid for
twelve (12) months up to 11/06/2020.

Caveat This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the

Disclaimer: This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.



KENYA REVENUE
AUTHORITY
ISO 9001:2015 CERTIFIED

ANNEX 1

Our Ref: KRA/CDT/HO/54

Your Ref: NA/DC/LANDS/2019/87

17th September 2019

The Clerk's Chambers
National Assembly,
P.O. Box 41842 - 00100
NAIROBI

Dear Sir,

VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE
POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LANDS
COMMISSION

We refer to your letter dated 11th September 2019 on the subject matter herein.

The compliance status of the nominees is as follows:

	Name	PIN	ID Number	Compliance Status
1	Otachi Bw'omanwa	A002584975J	7466017	Not Compliant
2	Esther Murugi Mathenge	A000127248K	1238807	Compliant
3	James Kiproop Tuitoek	A001311348B	0323892	Compliant
4	Gertrude Nduku Nguku	A002544097C	7272450	Compliant
5	Okumu Reginald	A002514686C	10907071	Compliant
6	Samwel Kazungu Kambi	A001162228Z	11262708	Compliant
7	Hubbie Hussein Al Haji	A002020869K	0035410	Compliant
8	Alister Murimi Mutugi	A002604756Y	11289166	Compliant
9	Tiyah Galgalo Ali	A001864763G	7873996	Not Compliant

Yours faithfully,

Edward Mbugua
For: Commissioner of Domestic Taxes



**KENYA REVENUE
AUTHORITY**

ISO 9001:2015 CERTIFIED

Our Ref: KRA/CDT/HO/54

Your Ref: NA/DC/LANDS/2019/87

19th September 2019

The Clerk's Chambers
National Assembly
P.O. Box 41842-00100
NAIROBI

Dear Sir,

**VETTING OF PERSON NOMINATED FOR APPOINTMENT TO
THE POSITION OF CHAIRPERSON AND MEMBERS OF THE
NATIONAL LANDS COMMISSION**

We refer to our letter dated 17th September, 2019 on the subject matter herein.

This is to inform you that Mr. Otachi Bw'omanwa holder of I/D Number 7466017 and Pin A0025584975J had an arrangement to pay tax arrears in instalments, and there was a payment delay of one month which was technically a default.

However, this tax has been cleared and he is thus now compliant.

Yours faithfully,

Edward Mbugua

For: Commissioner of Domestic Taxes Department

REPUBLIC OF KENYA



Telegraphic Address
'Bunge' Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote

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

NATIONAL ASSEMBLY

Ref.NA/DC/LANDS/2019/87

11th September, 2019

James Mburu
Commissioner General,
Kenya Revenue Authority,
Times Towers, 30th Floor,
Haile Selassie Avenue,
P.O. Box 48240 -00100
NAIROBI



Dear Mr Mburu

RE: VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Departmental Committees of the National Assembly are established and mandated pursuant to Standing Order 216(5)(f) to vet and report on appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204(Committee on Appointments).

The Departmental Committee on Lands shall conduct the vetting of the following persons (as per the attached schedule) for appointment to the position of Chairperson and Members of the National Land Commission on Thursday, 19th and Friday, 20th September, 2019.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approval) Act, the Committee is mandated to consider whether the nominees meet all constitutional and statutory requirements relating to the office in question.

This is therefore, to request you to provide a report on tax compliance by the nominees. This information will assist the Committees to effectively undertake their mandate.

We will appreciate if the information is received on or before Tuesday, 17th September, 2019.

Mr. Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com and Mr. Ahmed Guliye
Tel. No. 0723473758/ email- gullye27@gmail.com) are the liaison officers facilitating this matter.

Yours



JEREMIAH W. NDOMBI
For: CLERK OF THE NATIONAL ASSEMBLY

No.	Nominee	Position	National ID No.	KRA PIN No.
1.	Mr. Gershom Otachi Bw'Omwanwa	Chairperson	7466017	A00258495J
2.	Hon. Esther Murugi Mathenge	Member	1238807	A0012748K
3.	Prof. James K. Tuitoek Ph.D	Member	0323892	A001311348B
4.	Ms. Gertrude Nduku Nguku	Member	7272450	A00254497C
5.	Mr. Reginald Okumu	Member	10907071	A002544097C
6.	Hon. Samuel Kazungu Kambi	Member	11262708	A00116228Z
7.	Ms. Hubbie Hussein Al-Haji	Member	0035410	A002020869K
8.	Mr. Alister Murimi Mutugi	Member	11289166	A002604756Y
9.	Hon. Tiya Galgalo	Member	7873996	A001864763G

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Tel. +254-020-2221291
Fax: +254-020-22243694
E-mail: clerk@parliament.go.ke
When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI, Kenya

Ref:NA/DC/LANDS/2019/104

19th September, 2019

Mr. James Mburu
Commissioner General
Kenya Revenue Authority
P. O. Box 62345 – 00200
NAIROBI

Dear Mr Mburu

RE: VETTING OF NOMINEES TO THE POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION BY THE DEPARTMENTAL COMMITTEE ON LANDS

Your letter Ref:KRA/CDT/HO/54 and dated 17th September, 2019 on the above subject refers.

During the vetting of the nominee for the position of Chairperson, National Land Commission (Mr. Otachi Bw'Omwanwa, PIN. No. A002584975J, ID No. 7466017) by the Departmental Committee on Lands, the nominee presented to the Committee a clearance certificate (Certificate No. KRAEON1142317819), dated 12th June, 2019 confirming his tax status as compliant. However, your report in the above referenced letter indicates that the nominee is non-tax compliant.

In view of the above, the Committee resolved to invite you to appear before it on Friday, 20th September, 2019 at 8.30 am to shed more light on the nominee's clearance certificate and the report from your office.

Further, your report also indicated that Ms. Tiyah Galgalo Ali, PIN No. A001864763G, ID No. 7873996) is non- tax compliant. Therefore, the Committee also requests that you shed more light on the status of the nominee.

The meeting will be held in the Mini -Chamber, First Floor, County Hall, Parliament Buildings.

Leonard Machira, (Tel. No. 0718379275/email- ongegul@gmail.com) and Mr. Ahmed Guliye Tel. No. 0723473758/ email- guliye27@gmail.com) are the responsible officers facilitating this matter.

Yours

A handwritten signature in black ink, appearing to be 'J. Ndombi'.

JEREMIAH W. NDOMBI
For: CLERK OF THE NATIONAL ASSEMBLY



**KENYA REVENUE
AUTHORITY**

ISO 9001:2015 CERTIFIED

**REPORT TO THE NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON LANDS ON VETTING OF NOMINEES TO THE
POSITION OF CHAIRPERSON AND MEMBERS OF
THE NATIONAL LAND COMMISSION**

KENYA REVENUE AUTHORITY
Confirmed
P. O. Box 48240 - 00100, NAIROBI
Date:..... 25 / 09 / 2019
Sign:..... G.W
.....

25TH SEPTEMBER 2019

1.0 INTRODUCTION

On 20th September 2019, KRA appeared before the National Assembly Departmental Committee on Lands to provide clarification on the tax compliance status of two nominees for positions of the Chairperson and member of the National Lands Commission.

KRA made submissions to the effect that one nominee M/s. Tiyah Galgalo Ali, PIN No. A001864763G had a Tax Compliance Certificate (TCC) number KRAWON3033692018 which was not properly issued as she had not filed the tax return for the year of income 2017. This Certificate had been issued on 23rd October 2018. KRA had commenced investigations into the circumstances under which the TCC was issued but considers it not valid.

KRA also stated that the nominee (Ms. Galgalo) had filed the returns for years 2017 and 2018 without declaring any income which she later amended to include employment income. KRA therefore requested for seven (7) days to verify the correctness of the returns. The committee required KRA to provide a report of the status of the verification and her compliance status on Wednesday 25th September 2019 at 10.00 a.m.

The response below is submitted pursuant to that requirement:

2.0 RESPONSES TO THE COMMITTEE

KRA has reviewed the information provided during the verification process and states the following:

- (a) The Tax Compliance Certificate number KRAWON3033692018 issued on 23rd October 2018 was withdrawn for the reason of having been irregularly issued. KRA is pursuing internal disciplinary action on the officers who issued the certificate with full knowledge that the return for year 2017 has not been filed.
- (b) The review has identified transactions and amounts that were received by her that will require further investigations. She is required to provide explanation

KENYA REVENUE AUTHORITY
Confirmed
P.O. Box 48240 - 00100, NAIROBI
Date: 25/09/2019
Sign: G.W.

and supporting evidence before she can be considered for issuance of a valid Tax Compliance Certificate.

- (c) KRA has concluded that she has not been tax compliant. KRA has further put the tax returns for the years 2017 and 2018 under investigation having identified funds that need to be explained/supported in the determination of her taxable income.

KENYA REVENUE AUTHORITY
Confirmed
P.O. Box 48240-00100, NAIROBI
Date: 25/09/2019
Sign: G.W.



**KENYA REVENUE
AUTHORITY**
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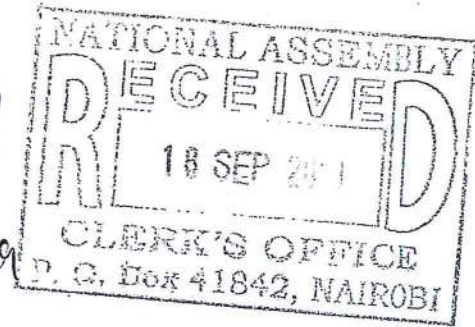
① D/C Hosi
18/9/19

Our Ref: KRA/CDT/HO/54

Your Ref: NA/DC/LANDS/2019/87

17th September 2019

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Please deaf
FA
18/9/19



The Clerk's Chambers
National Assembly,
P.O. Box 41842 - 00100
NAIROBI

Dear Sir,

**VETTING OF PERSONS NOMINATED FOR APPOINTMENT TO THE
POSITION OF CHAIRPERSON AND MEMBERS OF THE NATIONAL LANDS
COMMISSION**

We refer to your letter dated 11th September 2019 on the subject matter herein.

The compliance status of the nominees is as follows:

	Name	PIN	ID Number	Compliance Status
1	Otachi Bw'omanwa	A002584975J	7466017	Not Compliant
2	Esther Murugi Mathenge	A000127248K	1238807	Compliant
3	James Kiprop Tuitoek	A001311348B	0323892	Compliant
4	Gertrude Nduku Nguku	A002544097C	7272450	Compliant
5	Okumu Reginald	A002514686C	10907071	Compliant
6	Samwel Kazungu Kambi	A001162228Z	11262708	Compliant
7	Hubbie Hussein Al Haji	A002020869K	0035410	Compliant
8	Alister Murimi Mutugi	A002604756Y	11289166	Compliant
9	Tiyah Galgalo Ali	A001864763G	7873996	Not Compliant

Yours faithfully,

Edward Mbugua
For: Commissioner of Domestic Taxes

Tulipe Ushuru, Tujitegemee!



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**KENYA REVENUE
AUTHORITY**
ISO 9001:2015 CERTIFIED

**REPORT TO THE NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON LANDS ON VETTING OF NOMINEES TO THE
POSITION OF CHAIRPERSON AND MEMBERS OF
THE NATIONAL LAND COMMISSION**

KENYA REVENUE AUTHORITY
Confirmed
P. O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: 

20TH SEPTEMBER 2019

KENYA REVENUE AUTHORITY
Confirmed
P. O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: 

1.0 INTRODUCTION

The National Assembly Departmental Committee on Lands vide their letter **Ref: NA/DC/LANDS/2019/87** dated 11th September, 2019 requested Kenya Revenue Authority to provide the tax compliance status of the nominees for the positions of the Chairperson and Members of the National Land Commission.

Following submission by KRA, the Committee during its sitting on Thursday, 19th September 2019 resolved to invite KRA to a meeting on Friday, 20th September, 2019 at 8:30am to shed more light on the report specifically on the status of two of the nominees.

2.0 RESPONSES TO THE COMMITTEE

Further to the previous submission vide KRA letter *Ref: KRA/CDT/HO/54* dated 17th September 2019, KRA provides additional information on the two nominees as follows:

(i) M/S TIYAH GALOGALO ALI- PIN-AOO1864763G

The above taxpayer was issued with a Tax Compliance Certificate (TCC) on 23rd October 2018. The TCC has an expiry date of 22nd October 2019.

Upon receiving request for a tax status for vetting purposes it was established that she had not filed Income tax returns for 2017 and 2018. She was contacted to explain the reason for not filing the returns and was required to do so.

As at the time of responding to the Clerk of the National Assembly this had not been done. However she filed the returns on 18th September 2019 indicating she did not earn any taxable income and therefore was not required to pay any taxes. She however amended the same position on 19th September 2019 and included employment income of Ksh. 8,348,300 earned from Parliamentary Service Commission for the year 2017 and Ksh. 3,125,500 earned from Isiolo County Government for the year 2018.

Verification of the returns filed will be undertaken to determine the correctness of the same.

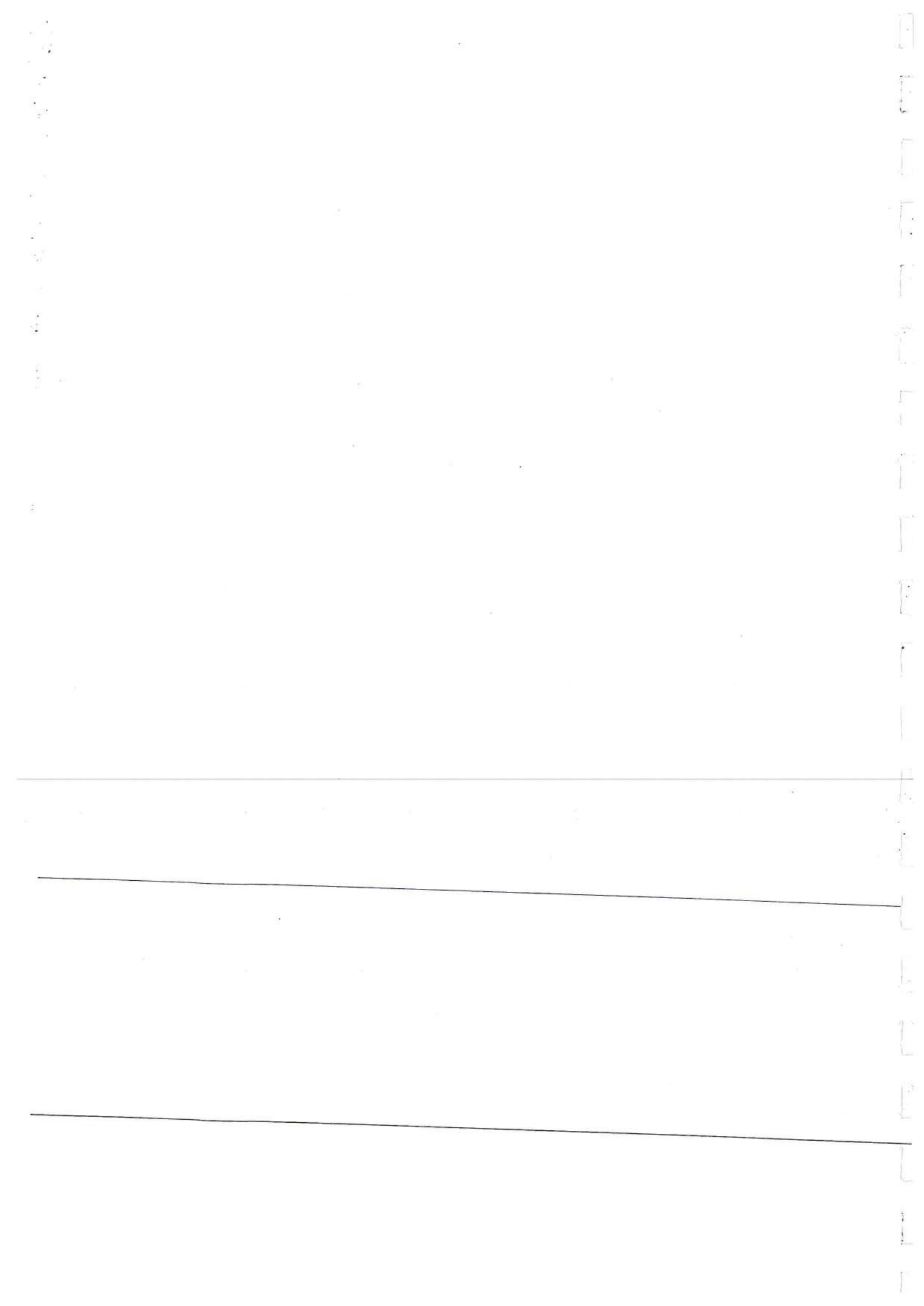
The circumstances under which the TCC was issued are currently under investigation given that she had NOT met conditions of issuance of the TCC as the returns for year 2017 had not been filed. KRA is currently investigating various TCCs that were irregularly issued, some of which are the subject of an ongoing investigation by the Directorate of Criminal Investigation under DCI headquarters inquiry file number 102/2019.

(ii) Mr. OTACHI BW'OMWANWA – PIN - A002584975J

The above taxpayer was issued with a Tax Compliance Certificate on 12th June 2019. The TCC will expire on 11th June 2020.

This Tax Compliance Certificate was issued on the basis of installment payment plan arrangement to clear outstanding taxes. However there was a payment delay on the installment which technically made him non compliant. The taxpayer on 19th of September 2019 paid fully the tax outstanding making him tax compliant. We now consider the TCC number KRAEON1142317819 issued on 12th June 2019 as valid since the taxes that were outstanding are now fully paid.

KENYA REVENUE AUTHORITY
Confirmed
P. O. Box 48240 - 00100, NAIROBI
Date: 20/09/2019
Sign: 





**KENYA REVENUE
AUTHORITY**

ISO 9001:2015 CERTIFIED

Don'ts.

