

Approved for tabling
SNA
27/3/18

PARLIAMENT
OF KENYA
LIBRARY



paper laid by
Hon. William
Chepkoiey
Chairman - D.C on
Justice & Legal Affairs
27/3/18

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – SECOND SESSION

DEPARTMENTAL COMMITTEE ON JUSTICE AND
LEGAL AFFAIRS

REPORT ON:
VETTING OF MR. NOORDIN MOHAMED HAJI FOR
APPOINTMENT AS THE DIRECTOR OF PUBLIC
PROSECUTIONS

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

March, 2018

TABLE OF CONTENTS

LIST OF ABRREVIATIONS AND ACRONYMS.....	4
LIST OF ANNEXURES.....	5
CHAIRPERSON’S FOREWORD.....	6
EXECUTIVE SUMMARY	8
ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE VETTING OF MR. NOORDIN MOHAMED HAJI AS NOMINEE FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS	9
PART 1	11
1. PREFACE	11
1.1. Mandate of the Committee	11
1.2. Committee Membership	12
1.3. Committee Secretariat.....	12
PART 2	14
2. INTRODUCTION AND BACKGROUND.....	14
2.1. The Office of the Director of Public Prosecutions	14
2.2. Powers and functions of the Director of Public Prosecutions ..	14
2.3. Notification of nomination to the House.....	16
2.4. Committal of the nominee to the Departmental Committee ...	16
2.5. Public participation in the vetting process	16
2.6. Notification of approval hearings to the nominee and the public 17	
2.7. Clearance requirements.....	18
PART 3	19
3. ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARING.....	19
3.1. Procedure used to arrive at the nominee	19
3.2. Constitutional or statutory requirements relating to the office	21
(ii) Leadership and Integrity	22

3.3.	The suitability of the nominee for appointment proposed with due regard as to whether his abilities, experience and qualities meet the needs of the body to which the nomination is made	24
3.4.	Memoranda from the public concerning the nominee	25
PART 4		26
4.	APPROVAL HEARING ON THE SUITABILITY OF MR. NOORDIN MOHAMED HAJI FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS.....	26
4.1.	APPROVAL HEARING OF THE NOMINEE.....	26
	(i)Employment and work experience	27
	(ii) Professional Associations' membership.....	27
	(iii) What he would do to ensure efficiency, effectiveness and accountability in service delivery at ODPP	28
	(iv) Why he thinks he is qualified for the job of Director of Public Prosecutions	29
	(v) On lack of court room experience which is fundamental in prosecution	29
	(vi) On plea agreement negotiations.....	29
	(vii)On why the turnover rate at ODPP was high and what he would do to remedy the situation	29
	(viii) On budgetary allocation to ODPP and priorities	30
	(ix) Political activities and affiliations	31
	(x) On political influence and interference in the	31
	(xi) On Article 232 of the Constitution of Kenya on values and principles of public service	31
	(xii)On relationship with other investigative agencies	31
	(xiii) The nominees net financial wealth.....	31
	(xiv) Case backlog in courts.....	32
	(xv) On whether ODPP had a role to play in extradition cases....	32
PART 5		33
5.	COMMITTEE OBSERVATIONS FINDINGS AND CONCLUSIONS	33

6. COMMITTEE RECOMMENDATION35

LIST OF ABBREVIATIONS AND ACRONYMS

ADR	-	Alternative Dispute Resolution
CV	-	Curriculum Vitae
DCI	-	Directorate of Criminal Investigations
DPP	-	Director of Public Prosecutions
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
IGAD	-	Inter-Governmental Authority on Development
KRA	-	Kenya Revenue Authority
NIS	-	National Intelligence Service
ODPP	-	Office of Director of Public Prosecutions
RPP	-	Registrar of Political Parties

LIST OF ANNEXURES

- Annexure 1: Minutes of Committee sittings on the vetting process
- Annexure 2: Letter from the Office of the President conveying the name of the nominee to the National Assembly for approval for appointment
- Annexure 3: Newspaper advertisement inviting the public to submit memoranda on the suitability of the nominee for appointment
- Annexure 4: Newspaper advertisement notifying the public of the venue, date and time of approval hearing
- Annexure 5: Letters from KRA, HELB, RPP and EACC regarding the nominee
- Annexure 6: Nominee's Certificate of Good Conduct from the Directorate of Criminal Investigations
- Annexure 7: Questionnaire filled by nominee pursuant to the provisions of Section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011
- Annexure 8: Nominee's CV, certificates and testimonials

CHAIRPERSON'S FOREWORD

In exercise of powers conferred by Article 157(2) of the Constitution of Kenya as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya on 15th of March, 2018 forwarded to the Speaker of the National Assembly, a notification of nomination containing the name and Curriculum Vitae of Mr. Noordin Mohamed Haji as a nominee for appointment as Director of Public Prosecutions.

Pursuant to provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker on 15th March, 2018 conveyed to the House the message from His Excellency the President effectively committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

Section 8(6) of the Office of the Director of Public Prosecutions Act gives the National Assembly a timeline of twenty-one (21) days within which it must conclude vetting and determine whether to approve or reject a nominee. The twenty-one (21) days include seven (7) days of receiving memoranda from the public on the suitability of the nominee for appointment. Despite the strict timeline, the Committee was able to execute its mandate and report to the House in time.

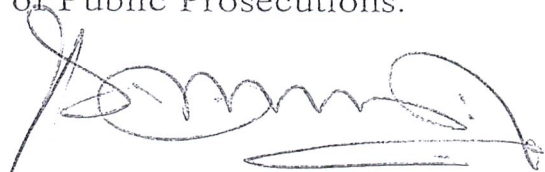
The Committee held a total of two (2) sittings within the precincts of Parliament on the vetting process. The first sitting was held on 26th March, 2018 at 10.30 a.m. during which the nominee was vetted. The second sitting was held on 27th March, 2018 at 9.00 a.m. during which the Committee considered and unanimously adopted this report for tabling in the House.

The success of the Committee in the vetting of the nominee and production of this report was as a result of commendable effort by the following persons whom I greatly thank-

- (i) The Honourable Members of the Committee for their resilience and devotion to duty;
- (ii) Your office and that of the Clerk of the National Assembly for providing leadership and guidance; and
- (iii) The Committee's secretariat for its exemplary performance in provision of technical and logistical support services.

May I also on behalf of the Committee appreciate the media for covering the nominee's approval hearing thereby enhancing transparency and accountability.

On behalf of the Committee and pursuant to the provisions of Article 124(4) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and provisions of Standing Orders 45(4) and 199(6) of the National Assembly Standing Orders, it's my pleasant privilege to present to the House the Committee's report on the vetting of Mr. Noordin Mohamed Haji for appointment as the Director of Public Prosecutions.


Signed.....

HON. WILLIAM CHEPTUMO, M.P.

Chairperson, Departmental Committee on Justice and Legal Affairs

Date..... 27.03.018

EXECUTIVE SUMMARY

Pursuant to the provisions of Article 157(2) of the Constitution of Kenya as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya on 15th of March, 2018 forwarded to the Speaker of the National Assembly, a notification of nomination containing the name and Curriculum Vitae of Mr. Noordin Mohamed Haji as a nominee for vetting for appointment to the position of Director of Public Prosecutions.

In line with the provisions of Standing Order 42(1) of the National Assembly Standing Orders, the Honourable Speaker on 15th March, 2018 conveyed to the House the message from His Excellency the President thereby committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

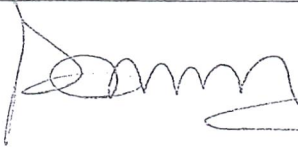
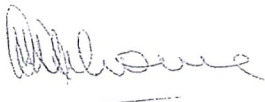
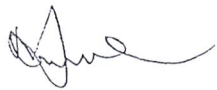




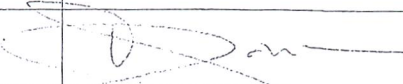
The Committee held the approval hearing of the nominee on 26th March, 2018. Pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, among the issues that the Committee considered in determining suitability of the nominee for appointment to office were the procedure used to arrive at his nomination, constitutional and statutory requirements relating to the position in question and whether the nominee's ability, experience and qualities meet the needs of the position to which the nomination was made.


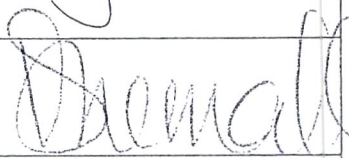


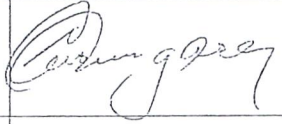
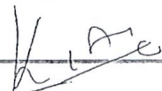

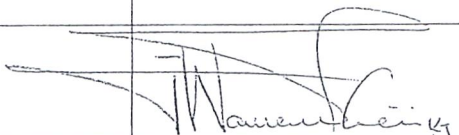


The Committee invited the public through newspaper advertisements to submit memoranda contesting the suitability of the nominee to hold office. There were however no memoranda received by the deadline of 23rd March, 2018, 5.00 p.m.

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

ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE VETTING OF MR. NOORDIN MOHAMED HAJI AS NOMINEE FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS

We the Honourable Members of the Departmental Committee on Justice and Legal Affairs today the 27th of March, 2018 do hereby affix our signatures to this report on the vetting of Mr. Noordin Mohamed Haji for approval for appointment as the Director of Public Prosecutions to affirm our approval, support, accuracy, credibility and authenticity.

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

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

PART 1

1. PREFACE

1.1. Mandate of the Committee

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

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

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

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

1.2. Committee Membership

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

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

1.3. Committee Secretariat

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

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

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

PART 2

2. INTRODUCTION AND BACKGROUND

2.1. The Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions is established under Article 157 (1) of the Constitution of Kenya whereas his/her appointment is provided for under Article 152(2) which provide as follows-

- (1) *There is established the Office of Director of Public Prosecutions.*
- (2) *The Director of Public Prosecutions shall be nominated and, with the approval of the National Assembly appointed by the President.*

2.2. Powers and functions of the Director of Public Prosecutions

Section 5 (1) (2) (3) and (4) of the Office of the Director of Public Prosecutions Act, 2013 provides for the powers and functions of the Director of Public Prosecutions as follows-

- (1) *Pursuant to Article 157 of the Constitution, the Director shall-*
 - (a) *Have power to direct the Inspector-General to investigate any information or allegation of criminal conduct and the Inspector-General shall comply with any such direction;*
 - (b) *Exercise State powers of prosecution and may-*
 - (i) *institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed;*
 - (ii) *take over and continue any criminal proceedings commenced in any court (other than court martial) that have been instituted or undertaken by another person or authority, with the permission of the person or authority; and*

- (iii) *subject to Article 157(7) and (8) discontinue at any stage before judgement is delivered any criminal proceedings instituted by the Director of Public Prosecutions or taken over by the Director of Public Prosecutions.*
 - (c) *formulate and keep under review public prosecution policy;*
 - (d) *perform any functions and exercise any powers prescribed by legislation, in addition to the functions and powers conferred by the Constitution and this Act.*
- (2) *The Director shall exercise State powers of prosecution and may-*
- (a) *notwithstanding the provisions of any other law in force for the time being, perform all that is necessary to be done for the purpose of performing the functions of the Director; and*
 - (b) *direct that investigations be conducted by an investigative authority named in the direction.*
- (3) *Without prejudice to other provisions of this Act or any other law in force, the Director may assign an officer subordinate to him to assist or guide in the investigation of a crime and every investigate Agency shall give effect to that direction.*
- (4) *The Director shall-*
- (a) *promote appropriate standards of practice by public prosecutors, assistant prosecutors and any other persons exercising prosecutorial authority under this Act;*
 - (b) *implement an effective prosecution mechanism so as to maintain the rule of law and contribute to fair and equitable criminal justice and the effective protection of citizens against crime;*
 - (c) *cooperate with the National Police Service, investigative agencies, the courts, the legal profession and other government agencies or institutions so as to ensure the fairness and effectiveness of public prosecutions;*

- (d) *set the qualification for the appointment of prosecutors;*
- (e) *review a decision to prosecute, or not to prosecute, any criminal offence;*
- (f) *advise the State on all matters relating to the administration of criminal justice; and*
- (g) *do all such other things as are necessary or incidental to the performance of its functions under the Constitution, this Act or any other written law.*

The Committee noted that the Office of the DPP became vacant in February, 2018 when the then holder, Mr. Keriako Tobiko resigned and was subsequently appointed the Cabinet Secretary for Environment by His Excellency the President.

2.3. Notification of nomination to the House

Following the occurrence of vacancy in the position of Director of Public Prosecutions and pursuant to Article 157(2) of the Constitution of Kenya, Section 8 of the Office of the Director of Public Prosecutions Act, 2013 and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President of the Republic of Kenya vide a letter dated 14th March, 2018 as per annexure 2 forwarded to the Speaker of the National Assembly a notification of appointment containing the name of Mr. Noordin Mohamed Haji as the nominee for approval by the House for appointment as the Director of Public Prosecutions.