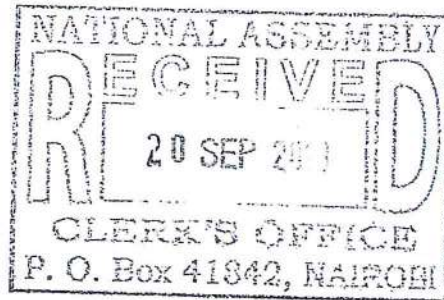
Our Ref: KRA/CDT/HO/54

Don'ts

Your Ref: NA/DC/LANDS/2019/87

19th September 2019

The Clerk's Chambers
National Assembly
P.O. Box 41842-00100
NAIROBI



Dear Sir,

**VETTING OF PERSON NOMINATED FOR APPOINTMENT TO
THE POSITION OF CHAIRPERSON AND MEMBERS OF THE
NATIONAL LANDS COMMISSION**

We refer to our letter dated 17th September, 2019 on the subject matter herein.

This is to inform you that Mr. Otachi Bw'omanwa holder of I/D Number 7466017 and Pin Aoo25584975J had an arrangement to pay tax arrears in instalments, and there was a payment delay of one month which was technically a default.

However, this tax has been cleared and he is thus now complaint.

Yours faithfully,

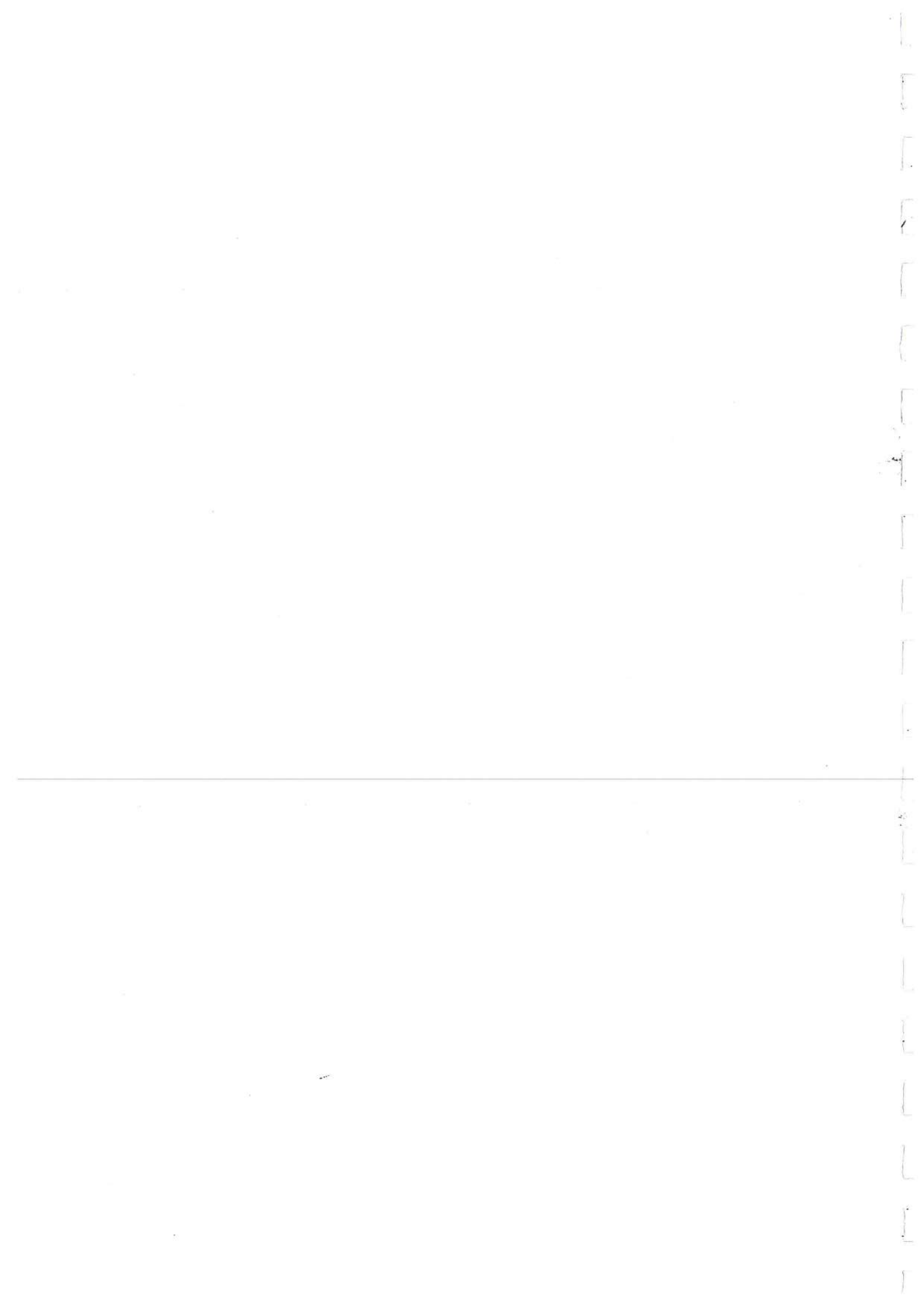
Edward Mbugua

For: Commissioner of Domestic Taxes Department

*11/09/2019
20 SEP 2019*



Tulipe Ushuru, Tujitegemee!



ANNEXTURE Va

SUBMISSIONS BY HON TIYAH GALGALO ALI ON
TAX COMPLIANCE

TIYAH GALGALO ALI

P.O. BOX 503-60300 ISIOLO

tiyahali@yahoo.com: +254710627073

20th September 2019

THE COMMISSIONER OF DOMESTIC TAXES,
P.O BOX 48240-00100,
NAIROBI.

ATT: Mr. Edward,

REF: RESPONSE TO ISSUES RAISED ON TAX COMPLIANCE

Reference is made to your letter dated 20th September 2019 with Ref: KRA/CDT/HO/73 on the above issue.

Let me draw your attention to the following issues as you raised when I appeared in your office:

1. How was the Tax Compliance Certificate issued to me?

I logged in to my i-Tax account and applied/submitted Tax compliance certificate application on 22/10/2018. The request was approved and I was issued with a certificate number: KRAWON3033692018 dated 23/10/2019 - valid for twelve (12) months up to 22/10/2019- see Annex 1.

2. If I had filed and submitted Income Tax returns for the year 2017 and 2018:

In my understanding, I knew I had filled and submitted income Tax returns for the year 2017 and 2018 and that was why I had applied for the Tax Compliance Certificate. I submitted my request on 22nd October 2018 and on 23rd October 2018. Then, I was issued with a system generated and approved Certificate of Tax Compliance KRA Certificate Number, KRAWON3033692018 - valid for twelve (12) months up to 22/10/2019. The approving person in KRA had the opportunity to reject or cancel the certificate if I had not filled nor submitted Tax returns for the year's in question. Even after issuance of the said certificate, I was neither informed verbally, in writing or notification of non-compliance from the date of issuance despite the details reflecting in KRA iTax system for almost a whole year. Unfortunately, I got a call on 18th September 2019 just one day to my vetting for the National Land commission as outline in number (3) below.

3. Filling of NIL returns:-

On 18th September 2019, a lady by the name Penina Weru called me on mobile number 0709011541 and told me that I have been issued with a Tax Compliance Certificate without filing Income Tax returns and that I am required to file them as soon as possible. I asked her what I was required to do? She asked me if I had the P9 forms from my employer for 2017 and 2018. I told her no, unless I inquire on how to access them. She told me to file NIL returns for now and do an amendment when I get the relevant documents. I complied and did exactly what she told me and I also paid a penalty of two thousand (Kshs. 2,000) for late filing the year 2017 and two thousand (Kshs. 2,000) for late filing of the year 2018. I went ahead and requested the Director of HR for both Parliament and County Government of Isiolo to send me the scanned copies of the P9 forms for 2017 from The National Assembly and 2018 from County Government of Isiolo. Luckily, I got both P9 forms immediately and I amended as instructed and submitted. The documents submitted include:

- Tax deduction card year 2017 – The National Assembly- Annex 2
- Tax deduction card year 2018- County Government of Isiolo – Annex 3
- Payment slip- payment details- KRA- Annex 4
- Confirmation of payment – KRA- Annex 5
- Tax compliance certificate – KRA – annex 6
- Mpesa payment from Safaricom- Annex 7

I want to state that, I am a Senior Citizen with working experience of twenty-eight (28) years and that I have high regards for all Government Mandated Compliance Institutions and I have no history of failing to do my obligation as a Citizen.

I have no intention whatsoever of tax evasion. I highly regret the unfortunate incident that has happened and ask for pardon if by any chance my omission or oversight indicated contradicting or misleading information regarding my Income Tax returns. I promise to follow keenly future returns.

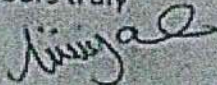
Attached find copies of letters confirming remittance of deductions.

- The National Assembly 2017- Annex 8
- County Government of Isiolo (CGI) 2018- Annex 9

As requested, also find my two account statements for the year 2017 and 2018 for your attention and perusal- Annex 10 and 11

I thank you for your continued support.

Yours truly



Hon Tiyah Galgalo Ali



Our Ref: KRA/CDT/HO/73

20th September 2019

Tiyah Galgalo Ali
P. O. Box 207 - 00300
ISIOLO

Dear Madam,


**NOTICE TO APPEAR BEFORE COMMISSIONER, UNDER SECTION 61 OF
THE TAX PROCEDURES ACT, 2015**

Reference is made to the ongoing vetting for the members of the National Land Commission and the subsequent issues raised on your Tax Compliance.

This is therefore to summon you to appear before the Commissioner of Domestic Taxes on 20th September 2019 to address tax matters in relation to your Income Tax returns filed for the years 2017 and 2018.

Take note that failure to honour these summons may attract consequences under the relevant provisions of the law.

Yours faithfully,


Edward Mbugua
For: Commissioner of Domestic Taxes

Tulipe Ushuru, Tujitegemeel!

Nairobi, Kenya Tel: 020 271 2000



KENYA REVENUE
AUTHORITY

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Tel: +254 (020) 4599 999
Cell: +254(0711)999 999
Email: callcentre@kra.go.ke

www.kra.go.ke

Taxpayer PIN : A001864763G

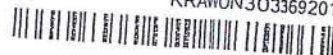
Name and Address :

Tiyah Galgalo Ali
N/A, ISIOLO, Isiolo District,
PO Box:207,
Postal Code:60300

Certificate Date: 23/10/2018

Certificate Number:

KRAWON3033692018



This is to confirm that Tiyah Galgalo Ali,
Personal Identification Number A001864763G
has filed relevant tax returns and
paid taxes due as provided by Law.

This Certificate will be valid for
twelve (12) months up to 22/10/2019.

Caveat This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the

Disclaimer : This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.

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GOVERNMENT OF KENYA - CIVIL SERVICE
End-of-Year Tax Returns (P9-FORM)

Employer (Vote): 31101 Isiolo County - Executive

Employers Tax-PIN: Null

INCOME TAX DEPARTMENT'S COPY Tax-Year: 2018

Tax Payer's Name: MRS TIYAH ALI GALGALO

R-NUM: 20170111681

ID-NO: 7873996

PIN: A001864763G

Station: 0311-011-0011

Tax-Date	Taxable Pay	Pension	PAYE Auto	MPR Value	Vote
01/2018	259,875.00	00.00	70,619.00	1,408.00	31101
02/2018	259,875.00	00.00	70,619.00	1,408.00	31101
03/2018	259,875.00	00.00	70,619.00	1,408.00	31101
04/2018	259,875.00	00.00	70,619.00	1,408.00	31101
05/2018	259,875.00	00.00	70,619.00	1,408.00	31101
06/2018	259,875.00	00.00	70,619.00	1,408.00	31101
07/2018	259,875.00	00.00	70,619.00	1,408.00	31101
08/2018	259,875.00	00.00	70,619.00	1,408.00	31101
09/2018	259,875.00	00.00	70,619.00	1,408.00	31101
10/2018	259,875.00	00.00	70,619.00	1,408.00	31101
11/2018	259,875.00	00.00	70,619.00	1,408.00	31101
12/2018	269,875.00	00.00	73,619.00	1,408.00	31101
Subtotals	3,128,500.00	Pension	850,428.00	16,896.00	

Arrears = 00.00

Manual PAYE = 00.00

Note: 12 month's data in KSh.

Total PAYE = 850,428.00

COUNTY PAYROLL MANAGER
 ISIOLO COUNTY

AUTHORIZED BY:

CHECKED BY

[Signature]

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M-PESA STATEMENT

Customer Name: TIYAH ALI
 Mobile Number: 0710627073
 Email Address: tiyahali@yahoo.com
 Date of Statement: 19 Sep 2019
 Statement Period: 19 Mar 2019 - 19 Sep 2019



SUMMARY

SEND MONEY:		
RECEIVED MONEY:	0.00	1,758,173.00
AGENT DEPOSIT	675,071.00	0.00
AGENT WITHDRAWAL:	34,000.00	6.00
LIPA NA M-PESA (PAYBILL):	0.00	289,855.00
LIPA NA M-PESA (BUY GOODS):	0.00	490,933.00
OTHERS:	0.00	153,658.06
TOTAL	2,004,060.00	10,150.00
	2,713,131.00	2,712,779.06

DETAILED STATEMENT

Transaction ID	Date/Time	Description	Status	Amount	Balance
NI1804FZ4Q	2019-09-18 17:39:52	Pay Bill Charge	Completed		
NI1804FZ4Q	2019-09-18 17:39:52	Pay Bill to 572572 - Kenya Revenues Authority Acc. 2020190002332169	Completed	-82.00	417.57
NI1501O7DB	2019-09-18 15:09:03	Deposit of Funds at Agent Till 699614 - Roam comm Opp millmani olice station, Agg by Roam comm Opp millmani olice station, Agg - PO	Completed	4,000.00	4,499.57
NI14NZE1F6	2019-09-18 14:41:37	Customer Transfer of Funds Charge	Completed	-11.00	499.57
NI14NZE1F6	2019-09-18 14:41:37	Customer Transfer to 254720585154 - PATRICK shihachi SHIHACHI KHAMASI	Completed	-150.00	510.57
NI12NPT9BA	2019-09-18 08:16:05	Pay Bill Charge	Completed		
NI12NPT9BA	2019-09-18 08:16:05	Pay Bill to 888880 - KPLC PREPAID Acc. 01450500747	Completed	-23.00	660.57
NI17NP5T05	2019-09-18 07:39:23	Customer Transfer of Funds Charge	Completed	-1,500.00	683.57
NI17NP5T05	2019-09-18 07:39:23	Customer Transfer to 254712201129 - MWACHAUNGA CHAUNGA	Completed	-77.00	2,183.57
NI17NP5T05	2019-09-18 07:39:23	Customer Transfer to 254712201129 - MWACHAUNGA CHAUNGA	Completed	-5,200.00	2,260.57
NI10NKA0IE	2019-09-17 20:30:24	Customer Transfer of Funds Charge	Completed		
NI10NKA0IE	2019-09-17 20:30:24	Customer Transfer to 254720667156 - MICHAEL NDUJA	Completed	-15.00	7,460.57
NI15NBN571	2019-09-17 16:49:47	Funds received from 0799604939 - Elias Mohamed Shire	Completed	-810.00	7,475.57
NI18N71622	2019-09-17 14:15:22	Customer Transfer of Funds Charge	Completed	750.00	8,285.57
NI18N71622	2019-09-17 14:15:22	Customer Transfer to 254721115397 - HENRY NJENGA	Completed	-15.00	7,535.57
NI14N09LVU	2019-09-17 09:37:01	Customer Transfer of Funds Charge	Completed	-580.00	7,550.57
NI14N09LVU	2019-09-17 09:37:01	Customer Transfer to 254725849248 - VICTOR OTENGO KEVIN	Completed	-11.00	8,130.57
NI10MXS5XE	2019-09-17 07:42:25	Customer Transfer of Funds Charge	Completed		
NI10MXS5XE	2019-09-17 07:42:25	Customer Transfer to 254707192131 - AMINA MOHAMED JATTANI	Completed	-61.00	8,591.57
NI10MXS5XE	2019-09-17 07:42:25	Customer Transfer to 254707192131 - AMINA MOHAMED JATTANI	Completed	-4,500.00	8,652.57
NIG3MLEIDF	2019-09-16 17:19:38	Customer Transfer of Funds Charge	Completed		
NIG3MLEIDF	2019-09-16 17:19:38	Customer Transfer to 254725734070 - KHADIJA ARBE ABDALLAH	Completed	-15.00	13,152.57
NIG3MLEIDF	2019-09-16 17:19:38	Customer Transfer to 254725734070 - KHADIJA ARBE ABDALLAH	Completed	-600.00	13,167.57
NIG5MH1V4Z	2019-09-16 14:47:00	Customer Transfer of Funds Charge	Completed		
NIG5MH1V4Z	2019-09-16 14:47:00	Customer Transfer to 254796328611 - Kuria Moses Chege	Completed	-11.00	13,767.57
NIG5MH1V4Z	2019-09-16 14:47:00	Customer Transfer to 254796328611 - Kuria Moses Chege	Completed	-210.00	13,778.57
NIG5MC2P81	2019-09-16 11:41:55	Customer Transfer of Funds Charge	Completed		
NIG5MC2P81	2019-09-16 11:41:55	Customer Transfer to 254710912119 - STEPHEN KURIA	Completed	-11.00	13,988.57
NIE1L3POYT	2019-09-14 17:48:01	Customer Transfer of Funds Charge	Completed		
NIE1L3POYT	2019-09-14 17:48:01	Customer Transfer to 254712201129 - MWACHAUNGA CHAUNGA	Completed	-150.00	13,999.57
NIE1L3POYT	2019-09-14 17:48:01	Customer Transfer to 254712201129 - MWACHAUNGA CHAUNGA	Completed	-97.00	14,149.57
NIE5KWGW4B	2019-09-14 13:53:04	Customer Transfer of Funds Charge	Completed		
NIE5KWGW4B	2019-09-14 13:53:04	Customer Transfer to 254717897585 - RAHMA ALI	Completed	-10,200.00	14,246.57
NIE5KWGW4B	2019-09-14 13:53:04	Customer Transfer to 254717897585 - RAHMA ALI	Completed	-56.00	24,446.57
NIE6KUTOFOQ	2019-09-14 12:56:42	Funds received from 254720334413 - MARTHA PAUL GUYO	Completed	-3,200.00	24,502.57
NIE7KODWGWZ	2019-09-14 10:21:13	Customer Transfer of Funds Charge	Completed		
NIE7KODWGWZ	2019-09-14 10:21:13	Customer Transfer to 254727228532 - MOHAMED HUSSEIN	Completed	10,000.00	27,702.57
NIE7KODWGWZ	2019-09-14 10:21:13	Customer Transfer to 254727228532 - MOHAMED HUSSEIN	Completed	-77.00	17,702.57
NIE6KO34CS	2019-09-14 08:54:00	Customer Transfer of Funds Charge	Completed		
NIE6KO34CS	2019-09-14 08:54:00	Customer Transfer to 254703454613 - Judith lusike okomba	Completed	-5,200.00	17,779.57
NIE6KO34CS	2019-09-14 08:54:00	Customer Transfer to 254703454613 - Judith lusike okomba	Completed	-26.00	22,979.57
NIE6KO34CS	2019-09-14 08:54:00	Customer Transfer to 254703454613 - Judith lusike okomba	Completed	-1,030.00	23,005.57