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

Pursuant to the provisions of Standing Order 42(1) and 42(3) of the National Assembly Standing Orders, the Honourable Speaker on 15th March, 2018 conveyed to the House the message from His Excellency the President of the Republic of Kenya on the nominee effectively committing him to the Departmental Committee on Justice and Legal Affairs for vetting.

2.5. Public participation in the vetting process

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

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

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

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

On Friday 16th March, 2018, the Clerk of the National Assembly through advertisement in the local daily newspapers of *Daily Nation*, *The Star*, *The Standard* and *People Daily*, a copy of which is attached as annexure 3 invited the public to submit memoranda by way of written statements on oath (affidavit) contesting the suitability of the nominee to be appointed as DPP. The Committee did not receive any memoranda by the deadline of 23rd March, 2018 at 5.00 p.m.

2.6. Notification of approval hearings to the nominee and the public

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

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

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

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

Pursuant to these provisions, the Committee by a letter dated 16th March, 2018 invited the nominee for approval hearing on Monday, 26th March, 2018, at 9.30 a.m. in Committee Room 9, Main Parliament Building.

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

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

Pursuant to this provision and the National Assembly Standing Order 45(3) the Committee in the local daily newspapers of *Daily Nation*, *The Star*, *The Standard* and *People Daily* of Friday, 16th March, 2018 notified the public of the date time and venue of holding the approval hearing as evidenced by annexure 4.

2.7. Clearance requirements

By letters dated 16th March, 2018, the Clerk of the National Assembly requested for information regarding the nominee from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigation (DCI); the Higher Education Loans Board (HELB) and the Registrar of Political Parties (RPP). The information requested sought to establish the status of the nominee on the following issues-

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

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

PART 3

3. ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARING

The Committee observed that the issues for consideration are provided for under Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 which provides as follows-

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

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

3.1. Procedure used to arrive at the nominee

The procedure for appointment of the Director of Public Prosecutions is provided for under Section 8 the Office of the Director of Prosecutions Act, 2013 which provides as follows-

8 (1) Whenever a vacancy arises in the Office of the Director, the President shall within fourteen days constitute a selection panel comprising one person from each of the following bodies-

- (a) the Office of the President;*
- (b) the Office of the Attorney General;*
- (c) the Ministry responsible for Public Service;*
- (d) the Kenya National Commission on Human Rights;*
- (e) the Law Society of Kenya;*
- (f) the Central Organization of Trade Unions; and*
- (g) the Ethics and Anti-Corruption Commission.*

(2) The public Service Commission shall-

- (a) *convene the first meeting of the selection panel, at which members of the panel shall elect a chairperson from among their number; and*
 - (b) *provide the selection panel with such facilities and other support as it may require for the discharge of its functions.*
- (3) *The selection panel shall within seven days of convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment to the position of the Director.*
- (4) *The selection panel shall within fourteen days-*
- (a) *consider the applicants received under subsection (3) to determine compliance with the constitution;*
 - ~~(b) *shortlist the applicants;*~~
 - (c) *publish the names of shortlisted applicants and qualified applicants in at least two daily newspapers of national circulation;*
 - (d) *conduct interviews of the shortlisted applicants;*
 - (e) *shortlist three successful applicants in the order of merit; and*
 - (f) *forward the names to the President.*
- (5) *The President shall within fourteen days of receipt of the names of successful applicants forwarded under subsection (4)(f) select one candidate and forward the name of the person so selected to the National Assembly for approval.*

The Committee noted that the Selection Panel had indeed advertised the position, shortlisted applicants and published the names of the shortlisted applicants in two daily newspapers with national circulation. The Committee further noted that the Selection Panel had conducted interviews of the shortlisted candidates and forwarded names of three (3) successful applicants to the President.

The Committee was satisfied that the procedure used to arrive at the nominee was as prescribed by the law and thus in order.

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

(i) Qualifications for appointment as Director of Public Prosecutions

Article 157(3) of the Constitution of Kenya provides as follows-

The qualifications for appointment as Director of Public Prosecutions are the same as for the appointment as a judge of the High Court

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

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

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

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

Article 166 (5) provides for the experience that a High Court judge must possess as follows-

Each Judge of a High Court shall be appointed from among persons who have-

- (a) at least ten years' experience as a superior court judge or professionally qualified magistrate*

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

In view of the foregoing and having looked at the nominee's CV, the Committee was satisfied that the nominee met this qualification on account of the following-

- (a) The minimum academic qualification for appointment as DPP is a law degree from a recognized university and admission to the roll of Advocates. The nominee holds a Masters' and Bachelors' of Laws degree from the University of Wales, Cardiff is a registered Certified Public Secretary and has on several occasions undertaken training on the rule of law, human rights, democracy, corporate governance, public relations and media engagement.
- (b) The minimum time experience required for appointment as DPP is ten (10) years. The nominee has nineteen (19) years' experience as a legal practitioner having been admitted to the roll of Advocates in 1999. He has extensive work experience having served in the Office of the Attorney-General as a State Counsel for one (1) year and NIS for eighteen (18) years. He had served NIS in the following positions and or capacities-
 - (aa) Deputy Director, Counter Organized Crime;
 - (bb) Deputy Director, Administration;
 - (cc) Head of Somalia Stabilization; Principal Intelligence Officer – External Division; and
 - (dd) Co-Chairperson to the IGAD joint Committee on the grand stabilization of Somalia against Al-Shabaab activities.
- (ii) Leadership and Integrity

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

Article 73(2) states as follows-

The guiding principles of leadership and integrity include-

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

Article 75(1) provides as follows-

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

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

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

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

- (1) A full time State Officer shall not participate in any other gainful employment;*
- (2) Any appointed State Officer shall not hold office in a political party;*

(3) A retired State Officer who is receiving pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of –

- (a) A company owned or controlled by the state*
- (b) A State organ*

(4) A State Officer shall not receive remuneration from public funds other than contemplated in clause (3)

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

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

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

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

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

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

3.4. Memoranda from the public concerning the nominee

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

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

On 16th March, 2018, the Clerk of the National Assembly through a newspaper advertisement in the local daily newspapers invited the public to submit memoranda by way of written statements on oath (affidavits) contesting the suitability of the nominee to be appointed to the position he had been nominated. The deadline for submission of memoranda was 23rd March, 2018.

There were no memoranda received contesting the nominee’s suitability for appointment.

PART 4

4. APPROVAL HEARING ON THE SUITABILITY OF MR. NOORDIN MOHAMED HAJI FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS

The Committee conducted the approval hearing on 26th March, 2018 in Committee Room 9, Main Parliament Building when the nominee appeared and made submissions on his suitability for appointment. While conducting the hearing, the Committee was most importantly guided by provisions of the Public Appointments (Parliamentary Approvals) Act, 2011, which confines examination of nominees to the following areas-

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

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

While compiling this report, reference has been made to the questionnaire on issues that may have not been discussed during the approval hearing.

4.1. APPROVAL HEARING OF THE NOMINEE

The nominee appeared before the Committee on 26th March, 2018 at 10.20 a.m., took oath and after issuing an opening statement responded to questions by the Committee as follows-

(i) Introduction, employment and work experience

He was born on 3rd July, 1973 in Malindi, Kilifi County. His mother was a high school teacher and father a career civil servant. Being a career civil servant, his father worked in different districts from time to time and this made his family constantly relocate to be with him. He began his formative years of school at Nyahururu DEB Primary School but subsequently transferred to different schools across the country in Nakuru, Mombasa, Nyeri, Eldoret and Garissa among others.

His career was guided by values inculcated at early age by his parents whom he owes so much. From them, he learnt values of integrity, hard work, selflessness, service to humanity and discipline. The values will continue guiding him in the discharge of duties should he be appointed DPP.

He is an Advocate of the High Court of Kenya of nineteen (19) years standing. He started his career as an Advocate as a State Counsel, Office of the Attorney-General in the year 2000. After one (1) year of service, he joined the National Intelligence Service (NIS) as a Legal Officer and is credited being responsible for setting up the Service's Legal Department. As at the time of vetting, he was still with NIS serving as Deputy Director in charge of Counter Organized Crime and his duties included-

- (a) Advising the Director-General on legal and strategic issues on organized crime;
- (b) Heading coordination of interagency operations and crime; and
- (c) Investigating, analysing and compiling evidence for prosecution.

Other positions he had served in at NIS included-

- (a) Deputy Director, Administration;
- (b) Head of Legal Department;
- (c) Principal Intelligence Officer; and
- (d) Assistant Principal Intelligence Officer.

(ii) Professional Associations' membership

He stated that he was a member of the Law Society of Kenya (LSK) and the Institute of Certified Public Secretaries of Kenya (ICPSK).

(iii) What he would do to ensure efficiency, effectiveness and accountability in service delivery at ODPP

He submitted that if appointed, he would do the following to enhance service delivery at ODPP-

- (a) Create synergy that will work seamlessly to bring about and efficient, effective and accountable ODPP;
- (b) Collaborate and coordinate with local and international institutions and partners involved in the governance, justice, law and order sector i.e. the judiciary, the National Council on Administration of Justice, EACC, LSK, Office of the Attorney-General and KNHCR;
- (c) Championing for a criminal management system that is holistic and integrates all stakeholder in the administration of criminal justice;

- (d) Operationalize Section 52 of the ODPP Act to establish a prosecution inspection team that will monitor and evaluate prosecution services order to ensure quality assurance and adherence to best practices;
- (e) Establish an Internal Affairs Section aimed at enforcing the Code of Conduct to ensure integrity and restore public confidence in the ODPP; and
- (f) Equip Prosecutors with requisite skills. In this regard, he will establish a Prosecutions Practice Institute to train Prosecutors;
- (g) Issue guidelines on prosecutions to ensure cases are successfully prosecuted;
- (h) Recruit more Prosecutors to handle high number of cases. Ensure their terms and conditions of service are attractive to dissuade them from engaging in corrupt practices and also retaining them.
- (i) Continuous training of Prosecutors to increase their competence levels.

(j) Continuous vetting of Prosecutors

(iv) Why he thinks he is qualified for the job of Director of Public Prosecutions

The nominee submitted that he was qualified for the job of DPP because of the following-

(a) He had nineteen (19) years of experience as a legal practitioner during which he served in various capacities like State Counsel, Legal Officer, investigator, crime analyst which had made him understand prosecution work;

(b) In the course of his work at NIS, he had interacted with various law enforcement and investigative agencies like EACC, the Judiciary and ODPP which had exposed him to understanding prosecutorial work;

(c) He had regional and international exposure through partnerships, training and joint operations from which he had acquired prosecutorial skills.

(v) On lack of court room experience which is fundamental in prosecution

The nominee informed that Committee that he had court experience as he had in many cases been part of teams preparing cases for prosecution and attending court sessions.

(vi) On plea agreement negotiations

He informed the Committee that plea agreement negotiations are provided for by Section 137 of the Criminal Procedure Code and should only apply on petty offences and in cases where they will strengthen the prosecution case like in conspiracy. The negotiations should however be sanctioned by courts. He cited Nigeria which had recorded remarkable success in plea agreement negotiations.

(vii) On why the turnover rate at the ODPP was high and what he would do to remedy the situation

He cited the following as reasons why many officers left ODPP for greener pastures-

- (a) Poor terms and conditions of service. The salaries and emoluments at ODPP were way below compared to what other players in the criminal justice system like EACC and Judiciary earned;
- (b) The working environment at ODPP was not conducive in some stations. He cited Makadara Law Courts where Prosecutors were using as offices cargo containers without electricity supply;
- (c) Prosecutors lacked basic working tools like files, diaries and brief cases.

He attributed the situation to inadequate budgetary allocation but noted with concern that in the last financial year, ODPP's absorption rate of budgetary allocation was 67% meaning 23% was returned to Treasury. He stated that if appointed, he would institute measures to ensure adequate budgetary allocation and that the same is optimally utilized.

(viii) On budgetary allocation to ODPP and priorities

He submitted that if appointed he would prioritize the following with respect to the budgetary allocation-

- (a) Training of Prosecutors. He was concerned with a situation where newly recruited Prosecutors were assigned complex cases and lost due to inexperience;
- (b) Improve salaries and emoluments of staff most importantly Prosecutors in order to motivate, retain them and ensure service delivery.
- (c) Employ more Prosecutors. He observed that whereas, there were close to 118,000 pending criminal cases in court, the number of Prosecutors available to prosecute the cases was not commensurate and the workload was adversely affecting service delivery at the ODPP.
- (d) Enforce Section 52 of the ODPP Act on constitution of a team of inspectors and issuance of guidelines on inspection of prosecution operations within the country with a view to enhancing service delivery;

- (k) Establish an Internal Affairs Section charged with the responsibility of enforcing the Code of Conduct to ensure integrity and restore public confidence in the ODPP;
- (e) Develop a criminal management system on which information on the operations and activities of ODPP will be available for public consumption;
- (ix) Political activities and affiliations

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

- (x) On political influence and interference in the discharge of duties as DPP if appointed

He stated that he will be guided by the Constitution of Kenya, the rule of law and principles of natural justice while discharging duty as DPP if appointed.

- (xi) On Article 232 of the Constitution of Kenya on values and principles of public service

He submitted that if appointed he would adhere to the values and principles of public service as envisaged in Article 232 of the Constitution of Kenya, most importantly in the recruitment of personnel.

- (xii) On relationship with other investigative agencies

He stated that he would work closely and diligently with other government investigative agencies to ensure service delivery. In this regard, he would be prepared to recruit special Prosecutors where necessary and second them to EACC to ensure successful investigation and prosecution of cases.

- (xiii) The nominees net financial worth

From the questionnaire submitted, the Committee observed that his net worth was approximately Kenya Shillings three hundred and thirteen million (Kshs.313,000,000).

(xiv) Case backlog in courts

He attributed the situation to the following-

- (a) Fewer Prosecutors available to handle a high number of cases. He cited Naivasha subcounty with seven (7) criminal courts but four (4) Prosecutors;
- (b) Prosecutors being transferred or leaving ODPP before conclusion of cases;
- (c) Slow judicial process; and
- (d) Inability by accused persons to retain Advocates to represent them thereby stalling cases.

Among the measures he would institute to address the situation if appointed would be-

- (a) Recruitment of more Prosecutors;
- (b) Use Alternative Dispute Resolution (ADR) mechanisms;
- (c) Apply the rapid results initiative
- (d) Review the bail policy;
- (e) Push for provision of legal aid to those who cannot afford the services of Advocates.

(xv) On whether ODPP had a role to play in extradition cases

Whereas the Court of Appeal had ruled that ODPP did not have a role to play in extradition cases and vested this role in the Office of the Attorney-General, he submitted that he disagreed with the ruling and would revisit the matter if appointed.

PART 5

5. COMMITTEE OBSERVATIONS FINDINGS AND CONCLUSIONS

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

- (1) His academic credentials and professional training and experience are in compliance with the qualifications for appointment as Director of Public Prosecutions as set out in Articles 157(3) and 166 (5) of the Constitution of Kenya because of the following-
 - (a) He holds Masters' and Bachelors' degrees in Law from the University of Wales, Cardiff;
 - (b) He has nineteen (19) years' experience as a legal practitioner having served in the Office of the Attorney-General as a State Counsel and various positions at the National Intelligence Service;
 - (c) He is qualified to hold the office of judge of the High court as outlined in Articles 166(2) and 166(5) of the Constitution;
 - (d) He is a person of high moral character, integrity and impartiality;
 - (e) He has not attained the age of seventy (70) years.
- (2) There was no memorandum received contesting his nomination and suitability for appointment;
- (3) The skills and experience acquired from the National Intelligence Service in addition to his qualifications in law would bring a new and broader dimension to management of investigations and prosecutions in Kenya.
- (4) He satisfied Article 78(1) (2) of the Constitution because he is a Kenyan Citizen and does not hold dual citizenship;

- (5) There would be no potential conflict of interest as stipulated in Article 75(1) of the Constitution should the nominee be appointed to the position;
 - (6) He satisfied the requirements of Chapter 6 of the Constitution on leadership and integrity as DCI, KRA, RPP, HELB and EACC did not raise any issues against him;
 - (7) He had never been charged with a criminal offence in a Court of Law;
 - (8) He had not been adversely mentioned in an investigatory report of Parliament or any other Commission of Inquiry in the last three (3) years;
 - (9) He satisfied the requirements of Article 77(2) of the Constitution because he did not hold an office in a political party;
-
- (10) He had never been dismissed or otherwise removed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State Officers and Article 78(2) on dual citizenship;
 - (11) He exhibited knowledge and understanding of the mandate and other pertinent issues relating to the Office of the Director of Public Prosecutions.

PART 6

6. COMMITTEE RECOMMENDATION

The Committee recommends that pursuant to the provisions of Article 157(2) of the Constitution of Kenya, the House approves the appointment of Mr. Noordin Mohamed Haji as the Director of Public Prosecutions by His Excellency the President.

ANNEXURE 1

(Minutes of Committee sittings on the
approval hearing)

.....

**MINUTES OF THE TWENTY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE
ON JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY, 26TH MARCH, 2018 AT 9.00
A.M. IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDING**

PRESENT-

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Muthoni Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Roselinda Soipan Tuya, M.P.		
Hon. Ben Momanyi Orori, M.P.		
Hon. Gladys B. Shollei, CBS, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. John M. Wambugu, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. William K. Mwamkale, M.P.		

ABSENT WITH APOLOGIES-

Hon. Charles Gimose, M.P.
Hon. Johana Ngeno, M.P.
Hon. Zuleikha Hassan, M.P.
Hon. Peter O. Kaluma, M.P.
Hon. Beatrice Adagala, M.P.
Hon. Adan Haji Yussuf, M.P.
Hon. Japheth Mutai, M.P.
Hon. John Kiarie Waweru, M.P.

IN ATTENDANCE-

FRIENDS OF THE COMMITTEE

Hon. Sofia Abdinnor, M.P.
Hon. Fatuma Gedi, M.P.
Hon. Ahmed Abdisalam, M.P.

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
--------------------	---	------------------------

Mr. Denis Abisai	-	Principal Legal Counsel
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III
Mr. Abdirahim Omar	-	Fiscal Analyst
Ms. Roselyn Njuki	-	Serjeant-at-Arms II

NOMINEE FOR VETTING

Mr. Noordin Mohamed Haji - Nominee for vetting for appointment as Director of Public Prosecutions

MIN No. 90/2018: PRELIMINARIES

The Chairperson called the meeting to order at 9:00 a.m. which was followed by a word of prayer from Hon. Anthony Kiai.

MIN No. 91/2018: PLANNING FOR VETTING OF THE NOMINEE FOR APPOINTMENT AS DIRECTOR OF PUBLIC PROSECUTIONS

Ms. Doreen Karani took the Committee through a legal brief on the vetting. The Committee also discussed and agreed on questions to ask the nominee.

MIN No. 92/2018: VETTING OF MR. NOORDIN MOHAMED HAJI, NOMINEE FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS- MR. NOORDIN MOHAMED HAJI

Mr. Noordin Mohamed Haji, the nominee for appointment as Director of Public Prosecutions appeared before the Committee at 10.20 a.m. and after taking oath responded to questions asked by Members as follows-

(i) On introduction, employment and work experience

He was born on 3rd July, 1973 in Malindi, Kilifi County. He began his formative years of school at Nyahururu DEB Primary School but subsequently transferred to different schools across the country in Nakuru, Mombasa, Nyeri, Eldoret and Garissa among others.

He is an Advocate of the High Court of Kenya of nineteen (19) years standing. He started his career as an Advocate as a State Counsel, Office of the Attorney-General in the year 2000. After one (1) year of service, he joined the National Intelligence Service (NIS) as a Legal Officer and is credited being responsible for setting up the Service's Legal Department.

(ii) Professional Associations' membership

He stated that he was a member of the Law Society of Kenya (LSK) and the Institute of Certified Public Secretaries of Kenya (ICPSK).

(iii) What he would do to ensure efficiency, effectiveness and accountability in service delivery at ODPP

He submitted that if appointed, he would institute several measures to enhance service delivery at ODPP. Key among them would be collaboration and coordination with stakeholders, establishing a criminal management system, establishment of an Internal Affairs Section and issuing new guidelines on prosecutions.

(iv) Why he thinks he is qualified for the job of Director of Public Prosecutions

The nominee submitted that he was qualified for the job of DPP because of his nineteen (19) years' experience as a legal practitioner at the Attorney-General's Office and NIS.

(v) On plea agreement negotiations

He informed the Committee that plea agreement negotiations are provided for by Section 137 of the Criminal Procedure Code and should only apply on petty offences and in cases where they will strengthen the prosecution case like in conspiracy. The negotiations should however be sanctioned by courts. He cited Nigeria which had recorded remarkable success in plea agreement negotiations.

(vi) On why the turnover rate at the ODPP was high and what he would do to remedy the situation

He cited poor terms and conditions of service, poor working environment, lack of basic tools as some of the reasons as to why many officers left ODPP for greener pastures. He attributed the situation to inadequate budgetary allocation but noted with concern that in the last financial year, ODPP's absorption rate of budgetary allocation was 67% meaning 23% was returned to Treasury. He stated that if appointed, he would institute measures to ensure adequate budgetary allocation and that the same is optimally utilized.

(vii) On budgetary allocation to ODPP and priorities

He submitted that if appointed he would prioritize training of Prosecutors, salary enhancement, recruitment of more Prosecutors, develop a Criminal Management System among others. Political activities and affiliations

(viii) On political influence and interference in the discharge of duties as DPP if appointed

He stated that he will be guided by the Constitution of Kenya, the rule of law and principles of natural justice while discharging duty as DPP if appointed.

(ix) On Article 232 of the Constitution of Kenya on values and principles of public service

He submitted that if appointed he would adhere to the values and principles of public service as envisaged in Article 232 of the Constitution of Kenya, most importantly in the recruitment of personnel.

(x) On relationship with other investigative agencies

He stated that he would work closely and diligently with other government investigative agencies to ensure service delivery. In this regard, he would be prepared to recruit special Prosecutors where necessary and second them to EACC to ensure successful investigation and prosecution of cases.

(xi) The nominees net financial worth

From the questionnaire submitted, the Committee observed that his net worth was approximately Kenya Shillings three hundred and thirteen million (Kshs.313,000,000).

The Committee resolved to meet on 27th March, 2018 at 9.00 a.m. to consider and adopt its report on the vetting.

MIN No. 93/2018: ADJOURNMENT

There being no other business to transact, the Chairperson adjourned the meeting at 12.00 p.m.

Signed.....
Chairperson

Date.....27-03-18

.....

MINUTES OF THE TWENTY SEVENTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 27TH
MARCH, 2018 AT 9.00 A.M. IN THE BOARDROOM ON 5TH FLOOR, CONTINENTAL
HOUSE, PARLIAMENT BUILDINGS

PRESENT-

Hon. William Cheptumo, M.P.	-	Chairperson
Hon. Alice Muthoni Wahome, M.P.	-	Vice Chairperson
Hon. John Olago Aluoch, M.P.		
Hon. Gladys B. Shollej, CBS, M.P.		
Hon. George G. Murugara, M.P.		
Hon. Jennifer Shamalla, M.P.		
Hon. Anthony G. Kiai, M.P.		
Hon. William K. Mwamkale, M.P.		
Hon. Peter O. Kaluma, M.P.		
Hon. Beatrice Adagala, M.P.		
Hon. John Kiarie Waweru, M.P.		

ABSENT WITH APOLOGIES-

Hon. Charles Gimose, M.P.
Hon. Johana Ng'eno, M.P.
Hon. Zuleikha Hassan, M.P.
Hon. Adan Haji Yussuf, M.P.
Hon. Japheth Mutai, M.P.
Hon. Roselinda Soipan Tuya, M.P.
Hon. Ben Momanyi Orori, M.P.
Hon. John M. Wambugu, M.P.

IN ATTENDANCE-

COMMITTEE SECRETARIAT

Mr. George Gazemba	-	Senior Clerk Assistant
Mr. Denis Abisai	-	Principal Legal Counsel
Ms. Doreen Karani	-	Legal Counsel II
Ms. Halima Hussein	-	Clerk Assistant III

MIN No. 94/2018: PRELIMINARIES

The Chairperson called the meeting to order at 9:00 a.m. which was followed by a word of prayer from Hon. Anthony Kiai.

MIN No. 95/2018: CONSIDERATION AND ADOPTION OF REPORT ON THE VETTING OF MR. NOORDIN MOHAMED HAJI, NOMINEE FOR APPOINTMENT AS DIRECTOR OF PUBLIC PROSECUTIONS

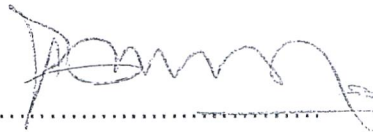
The Committee considered and unanimously adopted its report on the vetting Mr. Noor Mohamed Haji the nominee for appointment as the Director of Public Prosecutions with recommendation that the House approves his appointment by His Excellency the President.

The adoption of the report was proposed by Hon. George G. Murugara and seconded by Hon. Anthony G. Kiai.

MIN No. 96/2018: ADJOURNMENT

There being no other business to transact, the Chairperson adjourned the meeting at 11.10 a.m.

Signed.....



Chairperson

Date.....