Disclaimer: This record is produced for your personal use and is not transferable. If this record is sought to be produced in court, please contact the nearest retail shop for further guidance or send an email to Safaricom Customer Care via Customercare@safaricom.co.ke

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Taxpayer PIN: A001054763G

Payment Registration Date: 18/09/2019

Name and Address :

Tiyah Gaigalo Ali
N/A, ISIOLO, Isiolo District,
PO Box:207,
Postal Code:60300

Payment Registration Number

2020190002332169



Payment Details

Sr.No.	Payment Type	Tax Obligation	Tax Period	Amount to be Paid (Ksh)
1	Self Assessment Tax	(0101) Income Tax - Resident Individual	Jan 2018-Dec 2018	2,500
2	Self Assessment Tax	(0101) Income Tax - Resident Individual	Jan 2017-Dec 2017	2,000
Total Amount to be Paid (Ksh)				4,000

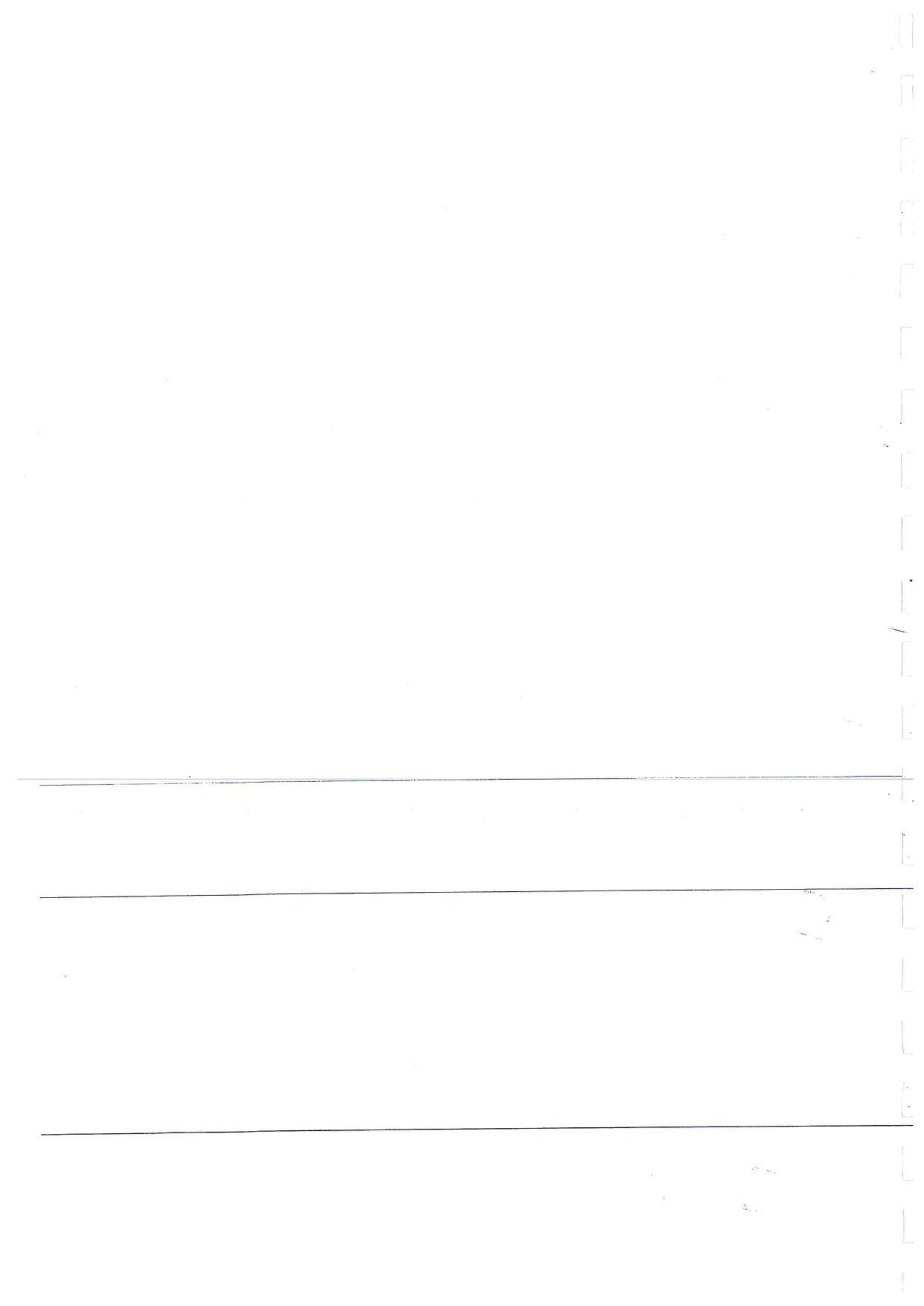
(To be filled by taxpayer during payment at bank)

CHEQUES ONLY		
Drawer Bank	Cheque No.	Amount (Ksh)

Amount in Words: Four thousand Kenyan Shillings

CASH ONLY		
Currency	Count	Amount (Ksh)
1,000 x		
500 x		
200 x		
100 x		
50 x		
40 x		
20 x		
10 x		
5 x		
1 x		
Total Amount (Ksh)		


BANK STAMP AND ENDORSEMENT



Paid in by		Contact Number	
Date		Signature	
Search Code	313888864657LCV(Use this number to query the status of your Payment Slip)		
M-Payment	M-Pesa: Paybill -> Business No. 572572 -> Account No. 2020190002332169 -> Amount 4,000. NB: Amount should be <70,000 Kshs.		
Partner Banks	<p>You can make payment at any of the below mentioned authorized banks.</p> <p>Bank of Africa, BOI, Chase, Equity, I&M, SIDIAN, CBKEN, Trans-National, Standard Chartered, UBA, CBA, KCB, NBK, SBM, Barclays, Eco Bank, Habib AG Zurich, Post Bank, Stanbic, GT Bank, Oriental Commercial, Bank of Baroda, DTB, Citibank, ABC, Consolidated, Co-op Bank, Credit, Family, First Community, Gulf African, Guardian,</p>		
Disclaimer	<p>If this slip is lost or defaced, you can reprint / regenerate from the portal itax.kra.go.ke or the nearest KRA office. This is NOT a Receipt of payment. The payment must therefore be made through either of the Partner Banks/M-Payment by the Tax Due Date as defined by the relevant Tax Laws.</p>		

Notice: Employers are reminded that the due date for PAYE Returns and remittance is the ninth day of each calendar month.



Personal Information and Return Filing Details			
PIN	A001864763G	Return Period	01/01/2017 - 31/12/2017
Name and Address	Tiyah Galgalo Ali N/A, ISIOLO, Isiolo District, 60300, 207.		
PIN of Wife (if Applicable)	N.A	Name of Wife (if Applicable)	N.A
Tax Obligation (Form Name)	Income Tax Resident Individual (IT1)	Original or Amended	Amended
Station	West of Nairobi	Acknowledgement	19/09/2019 14:54:21
Return Number	KRA201913409279	Barcode	

Return Summary			
Sr.	Particulars	Self Amount (Ksh)	Wife Amount (Ksh)
1.	Adjusted Taxable Income	0.00	0.00
2.	Employment Income	8,348,300.00	✓ 0.00
3.	Income from Estate(s)/Trust(s) /	0.00	0.00
4.	Gross Total Income	8,348,300.00	0.00
5.	Deductions	46,400.00	0.00
6.	Taxable Income	8,301,900.00	0.00
7.	Tax Payable	2,425,816.30	0.00
8.	Reliefs	8,960.00	0.00
9.	Tax Credits	2,416,835.50	✓ 0.00
10.	Tax Due / (Refund Due)	20.80	0.00
11.	Tax Due / (Refund Due) (Combined)		21.50

Note : We acknowledge receiving your Return through ITMS Web. You can track your status by using search code from web portal.

Search Code: 427459864657LCV

Notice: Employers are reminded that the due date for PAYE Returns and remittance is the ninth day of each calendar month.

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**KENYA REVENUE AUTHORITY
ISO 9001:2000 CERTIFIED
DOMESTIC TAXES DEPARTMENT**

TAX DEDUCTION CARD YEAR 2017

Employer's Name : The National Assembly

Employee's Main Name : TITYAH GALGALO ALI 2013-1010

Employee's Other Names : ALL

Employee's PIN : 1

Month	Basic Pay Kshs	Benefits Non Cash Kshs	Value of Quarters Kshs	Total Gross Pay Kshs	Defined Contribution/Retirement Scheme Kshs			F	G	Chargeable Pay	Tax Charged Kshs	Monthly Relief Kshs	Insurance Relief Kshs	P.A.Y.E Tax (J - K) Kshs
					E1 30% of A	E2 Actual Cont.	E3 Legal Limit							
JANUARY	399,375	756,025.00	0.00	1,155,400	119,813	50,321	20,000	0.00	20,000	1,135,400	335,224		1,280	333,943.85
FEBRUARY	399,375	711,025.00	0.00	1,110,400	119,813	50,321	20,000	0.00	20,000	1,090,400	321,724		1,280	320,443.85
MARCH	399,375	711,025.00	0.00	1,110,400	119,813	50,321	20,000	0.00	20,000	1,090,400	321,724		1,280	320,443.85
APRIL	426,000	871,025.00	0.00	1,297,025	127,800	53,676	20,000	0.00	20,000	1,277,025	378,320		1,280	377,039.90
MAY	426,000	728,525.00	0.00	1,154,525	127,800	53,676	20,000	0.00	20,000	1,134,525	334,961		1,280	333,681.35
JUNE	426,000	728,525.00	0.00	1,154,525	127,800	53,676	20,000	0.00	20,000	1,134,525	334,961		1,280	333,681.35
JULY	426,000	940,025.00	0.00	1,366,025	127,800	53,676	20,000	0.00	20,000	1,346,025	398,411		1,280	397,131.35
Totals	2,902,125	5,446,175.00	0.00	8,348,300	870,638	365,668	140,000.00	0.00	140,000	8,208,300	2,425,326		8,960	2,416,365.50

TOTAL TAX (COL.L) Kshs. 2407405.50

To be completed by Employer at end of Year

TOTAL CHARGEABLE PAY(COL.H) Kshs. 8208300.00

Tax deducted (Col. J) Kshs 2416365.50

IMPORTANT:

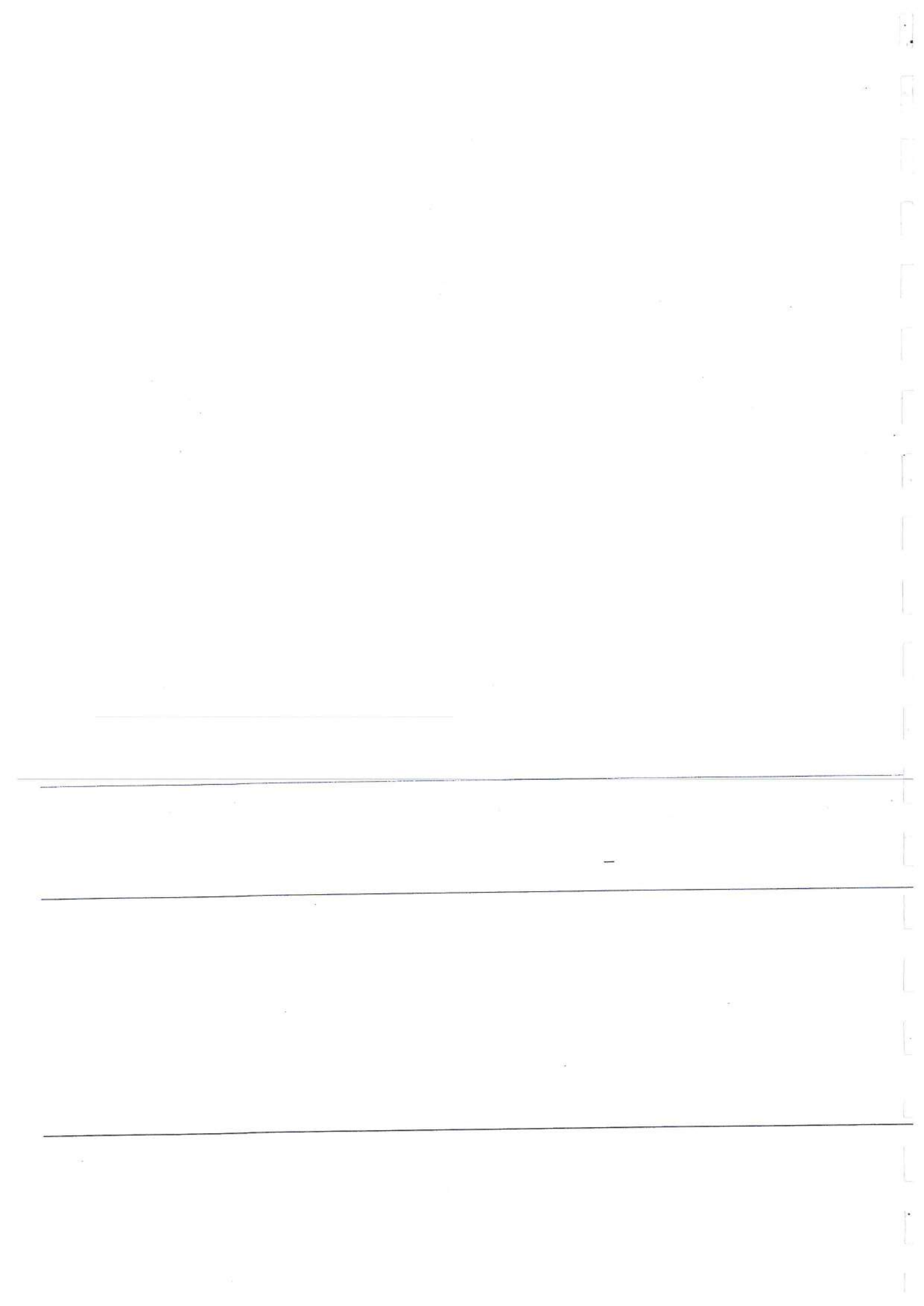
- Use P9A (a) For all liable employees and where director/employee received Benefits in addition to cash emoluments
- (a) Allowable interest in respect of any month must not exceed Kshs. 12,500 = or Kshs.150,000 per year

(b) Attach (i) Photostat copy of interest certificate and statement of account from the Financial Institution.

(ii) THE DECLARATION duly signed by the employee.

C.T.C

For Clerk of Senate / Secretary
Constitutional Review Commission
Parliament Building
P. O. Box 1842, Nairobi



ANNEXTURE VI

AFFIDAVIT RECEIVED BY THE COMMITTEE

REPUBLIC OF KENYA
IN THE NATIONAL ASSEMBLY
THE PARLIAMENT OF KENYA AT NAIROBI

IN THE MATTER OF: THE PURPORTED VETTING BY THE NATIONAL ASSEMBLY'S DEPARTMENTAL COMMITTEE ON LANDS OF PURPORTED NOMINEES FOR APPOINTMENT TO SERVE AS THE CHAIRPERSON AND MEMBERS OF THE NATIONAL LAND COMMISSION

IN THE MATTER OF: ARTICLES 124(4) OF THE CONSTITUTION OF KENYA, AND SECTIONS AND 7 OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT 2011

AFFIDAVIT

I, OKIYA OMTATAH OKOITI, of National Identity Card Number 8024570; P. O. Box 60286-00200; Mobile Phone Number 0722 684 777; and of P. O. Box 60286-00200, Nairobi; a citizen of Kenya resident in Nairobi City County, do hereby solemnly make oath and state as follows:

1. THAT I am an adult male of sound mind, aware of the matters in issue, hence, competent to swear this affidavit on my own behalf as an ordinary member of the public.

2. THAT I swear this affidavit in good faith to bring to the attention of the National Assembly's Departmental Committee on Lands vital information regarding an on-going court case concerning the purported nominees for appointment to serve as the Chairperson and Members of the National Land Commission.

3. THAT on 17th September, 2019 I received an emailed scanned copy of a letter dated 16th September 2019, Ref: NA/DC/LANDS/2019/92 from the Clerk of the National Assembly, inviting me to attend a meeting to be held in the Committee Room on 2nd Floor Continental House, Parliament Buildings, at 10.00 am on Wednesday, 18th September, 2019 to make my submissions on the suitability of persons nominated for appointment to serve as the Chairperson and Members of the National Land Commission.