27.08.18

ANNEXURE 2

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

ANNEXURE 3

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

.....

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SECOND SESSION

In the Matter of Approval by the National Assembly of persons nominated for appointment as Principal Secretaries, Ambassadors/High Commissioners and Director of Public Prosecutions

SUBMISSION OF MEMORANDA

Pursuant to Articles 152 (2) 155(3) and 157(2) of the Constitution, H.E. the President has nominated the following five (5) Principal Secretaries; four (4) Ambassadors/High Commissioners and the Director of Public Prosecutions for appointment to their respective positions as indicated here below:

A. PRINCIPAL SECRETARIES		
No.	MINISTRY	NOMINEE
1	Ministry of Petroleum and Mining State Department of Mining	Mr. John Mwangi Omange
2	Ministry of Interior & Coordination of National Government State Department of Correctional Services	Mr. Alfred Kiplangat Cheruiyot
3	Information, Communications and Technology State Department of ICT	Mr. Jerome Oduh Odueng
4	Agriculture & Irrigation State Department of Livestock	Mr. Harry K. Kimta
5	Ministry of East African Community & Northern Corridor Development State Department of East African Community	Ms. Susan Komen Koch
B. AMBASSADORS/HIGH COMMISSIONERS		
No.	NOMINEE	POSITION
1	Amb. Richard Titus Ekoi	
2	Sns. John Okuni Okano	
3	Hon. Wilfred Gaiuka Machage	
4	Hon. Mohamed Muktar Shidive	
C. OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS		
No.	NOMINEE	POSITION
1	Mr. Hazeem Mohamed Haji	Director of Public Prosecutions

Following the receipt of the nominations from H.E. the President, the respective Departmental Committees are mandated pursuant to Standing Order 216(5)(f) to vet and consider their suitability for appointment to their respective positions and submit their reports to the House for approval.

Pursuant to Section 5(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the respective Departmental Committees now invite interested members of the public to submit any representations by written statement on oath (affidavit) that they may have on the suitability or otherwise of the said nominees for appointment to their respective positions. 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 Friday 23rd March, 2018 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SECOND SESSION

In the Matter of consideration by the National Assembly - The Parliamentary Service Bill, 2018

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Parliamentary Service Bill, 2018 seeks to repeal and re-enact the Parliamentary Service Act No. 10 of 2000 to align it to the Constitution of Kenya, 2010. Most notably, the Bill seeks to effect Article 127 of the Constitution which establishes a Parliamentary Service Commission and Article 128 which provides for the offices of the Clerks of the Houses of Parliament and the offices of members of staff of the Clerks as offices in the Parliamentary Service. The Bill also seeks to establish a Parliamentary Police Unit.

The Parliamentary Service Bill, 2018 has undergone First Reading as stipulated in the Standing Orders of the House. The Bill, having been read for the First time, stood committed to the Departmental Committee on Justice and Legal Affairs for consideration and report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites the Public to submit representations they may have on the said Bill. 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 Friday 23rd March, 2018 at 5.00pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SECOND SESSION

NOTIFICATION FOR VETTING BY DEPARTMENTAL COMMITTEES OF PERSONS NOMINATED FOR APPOINTMENT AS PRINCIPAL SECRETARIES, DIRECTOR OF PUBLIC PROSECUTIONS AND AMBASSADORS/HIGH COMMISSIONERS

Pursuant to Articles 152(2), 155(3) and 157(2) of the Constitution, Section 5(9) of the Public Appointments (Parliamentary Approval) Act, 2011 and Section 5(5) of the Office of the Director of Public Prosecutions Act, 2015, the National Assembly invites the following persons nominated for appointment as Principal Secretaries, Director of Public Prosecutions and Ambassadors/High Commissioners for vetting by the respective Departmental Committees.

Pursuant to provisions of Article 118 of the Constitution, Section 5(4) of the Public Appointments (Parliamentary Approval) Act (No. 31 of 2011) and Standing Order 45(3), the general public is hereby notified that the respective Departmental Committees shall conduct the vetting of the following persons for appointment to their respective positions on Monday 26th March, 2018 as indicated below:

MONDAY 26 th MARCH, 2018			
DEPARTMENTAL COMMITTEE	MINISTRY / DEPARTMENT	NOMINEE	TIME
DC - Justice and Legal Affairs	Office of the Director of Public Prosecutions	Mr. Hazeem Mohamed Haji	10:30 am
DC - Energy	Ministry of Petroleum and Mining	Mr. John Mwangi Omange	10:30 am
DC - Administration & National Security	Ministry of Interior & Coordination of National Government	Mr. Alfred Kiplangat Cheruiyot	10:30 am
DC - Communications, Information and Innovation	Information, Communications and Technology	Mr. Jerome Oduh Odueng	10:30 am
DC - Agriculture & Livestock	Agriculture & Irrigation	Mr. Harry K. Kimta	10:30 am
DC - East African Community & Northern Corridor Development	East African Community	Ms. Susan Komen Koch	10:30 am
AMBASSADORS/HIGH COMMISSIONERS			
		Amb. Richard Titus Ekoi	11:00 am
		Sns. John Okuni Okano	11:00 am
		Hon. Wilfred Gaiuka Machage	11:00 am
		Hon. Mohamed Muktar Shidive	11:30 am

The nominees should bring the original of their identity card, academic and professional certificates and other relevant documents. In addition, the nominees should bring letter/certificate of clearance/compliance from the following:

- (i) Ethics and Anti-Corruption Commission
- (ii) Kenya Revenue Authority
- (iii) Higher Education Loans Board, and
- (iv) Directorate of Criminal Investigations

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

The Insolvency Act 2015
ORGANIC GROWERS AND PACKERS (EPZ) LIMITED
(UNDER ADMINISTRATION)

Notice of Appointment of Joint Administrators

Notice is hereby given pursuant to Section 563 (2) (b) of the Insolvency Act 2015. Effective 9 March 2018, Messrs Hiuui Thoitui and George Weru, having registered office at PwC Tower, Waiyaki Way, Westlands, P.O. Box 43963 - 00100 Nairobi, Kenya, have been appointed Joint Administrators ("the Administrators") of Organic Growers and Packers (EPZ) Limited (under Administration) ("OGPL" or "the Company").

With the appointment, the powers of the Administrators extend to all assets and undertakings of the Company. By virtue of the Administration, the powers of the Directors of the Company, in terms of dealing with the Company's assets, have ceased. Moving forward, all matters, operational or otherwise, pertaining to the affairs of the Company should be directed to the Joint Administrators or their appointed representatives.

The Joint Administrators act on behalf of the Company without any personal liability. All correspondence should be addressed to:
The Joint Administrators
Organic Growers and Packers (EPZ) Limited (under Administration)
c/o PricewaterhouseCoopers Limited
P.O. Box 43963 - 00100 Nairobi, Kenya
Email: ogpl.administrators@ke.pwc.com



© 2018 PricewaterhouseCoopers Limited. All rights reserved. In this document, PwC refers to PricewaterhouseCoopers Limited when it is a member firm of PricewaterhouseCoopers International Limited, which is a separate legal entity.

The Nation Media Group
Advertising Centre

Located at the Ground Floor,
Nation Centre, Kimathi Street

Nation Media Group

We are open to receive all your Advertising Requirements.
For all enquiries please call: 3288661/2/3/4/5



ANNEXURE 4

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



ANNEXURE 5

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

.....



www.kra.go.ke

Taxpayer PIN : A002798514C

Name and Address :

Noordin Mohamed Yusuf Haji
ATRACO HOUSE, NAIROBI, Dagoreti District,
PO Box:76609,
Postal Code:00508

Certificate Date: 06/02/2018

Certificate Number:

KRANON9618542018



This is to confirm that Noordin Mohamed Yusuf Haji,
Personal Identification Number A002798514C
has filed relevant tax returns and
paid taxes due as provided by Law.

This Certificate will be valid for
twelve (12) months up to 05/02/2019.

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 recipient.

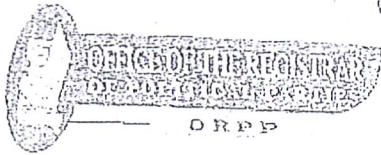
Disclaimer : This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker.

.

.



.....



AD/Clerks

22/3/18



Republic of Kenya

Tel: phone: +254(0)204022000
Email: reg@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

Lion Place, 1st Floor
Off Wanyika Way
P.O. Box 112-1-00100
Sara Centre, Nairobi

REF NO.: RPP/ORG/34 Vol. II (13)

DATE: 20th March, 2018

Samuel Njoroge,
Clerks Chamber,
Parliament Buildings,
P.O. Box 41842-00100
NAIROBI.

Dear Sir,

RE: VETTING OF PERSONS NOMINATED AS PERMANENT SECRETARIES, AMBASSADORS/HIGH COMMISSIONERS AND DIRECTOR OF PUBLIC PROSECTIONS BY THE NATIONAL ASSMBLY

Reference is made to your letter Ref. NA/DCS/DC/2018/(11) dated on 16th March, 2018 on the above subject matter

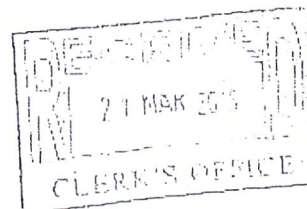
According to the records held by this office as at 20th March, 2018, the list of the ten (10) nominees tabulated herein below are not officials of a registered political party.

No.	Name of Nominee	ID No.
1	Mr. John Morangi Omerge	0300901
2	Mr. Alfred Kipterir Cheruiyot	1736488
3	Mr. Jeroms Okoth Ochieng	10774338
4	Ms. Susan Koinen Koech	11339481
5	Mr. Harry K. Kimutai	9021254
6	Amb. Richard Titus Ekai	7477635
7	Eng. John Okuna Ogango	8124813
8	Hon. Wilfred Gisuka Machage	1681095
9	Hon. Mohamed Mukta Shidiye	3518089
10.	Mr Noordin Mohammod Haji	11521421

*(2) Betty
Pse committee to
the register for
Commissioners
20/3/18*

Yours faithfully,

Lucy K. Ndungu, EP
Registrar of Political Parties



Office of the Registrar of Political Parties-ORPP

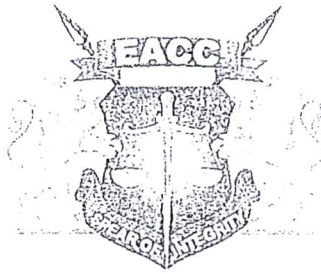


@ORPPKenya

•

•





ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Valley Rd. / Jakaya Kikwete Rd. Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya

TEL.: 254 (020) 2717318 / 2720722, MOBILE: 0729 888881/2/3

Fax: 254 (020) 2717473 Email: eacc@integrity.go.ke Website: www.eacc.go.ke

When replying please quote:

Our Ref: EACC.7/10/5 VOL. V (211)

23rd March, 2018

Michael R. Sialai, EBS

Clerk of the National Assembly

National Assembly

Parliament Building

P O Box 41842-00100

NAIROBI

Dear

Mr Sialai,

**RE: VETTING OF PERSONS NOMINATED AS PRINCIPAL SECRETARIES,
AMBASSADORS/HIGH COMMISSIONERS AND DIRECTOR OF
PUBLIC PROSECUTIONS BY THE NATIONAL ASSEMBLY**

Your letter referenced NA/DCS/DC/2018 (13) dated 16th March, 2018 on the above subject matter, refers.

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

S/NO	NAME	ID NUMBER
PRINCIPAL SECRETARIES NOMINEES		
1.	Mr. John Morangi Omenge	0300901
2.	Mr. Alfred Kipkorir Cheruiyot	1738488
3.	Mr. Jerome Okoth Ochieng	10774338
4.	Ms. Susan Komen Koech	11339481
5.	Mr. Harry Kachuwai Kimtai	9021254
AMBASSADORS/HIGH COMMISSIONERS NOMINEES		
1.	Eng. John Okuna Ogango	8124813


S/NO	NAME	ID NUMBER
2.	Hon. Wilfred Gisuka Machage	1681095
3.	Hon. Mohamed Muktar Shidiye	3518089
DIRECTOR OF PUBLIC PROSECUTIONS		
1.	Noordin Mohamed Haji	11521421

However, the Commission received allegations against **Amb. Richard Titus Ekai, CBS** in November, 2016 touching on Olympic Games in Rio de Janeiro, Brazil which we referred to the Directorate of Criminal Investigations (DCI) for their further action.

The information provided is based on records available as at 23rd March 2018.

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

Yours

Sincerely,


HALAKHE D. WAQO, CBS, MCI Arb
SECRETARY/CHIEF EXECUTIVE OFFICER

LCK/ek

ANNEXURE 6

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



DIRECTORATE OF CRIMINAL INVESTIGATIONS

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

Ref. No. PCC-AAADKFX2

Date: 14 February 2018

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

NOORDIN MOHAMED YUSUF HAJI

holder of ID No: 11521421 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.I.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:

ANNEXURE 7

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



SCHEDULE
[Section 6(8)]

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

Notes:

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

1. Name: (State full name) NOORDIN MOHAMED HAJI

2. Position: (State office to which you have been nominated).

DIRECTOR OF PUBLIC PROSECUTIONS

3. Sex: MALE

4. Date of Birth: (State year and place of birth) 03-07-1973

5. Marital Status: MARRIED

6. Daytime phone number: 0733 - 500 - 210

7. Mobile phone number: 0733 - 500 - 210

8. Email Address: nmyhaji@gmail.com

9. ID Number: 11521421
10. PIN Number: APO2798514C
11. Nationality: KENTAN
12. Postal Address: 76609, 00508
13. Town/City: NAIROBI
14. Knowledge of Languages: (Specify Languages): ENGLISH & SWAHILI
15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

.....

AUSTRALIAN NATIONAL UNI - MASTERS - MNSFO - 2011

UNI OF BIRMINGHAM - CERTIFICATE - 2007

LUND UNIVERSITY - CERTIFICATE - 2001

KENTA SCHOOL OF LAW - DIPLOMA - 1998-1999

UNI OF WALES CARDIFF - MASTERS - LLM - 1997

UNI OF WALES CARDIFF - BACHELORS - LLB - 1996

BROWTE COLLEGE OF CANADA - 'A' LEVELS - 1992

GREENSTEDS SCHOOL KENTA - 'O' LEVELS - 1991

.....

.....

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

DEPUTY DIRECTOR - COUNTER ORGANISED CRIME - NIS

DEPUTY DIRECTOR - ADMINISTRATION - NIS

PRINCIPAL INTELLIGENCE OFFICER - NIS

ASSISTANT PRINCIPAL INTELLIGENCE OFFICER - NIS

DIRECTOR CHOLCHESTER INVESTMENTS

DIRECTOR RADIO SALAAM LTD

HEAD LEGAL - NIS

DEPUTY HEAD LEGAL - NIS

STATE COUNSEL - AG'S CHAMBERS

.....

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

ORDER OF THE GRAND WARRIOR (OGW) - AWARDED
BY H.E. THE PRESIDENT OF THE REPUBLIC OF KENYA.

NOTARY PUBLIC - HIGH COURT OF KENYA

COMMISSIONER OF OATHS - HIGH COURT OF KENYA

.....
.....
.....

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

- LAW SOCIETY OF KENYA
- REGISTERED CERTIFIED PUBLIC SECRETARY

.....
.....
.....
.....
.....
.....
.....
.....

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

- MEMBER OF THE INSTITUTE OF CERTIFIED SECRETARIES
OF KENYA
- CHEVENING FELLOWSHIP

.....

19. Published Writings:

(a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

MATERIALS STILL CLASSIFIED

(b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member.

20. Public Office, Political Activities and Affiliations:

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

- PERMANENT AND PENSIONABLE PUBLIC OFFICER
- DEPUTY DIRECTOR - NIS
- PRINCIPAL INTELLIGENCE OFFICER - NIS
- ASSISTANT PRINCIPAL INTELLIGENCE OFFICER - NIS
- HEAD LEGAL - NSIS
- DEPUTY HEAD LEGAL - NSIS
- STATE COUNSEL - AG CHAMBERS

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present.

- N A -

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

NO

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

NO

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

STOCK - 3,000,000/=

SACCO SHARES - 2,300,000

22. Outside commitment during service in office: (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

NO

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

SALARY - 514,600/= GROSS
INCOME FROM FARM - 150,000/=

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

I HAVE FULLY COMPLIED.

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

1. BANK	-	3,000,000
2. COLCHESTER INVESTMENT	-	30% SHARES
3. RIVERSIDE DRIVE NAIROBI PROPERTY	-	150,000,000
4. MOMBASA ISLAND LAND	-	40,000,000
5. KILIM LAND (VIPINGO)	-	35,000,000
6. LAND - FEDHA ESTATE NAIROBI	-	25,000,000
7. KASIAO FARM LAND	-	50,000,000
8. LAMU - LAND	-	5,000,000
9. CARS (2)	-	5,000,000
		<u>313,000,000</u>

26. Potential Conflict of Interest:

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

- N/A -

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

- N/A -

27. Pro-Bono/Charity Work/donation to charity: (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

ASSIST WITH ORPHANAGE IN TJAJA DISTRICT BOTH AS A PATRON AND MENTOR.

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

- NO -

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

NO

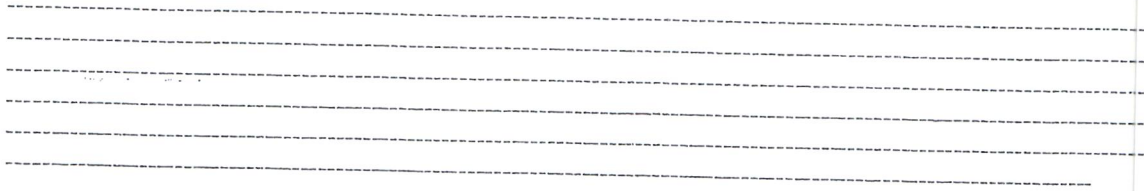
30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

NO

31. References:

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

1. GEORGE WAIGURU - DIRECTOR - NLS
2. AMB MAHBOUB MAALIM - EXECUTIVE SECRETARY - IGA
3. PROF ABDULRAZAK SHAUKAT - DIRECTOR - IAEA



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

ANNEXURE 8

(Nominee's CV, certificates and testimonials)



Noordin Mohamed Haji (C&W)
Advocate of the High Court of Kenya

P.O BOX 76609-00508, Nairobi. Phone (254) 733 500 210. Email: nmyhaji@gmail.com

Summary

An Advocate of the High Court of Kenya with a proven track record of service with Integrity at the State Law Office and in National Security. Experience providing counsel to the Director General National Intelligence Service, Inspector General of Police, the Director of Criminal Investigations and other Non-Law enforcement agencies on collection and collation of strategic intelligence, investigations and successful prosecution of crimes. Proven ability to logically and effectively analyse statutes, ordinances, case laws, and data and transform it into actionable information. Objective, concise, persuasive with excellent administrative and communication skills. A strategic thinker able to perform under strict timelines and hazardous environments with a high degree of professionalism and confidentiality.

Professional Strengths Include:

- ▣ Litigation Management.
- ▣ Criminal Investigations.
- ▣ Criminal Law.
- ▣ Policy and Strategy Formulation.
- ▣ Project Management.
- ▣ Budgetary Processes Management.
- ▣ Strong International Law Enforcement Networks.
- ▣ Corporate Governance knowledge.
- ▣ Negotiation/Drafting Contracts and Agreements.
- ▣ Human Rights working knowledge.

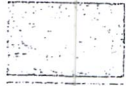
Key Legal Experience

- State Counsel with the Attorney General's Office.
- Head Legal Department with National Security Intelligence Service.
- Treaties & Agreements Lead Drafter on AGOA.
- Lead Legal Advisor & AG's representative to the Conference of Parties 5 (COP 5) at UNEP.
- Co-Chair on the IGAD Joint Committee on Somalia Stabilization.
- Assistant Director Counter Organized Crime with the National Intelligence Service.
- Prosecutions & Investigation Advisor to National Police Service , NIS and Asset Recovery Agency on Organized Crime.

Employment/Work Narrative

Jun 2016 - to date : Deputy Director; Counter Organized Crime, National Intelligence Service (NIS).

- Reporting to the Director General NIS on organized crime including drug trafficking, human trafficking, wildlife crimes, money laundering, cybercrime, corruption and emerging organized crime.
- Responsible for efficient coordination and utilization of Human, Financial and Material resources in the Department.



- Legal and Strategic advisor to Director General NIS on organized crime responsible for initiating, implementing policies and reviewing legislation on countering organized crime.
- Coordinating collection and collating of strategic intelligence on organized crime impacting directly on National Security.
- Heading coordination of interagency operations on organized crime including converting intelligence into evidence, collaborating with office of Director of Criminal Investigation and Office of the Director of Public Prosecution on investigations and prosecutions of crimes.
- Responsible for non-law enforcement interagency collaboration such as Kenya Revenue Authority, Counterfeit Agency, Asset Recovery Agency, Central Bank of Kenya, Financial Reporting Center among others.
- Leading liaison with international law enforcement partners in combating organized crime including strengthening capacity within local agencies.

Jan 2015 – Jun 2016: Deputy Director; Administration, Internal Division, (NIS).

- Reporting to the Director General and Director Internal on all administrative matters within the Division.
- Responsible for efficient coordination and utilization of Human, Financial and Material resources in the Division.
- Coordination and preparation of annual budget plans and requirements and their implementation.
- Chairing the Divisional Disciplinary Committee.
- Chair of the Divisional Promotion boards.
- Policy formulation and coordination of human resource management, deployment and development.

Key Achievements: Spearheaded and implemented the rationalization of the Division's Human, Financial and Material resources to align with the devolved system of Governance.

2010 - 2013 : Head Somalia Stabilization; Principle Intelligence Officer - External Division, (NIS) Co-Chair to the IGAD joint committee on the grand stabilization of Somalia against Al-Shabaab activities in Somalia with the mandate of:

- Heading Kenya's political/diplomatic cooperation with UN, AU, EU, IGAD, Somalia, Ethiopia, Italy, UK and USA.
- Ensured Kenya's interest in securing its borders through the creation of buffer zones across Somalia.
- Stabilizing southern Somalia.
- Establishing Federal States as per the Somali Constitution.
- Demobilizing and integrating militias into the federal states paramilitary and the Somali National Army.
- Overseeing and facilitating the operationalization of the Jubaland regional government.
- Engaging and liaising with the International Community (UN, EU, AU and others).
- Management of Electoral Process in Jubaland.
- Conflict Resolution and Management across diverse clans.
- Sensitization and community dialogue among various clans.
- Drafting and finalizing of human and legal instruments: Federal regional and state constitutions.
- Supporting the implementation of the process.
- Attending and participating in various international forums.

- ⊙ Peace building, cross-border communities' cooperation and reconstruction efforts.
- ⊙ Preparing briefs and updates for IGAD, its member states and GOK on the process.

Key Achievements: Successfully established the Jubaland Federal State of Somalia. Established the first Jubaland parliament and civil service. Oversaw the election of its President and the demobilization and integration of militias into the Somali National Army. This was realized through effective cooperation and coordination with IGAD member States in combating Al-Shabaab and strengthening the Federal Government of Somalia.

2009 - 2010: Head Countering Violent Extremism, Assistant Principal Intelligence Officer - Director Generals Coordination Office.

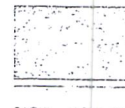
- ⊙ Coordinating, designing and formulating counter extremism programs.
- ⊙ Directing collection of intelligence, data and analyzing trends on violent extremism.
- ⊙ Spearheaded Public Relations and Media engagements.
- ⊙ Development of influence and outreach programs.
- ⊙ Coordinating with international partners in developing the 1st key pilot projects in countering violent extremism.
- ⊙ Liaison with the media on highlighting the effects and impact of violent extremism and rehabilitating victims.
- ⊙ Formulating national cohesion and peace programs within affected communities.
- ⊙ Headed Muslim leaders' and community dialogue and cooperation with the Security Sector.

Key Achievements: Establishment of the first counter violent extremism program.

2005 - 2009: Head Legal Department, National Security Intelligence Service (NSIS).

- ⊙ Principal legal Advisor to the Director General.
- ⊙ Oversighted all intelligence operations.
- ⊙ Principal legal Counsel for the Service and interlocutor between the Service, and key government departments.
- ⊙ Provided leadership and guidance to the legal department.
- ⊙ Advised and supervised all legal matters pertaining to the Service.
- ⊙ Management of all external legal matters.
- ⊙ Liaison with International partners on Legal matters.
- ⊙ Special Duties: Headed the development of training and legal programs for Southern Sudan Intelligence.
- ⊙ Member and Legal advisor of procurement board.
- ⊙ Member and Legal advisor of the retirement and medical schemes board.

Key Achievements: Operationalized and Implemented human rights procedures for the Service. Was charged with special duties to assist the Southern Sudanese Intelligence undertake their first Intelligence training and drafting laws to govern them.



Dec 2000 - July 2005: Deputy Head Legal Department, National Security Intelligence Service (NSIS).

- ⊙ Assigned by the Director General to establish the first legal office.
- ⊙ Provided guidance and oversight on operational intelligence collection including converting intelligence into evidence for purposes of prosecution.
- ⊙ Drafted the first Disciplinary Rules and Regulations for the Service.
- ⊙ Coordinated with the Attorney General's Office on Civil and Criminal matters.
- ⊙ Established the retirement and benefits superannuation scheme.
- ⊙ Operationalized the procurement rules and regulations.
- ⊙ Coordination of legal matters with international partners.
- ⊙ Oversighted issuance and execution of warranties.