4. THAT I take this opportunity to inform the Hon. Committee that on 29th August, 2019 I filed a petition dated 28th August, 2019 in the Employment and Labour Relations Court, where the following are parties:

Okiya Omtatah Okoiti	Petitioner
The Selection Panel for the National Land Commission	1 st Respondent
The National Executive	2 nd Respondent
The Hon. Attorney General	3 rd Respondent
The Speaker of the National Assembly	4 th Respondent
Gershom Otachi Bw'omanwa	1 st Interested Party
Alister Murimi Mutugi	2 nd Interested Party
James K. Tuitoek	3 rd interested party
Getrude nduku nguku	4 th Interested Party
Reginald Okumu	5 th Interested Party
Samuel Kazungu Kambi	6 th Interested Party
Hubbie Hussein Al-Haji	7 th Interested Party
Esther Murugi Mathenge	8 th Interested Party
Tiya Galgalo	9 th Interested Party
Katiba Institute (KI)	10 th Interested Party
National Land Commission	11 th Interested Party

5. THAT among others, my petition challenges:

- a. The constitutional and statutory validity of the Selection Panel for the National Land Commission (a.k.a The Selection Panel for the Selection of Nominees for

Chairperson and Member of the National Land Commission) which H. E. President Uhuru Kenyatta constituted vide Gazette Notice No. 3758 of 23rd April, 2019 because His Excellency did not make any appointments under paragraph 1 (d) of the First Schedule to the National Land Commission Act, 2012.

- b. The constitutional and legal validity of any work done by the incompetently constituted Selection Panel, including the opaque process it used to select persons whose names it presented to H. E. the President for nomination.
- c. The constitutional and legal validity of the nomination by H. E. the President of Gershom Otachi Bw'omanwa as Chairperson, and of Esther Murugi Mathenge, James K. Tuitoek, Getrude Nduku Nguku, Reginald Okumu, Samuel Kazungu Kambi, Hubbie Hussein Al-Haji, Alister Murimi Mutugi, and Tiya Galgalo for consideration by the National Assembly for appointment as members of the National Land Commission.

6. THAT my petition, which concerns the recruitment, nomination and appointment of the Chairperson and Members of the National Land Commission seeks the following final orders:

- a) THAT a declaration is hereby issued that the President's failure to appoint members of the Selection Panel under paragraph 1 (d) of the First Schedule to the

NLC Act rendered the Panel and the entire recruitment process invalid, null and void ab initio.

- b) THAT a declaration is hereby issued that the failure to publish the results of the interviews was fatal to the recruitment exercise.*
- c) THAT a declaration is hereby issued that the failure to publish the names of successful candidates forwarded to H. E. the President for nomination was fatal to the recruitment exercise.*
- d) THAT a declaration is hereby issued that the list of persons nominated to be appointed to the position of Member does not reflect regional balance.*
- e) THAT a declaration is hereby issued that the nomination of the 8th and 9th interested parties for appointment to the position of Member is unconstitutional and, therefore, invalid, null and void ab initio [because the two were never shortlisted and interviewed for the position of Member of the NLC, but were shortlisted and interviewed for the position of Chairperson, for which they were unsuccessful].*
- f) THAT the Honourable Court be pleased to issue and hereby issues an order quashing **Gazette Notice No. 3758 of 23rd April, 2019** published in Nairobi on 26th*

July 2019 in the regular issue of *The Kenya Gazette*
Vol. CXXI—No. 50.

- g) THAT the Honourable Court be pleased to issue and hereby issues an order quashing the nomination of the 1st interested party for appointment to the position of the Chairperson, and of the 2nd to 9th interested parties to the position of Member of the National Land Commission.
- h) THAT the Honourable Court be pleased to issue and hereby issues an order prohibiting the 4th Respondent from causing the National Assembly and/or any of its Committees from vetting the 1st to 9th interested parties.
- i) THAT the Honourable Court be pleased to order the Respondents to pay the costs of this Petition.
- j) THAT the Honourable Court be pleased to issue any other or further remedy that the Honourable court shall deem fit to grant.

7. THAT further, vide a Notice of Motion application dated 13th September, 2019 which I filed in Court on the same date, I sought the following reliefs:

- a) THAT this application be certified as urgent and fit to be heard forthwith, and be granted ex-parte, and in priority to any other matter herein.
- b) THAT pending the inter-partes hearing and determination of this application and/or petition, the Honourable Court be pleased to issue and hereby issues an interim order suspending the two advertisements published by the Clerk of the National Assembly on Page 9 of The Standard newspaper of Thursday, September 12, 2013, or howsoever and by whosoever published in the media or elsewhere:
- b.1. Calling on members of the public to submit on or before Wednesday, 18th September 2019 at 5.00 pm any representations by written statement on oath (affidavits) with supporting evidence contesting the suitability of the persons appointed by H. E. the President for appointment to the positions of Chairperson and Members of the National Land Commission.
- b.2. Notifying the public that the Departmental Committee on Lands shall vet persons nominated for appointment as Chairperson and Members of the National Land Commission on Thursday, 19th and Friday 20th September 2019.
- c) THAT the pending the inter-partes hearing and determination of this application and/or petition, the

Honourable Court be pleased to issue and hereby issues a temporary order of injunction prohibiting the 4th Respondent and the Departmental Committee on Lands and their agents and any persons howsoever acting from causing to be vetted or vetting the 1st to 9th interested parties who are the persons nominated by H. E. the President for appointment as Chairperson and Members of the National Land Commission.

d) THAT costs be in the cause.

8. THAT because I have already moved the Employment and Labour Relations Court as stated above, and the matter is still alive in the Honourable Court for adjudication and, being the party who has challenged the jurisdiction of Parliament to vet the nominees arrived at through the impugned recruitment process, I cannot go back on my stand and validate the same process by making submissions to the Committee on the suitability of the very persons nominated for appointment to serve as the Chairperson and Members of the National Land Commission.
9. THAT nevertheless, given my great and unreserved respect for Parliament and its Committees, I will honour the invitation to attend a meeting to be held in the Committee Room on 2nd Floor Continental House, Parliament Buildings at 10.00 am on Wednesday, 18th September, 2019.
10. THAT for completeness, clarity, and the avoidance of doubt, I reiterate my averments that my decision to

present myself before the Committee to honour the Clerk's invitation referred to above is not at all to participate in the process of vetting the nominees before the Committee but is strictly to defer in reverence to Parliament, and to discharge my obligation in law to inform the Committee accordingly.

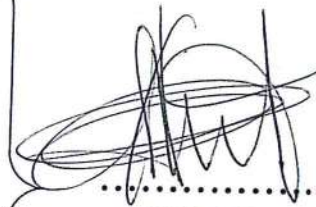
11. THAT, having discharged my burden, I pray to be excused from participating any further in these proceedings which I consider to be a nullity *ab initio* in law because the power of Parliament to vet the nominees has not been properly invoked due to the flawed recruitment process.
12. THAT every person, including His Excellency the President, and Members of Parliament, are bound to perform their functions strictly in accordance with the Constitution, otherwise they act in vain.
13. THAT in support of my averments above, I now annex and mark as Exhibit 000 a bundle containing the following documents:
 - a. The invitation letter dated 16th September 2019, which I received from the Clerk of the National Assembly, *on pages 1 to 2 of the exhibit.*
 - b. The pleadings dated 28th August, 2019 which I filed in the Employment and Labour Relations Court on 29th August, 2019, *on pages 3 to 88 of the exhibit.*

c. The pleadings dated 13th September, 2019 which I filed in the Employment and Labour Relations Court on 29th August, 2019, *on pages 89 to 146 of the exhibit.*

14. THAT what is deponed to herein is true to the best of my knowledge save what has been deponed to on information and belief the sources and grounds whereof have been respectively specified.

SWORN by the said OKIYA OMTATAH OKOITI
at NAIROBI this 18th day of SEPTEMBER, 2019
BEFORE ME

J.K. BOSEK - ADVOCATE
COMMISSIONER FOR OATHS
& NOTARY PUBLIC
P.O. BOX 49411-00100
NAIROBI


.....
DEPONENT

COMMISSIONER OF OATHS / MAGISTRATE

DRAWN & FILED BY:

OKIYA OMTATAH OKOITI
ROOM 4, FLOOR B1, WESTERN WING,
NSSF BUILDING,
P.O BOX 60286 - 00200
NAIROBI.
Phone: 0722 684 777
Email: okiyaomtatah@gmail.com

TO BE SERVED UPON:

THE DEPARTMENTAL COMMITTEE ON LANDS
C/O THE CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
P. O. BOX 41842 - 00100
NAIROBI.

REPUBLIC OF KENYA

DLS
W. Adhisi
CAF

IN THE MATTER OF THE OATHS AND STATUTORY DECLARATIONS ACT

IN THE MATTER OF VETTING AND APPROVAL OF NOMINEES TO THE
NATIONAL LAND COMMISSION BY THE NATIONAL ASSEMBLY

17/9/19

IN THE MATTER OF VETTING AND APPROVAL OF NOMINEES TO THE
NATIONAL LAND COMMISSION BY THE NATIONAL ASSEMBLY
DEPARTMENTAL COMMITTEE ON LANDS

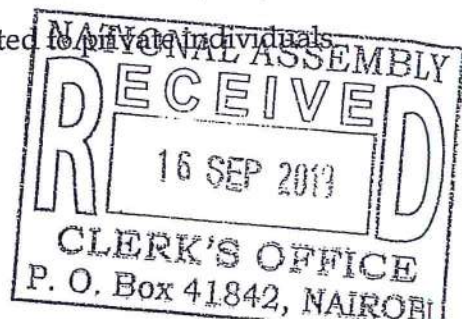
AND

IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY
APPROVAL) ACT, 2011 AND THE NATIONAL LAND COMMISSION ACT,
2012

AFFIDAVIT

I, Mr. Mwalimu Kazungu Ng'andu of P. O. Box 248-80200 Malindi in the Republic of Kenya do make oath and state as follows:-

1. **THAT** I am an adult male of sound mind and resident of Sabaki Ward in Magarini Constituency.
2. **THAT** I swear this affidavit to contest the suitability of Prof. James K. Tuitoek to hold office as a Member of the National Land Commission.
3. **THAT** the National Assembly Departmental Committee on Lands considered a Petition submitted by residents of Sabaki Ward in Magarini Constituency concerning the illegal dispossession and disposal of their ancestral land currently occupied by farms belonging to the Agricultural Development Corporation hereinafter referred to as "ADC" Kisiwani Complex to private individuals.
4. **THAT** the Committee in considering the Petition received submissions from Cabinet Secretary, Ministry of Lands and Physical Planning who appeared before the Committee meeting held on 7th May, 2019.
5. **THAT** during the aforesaid meeting, the Cabinet Secretary informed the meeting that the ADC Kisiwani Complex located in Malindi had been subdivided into 125 parcels of land and allocated to private individuals.



6. **THAT** the Cabinet Secretary tabled before the Committee a list of 125 persons who had been allocated the ADC Land among them being the nominee for appointment to be a Member of the National Land Commission, Prof. James K. Tuitoek.
7. **THAT** the Committee also observed that the ADC Kisiwani Farm was illegally sold to the 125 persons including Prof. James K. Tuitoek at a throw away price of Ksh 20, 000 as opposed to the proposal that the land be sold at Kshs 250,000 to Kshs 300,000 being the market price.
8. **THAT** Prof. James K. Tuitoek was allocated 5 acres valued at Kshs, 100, 000 of which he only paid Kshs.55,000 meaning for each acre he paid 11,000 shillings only.
9. **THAT** the Committee in light of the foregoing recommended among other things that the Ethics and Anti-Corruption Commission does expedite and conclude investigating all persons who may have been involved in illegally disposing of the ADC Farm including issuance of titles on public land and recommend prosecution to the Director of Public Prosecutions if any person is found culpable within ninety days of tabling the report.
10. **THAT** section 8 of the National Land Commission Act provides that one of the qualifications for a person to be appointed as a member of the National Land Commission is that the person must meet the requirements of Chapter Six of the Constitution on Leadership and Integrity.
11. **THAT** the nominee to the National Land Commission Prof. James K. Tuitoek being among the persons who not only illegally acquired land belonging to the public but also acquired the land at a price below the recommended market price fails to meet the requirements of Chapter Six of the Constitution on integrity.
12. **THAT** further one of the recommendations of the Committee in its Report is that pursuant to section 15 of the National Land Commission Act, 2012 the National Land Commission does investigate the historical land injustice claim relating to the ADC Kisiwani Farm.
13. **THAT** in view of this and in the unlikely event that the nominee is approved to hold the office of a Member of the Commission there is also a likelihood of

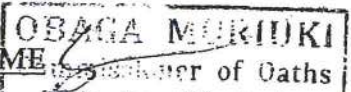
conflict of his personal and public interest noting he illegally holds an interest in ADC Kisiwani Farm and yet the National Land Commission is supposed to investigate the historical land injustice claim relating to the same Farm.

14. **THAT** further, the recommendation of the Committee is to the effect that upon investigation by the National Land Commission of the historical land injustice claims, where it establishes valid claims of historical land injustices the Commission should consider ordering the revocation of titles issued in respect to the farm and subsequent reallocation of the land to the rightful owners.
15. **THAT** consequently, if Prof. James K. Tuitoek is approved as a Member of National Land Commission a conflict between his personal interests in the land and public interest is most likely to arise as the recommendation of the Committee is tantamount to telling him to revoke his own title and reallocate it to someone else.
16. **THAT** the Committee should also take into cognizant that the dictates of Article 75 of the Constitution require a State Officer to behave in a manner that avoids a conflict between private and public interests.
17. **THAT** in light of the foregoing, the prescriptions of Article 75 of the Constitution shall not be attainable by the nominee if approved to hold office as a commissioner.
18. **THAT** the guiding principles of leadership and integrity includes selection on basis of personal integrity which the Committee should uphold in line with the requirements of Article 73 of the Constitution and hence the Committee should reject the said nomination of Prof. James K. Tuitoek.
19. **THAT** section 6(7) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 also requires the Committee to focus on the personal integrity of a nominee in conducting an approval hearing.
20. **THAT** the Committee should therefore reject the nomination of the Prof. James K. Tuitoek on grounds of lack of personal integrity as required under the provisions of section 6(7) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.
21. **THAT** what is deponed hereinabove is true to the best of my knowledge.

SWORN by the said MUFALIMU KAZUNU NLIANBO

at this 13th day of SEPTEMBER 2019


DEPONENT

BEFORE ME 
OBAGA MERIUKI
Commissioner of Oaths
P.O. Box 90, Gede
LSK/2019/0537
COMMISSIONER FOR OATHS

DRAWN BY:-

KILONZO & AZIZ
ADVOCATES,
BELINDA HOUSE, GROUND FLOOR
P.O. BOX 714-80200
MALINDI.

② MACHIRA
Please deal
FA
18/9/19

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

① Director
&
18/9/19

TWELTH PARLIAMENT - THIRD SESSION

IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF THE PERSONS
NOMINATED FOR APPOINTMENT AS THE CHAIRPERSON AND MEMBERS OF THE
NATIONAL LAND COMMISSION

SUBMISSION OF MEMORANDUM BY DEVELOPMENT BANK OF KENYA
LIMITED CONTESTING SUITABILITY OF HON. SAMUEL KAZUNGU KAMBI

I, **OLGA SECHERO** resident in Nairobi and of P.O. Box No. 30483-00100 Nairobi
hereby make oath and state as follows:-

1. That I am the Credit Manager of the Development Bank of Kenya Limited based at its head office in Nairobi conversant with facts of this borrowing. Development Bank of Kenya Limited is a bank licensed to carry on banking business by Central Bank Kenya.
2. That Hon. Kambi obtained banking facilities from the Development Bank of Kenya Limited for his company, Riva Oils Co. Limited, sometime in 2007 to the aggregate of Kshs. 250,000,000/=.
3. That as a security for repayment of this debt, Hon. Kambi obtained a Charge over L.R. No. 12785 Kilifi commonly known as Giriama Ranch and gave his personal Guarantee to pay the entire debt of Kshs. 250,000,000/= with interest thereon.
4. That Hon. Kambi and his said company defaulted in the repayment of the Loan when Development Bank of Kenya Limited took out a suit HCCC No. 59 of 2013 at Milimani Commercial Courts and obtained judgment and decree for Kshs. 304,906,835.40 on 2/4/2013, copy of the Decree is annexed and marked "OS-1".
5. That Hon. Kambi refused to settle the decretal sum forcing the Development Bank of Kenya Limited to take out bankruptcy proceedings against him namely Cause No. 2 of 2015, copy the Bankruptcy Notice No. 2 of 2015 is annexed and marked "OS-2".
6. That the bankruptcy notice No. 2 of 2015 required Hon. Kambi to pay the debt of Kshs. 304,906,835.40 within 7 days. The Hon. Kambi had failed to service the debt despite serving as a Member of Parliament and even as Cabinet Secretary, Ministry of Labour and Social Services.
7. That Hon. Kambi took out proceedings in Court denying service and sought to set aside the court proceedings. Following negotiations with the Bank, Hon. Kambi agreed to pay the Development Bank of Kenya Limited the sum of Kshs. 305,000,000/= within 6 months, copy of the consent judgment and decree entered on 2/2/2016 is annexed and marked "OS-3".