Key Achievements: Establishment of a fully-fledged Legal Department and introduction of legal concepts for Intelligence collection in Kenya.

Jan 2000 - Dec 2000: State Counsel at the Attorney General's Office - Government of Kenya.
Attached to the Treaties and Agreements Department:

- ⊙ Represented the Attorney General as a legal advisor to inter-ministerial meetings.
- ⊙ Drafted, interpreted and negotiated agreements and treaties on behalf of various Government departments including giving advice to the AG's office through the Chief State Counsel on legal matters.
- ⊙ Attended Arbitration proceedings on behalf of the Government of Kenya.

Key Achievements: Negotiated and drafted AGOA (The African Growth and Opportunity Act), Rules and procedures that facilitated Kenya's first access to the USA market in textiles at Preferential treatment.

Oct 1998 - Jan 2000: Pupilage and Advocate Seth & Wathigo Advocates

- ⊙ Drafting documents relating to sale purchases agreements, sale and leaseback transactions and bank securities.
- ⊙ Advising drafting and processing documents and cases for Defence in criminal cases.
- ⊙ Appearing in court for clients on criminal matters.

May 1998: Tutorial Fellow at Moi University, Eldoret.

- ⊙ Taught - International Law.

Jan - Sept 1993 : African Muslim Agency

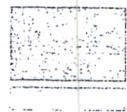
- ⊙ Worked as a Field Officer with the head office in Nairobi.
- ⊙ Also participated in projects initiated by the agency, which included voluntary work for the orphans and the less fortunate and relocation of Somali refugees in Northern Kenya.

Education Experience

- 2014: Australian National University
Masters of National Security Policy with Merit (MNSPO)
- 1998: Kenya School of Law
Diploma
- 1996 -1997: University of Wales, Cardiff
LLM
- 1993 -1996: University of Wales, Cardiff
LLB Hons
- 1991-1992: Bronte College of Canada
'A' Levels
Ontario Secondary School Diploma
- 1989 -1991: Greensteads High School
'O' Levels
University of Cambridge General Certificate of Education
- 1988 -1989: Moi High School Kabarak
- 1987: Moi Primary School
KCPE

Professional Qualifications and Awards

- 2012: Order of the Grand Warrior (OGW) – awarded by H.E. the President of the Republic of Kenya.
- 2011: Notary Public – High Court of Kenya.
- 2011: Commissioner of Oaths of the High Court of Kenya.
- 2011: Registered Certified Public Secretary and Member of the Institute of Certified Secretaries of Kenya.
- 2009: Public Relations and Media Engagement Seminars
- 2008: Corporate Governance Seminar
- Jan – Mar 2007: Chevening Fellowship Award for studies in – Democracy, Rule of Law and Security.
- Jan – Mar 2007: University of Birmingham Certificate in Democracy, Rule of Law and Security.
- Aug – Oct 2001: Certificate in Human Rights by University of Lund and the Raoul Wallenberg Institute of Human Rights.
- Jan – Feb 2000: Certificate of Achievement for Basic Intelligence Course
National Intelligence Academy, Kenya



1999:

Admitted to the High Court as an Advocate of the High Court of Kenya.

Memberships

Law Society of Kenya (LSK) Member No 4061/99

Certified Public Secretary Member No R/CPSB2537

References

George Wainuri

Director - Infrastructure
National Infrastructure Service
P. O. Box 31010 Nairobi
Nairobi, Kenya

Mahboub Meehan

Executive Secretary
Inter-Governmental Authority for Development (IGAD)
Djibouti
(252) 722 7111 326

Prof. AbdulRezak Shaukat

Director Africa, Technical Cooperation Department
International Atomic Energy Agency (IAEA)
Vienna, Austria
(254) 724 007 8671 / 43 699 165 223 50



THE AUSTRALIAN NATIONAL UNIVERSITY

THIS IS TO CERTIFY THAT
FOLLOWING THE COMPLETION OF
AN APPROVED PROGRAM OF STUDY

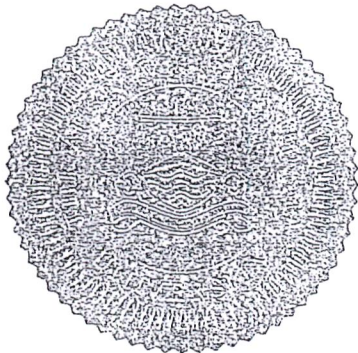
Noordin Mohamed Haji

WAS ON THE SEVENTEENTH DAY OF DECEMBER 2014
AWARDED THE DEGREE OF

Master of
National Security Policy

WITH MERIT

GIVEN UNDER THE SEAL OF THE AUSTRALIAN NATIONAL UNIVERSITY
ON THE TWENTY-FIRST DAY OF FEBRUARY 2018



Chancellor

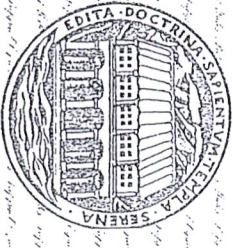
Vice - Chancellor



PRIFYSGOL CYMRU



UNIVERSITY OF WALES



Ardystir drwy hyn ddarford derbyn
NOORDIN MOHAMED HAJI
6 BRIFYSGOL CYMRU, COLEG CAERDYDD
i-raed

BACIOR YN Y CYFREITHIAU
bydags ANRHYDEDD AIL DDOSBARTH, RHAN 2
at 8 Goffennaf 1996

It is hereby certified, that
NOORDIN MOHAMED HAJI
of UNIVERSITY OF WALES COLLEGE OF CARDIFF
has been admitted to the degree of
BACHELOR OF LAWS

with **SECOND CLASS HONOURS, DIVISION 2**
on 8 July 1996

IS-GANGHELLOR HŶN **YSGRIFENNYDD CYFREIDIOL**
SENIOR VICE-CHANCELLOR **SECRETARY GENERAL**

[Signature]

[Signature]

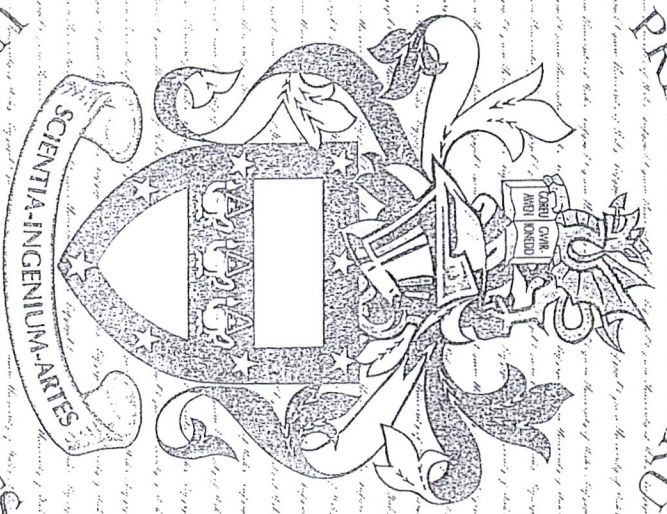
•
•



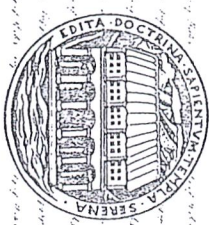
QUESTIONNAIRE



PRIFYSGOL CYMRU



UNIVERSITY OF WALES



Ardystir drwy hyn ddarford-derbyn

NOORDIN MOHAMED HAJI

o BRIFYSGOL CYMRU, CAERDYDD

1 radd

AFHRO YN Y CYFREITHIAU

mewn AGWEDDADU CYFREITHIOL MATERION ARFOROL

ar 14 Gorffennaf 1998

It is hereby certified that
NOORDIN MOHAMED HAJI
of UNIVERSITY OF WALES, CARDIFF
has been admitted to the degree of
MASTER OF LAWS
in LEGAL ASPECTS OF MARINE AFFAIRS
on 14 July 1998

VICE-CHANCELLOR

[Signature]

IS-GANGHELLOR

SECRETARY GENERAL

[Signature]

YSGRIFENNYYDD CYFRREDINOL

SENIOR VICE CHANCELLOR

[Signature]

IS-GANGHELLOR HYN



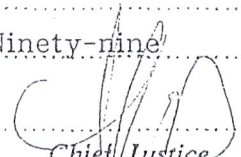
HIGH COURT OF KENYA

CERTIFICATE OF ADMISSION

This is to certify that ... NOORDIN MOHAMED HAJI

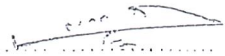
having this day signed the Roll of Advocates of the High Court of Kenya is admitted to practise as an Advocate of the High Court and is entitled to practise in the Courts Subordinate thereto, as from the 21st day of October 1999

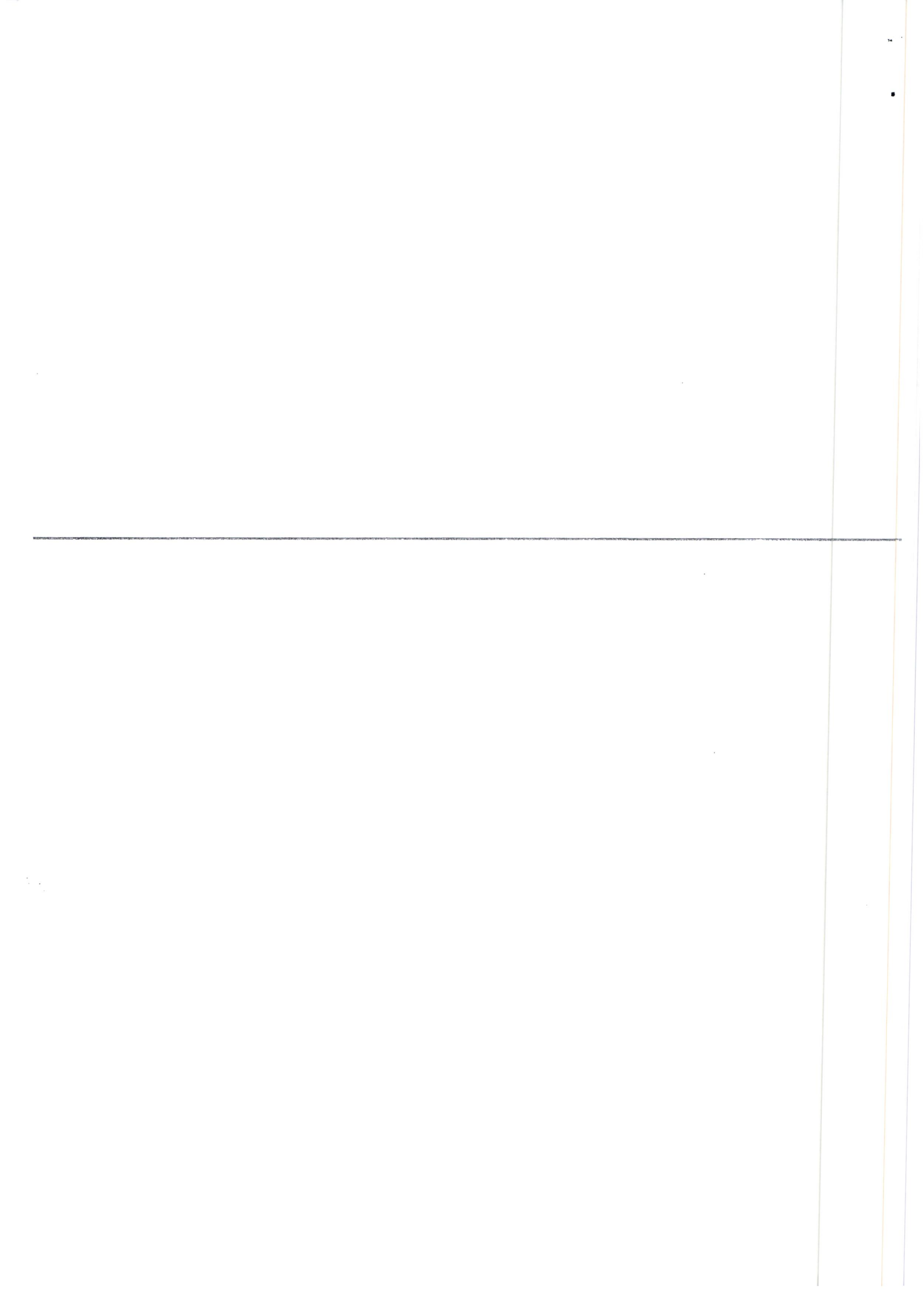
Given under my hand and the Seal of the High Court of Kenya at Nairobi this twenty-first day of October in the Year of Our Lord One Thousand Nine Hundred and Ninety-nine

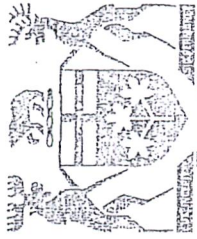

Chief Justice,
High Court of Kenya

Certified that the name of the said NOORDIN MOHAMED HAJI has this day been entered on the Roll of Advocates on payment of the prescribed fee.