16 SEP 2019

18 SEP 2019

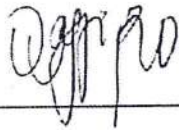
8. That Hon. Kambi paid the sum of Kshs. 30 million but has refused to pay the balance of Kshs. 275 million despite the passage of three (3) years now.
9. That Development Bank of Kenya Limited took steps to auction the property known as L.R. No. 12785 - Giriama Ranch in Kilifi given by Hon. Kambi as security when the owners of Giriama Ranch namely Giriama Ranching Co. Ltd opposed the auction on the grounds that their property had been fraudulently procured by Hon. Kambi's company Riva Oils Co. Limited and charged to the Bank and particularly that the title to the land given by Riva Oils Co. Limited to the Bank was fraudulently obtained. Affidavits filed by Giriama Ranch in Mombasa High Court Civil Case No. 57 of 2018 copies are annexed and marked "OS-4".
10. The said Giriama Ranch and its members have taken out other cases in Court namely Civil Case No. 304 of 2018 at Milimani Commercial Courts and Civil Case No. 155 of 2018 at Malindi accusing Hon. Kambi and his company Riva Oils Co. Limited of fraudulently using their title to obtain loans from Development Bank of Kenya Limited.
11. That despite the serious allegations of fraud and impropriety leveled against Hon. Kambi and his company Riva Oils Co. Limited in the said Court cases, the said Hon. Kambi has maintained a studious silence. Both Hon. Kambi and his company have failed to explain how they procured the title deed to Giriama Ranch or the Board Minutes supporting or approving the borrowing.
12. That in the said court proceedings very serious allegations of fraud and impropriety have been leveled against Hon. Kambi and his company Riva Oils Co. Limited as follows:-
 - (i) By Rajab Menza Shikari at paragraph 3 of his Supplementary Affidavit sworn on 8/8/2018 and filed in Court alleges that Hon. Kambi financed him to come to Nairobi to swear false affidavits which were used to file Civil Case No. 304 of 2018 against the Bank intended to defeat auction of Giriama Ranch and the course of justice, copy of the Affidavit is annexed and marked "OS-5".
 - (ii) Albert Kasiwa Kadzaa a resident of Bamba, Kilifi County swore an Affidavit on 8/8/2018 alleging that the minutes of Giriama Ranching Co. Limited used to procure loans by Hon. Kambi and his Company showing him as Director were forged and that he had neither been a director of Giriama Ranch nor signed the Minutes provided by Hon. Kambi, copy of the said Affidavit filed in the court are annexed and marked "OS-6".
 - (iii) Enock Charo Kadzaa a resident of Bamba in Kilifi County swore an Affidavit on 8/8/2018 filed in Court denying having been a director of Giriama Ranch or attended the meeting or signed the Minutes of Giriama Ranch used by Hon. Kambi to procure Loans to his company Riva Oils, copy of the Affidavit and ID are annexed and marked "OS-7".
 - (iv) Rodgers Mdzomba Unda resident of Bamba in Kilifi County swore an Affidavit filed in Court denying ever being a director of Giriama Ranch or ever signing the Minutes produced by Hon. Kambi to obtain loans from

Development Bank of Kenya Limited, copy of the Affidavit is annexed and marked "OS-8".

- (v) That Hon. Kambi has not made any Affidavit or statement in any of those courts denying those grave allegations that Hon. Kambi and his company forged the Charge and Minutes of meetings of Giriama Ranch to obtain a loan from Development Bank of Kenya Limited.
13. That I verily believe that Hon. Kambi is now financing members of Giriama Ranch to take out trumped up charges against the Bank and thereby defeat the course of justice, both scenarios portray Hon. Kambi as a dishonest person lacking integrity required by the Constitution of a public officer.
14. That Hon. Kambi has refused to settle his liabilities and remains heavily indebted to the Bank to the tune of Kshs. 275 million and the Bank is unable to trace any of his assets making it necessary to resume bankruptcy proceedings against him.
15. That in the totality of the circumstances, Hon. Kambi lacks the character, the ethos or integrity necessary to sit on the National Land Commission.
16. That what is stated herein is true to the best of my knowledge and belief.

SWORN AT NAIROBI by the said)
OLGA SEGHRO)
This 18th day of September 2019)

Before)
STEPHEN MWAURA MUHIA)
ADVOCATE &)
COMMISSIONER FOR OATHS)
P.O. Box 1406 - 00100, NAIROBI)
10th FLOOR, FINANCE HOUSE)



Drawn & Filed By:-
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Dagoretti Road, Karen,
Tel: 0701006857/0731405032,
Email: info@ojiamboadvocates.co.ke
P.O. Box 1021-00100
NAIROBI
File Ref: 01/D0005/16

Annexure #1a

**RESPONSE TO THE AFFIDAVIT SWORN BY MR MWALIMU
KAZUNGU NG'ANDU CONTESTING MY SUITABILITY TO HOLD
OFFICE AS A MEMBER OF THE NATIONAL LAND COMMISSION**

TO THE DEPARTMENT COMMITTEE ON LANDS

STATEMENT

I, **Prof James Kiprof Tuitoek** of P O Box 536 - 20115 Egerton is a nominee for the position of Member, National Land Commission and would like to state as follows:-

1. **THAT** I am a full Professor of Animal Nutrition in the department of Animal Science at Egerton University.
2. **THAT** between 1997 and 2016, I held the senior positions of Dean of Faculty, Deputy Vice Chancellor (Administration and Finance), and that of Vice Chancellor.
3. **THAT** on September 18, 2019 at about 4.00 pm I, via email received a copy of an affidavit sworn by Mr Mwalimu Kazungu Ng'andu contesting my suitability to hold office as a Member of the National Land Commission.
4. **THAT** I have seen from Annex II (Paragraph 59) of the report to the National Assembly No 26 is an entry James Tuitoek dated 8/14/2002 and he was allocated 5 acres of land in ADC Kiswani in Magarini Constituency.
5. **THAT** I am NOT the said James Tuitoek. One would wonder aloud; How did the names "**James Tuitoek**" transform to "**Prof James K Tuitoek**"?
6. **THAT** on 29 May, 2019, I read in the press about the false assertion that I was among the beneficiaries of irregular ADC land allocation in Magarini Constituency.
7. **THAT** I found this false assertion very offensive especially given that my integrity is beyond reproach.
8. **THAT** on May 30, 2019; way before advertisements declaring vacancies in the National Land Commission were made, I took action by writing to the Managing Director, Agricultural Development Corporation seeking

clarification on how my name came up as a beneficiary to the illegal allocations yet I had not applied to be allocated land by ADC (ANNEX I).

9. THAT on the same day (30.9.2019), I wrote to the Chairperson of this Committee stating that I had nothing to do with ADC land in Magarini and that I was prepared to appear before the Committee to state my position (ANNEX II). The letter was also copied to the Vice Chairman of the Committee and another two.
10. THAT on June 6, 2019, I received a reply from the Ag Managing Director Mr Mohamed Bulle which confirmed the beneficiary is "a Mr James C. Tuitoek" and he had "full details of the beneficiary including his photographs and at no time were you mentioned in our records." (ANNEX III). It should be noted that the one Mr James C. Tuitoek CANNOT be Prof James K Tuitoek.
11. THAT on June 3, 2019; I instructed my lawyers to **DEMAND** for an apology from the two media houses for publishing baseless and malicious materials which were meant to injure my reputation and good standing in society (ANNEX IV and ANNEX V).
12. THAT on June 28, 2019, my lawyers proceeded to commence legal proceedings against the two media houses in the High Court (ANNEX VI and ANNEX VII).
13. THAT the matters are coming up for mention in October 2019.

Finally, I want to reiterate that I am **NOT** a beneficiary of the land in ADC Kiswani Complex, Magarini Constituency as sworn by Mwalimu Kazungu Ng'andu. I only wish Mr Ng'andu had made efforts to verify the information he received prior to swearing the affidavit before this Committee.

Therefore, I, **Prof James Kiprof Tuitoek** meet the requirements of Chapter Six of the Constitution on integrity.



Prof James K Tuitoek Ph D, EBS
Nominee for the Position of Member, National Land Commission
Dated: June 19, 2019
NAIROBI

Annex I.

EGERTON

Tel: +254 51 221 7954
Mobile: 0728-359-269
Email:anscs2012@gmail.com

UNIVERSITY

P.O. Box 536
20115 Egerton, Kenya

DEPARTMENT OF ANIMAL SCIENCE

May 30th, 2019

The Managing Director,
Agricultural Development Corporation,
P O Box 47101-00100,
NAIROBI, Kenya
email: mmbulle58@gmail.com; info@adc.co.ke

Dear Sir,

**REF: FALSE ATTRIBUTION TO ALLOCATION OF LAND IN MAGARINI
- ADCs PARLIAMENTARY RESPONSES ON MAGARINI LAND**

Reference is made to your appearance before the Parliamentary Committee on Lands on Tuesday 28 May 2019.

The press (both print and electronic) have widely covered the contents of your presentation and responses to the Parliamentary Committee in the said meeting.

It is reported that you tabled a list of names including that of a **James Tuitoek** (former Vice Chancellor of Egerton University) as among the beneficiaries of the ADC Land in Magarini. **Indeed, I am the former VC of the said University.** This false information continues to trend in the social media both locally and internationally.

However, I am surprised and saddened with this **false** and **untrue** information. For the sake of factual information and clarity, the following is stated :-

THAT;

- 1) I neither solicited nor applied for any ADC Land.
- 2) I have not been allocated any ADC Land in any part of this Country including Magarini.
- 3) I have never bought any land in Magarini either from ADC or any other Party.
- 4) To the best of my knowledge, I have never been to Magarini.
- 5) I do not own any land in Magarini.

JKI

Finally, I would like to reiterate that to the best of my knowledge I have not been allocated any land by yourselves either in ADC Magarini or any other ADC land in this Country.

In view of the extent to which my reputation and standing in society has been injured, I wish to request you to kindly check your records more carefully and let me know the true position on the matter of land allocation by yourselves to me as the former Vice Chancellor of Egerton University.

I will appreciate a quick reply from you to enable me take the necessary corrective measures on this subject.

If you have any questions, please let me know.

Yours truly,



Prof. James K. Tuitoek, Ph.D., EBS

Professor of Animal Nutrition

Email: jtuitoek@egerton.ac.ke

Tel: 0722-849-662

"Transforming Lives through Quality Education"

JKT

EGERTON

Tel: +254 51 221 7954
Mobile: 0728-359-269
Email:anscs2012@gmail.com

UNIVERSITY

P.O. Box 536
20115 Egerton, Kenya

DEPARTMENT OF ANIMAL SCIENCE

May 30th, 2019

Hon Rachael K Nyamai, MP Kitui South,
Chairperson,
Parliamentary Committee on Land,
P O Box 41842-00100,
NAIROBI, Kenya

Dear Madam,

REF: FALSE ATTRIBUTION TO ALLOCATED OF LAND IN MAGARINI

Reference is made to the sitting of the Parliamentary Committee on Land held on Tuesday 28 May 2019 where the Committee inquired on irregular land transactions in Magarini (ADC Land).

My names are Prof James K Tuitoek, the former Vice Chancellor of Egerton University. I have read in the press (both print and electronic) with utter shock and disbelief about how I was **allegedly** allocated ADC land in Magarini.

It is reported in the press that Dr Andrew Tuimur, the CAS from the Ministry of Agriculture, Livestock, Fisheries and Irrigation in the company of the Managing Director of the Agricultural Development Corporation - Mr M Bulle tabled a list of names including that of a one **James Tuitoek** ("former Vice Chancellor of Egerton University") as among the beneficiaries of the ADC Land in Magarini. This false information continues to trend in the social media both locally and internationally. This continued circulation of falsehoods has damaged and injured my good reputation and high standing in society here in Kenya and overseas as a renown international scientist in the field of Animal Nutrition and Livestock Production.

For the sake of factual information and clarity to the Committee, the following is stated my myself :-

THAT;

- 1) I have neither solicited nor applied for any ADC Land.

JKT

- 2) I have not been allocated any ADC Land in any part of this Country including Magarini.
- 3) I have never bought any land in Magarini either from ADC or any other Party.
- 4) To the best of my knowledge, I have never been to Magarini.
- 5) I do not own any land in Magarini.

Finally, I would like to reiterate that to the best of my knowledge I have not been allocated any ADC land in Magarini or any other ADC land in this Country.

I wish to make it clear to the Committee, that I am not party to any land deals in Magarini. As a matter of fact, ADC and the Ministry of Agriculture, Livestock, Fisheries, and Irrigation should come clean, on who the beneficiary of the land attributed to my name is and refrain from dragging my good name into this scandal.

May I also state that I am willing to meet the Committee should any clarifications be necessary. I hope my clarifications will be useful to the Committee.

Yours truly,



Prof. James K. Tuitoek, Ph.D., EBS
Professor of Animal Nutrition
Email: jtuitoek@egerton.ac.ke
Tel: 0722-849-662

cc

Hon Mwashetani, Khatib Abdallah, MP Lungalunga Constituency
Vice Chairperson
Parliamentary Committee on Land
Bunge

Hon Michael T Kingi, MP Magarini Constituency
Bunge

Dr Andrew Tuimur,
Chief Administrative Secretary,
Ministry of Agriculture, Livestock, Fisheries and Irrigation,
Kilimo House,
P O Box 34188-00100, Nairobi

"Transforming Lives through Quality Education"

JKT

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION

P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695-185 Fax: 254-020-2243571,
Cell: 0724-930920 / 0735-930920 NAIROBI



REF: MD/57/2/C/BM

6th June, 2019

Prof. James K. Tuitoek, PhD, EBS
Egerton University
Department of Animal Science,
P. O. Box 536 – 20115
Egerton
KENYA

Dear Professor,

**RE: FALSE ALTERATION TO ALLOCATION OF LAND IN MAGARINI – ADC
PARLIAMENTARY RESPONSE ON MAGARINI LAND**

Reference is made to your unreferenced letter dated 30th May 2019 on the above subject matter.

I hereby confirm that a Mr. James C. Tuitoek is a beneficiary of the allotment in ADC Kiswani in Magarini. I also confirm that I have the full details of the above mentioned beneficiary including his photographs and at no time were you mentioned in our records.

I am available and at your service for any further clarification now and in the future.

Yours faithfully,


MOHAMED BULLE
AG. MANAGING DIRECTOR

JKT

Annex IV

44144

07/06/2019

TBA

NATION MEDIA GROUP
NATION CENTRE
KIMATHI STREET.
P.O. BOX 49010-00100
NAIROBI

Via Courier

Dear Sir/Madam,

RE: DEFAMATORY STATEMENTS AGAINST PROF. JAMES TUITOEK PUBLISHED VIA THE DAILY NATION'S NEWSPAPER ELECTRONIC MEDIA VERSION ON 29/05/2019
OUR CLIENT: PROF. JAMES TUITOEK

We refer to the above matter in which we have been retained and instructed by the above captioned client to address you as hereunder:-

That on or in the 29/05/2019 's edition of the Daily Nation Newspaper's electronic media version you published and or caused to be published and shared with the general public libelous and/or defamatory materials in respect of Prof. James Tuitoek, the former Vice Chancellor Egerton University, with callous disregard to your responsibility to ascertain the, accuracy, credibility or veracity of your information or the source(s) thereof.

The facts are that on the said date vide a link <https://www.nation.co.ke/news/Moi-era-leaders-may-lose-ADC-land-titles> , through your writer David Mwere you, without cross-checking with our client or credible sources negligently, recklessly, maliciously and capriciously published false information linking our client to illegal acquisition of state or public land in Magarini Constituency in Kilifi County and further insinuated and or implied that our client acquired the same land by virtue of being a powerful individual in Retired President Daniel Moi's Administration.

Captioned under the heading, "**MPs target powerful Moi-era leaders in ADC land dispute**" your writer Mwere wrote the following words:-

".....A document tabled before the committee by the Agriculture Chief Administrative Secretary Andrew Tuimur shows that former powerful Cabinet minister Simeon Nyachae and Moi's close family members and friends were among 125 individuals and companies who illegally acquired the land....

*Other parties listed as **beneficiaries** include the late former ministers Kipkalya Kones and Katana Ngala,.....Egerton University Vice-Chancellor Prof. James Tuitoek;.....are also named.*

JKT

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.....True to their fears, a letter dated March 13, 2015 from the National Land Commission confirmed that the land was illegally allocated."

The above statements were meant to convey to the recipients of the publication or the general public that:-

- i. Prof. Tuitoek James is corrupt and a fraud who has stolen from the Public.
- ii. Prof. Tuitoek James is a person of questionable and dubious character.
- iii. Prof. Tuitoek James is a cruel, impolite and rude person who went ahead to acquire land meant for squatters and the general public.
- iv. Prof. Tuitoek James was/is a corrupt public servant who takes advantage of his office to enrich himself.
- v. Prof. Tuitoek James has acquired his possessions through being a close ally of former President Moi and thus illegally.

Our client's instructions are that the materials authored and or published in the Daily Nation Newspaper's electronic media version are baseless, malicious, fallacious and inaccurate and are otherwise calculated and published to injure his reputation both privately and in the public domain. They have grievously damaged our client's image and standing in the and amongst his peers and academic and professional colleagues as well as the general public having been a Vice Chancellor of a reputable and well known University in Kenya.

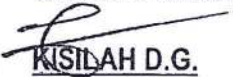
It should have been clear to you and we are now enjoined to put it to you that sadly your acts constitute of libel which you ought to know is actionable in law without need of proof of any loss apart from it constituting a criminal offence.

We have firm instructions to demand as we hereby do that you forthwith tender an apology to our client and retract the defamatory materials published in respect of our client and through the same or referable means cause to be published a retraction of the same to the public whereupon the issue of compensation can be discussed.

NOTICE IS HEREBY GIVEN: that unless we receive your apology in the terms DEMANDED herein above within the next **Fourteen (14) days** hereof, our firm instructions are to institute legal proceedings against you on the cause of action at your risk as to costs incidental thereto.

Further, be notified that should you persist in publication of such libelous and unverified content against our client, legal proceedings will be brought against you without further reference to you at your risks as to costs incidental thereto.