Dated this 21st day of October 1999


~~Registrar~~ Registrar





Ontario

Ontario Secondary School Diploma Diplôme d'études secondaires de l'Ontario

This Diploma is granted to
Ce diplôme est décerné à

Noorjeh M. Haqi

a student of
élève de

Brook College of Canada

who has fulfilled the requirements for the Ontario Secondary School Diploma
in accordance with the provisions of the Ministry of Education, Ontario

qui a rempli les exigences prescrites pour l'obtention du diplôme d'études secondaires de l'Ontario,
en vertu des dispositions du ministère de l'Éducation de l'Ontario

Dated at Oakville, Ontario
Délivré à

the 20th day of December 19 91
ce jour de

[Signature]
Minister of Education/Ministre de l'Éducation

[Signature]
Principal of School/Directeur ou directrice de l'école

To verify this certificate visit: www.metropol.co.ke/verification

Serial No. MCRB/C873781



METROPOL
reach new heights

**Metropol Credit Reference
Bureau Limited**

Certificate of Clearance

NOORDIN MOHAMED YUSUF HAJI

National ID Number: 11521421

This is to certify that the above named person has No negative listing as at the date below.

Managing Director's Signature

19/02/2018

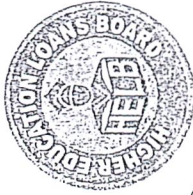
Date

M-59



HIGHER EDUCATION LOANS BOARD

Serial No: 150577



Compliance Certificate

NOORDIN MOHAMED YUSUF HAJI

Holder of National ID No. 11521421 is not a beneficiary of the University Loans Scheme.

Signed by: Head Of Operations

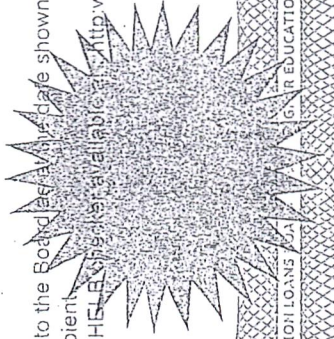
Caveat

- a) This certificate is issued on the basis of information available to the Board as of the date shown above. The Board reserves the right to withdraw the certificate if new evidence materially alters the compliance status of the recipient.
- b) To confirm genuineness and validity of the certificate use the HELB website available at <http://www.helb.co.ke> or contact our office.

Date of Issue: 07-02-2018

Manager, Loan Repayment and Recovery

This certificate is valid until: February 2019





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 : A002798514C

Name and Address :

Noordin Mohamed Yusuf Haji
ATRACO HOUSE, NAIROBI, Dagoreti District,
PO Box:76609,
Postal Code:00508

Certificate Date: 06/02/2018

Certificate Number:

KRANON9618542018



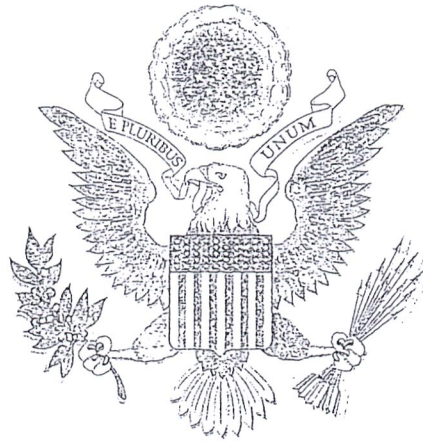
**This is to confirm that Noordin Mohamed Yusuf Haji,
Personal Identification Number A002798514C
has filed relevant tax returns and
paid taxes due as provided by Law.**

**This Certificate will be valid for
twelve (12) months up to 05/02/2019.**

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 recipient.

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.

The United States of America



Certificate of Appreciation

is presented to

NOORDIN MOHAMMED HAJI

for your contribution as Guest Instructor for
Human Rights to the Overseas Training Program's instruction for

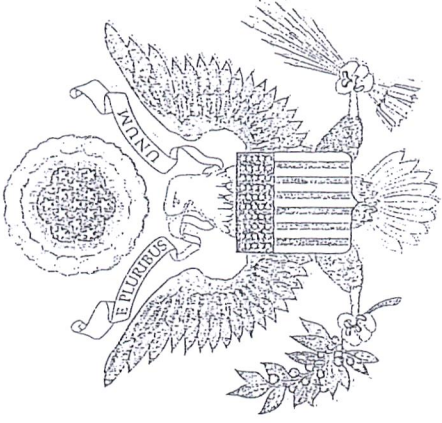
Site & Document Exploitation



July 2002

Richard Grayson
Director of Overseas Training

The United States Department of Justice



Certificate of Appreciation

is awarded to

Mr. Noordin Haji

*In recognition of your cooperation, professionalism and
assistance in the fight against terrorism*

A stylized signature in black ink, appearing to be the name "Noordin Haji".

Signed this 27th day of March 2007 in Nairobi, Kenya



Certificate No. 0194

NATIONAL SECURITY INTELLIGENCE SERVICE

CERTIFICATE OF ACHIEVEMENT

is awarded to

Noordin Mohamed Haji

for successfully completing

Basic Intelligence course 26A2/2001

from 22nd January, 2001 to 16th February, 2001

*Director
National Intelligence Academy*

*Director General
National Security Intelligence Service*

This certificate is void if it is in any way altered, erased or defaced



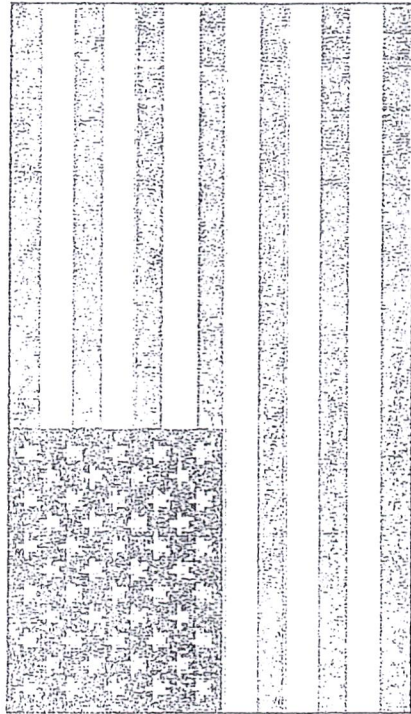
United States of America

This certificate is presented to

NORDIN MOHAMMED HAJI

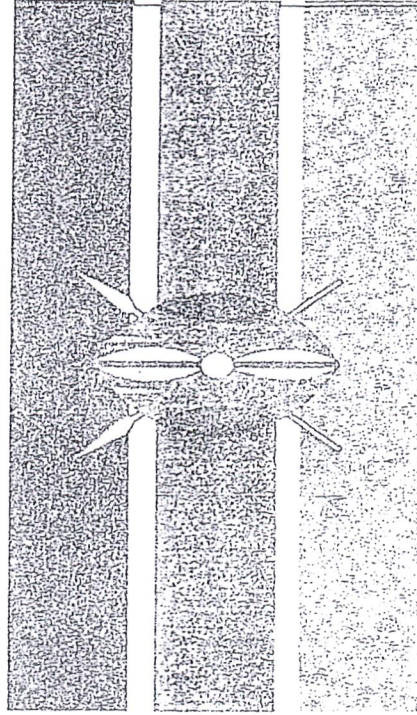
For completion of training in

Psychological Operations



12-16 January 2009

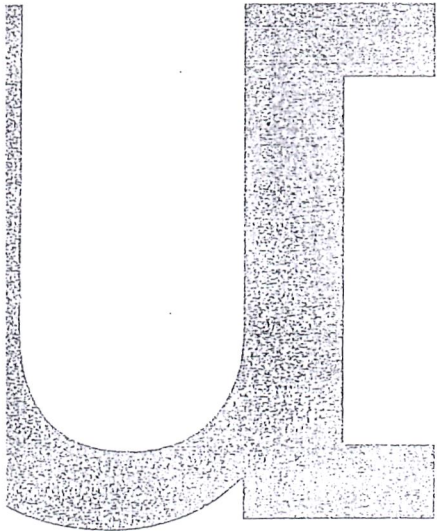
Course Date



[Signature]

Instructor

Certificate of Attendance



this is to confirm that

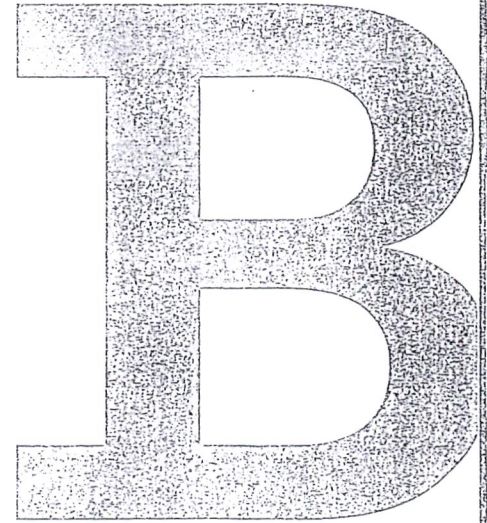
Noordin Mohamed Haji

attended the following course at
the Media Centre

Experts in their Field

Media Masterclass Series

2007



Sue Primmer

Director

Ngazun de Westwood

Course tutor



UNIVERSITY OF
BIRMINGHAM

This is to certify that

Noordin Mohamed Haji

Completed a Programme in

Democracy, the Rule of Law and Security

from

8 January – 30 March 2007

Organised by the Centre for Studies in Security and Diplomacy,
University of Birmingham, on behalf of the
Foreign and Commonwealth Office

David Logan

Sir David Logan, KCMG
Director, Centre for Studies in
Security and Diplomacy
University of Birmingham

Michael Clarke

Professor Michael Clarke, CBE MA DL
Vice-Principal
University of Birmingham



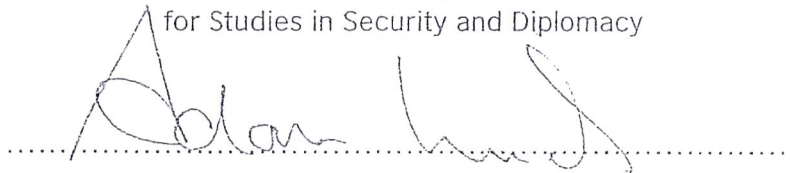
CHEVENING FELLOWSHIP

This is to certify that

Noordin Mohamed Haji

has completed a Chevening Fellowship
awarded by the
Foreign and Commonwealth Office of the United Kingdom
for studies in

Democracy, the Rule of Law and Security
at the
University of Birmingham's Centre
for Studies in Security and Diplomacy

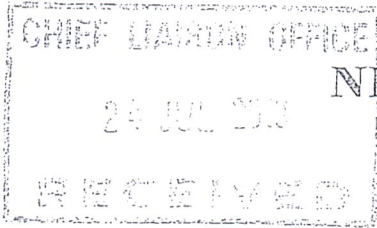


for the Secretary of State for
Foreign and Commonwealth Affairs of the United Kingdom.



Foreign &
Commonwealth
Office





NIS HQS INTERNAL MEMO
C. K. MBURU, MBS
Ag. Director of Intelligence
External Division

*DD/Chc
Forward to
NW Haji
Congratulations!!
Hm 24/7*

PHONE: 30583

EXT/ADM/PERS/3 VOL.2 (45)

23rd July, 2013

PF: 00000044

NOORDIN MOHAMED HAJI

HONOURS AND AWARDS
JAMHURI DAY 12th DECEMBER 2012

Forwarded herewith, please find a Certificate, a copy of the Kenya Gazette Notice and a Warrant Form for the award of OGW conferred to you by H.E the President on Jamhuri Day 12th December, 2012 for your retention.

2. I also take this opportunity on behalf of the Service to congratulate you for a job well done, which earned you the honour.

C. K. MBURU, MBS
Ag. DIRECTOR OF INTELLIGENCE
EXTERNAL DIVISION

Encls (3).

CONFIDENTIAL



GOVERNMENT OF KENYA

HIGH COURT OF KENYA

CERTIFICATE OF ENROLMENT OF NOTARY PUBLIC

(Issued under section 4(1) of the Notaries Public Act).

This is to certify that **NOORDIN MOHAMED HAJI**, has this day been enrolled as a Notary Public and is hereby authorized to perform within Kenya up to 31st December, 2012, the functions and duties commonly performed by a Notary Public in the United Kingdom.

Dated at Nairobi this 14th Day of May, 2012.