Yours faithfully,
SHETH & WATHIGO ADVOCATES


KISILAH D.G.
C.C. Client

JKF

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44144

03/06/2019

TBA

VIA COURIER

THE STAR
LION PLACE, 3RD FLOOR,
WAIYAKI WAY.
P.O. BOX 74497
NAIROBI

Dear Sir/Madam,

**RE: DEFAMATORY STATEMENTS AGAINST PROF. JAMES TUITOEK PUBLISHED BY YOUR
NEWSPAPER ON 29/05/2019
OUR CLIENT: PROF. JAMES TUITOEK**

We refer to the above matter in which we have been retained and instructed by the above captioned client to address you as hereunder:-

That on or in the 29/05/2019 's edition of your newspaper at pages 4 and 5 you published and or caused to be published and shared with the general public libelous and/or defamatory materials in respect of Prof. James Tuitoek, the former Vice Chancellor Egerton University, with callous disregard to your responsibility to ascertain the, accuracy, credibility or veracity of your information or the source(s) thereof.

The facts are that on the said date through your writer Luke Awich you, without cross-checking with our client or credible sources negligently, recklessly, maliciously and capriciously published false information linking our client to illegal acquisition of state or public land in Magarini Constituency in Kilifi County and further insinuated and or implied that our client acquired the same land by virtue of being a close ally of the Retired President Daniel Moi.

In the following words your writer, Awich, stated;-

Pg 4 "..... *Among the big names that benefited from the illegal transactions were former minister Katana Ngala, late former cabinet ministers Kipkalya Kones, former Egerton University Vice Chancellor James Tuitoek Francis, Kiprui Sang.....* "

Pg 5 ".....*former minister Katana Ngala, late former cabinet ministers Kipkalya Kones, former Egerton University vice chancellor James Tuitoek Francis, Kiprui Sang..... are among big names who benefited from the illegal transactions* "

The above statements were meant to convey to the recipients of the publication or the general public that;-

- i. Prof. Tuitoek James is corrupt and a fraud who has stolen from the Public.

JKT

- ii. Prof. Tuitoek James is a person of questionable and dubious character.
- iii. Prof. Tuitoek James is a cruel, impolite and rude person who went ahead to acquire land meant for squatters and the general public.
- iv. Prof. Tuitoek James was/is a corrupt public servant who takes advantage of his office to enrich himself.
- v. Prof. Tuitoek James has acquired his possessions through being a close ally of former President Moi and thus illegally.

Our client's instructions are that the materials contained in your Newspaper are baseless, malicious, fallacious and inaccurate and are otherwise calculated and published to injure his reputation both privately and in the public domain. They have grievously damaged our client's image and standing in the and amongst his peers and academic and professional colleagues as well as the general public having been a Vice Chancellor of a reputable and well known University in Kenya.

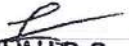
It should have been clear to you and we are now enjoined to put it to you that sadly your acts constitute of libel which you ought to know is actionable in law without need of proof of any loss apart from it constituting a criminal offence.

We have firm instructions to demand as we hereby do that you forthwith tender an apology to our client and retract the defamatory materials published in respect of our client and through the same or referable means cause to be published a retraction of the same to the public whereupon the issue of compensation can be discussed.

NOTICE IS HEREBY GIVEN: that unless we receive your apology in the terms DEMANDED herein above within the next **Fourteen (14) days** hereof, our firm instructions are to institute legal proceedings against you on the cause of action at your risk as to costs incidental thereto.

Further, be notified that should you persist in publication of such libelous and unverified content against our client, legal proceedings will be brought against you without further reference to you at your risks as to costs incidental thereto.

Yours faithfully,
SHETH & WATHIGO ADVOCATES


KISILAH D.G.
C.C. Client

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Annex VI

09 JUL 2019
09 JUL 2019

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CIVIL SUIT NO OF 2019

PROFESSOR JAMES K TUITOEK..... PLAINTIFF
VERSUS
DAVID MWERE..... 1st DEFENDANT
NATION MEDIA GROUP LIMITED..... 2nd DEFENDANT

PLAINTIFF'S WITNESS STATEMENT
(Pursuant to Order 3 Rule 2(c) of the Civil Procedure Rules, 2010)

NAME: PROFESSOR JAMES K TUITOEK
ADDRESS: P.O BOX 536-20115 EGERTON
OCCUPATION: PROFESSOR OF ANIMAL NUTRITION, EGERTON UNIVERSITY

I PROFESSOR JAMES K TUITOEK a resident of Milimani Estate Nakuru and of P.O BOX 536-20115 EGERTON state as follows;

I am a Professor of Animal Nutrition in Egerton University. The 2nd Defendant operates a business in print, broadcast & digital media which attract & serve unparalleled audiences in Kenya, Uganda, Tanzania & Rwanda.

On 29th May 2019, the 2nd Defendant caused to be written electronic media by their writer, the 1st Defendant herein and shared with the general public libelous and/or defamatory materials linking me to illegal acquisition of state or public land in Magarini Constituency in Kilifi County & further insinuated and/or implied that I acquired the same parcel of land by virtue of being a powerful individual in Retired President Daniel Moi's Administration and or on account of some links with the said government.

The Defendant ignored the fact that the name of the person named as a beneficiary of the allotment in Agricultural Development Corporation Kiswani Magarini was one Mr. James C. Tuitoek and at no time was the title professor or Egerton University was mentioned in the records. The title and the name of the institution were introduced carelessly, needlessly by the defendant without any justification or basis to spice up their story. I have not been allocated any ADC Land in any part of this Country including Magarini. In fact had the defendant contacted me before publishing the story as they ought to have done, to cross-check or verify the accuracy of the story they intended to publish, there would have been no occasion or need for these proceedings. Indeed, it is confirmed by the offices of ADC that accurate information was available and accessible to the defendant on the identity of the beneficiaries of allocation of the relevant land.

I blame the Defendants for negligently and maliciously failing to cross-check with me or other credible sources about the veracity of their information. Unless restrained by this Honourable Court the Defendants may further publish or cause to be published the said or similar words defamatory to me.

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In view of the foregoing I pray to be compensated by the Defendants for their reckless malicious, spiteful and disparaging remarks which have besmirched my character and my reputation in the eyes of right thinking members of society especially my colleagues.

Before bringing these proceedings, I demanded retraction and apology from the defendants but which demand and notice have been ignored by the defendants, a further confirmation that the publication was deliberate and not inadvertent.

That is all I wish to state.

PROFESSOR JAMES K TUITOEK.....*J. Tuitoeke*

DATE.....*28th June 2019*

JKT

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Annex VII

13 JUL 2019

03 JUL 2019

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CIVIL SUIT NO OF 2019

PROFESSOR JAMES K TUITOEK..... PLAINTIFF
VERSUS
LUKE AWICH..... 1st DEFENDANT
RADIO AFRICA LIMITED T/A THE STAR..... 2nd DEFENDANT

PLAINTIFF'S WITNESS STATEMENT

(Pursuant to Order 3 Rule 2(c) of the Civil Procedure Rules, 2010)

NAME: PROFESSOR JAMES K TUITOEK
ADDRESS: P.O BOX 536-20115 EGERTON
OCCUPATION: PROFESSOR OF ANIMAL NUTRITION, EGERTON UNIVERSITY

I PROFESSOR JAMES K TUITOEK a resident of Milimani Estate Nakuru and of P.O BOX 536-20115 EGERTON state as follows;

I am a Professor of Animal Nutrition in Egerton University. The 2nd Defendant operates a business in print, broadcast & digital media which attract & serve vast audiences in Kenya

On 29 th May 2019, the 2nd Defendant caused to be written print media by their writer, the 1st Defendant herein and shared with the general public libelous and/or defamatory materials linking me to illegal acquisition of state or public land in Magarini Constituency in Kilifi County & further insinuated and/or implied that I acquired the same parcel of land by virtue of being a powerful individual in Retired President Daniel Moi's Administration and or on account of some links with the said government.

The Defendant ignored the fact that the name of the person named as a beneficiary of the allotment in Agricultural Development Corporation Kiswani Magarini was one Mr. James C. Tuitoek and at no time was the title professor or Egerton University was mentioned in the records. The title and the name of the institution were introduced carelessly, needlessly by the defendant without any justification or basis to spice up their story. I have not been allocated any ADC Land in any part of this Country including Magarini. In fact had the defendant contacted me before publishing the story as they ought to have done, to cross-check or verify the accuracy of the story they intended to publish, there would have been no occasion or need for these proceedings. Indeed, it is confirmed by the offices of ADC that accurate information was available and accessible to the defendant on the identity of the beneficiaries of allocation of the relevant land.

I blame the Defendants for negligently and maliciously failing to cross-check with me or other credible sources about the veracity of their information. Unless restrained by this Honourable Court the Defendants may further publish or cause to be published the said or similar words defamatory to me. In view of the foregoing I pray to be compensated by the Defendants for their reckless malicious, spiteful

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and disparaging remarks which have besmirched my character and my reputation in the eyes of right thinking members of society especially my colleagues.

Before bringing these proceedings, I demanded retraction and apology from the defendants but which demand and notice have been ignored by the defendants, a further confirmation that the publication was deliberate and not inadvertent.

That is all I wish to state.

PROFESSOR JAMES K TUITOEK.....*J. Tuitoeke*

DATE.....*28th June 2019*

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ANNEXTURE VII

RESPONSE BY THE AFFECTED NOMINEES ON
AFFIDAVIT RECEIVED BY THE COMMITTEE

**RESPONSE TO THE AFFIDAVIT SWORN BY MR MWALIMU
KAZUNGU NG'ANDU CONTESTING MY SUITABILITY TO HOLD
OFFICE AS A MEMBER OF THE NATIONAL LAND COMMISSION**

TO THE DEPARTMENT COMMITTEE ON LANDS

STATEMENT

I, **Prof James Kiprof Tuitoek** of P O Box 536 - 20115 Egerton is a nominee for the position of Member, National Land Commission and would like to state as follows:-

1. **THAT** I am a full Professor of Animal Nutrition in the department of Animal Science at Egerton University.
2. **THAT** between 1997 and 2016, I held the senior positions of Dean of Faculty, Deputy Vice Chancellor (Administration and Finance), and that of Vice Chancellor.
3. **THAT** on September 18, 2019 at about 4.00 pm I, via email received a copy of an affidavit sworn by Mr Mwalimu Kazungu Ng'andu contesting my suitability to hold office as a Member of the National Land Commission.
4. **THAT** I have seen from Annex II (Paragraph 59) of the report to the National Assembly No 26 is an entry James Tuitoek dated 8/14/2002 and he was allocated 5 acres of land in ADC Kiswani in Magarini Constituency.
5. **THAT** I am **NOT** the said James Tuitoek. One would wonder aloud; How did the names "**James Tuitoek**" transform to "**Prof James K Tuitoek**"?
6. **THAT** on 29 May, 2019, I read in the press about the false assertion that I was among the beneficiaries of irregular ADC land allocation in Magarini Constituency.
7. **THAT** I found this false assertion very offensive especially given that my integrity is beyond reproach.
8. **THAT** on May 30, 2019; way before advertisements declaring vacancies in the National Land Commission were made, I took action by writing to the Managing Director, Agricultural Development Corporation seeking

clarification on how my name came up as a beneficiary to the illegal allocations yet I had not applied to be allocated land by ADC (ANNEX I).

9. THAT on the same day (30.9.2019), I wrote to the Chairperson of this Committee stating that I had nothing to do with ADC land in Magarini and that I was prepared to appear before the Committee to state my position (ANNEX II). The letter was also copied to the Vice Chairman of the Committee and another two.
10. THAT on June 6, 2019, I received a reply from the Ag Managing Director Mr Mohamed Bulle which confirmed the beneficiary is "a Mr James C. Tuitoek" and he had "full details of the beneficiary including his photographs and at no time were you mentioned in our records." (ANNEX III). It should be noted that the one Mr James C. Tuitoek CANNOT be Prof James K Tuitoek.
11. THAT on June 3, 2019; I instructed my lawyers to **DEMAND** for an apology from the two media houses for publishing baseless and malicious materials which were meant to injure my reputation and good standing in society (ANNEX IV and ANNEX V).
12. THAT on June 28, 2019, my lawyers proceeded to commence legal proceedings against the two media houses in the High Court (ANNEX VI and ANNEX VII).
13. THAT the matters are coming up for mention in October 2019.

Finally, I want to reiterate that I am **NOT** a beneficiary of the land in ADC Kiswani Complex, Magarini Constituency as sworn by Mwalimu Kazungu Ng'andu. I only wish Mr Ng'andu had made efforts to verify the information he received prior to swearing the affidavit before this Committee.

Therefore, I, **Prof James Kiprof Tuitoek** meet the requirements of Chapter Six of the Constitution on integrity.



Prof James K Tuitoek Ph D, EBS
Nominee for the Position of Member, National Land Commission
Dated: June 19, 2019
NAIROBI

Annex I.

EGERTON

Tel: +254 51 221 7954
Mobile: 0728-359-269
Email:anscs2012@gmail.com

UNIVERSITY

P.O. Box 536
20115 Egerton, Kenya

DEPARTMENT OF ANIMAL SCIENCE

May 30th, 2019

The Managing Director,
Agricultural Development Corporation,
P O Box 47101-00100,
NAIROBI, Kenya
email: mmbulle58@gmail.com; info@adc.co.ke

Dear Sir,

**REF: FALSE ATTRIBUTION TO ALLOCATION OF LAND IN MAGARINI
- ADCs PARLIAMENTARY RESPONSES ON MAGARINI LAND**

Reference is made to your appearance before the Parliamentary Committee on Lands on Tuesday 28 May 2019.

The press (both print and electronic) have widely covered the contents of your presentation and responses to the Parliamentary Committee in the said meeting.

It is reported that you tabled a list of names including that of a **James Tuitoek** (former Vice Chancellor of Egerton University) as among the beneficiaries of the ADC Land in Magarini. ~~Indeed, I am the former VC of the said University.~~ This false information continues to trend in the social media both locally and internationally.

However, I am surprised and saddened with this **false** and **untrue** information. For the sake of factual information and clarity, the following is stated :-

THAT;

- 1) I neither solicited nor applied for any ADC Land.
- 2) I have not been allocated any ADC Land in any part of this Country including Magarini.
- 3) I have never bought any land in Magarini either from ADC or any other Party.
- 4) To the best of my knowledge, I have never been to Magarini.
- 5) I do not own any land in Magarini.

JKF

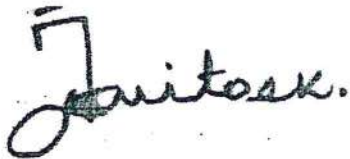
Finally, I would like to reiterate that to the best of my knowledge I have not been allocated any land by yourselves either in ADC Magarini or any other ADC land in this Country.

In view of the extent to which my reputation and standing in society has been injured, I wish to request you to kindly check your records more carefully and let me know the true position on the matter of land allocation by yourselves to me as the former Vice Chancellor of Egerton University.

I will appreciate a quick reply from you to enable me take the necessary corrective measures on this subject.

If you have any questions, please let me know.

Yours truly,



Prof. James K. Tuitoek, Ph.D., EBS
Professor of Animal Nutrition
Email: jtuitoek@egerton.ac.ke
Tel: 0722-849-662

"Transforming Lives through Quality Education"

JKT

EGERTON

Tel: +254 51 221 7954
Mobile: 0728-359-269
Email:anscs2012@gmail.com

UNIVERSITY

P.O. Box 536
20115 Egerton, Kenya

DEPARTMENT OF ANIMAL SCIENCE

May 30th, 2019

Hon Rachael K Nyamai, MP Kitui South,
Chairperson,
Parliamentary Committee on Land,
P O Box 41842-00100,
NAIROBI, Kenya

Dear Madam,

REF: FALSE ATTRIBUTION TO ALLOCATED OF LAND IN MAGARINI

Reference is made to the sitting of the Parliamentary Committee on Land held on Tuesday 28 May 2019 where the Committee inquired on irregular land transactions in Magarini (ADC Land).

My names are Prof James K Tuitoek, the former Vice Chancellor of Egerton University. I have read in the press (both print and electronic) with utter shock and disbelief about how I was **allegedly** allocated ADC land in Magarini.

It is reported in the press that Dr Andrew Tuimur, the CAS from the Ministry of Agriculture, Livestock, Fisheries and Irrigation in the company of the Managing Director of the Agricultural Development Corporation - Mr M Bulle tabled a list of names including that of a one **James Tuitoek** ("former Vice Chancellor of Egerton University") as among the beneficiaries of the ADC Land in Magarini. This false information continues to trend in the social media both locally and internationally. This continued circulation of falsehoods has damaged and injured my good reputation and high standing in society here in Kenya and overseas as a renown international scientist in the field of Animal Nutrition and Livestock Production.

For the sake of factual information and clarity to the Committee, the following is stated my myself :-

THAT;

- 1) I have neither solicited nor applied for any ADC Land.

JKT

- 2) I have not been allocated any ADC Land in any part of this Country including Magarini.
- 3) I have never bought any land in Magarini either from ADC or any other Party.
- 4) To the best of my knowledge, I have never been to Magarini.
- 5) I do not own any land in Magarini.

Finally, I would like to reiterate that to the best of my knowledge I have not been allocated any ADC land in Magarini or any other ADC land in this Country.

I wish to make it clear to the Committee, that I am not party to any land deals in Magarini. As a matter of fact, ADC and the Ministry of Agriculture, Livestock, Fisheries, and Irrigation should come clean, on who the beneficiary of the land attributed to my name is and refrain from dragging my good name into this scandal.

May I also state that I am willing to meet the Committee should any clarifications be necessary. I hope my clarifications will be useful to the Committee.

Yours truly,



Prof. James K. Tuitoek, Ph.D., EBS
Professor of Animal Nutrition
Email: jtuitoek@egerton.ac.ke
Tel: 0722-849-662

cc

Hon Mwashetani, Khatib Abdallah, MP Lungalunga Constituency
Vice Chairperson
Parliamentary Committee on Land
Bunge

Hon Michael T Kingi, MP Magarini Constituency
Bunge

Dr Andrew Tuimur,
Chief Administrative Secretary,
Ministry of Agriculture, Livestock, Fisheries and Irrigation,
Kilimo House,
P O Box 34188-00100, Nairobi

"Transforming Lives through Quality Education"

JKT

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION

P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695/185 Fax: 254-020-2243571.
Cell: 0724-930920 / 0735-930920 NAIROBI



REF: MD/57/2/C/BM

6th June, 2019

Prof. James K. Tuitoek, PhD, EBS
Egerton University
Department of Animal Science.
P: O. Box 536 – 20115
Egerton
KENYA

Dear Professor,


**RE: FALSE ALTERATION TO ALLOCATION OF LAND IN MAGARINI – ADC
PARLIAMENTARY RESPONSE ON MAGARINI LAND**

Reference is made to your unreferenced letter dated 30th May 2019 on the above subject matter.

I hereby conform that a Mr. James C. Tuitoek is a beneficiary of the allotment in ADC Kiswani in Magarini. I also confirm that I have the full details of the above mentioned beneficiary including his photographs and at no time were you mentioned in our records.

I am available and at your service for any further clarification now and in the future.

Yours faithfully,


MOHAMED BULLE
AG. MANAGING DIRECTOR

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Annex IV

44144

07/06/2019

TBA

NATION MEDIA GROUP
NATION CENTRE
KIMATHI STREET.
P.O. BOX 49010-00100
NAIROBI

Via Courier

Dear Sir/Madam,

RE: DEFAMATORY STATEMENTS AGAINST PROF. JAMES TUITOEK PUBLISHED VIA THE DAILY NATION'S NEWSPAPER ELECTRONIC MEDIA VERSION ON 29/05/2019
OUR CLIENT: PROF. JAMES TUITOEK

We refer to the above matter in which we have been retained and instructed by the above captioned client to address you as hereunder:-

That on or in the 29/05/2019 's edition of the Daily Nation Newspaper's electronic media version you published and or caused to be published and shared with the general public libelous and/or defamatory materials in respect of Prof. James Tuitoek, the former Vice Chancellor Egerton University, with callous disregard to your responsibility to ascertain the, accuracy, credibility or veracity of your information or the source(s) thereof.

The facts are that on the said date vide a link <https://www.nation.co.ke/news/Moi-era-leaders-may-lose-ADC-land-titles> , through your writer David Mwere you, without cross-checking with our client or credible sources negligently, recklessly, maliciously and capriciously published false information linking our client to illegal acquisition of state or public land in Magarini Constituency in Kilifi County and further insinuated and or implied that our client acquired the same land by virtue of being a powerful individual in Retired President Daniel Moi's Administration.

Captioned under the heading, "**MPs target powerful Moi-era leaders in ADC land dispute**" your writer Mwere wrote the following words:-

".....A document tabled before the committee by the Agriculture Chief Administrative Secretary Andrew Tuimur shows that former powerful Cabinet minister Simeon Nyachae and Moi's close family members and friends were among 125 individuals and companies who illegally acquired the land....

Other parties listed as **beneficiaries** include the late former ministers Kipkalya Kones and Katana Ngala,.....Egerton University Vice-Chancellor Prof. James Tuitoek;.....are also named.

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.....True to their fears, a letter dated March 13, 2015 from the National Land Commission confirmed that the land was illegally allocated."

The above statements were meant to convey to the recipients of the publication or the general public that:-

- i. Prof. Tuitoek James is corrupt and a fraud who has stolen from the Public.
- ii. Prof. Tuitoek James is a person of questionable and dubious character.
- iii. Prof. Tuitoek James is a cruel, impolite and rude person who went ahead to acquire land meant for squatters and the general public.
- iv. Prof. Tuitoek James was/is a corrupt public servant who takes advantage of his office to enrich himself.
- v. Prof. Tuitoek James has acquired his possessions through being a close ally of former President Moi and thus illegally.

Our client's instructions are that the materials authored and or published in the Daily Nation Newspaper's electronic media version are baseless, malicious, fallacious and inaccurate and are otherwise calculated and published to injure his reputation both privately and in the public domain. They have grievously damaged our client's image and standing in the and amongst his peers and academic and professional colleagues as well as the general public having been a Vice Chancellor of a reputable and well known University in Kenya.

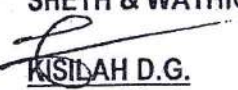
It should have been clear to you and we are now enjoined to put it to you that sadly your acts constitute of libel which you ought to know is actionable in law without need of proof of any loss apart from it constituting a criminal offence.

We have firm instructions to demand as we hereby do that you forthwith tender an apology to our client and retract the defamatory materials published in respect of our client and through the same or referable means cause to be published a retraction of the same to the public whereupon the issue of compensation can be discussed.

NOTICE IS HEREBY GIVEN: that unless we receive your apology in the terms DEMANDED herein above within the next **Fourteen (14) days** hereof, our firm instructions are to institute legal proceedings against you on the cause of action at your risk as to costs incidental thereto.

Further, be notified that should you persist in publication of such libelous and unverified content against our client, legal proceedings will be brought against you without further reference to you at your risks as to costs incidental thereto.

Yours faithfully,
SHETH & WATHIGO ADVOCATES


KISILAH D.G.
C.C. Client

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03/06/2019

TBA

VIA COURIER

THE STAR
LION PLACE, 3RD FLOOR,
WAIYAKI WAY.
P.O. BOX 74497
NAIROBI

Dear Sir/Madam,

**RE: DEFAMATORY STATEMENTS AGAINST PROF. JAMES TUITOEK PUBLISHED BY YOUR
NEWSPAPER ON 29/05/2019
OUR CLIENT: PROF. JAMES TUITOEK**

We refer to the above matter in which we have been retained and instructed by the above captioned client to address you as hereunder:-

That on or in the 29/05/2019 's edition of your newspaper at pages 4 and 5 you published and or caused to be published and shared with the general public libelous and/or defamatory materials in respect of Prof. James Tuitoek, the former Vice Chancellor Egerton University, with callous disregard to your responsibility to ascertain the, accuracy, credibility or veracity of your information or the source(s) thereof.

The facts are that on the said date through your writer Luke Awich you, without cross-checking with our client or credible sources negligently, recklessly, maliciously and capriciously published false information linking our client to illegal acquisition of state or public land in Magarini Constituency in Kilifi County and further insinuated and or implied that our client acquired the same land by virtue of being a close ally of the Retired President Daniel Moi.

In the following words your writer, Awich, stated;-

Pg 4 "..... *Among the big names that benefited from the illegal transactions were former minister Katana Ngala, late former cabinet ministers Kipkalya Kones, former Egerton University Vice Chancellor James Tuitoek Francis, Kiprui Sang.....* "

Pg 5 ".....*former minister Katana Ngala, late former cabinet ministers Kipkalya Kones, former Egerton University vice chancellor James Tuitoek Francis, Kiprui Sang..... are among big names who benefited from the illegal transactions* "

The above statements were meant to convey to the recipients of the publication or the general public that;-

- i. Prof. Tuitoek James is corrupt and a fraud who has stolen from the Public.

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- iii. Prof. Tuitoek James is a cruel, impolite and rude person who went ahead to acquire land meant for squatters and the general public.
- iv. Prof. Tuitoek James was/is a corrupt public servant who takes advantage of his office to enrich himself.
- v. Prof. Tuitoek James has acquired his possessions through being a close ally of former President Moi and thus illegally.

Our client's instructions are that the materials contained in your Newspaper are baseless, malicious, fallacious and inaccurate and are otherwise calculated and published to injure his reputation both privately and in the public domain. They have grievously damaged our client's image and standing in the and amongst his peers and academic and professional colleagues as well as the general public having been a Vice Chancellor of a reputable and well known University in Kenya.

It should have been clear to you and we are now enjoined to put it to you that sadly your acts constitute of libel which you ought to know is actionable in law without need of proof of any loss apart from it constituting a criminal offence.

We have firm instructions to demand as we hereby do that you forthwith tender an apology to our client and retract the defamatory materials published in respect of our client and through the same or referable means cause to be published a retraction of the same to the public whereupon the issue of compensation can be discussed.

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Yours faithfully,
SHETH & WATHIGO ADVOCATES


KISILAH D.G.
C.C. Client

JKT

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Annex VI

09 JUL 2019
09 JUL 2019

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU:
CIVIL SUIT NO OF 2019

PROFESSOR JAMES K TUITOEK..... PLAINTIFF

VERSUS

DAVID MWERE..... 1st DEFENDANT

NATION MEDIA GROUP LIMITED..... 2nd DEFENDANT

PLAINTIFF'S WITNESS STATEMENT

(Pursuant to Order 3 Rule 2(c) of the Civil Procedure Rules, 2010)

NAME: PROFESSOR JAMES K TUITOEK
ADDRESS: P.O BOX 536-20115 EGERTON
OCCUPATION: PROFESSOR OF ANIMAL NUTRITION, EGERTON UNIVERSITY

I PROFESSOR JAMES K TUITOEK a resident of Milimani Estate Nakuru and of P.O BOX 536-20115 EGERTON state as follows;

I am a Professor of Animal Nutrition in Egerton University. The 2nd Defendant operates a business in print, broadcast & digital media which attract & serve unparalleled audiences in Kenya, Uganda, Tanzania & Rwanda.

On 29th May 2019, the 2nd Defendant caused to be written electronic media by their writer, the 1st Defendant herein and shared with the general public libelous and/or defamatory materials linking me to illegal acquisition of state or public land in Magarini Constituency in Kilifi County & further insinuated and/or implied that I acquired the same parcel of land by virtue of being a powerful individual in Retired President Daniel Moi's Administration and or on account of some links with the said government.

The Defendant ignored the fact that the name of the person named as a beneficiary of the allotment in Agricultural Development Corporation Kiswani Magarini was one Mr. James C. Tuitoek and at no time was the title professor or Egerton University was mentioned in the records. The title and the name of the institution were introduced carelessly, needlessly by the defendant without any justification or basis to spice up their story. I have not been allocated any ADC Land in any part of this Country including Magarini. In fact had the defendant contacted me before publishing the story as they ought to have done, to cross-check or verify the accuracy of the story they intended to publish, there would have been no occasion or need for these proceedings. Indeed, it is confirmed by the offices of ADC that accurate information was available and accessible to the defendant on the identity of the beneficiaries of allocation of the relevant land.

I blame the Defendants for negligently and maliciously failing to cross-check with me or other credible sources about the veracity of their information. Unless restrained by this Honourable Court the Defendants may further publish or cause to be published the said or similar words defamatory to me.

JKT

in view of the foregoing I pray to be compensated by the Defendants for their reckless malicious, spiteful and disparaging remarks which have besmirched my character and my reputation in the eyes of right thinking members of society especially my colleagues.

Before bringing these proceedings, I demanded retraction and apology from the defendants but which demand and notice have been ignored by the defendants, a further confirmation that the publication was deliberate and not inadvertent.

That is all I wish to state.

PROFESSOR JAMES K TUITOEK.....

J. Tuitoeke

DATE 28th June 2019

JKT

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Annex VII

03 JUL 2019

03 JUL 2019

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL SUIT NO OF 2019

PROFESSOR JAMES K TUITOEK..... PLAINTIFF

VERSUS

LUKE AWICH.....1st DEFENDANT

RADIO AFRICA LIMITED T/A THE STAR.....2nd DEFENDANT

PLAINTIFF'S WITNESS STATEMENT

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NAME: PROFESSOR JAMES K TUITOEK
ADDRESS: P.O BOX 536-20115 EGERTON
OCCUPATION: PROFESSOR OF ANIMAL NUTRITION, EGERTON UNIVERSITY

I PROFESSOR JAMES K TUITOEK a resident of Milimani Estate Nakuru and of P.O BOX 536-20115 EGERTON state as follows;

I am a Professor of Animal Nutrition in Egerton University. The 2nd Defendant operates a business in print, broadcast & digital media which attract & serve vast audiences in Kenya

On 29 th May 2019, the 2nd Defendant caused to be written print media by their writer, the 1st Defendant herein and shared with the general public libelous and/or defamatory materials linking me to illegal acquisition of state or public land in Magarini Constituency in Kilifi County & further insinuated and/or implied that I acquired the same parcel of land by virtue of being a powerful individual in Retired President Daniel Moi's Administration and or on account of some links with the said government.

The Defendant ignored the fact that the name of the person named as a beneficiary of the allotment in Agricultural Development Corporation Kiswani Magarini was one Mr. James C. Tuitoek and at no time was the title professor or Egerton University was mentioned in the records. The title and the name of the institution were introduced carelessly, needlessly by the defendant without any justification or basis to spice up their story. I have not been allocated any ADC Land in any part of this Country including Magarini. In fact had the defendant contacted me before publishing the story as they ought to have done, to cross-check or verify the accuracy of the story they intended to publish, there would have been no occasion or need for these proceedings. Indeed, it is confirmed by the offices of ADC that accurate information was available and accessible to the defendant on the identity of the beneficiaries of allocation of the relevant land.

I blame the Defendants for negligently and maliciously failing to cross-check with me or other credible sources about the veracity of their information. Unless restrained by this Honourable Court the Defendants may further publish or cause to be published the said or similar words defamatory to me. In view of the foregoing I pray to be compensated by the Defendants for their reckless malicious, spiteful

JKT

14

and disparaging remarks which have besmirched my character and my reputation in the eyes of right thinking members of society especially my colleagues.

Before bringing these proceedings, I demanded retraction and apology from the defendants but which demand and notice have been ignored by the defendants, a further confirmation that the publication was deliberate and not inadvertent.

That is all I wish to state.

PROFESSOR JAMES K TUITOEK.....*J. Tuitoek*

DATE *28th June 2019*.....

JKT

15

ANNEXTURE VII b

RESPONSE BY THE AGRICULTURAL
DEVELOPMENT CORPORATION

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION
P.O. BOX 47101- 00100, DEVELOPMENT HOUSE, TEL:2250695/185 Fax: 254-020-2243571,
Cell: 0724-930920 / 0735-930920 NAIROBI



Our Ref: MD/57/2/C/LK

20th September, 2019

The Chairperson
Departmental Committee on
Lands, Parliament

Dear Sir/Madam,

RE: SUBMISSION ON ALLOCATION OF LAND TO MR. JAMES C. TUITOEK

The above matter refers and the interview of the 20th September, 2019.

We would wish to respond to the following question on the above referenced matter as asked.

The format of the response will be in question/answer as below:-

1. Whether Prof. James K. Tuitoek PhD EBS was an employee of Agricultural Development Corporation?

We confirm that Prof. James K. Tuitoek or James C. Tuitoek has never been an employee or worked with ADC at any time.

2. When did the request for Land Allocation from ADC done?

The Corporation received application letter dated 19th October, 1993 to be allocated land from Mr. James C. Tuitoek and his wife Mrs. Pauline Maiyo – (Annexed herewith is a copy of the letter and marked Annexure 1)

3. Who is the person allocated land?

As per our records, we do confirm that land was allocated to Mr. James C. Tuitoek on the 6th May, 1994 vide a letter – (Annexed herewith is a copy of the letter and marked Annexure 2).

4. Why there is an introduction of letter C. from the letters presented by ADC contrary to the allocation list presented to parliament?

As of the letter C that was omitted from the allocation list we confirm that the same Mr. James C. Tuitoek is one and the same person mentioned in the allocation list and the offer letters. Attached herewith is the allocation list marked as Annexure 3.

5. Whether Mr. James C. Tuitoek made payments in regards to the land allocated.

We do confirm that there was payment of Kshs. 55,000/= received by ADC from Mr. James C. Tuitoek - Annexed herewith is a copy of receipt and marked as Annexure 4.

6. On the issue of the Chief giving instructions on transfer we confirm that Mr. James C. Tuitoek on his application to request for land it indicates that he was the Chief then in his area.

7. Whether Mr. James C. Tuitoek and Prof. James Tuitoek is one and the same person.

We do confirm from our records that Prof. James Tuitoek and Mr. James C. Tuitoek is not one and the same person (Attached herewith is a copy of a photograph and identification details.)

Yours faithfully,



LILIAN KOSGEI

FOR: AG. MANAGING DIRECTOR

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION
P.O. BOX 17101-00100, DEVELOPMENT HOUSE, TEL: 254-020-221,3571,
Cell: 0724-930920 / 0735-930920 NAIROBI



Our Ref: MD/57/2/C/BMM

18th September, 2019

TO WHOM IT MAY CONCERN

RE: PROF. JAMES K. TUITOEK, PHD, EBS

Reference is made to the above matter.

That from our records we do confirm that a Mr. James C. Tuikoek is a beneficiary of the allotment in ADC Kiswani in Magarani. Secondly we do confirm that Prof. James K. Tuitoek, Phd, Ebs and a Mr. James C. Tuitoek are not the same person. Mr. James C. Tuitoek is the beneficiary of the allotment in Kiswani as per records available in our office.

Therefore Prof. James Tuitoek is a Kenya who did not benefit from any land in ADC.

Attached herewith please find a copy of allotment letter and copy of application for transfer.

Any assistance accorded to him will be appreciated.

M.B.

MOHAMED BULLE
AG. MANAGING DIRECTOR

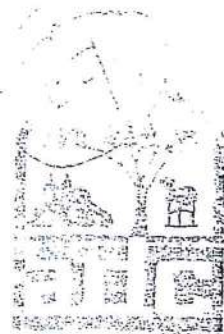
Attached.

WORLD RURAL DEVELOPMENT CORPORATION

PO BOX 4701

DEVELOPMENT HOUSE, NAIROBI

TELEPHONE 33630



Ref: MD/19/S/19/WKK

5th May 1994

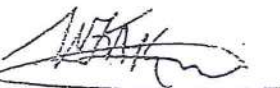
Mr James C. Tuigot
P.O. Box 244
KABARTONJO

Dear Sir,

RE: ALLOCATION OF F4 - ADC KISMANI COMPLEX

I am pleased to inform you that the above piece of land which is indicated on the map enclosed - F4 measuring 4.79 Ha has been approved as per your request by the Government. you can go ahead and occupy the plot under reference.

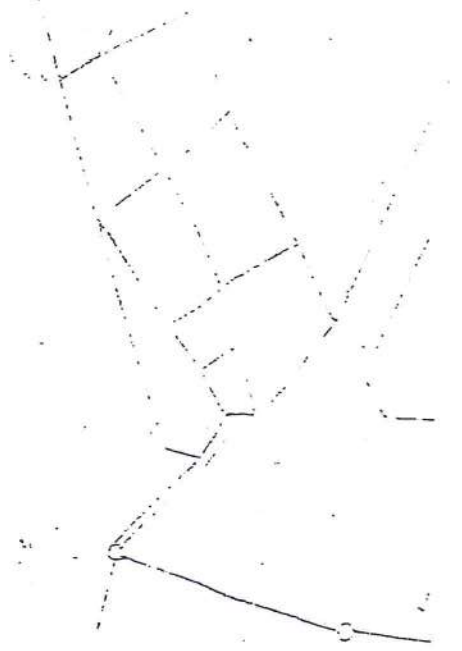
Yours faithfully,


DR. W. K. KILELE
MANAGING DIRECTOR

Encl:

F 5

2.08 Ha.



F 4
4.79 Ha.

F 3

6.94 Ha.

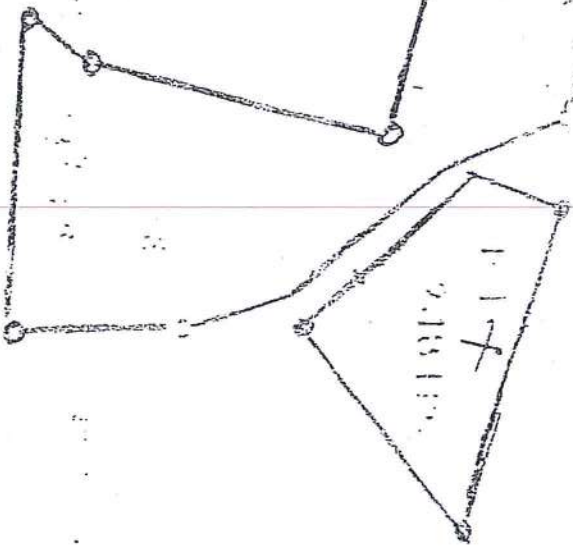
9.04 Ha.

F 2

+

F 1

2.18 Ha.



e.s

JAMES C. TUITOEK,
CHIEF KABOSKEI LOCATION,
P. O. BOX 244,
KABARTONJO.

19TH OCTOBER, 1993.

THE MANAGING DIRECTOR,
AGRICULTURAL DEVELOPMENT CO-OP,
P. O. BOX 47101,
NAIROBI.



Dear Sir,

RE : APPLICATION FOR PLOT PART OF KISINANI COMPLEX FARM.

I am kindly requesting for the above plot which is part of your Kisiwani farm. The area applied for is an off-shoot which is carved out of the main farm by the Malindi Garsen Road. A sketch is attached herewith showing the site and marked A and B.

<u>NAME</u>	<u>MARKED</u>	<u>SIZE</u>
Mr. JAMES C. TUITOEK	A	2.3 HA
Mrs. PAULINE MAIYO	B	2.1 HA

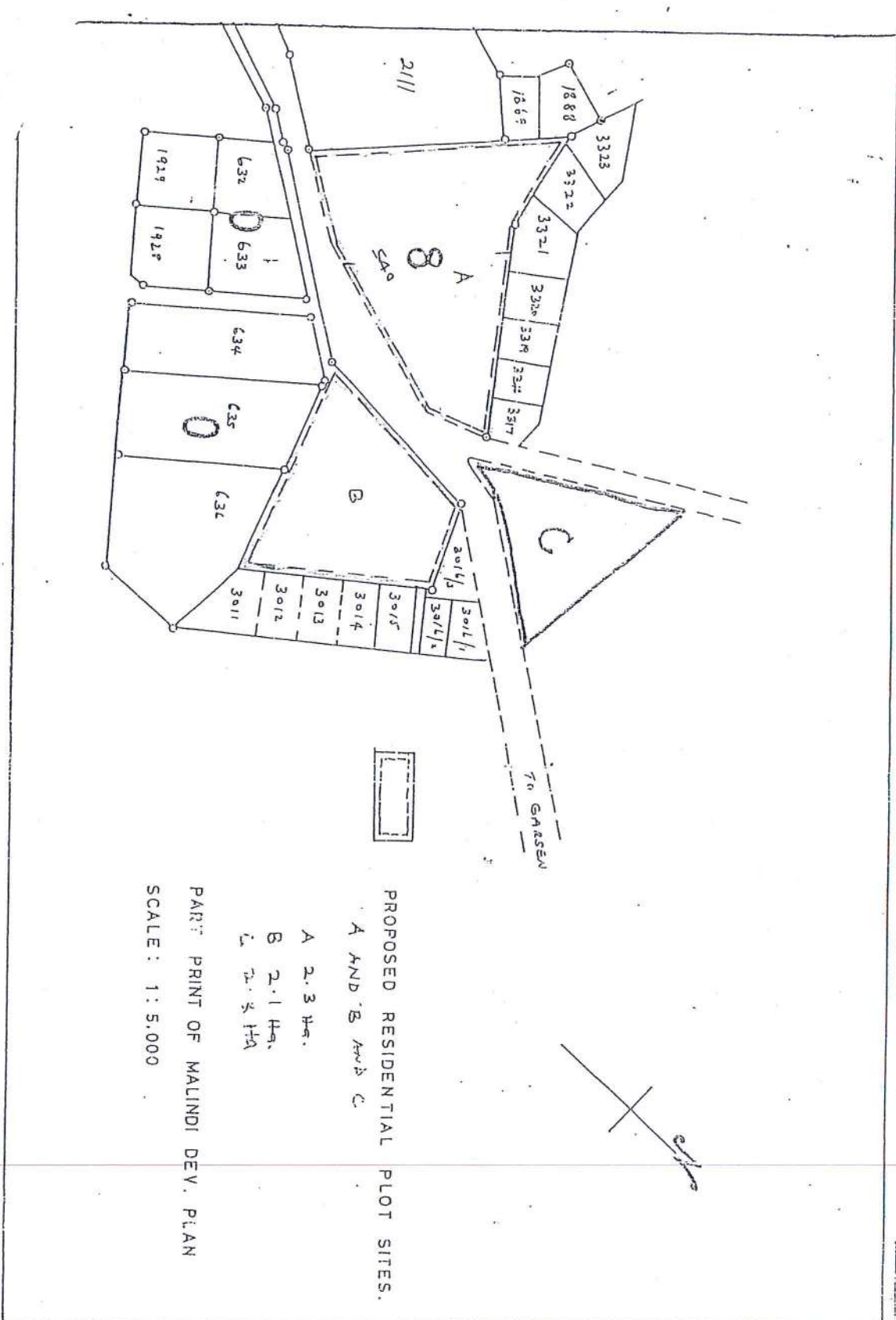
SIR, if allocated we are ready to develop the plots immediately.

Thank you.

Yours faithfully,

JAMES C. TUITOEK (A)

PAULINE MAIYO (B)



PROPOSED RESIDENTIAL PLOT SITES.
 A AND B AND C

- A 2.3 Ha.
- B 2.1 Ha.
- C 2.8 Ha.

PART PRINT OF MALINDI DEV. PLAN
 SCALE : 1 : 5,000

Signed by Transferee
JAMES CHELANG'A TUITOEK
in the presence of: -



ID NO: 2342499
PIN NO: A0023690256
SIGNATURE: *J. Tuitoek*

I certify that I was present and saw James Chelang'a Tuitoek sign this transfer. I also certify that the photograph affixed above is a true likeness of James Chelang'a Tuitoek and that the I.D No. and Tax Pin No. stated above are genuine and belong to him.

*) SIGNATURE OF WITNESS: *Bingenim*
*) NAME: *Samuel Bingenim*
*) ADDRESS: *47/01-00/00*
*) OCCUPATION: *Lawyer*

MEMORANDUM OF CHARGES LEASES AND ENCUMBRANCES

1. The provisions of the government Lands (Chapter 280)
2. The Special Conditions contained in the Grant registered as Number C.R.7982/1

751,000,000

1500000000 2500

751,000,000
108,300,000,000
751,000,000
900,000,000

780,000,000

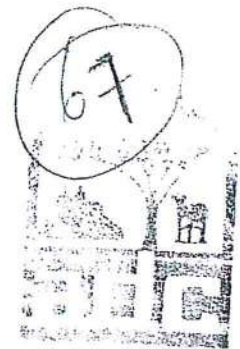
780,000,000

RURAL DEVELOPMENT CORPORATION

PO BOX 47101

DEVELOPMENT HOUSE, NAIROBI

TELEPHONE 338530



Ref: MD/19/S/19/WKK

6th May 1994

Mr James C. Tuitook
P.O. Box 244
KABARTONJO

Dear Sir,

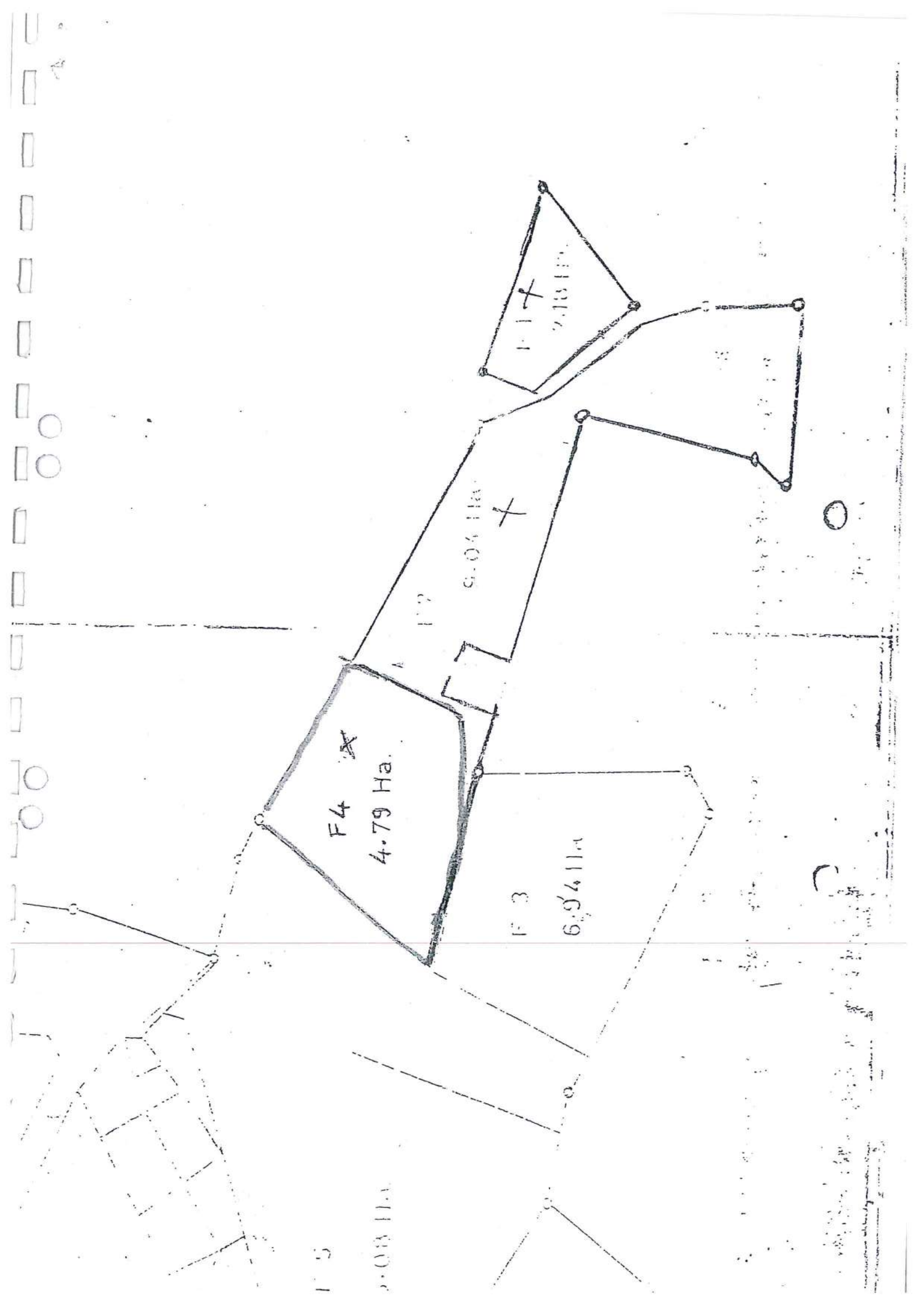
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Yours faithfully,


DR. W. K. KILELE
MANAGING DIRECTOR

Encl:



es

JAMES C. TUITOEK,
CHIEF KABOSKEI LOCATION,
P. O. BOX 244,
KABARTONJO.
19TH OCTOBER, 1993.

THE MANAGING DIRECTOR,
AGRICULTURAL DEVELOPMENT CO-OP,
P. O. BOX 47101,
NAIROBI.



Dear Sir,

RE : APPLICATION FOR PLOT PART OF KISINANI COMPLEX FARM.

I am kindly requesting for the above plot which is part of your Kisiwani farm. The area applied for is an off-shoot which is carved out of the main farm by the Malindi Garsen Road. A sketch is attached herewith showing the site and marked A and B.

<u>NAME</u>	<u>MARKED</u>	<u>SIZE</u>
Mr. JAMES C. TUITOEK	A	2.3 HA
Mrs. PAULINE MAIYO	B	2.1 HA

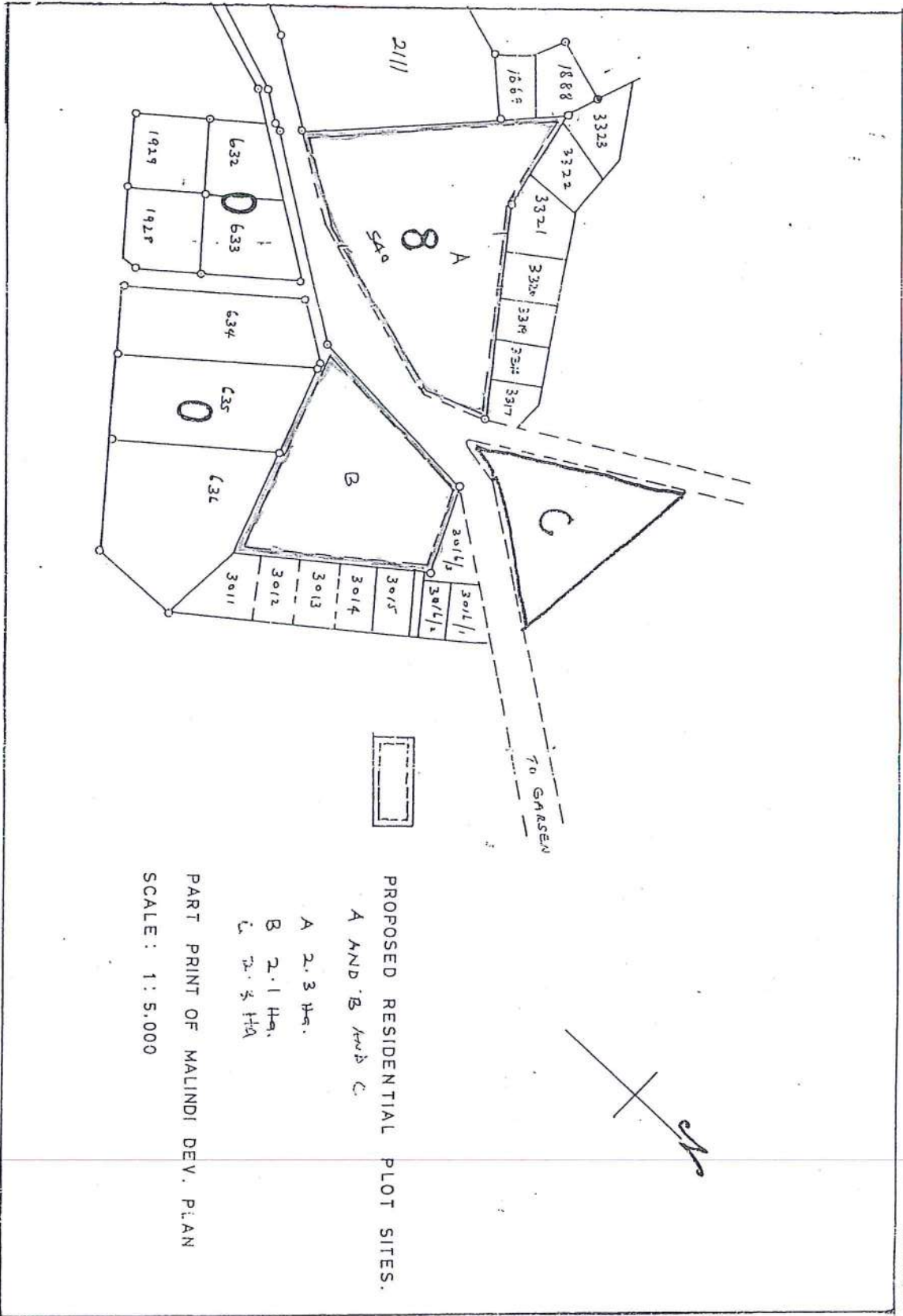
SIR, if allocated we are ready to develop the plots immediately.

Thank you.

Yours faithfully,

JAMES C. TUITOEK (A)

PAULINE MAIYO (B)



PROPOSED RESIDENTIAL PLOT SITES.

A AND B AND C

A 2.3 Ha.

B 2.1 Ha.

C 2.3 Ha

PART PRINT OF MALINDI DEV. PLAN

SCALE: 1:5,000

ANNEXTURE VIII

CLEARANCE CERTIFICATES SUBMITTED BY THE
NOMINEES