CHIEF REGISTRAR JUDICIARY



HIGH COURT OF KENYA

THE OATHS AND STATUTORY DECLARATIONS ACT (CAP.15)
LAWS OF KENYA

A COMMISSION

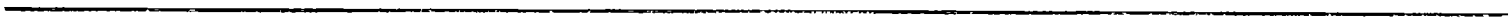
TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING:

BE IT KNOWN that on the fourteenth day of May two thousand and twelve, NOORDIN MOHAMED HAJI, an Advocate of the High Court of Kenya, was appointed to be a Commissioner for Oaths under the above mentioned Act for as long as he continues to practice as such Advocate and this Commission is not revoked.

Given under my hand and the Seal of the Court this 14th day of May, 2012 at Nairobi.

A handwritten signature in black ink, appearing to be 'W. Mutunga', written over the printed name of the Chief Justice.

CHIEF JUSTICE &
PRESIDENT OF THE SUPREME
COURT OF KENYA



GREENSTEDS INDEPENDENT SCHOOL
PRIVATE BAG, NAKURU, KENYA.



SCHOOL LEAVING CERTIFICATE

This is to certify that Noordin M. Haji, date of birth
03/07/73, entered Greensteds on in September 1989 and was
enrolled in Class/Form IV and left on 05/07/91
from Class/Form V having satisfactorily completed
the required course of studies for Class/Form V
Class/Form Teacher's Report: Noordin is a quiet, respectful lad with a studious
approach. He has worked hard for his exams and participated fully in the sports
activities of the school.

Signature *D. Moore*

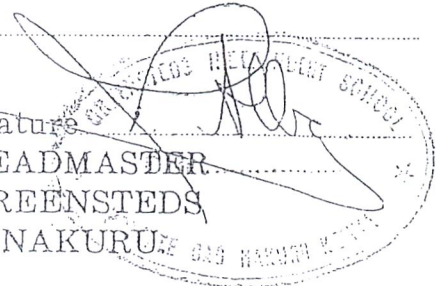
Headmaster's Report: *Although somewhat quiet and retiring, Noordin has been a pleasant, polite and conscientious student. He has worked well at his studies and we wish him every success for the future.*

Details of any examinations taken and any awards received:

Cambridge 'O' levels: Additional Combined Science, Combined Science, English Language,
English Literature, History (central & southern Africa), Principles of Accounts.
Cambridge IGCSEs Geography, Maths.

Date 5/7/91

Signature *[Signature]*
HEADMASTER
GREENSTEDS
NAKURU



University of Cambridge
Local Examinations Syndicate
International Examinations



International General Certificate of Secondary Education

This is to certify that in the examination for the International General Certificate of Secondary Education of June 1991

NOORDIN M HAJI

of

GREENSTEDS INDEPENDENT SCHOOL NAKURU KENYA

was awarded the grades shown in the following two subjects:

Subject Title	Grade
GEOGRAPHY	C (c)
MATHEMATICS	D (d)



Vice-Chancellor
University of Cambridge

(Explanatory notes are printed overleaf)

INTERNATIONAL GENERAL CERTIFICATE OF SECONDARY EDUCATION

IGCSE results in individual subjects are indicated by the grades A, B, C, D, E, F or G. Grade A is awarded to those candidates showing highest ability in a subject and grade G for a minimum satisfactory performance.

Performances below the standard of grade G are not recorded on the certificate.

Candidates awarded grades A, B or C have reached standards at least equivalent to those required for the award of grades A, B or C in the GCE Ordinary level and the General Certificate of Secondary Education examinations.

LANGUAGE SYLLABUSES

Certain language syllabuses contain optional oral tests. These are recorded on the certificate as appropriate, and results are indicated by grade 1 (high) to 5 (low).

NAME OF SCHOOL

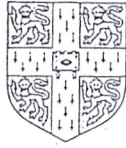
Certificates awarded to candidates who were entered by schools recognised by the Syndicate show the name of the school.

CONDITIONS OF ISSUE

This certificate is and remains the property of the University of Cambridge Local Examinations Syndicate at all times and it is issued on the following conditions:

1. any alteration to this certificate renders it invalid;
2. this certificate must be delivered up to the University of Cambridge Local Examinations Syndicate on request by the Syndicate;
3. this certificate should be kept in a safe place;
4. the Syndicate will not issue a copy of a certificate;
5. a candidate who has lost a certificate may apply for a certifying statement.

University of Cambridge
Local Examinations Syndicate



International Examinations
General Certificate of Education

This is to certify that in the examination for the
General Certificate of Education of June 1991

NOORDIN M HAJI

KE100 5

GREENSTEDS INDEPENDENT SCHOOL NAKURU KENYA

was awarded the grades shown in the following six subjects

ORDINARY LEVEL

ENGLISH LANGUAGE

GRADE D (d)

ENGLISH LITERATURE

GRADE C (c)

HISTORY

GRADE A (a)

COMBINED SCIENCE

GRADE A (a)

ADDITIONAL COMBINED SCIENCE

GRADE C (c)

PRINCIPLES OF ACCOUNTS

GRADE B (b)



D S F _____

Vice-Chancellor

ADVANCED LEVEL GRADES

A pass in an Advanced level subject is indicated by one of the Grades A(a), B(b), C(c), D(d) or E(e), of which Grade A(a) is the highest and Grade E(e) the lowest.

ADVANCED SUPPLEMENTARY GRADES

A pass in an Advanced Supplementary subject is indicated by one of the Grades A(a), B(b), C(c), D(d) or E(e), of which Grade A(a) is the highest and Grade E(e) the lowest.

Grade N(n) indicates that the candidate's performance fell short of the standard required for Grade E(e) by a narrow margin.

Examinations in AS subjects are of the same standard as examinations in Advanced level subjects, but AS syllabuses cover about half the subject content of Advanced level syllabuses.

ORDINARY LEVEL GRADES

Attainment in an Ordinary level subject is indicated by one of the five Grades A(a), B(b), C(c), D(d) or E(e), of which Grade A is the highest and Grade E the lowest. Candidates awarded Grade A, B or C have reached the standard of the former subject pass at Ordinary level. Grade D indicates a lower level of attainment and Grade E is the lowest level of attainment judged by the Syndicate to be of sufficient standard to be recorded. Performances below the standard of Grade E are ungraded and not recorded on the certificate.

Grade O(o) indicates an Ordinary level result awarded in a subject taken at Advanced level; the candidate did not pass at Advanced level but was judged to have reached at least the standard of Grade C of the Ordinary level examination.

*Alternative Ordinary Subject:

The syllabus and examination in the subject were designed for candidates of greater maturity than is normally expected at Ordinary level.

CONDUCTING BOARD

For subjects borrowed from other Examination Boards, the name of the Board responsible for setting the question paper and awarding the Grade shown for the subject is indicated as follows:

- AEB = Associated Examining Board
- JMB = Joint Matriculation Board
- LOND = University of London School Examinations Board
- NI = Northern Ireland Schools Examination and Assessment Council
- OXFD = University of Oxford Department of Local Examinations
- O & C = Oxford and Cambridge Schools Examination Board
- WJEC = Welsh Joint Education Committee

CONDITIONS OF ISSUE

This certificate is and remains the property of the University of Cambridge Local Examinations Syndicate at all times and it is a condition of the following conditions:

1. any alteration to this certificate must be made in the margin
2. this certificate must be delivered to the University of Cambridge Local Examinations Syndicate on request by the candidate.
3. this certificate should be kept in a safe place
4. the Syndicate will not issue a duplicate certificate.
5. a candidate who has lost a certificate may apply for a certifying statement

SURNAME / NOM
 HAJI, Noordin
 Mohamed
 SCHOOL / ÉCOLE
 BRONTE COLLEGE OF CANADA
 STUDENT NUMBER / NUMÉRO MATRICULE
 9109019
 SEX / SEXE
 M
 BIRTH DATE / DATE DE NAISSANCE
 03-07-73
 DATE OF ENTRY / DATE DE L'ADMISSION
 91 09

DATE	GRADE / ANNÉE	COURSE / COURS	COURSE CODE / CODE DU COURS	MARKS / NOTES	CREDIT / CREDIT	COMPULSORY / OBLIGATOIRE	LEVEL OF DIFFICULTY / NIVEAU DE DIFFICULTÉ		OAC / CPO
							B/F	G	
Total equivalent credit achieved from other schools...									
FALL 91	13	ACCOUNTING OAC	BACOA	72.0	1.0				X
FALL 91	13	BUSINESS ADMIN. STUDIES	BOAOA	79.0	1.0				X
FALL 91	13	ECONOMICS OAC	BECOA	66.0	1.0				X
WTR 92	13	ENGLISH OAC 1	ENBOA	71.0	1.0				X
WTR 92	13	COMPUTER SCIENCE OAC	ECOOA	87.0	1.0				X
WTR 92	13	GEOGRAPHY	GNIOA	82.0	1.0				X
END OF TRANSCRIPT									
Maximum Mark : 100 Passing Mark : 50									

SUMMARY OF CREDITS / TOTAL DES CRÉDITS

30.0	0	0	6
------	---	---	---

DIPLOMA OR CERTIFICATE / DIPLOME OU CERTIFICAT

NSRN

NSRN

NSRN

THE ONTARIO STUDENT TRANSCRIPT IS A RECORD OF COURSES SUCCESSFULLY COMPLETED

LE RELEVÉ DE NOTES FAIT ÉTAT DES COURS TERMINÉS AVEC SUCCÈS

CREDIT:
One credit is granted in recognition of the successful completion of a course for which a minimum of 110 hours has been scheduled. No credit has been assigned to courses completed prior to the introduction of the credit system.

CRÉDIT:
Un crédit est accordé à l'élève qui termine avec succès un cours d'une durée minimum de 110 heures. Aucun crédit n'a été accordé pour des cours terminés avant l'introduction du système de crédits.

ACHIEVEMENT:

A = 80-100; B = 70-79.9; C = 60-69.9; D = 50-59.9; P = Pass.

Equivalent standing toward the S S G D and the O S S D may be granted for:

1. MATURITY - on the basis of age and length of time out of school.
2. EQUIVALENT EDUCATION - equivalent courses not normally identified as secondary education but not post-secondary education.

3. APPRENTICESHIP TRAINING - equivalent secondary education courses completed outside Ontario, apprenticeship training.

MUSIC - Standing toward the S S G D, S S H G D, O S S D and O A C may also be granted for appropriate work completed at a recognized conservatory, college, or school of music.

LEVEL OF DIFFICULTY:

No level of difficulty has been assigned for courses completed prior to 1979/80.

"B" - Basic level courses focus on social and personal skills as well as preparation for direct entry into employment.

"G" - General level courses are appropriate preparation for employment or further non-university education.

"A" - Advanced level courses are appropriate preparation for Grade 13 and O A C courses and focus on theoretical knowledge as well as fundamental knowledge and practical applications. All Grade 13 courses are at the advanced level of difficulty and are preparation for university entrance.

O A C - Ontario Academic Courses are at the advanced level of difficulty and are preparation for university entrance.

SECONDARY SCHOOL GRADUATION DIPLOMA:

1972/73 to 1989 - 27 credits; 1971/72 and earlier - successful completion of the prescribed courses of Grades 9, 10, 11 and 12.

SECONDARY SCHOOL HONOUR GRADUATION DIPLOMA:

1969/70 to 1990 - 6 Grade 13 credits; 1965/66 to 1968/69 - 7 Grade 13 courses; Prior to 1965/66 - 8 Grade 13 courses.

ONTARIO SECONDARY SCHOOL DIPLOMA:

1986 and later - 30 credits.

CERTIFICATION OF TRAINING:

Prior to 1988 - successful completion of 1, 2, or 3 years of an occupational program.

CERTIFICATE OF EDUCATION:

1985 and later - 14 credits.

CONCENTRATION:

Business Studies & Technological Studies: 8 credits in designated area.

AUTHORIZATION:

Principal (or designate) of school; Ministry official for Correspondence Education, for closed, private schools, and for some Diplomas/Certificates obtained prior to 1968.

Please note that courses which appear with the same title and code indicate completion of different courses from the same Ministry guideline not the repetition of a course.

MUSIQUE - On peut accorder un crédit en vue des D E S, D E S S, D E S O et C P O pour des travaux appropriés effectués dans un conservatoire, un collège ou une école de musique reconnus.

NIVEAU DE DIFFICULTÉ:

Aucun niveau de difficulté n'a été déterminé en ce qui concerne les cours terminés avant l'année 1979/1980.

"F" - Les cours du niveau fondamental sont fondés sur les compétences sociales et personnelles et préparent les élèves à entrer directement sur le marché du travail.

"G" - Les cours du niveau général préparent les élèves à obtenir un emploi ou à poursuivre des études autres qu'à l'université.

"A" - Les cours du niveau avancé préparent aux cours de 13e année et C P O et insistent sur les aspects théoriques d'une matière ainsi que sur les connaissances fondamentales et les applications pratiques. Tous les cours de 13e année sont offerts au niveau avancé et préparent aux études universitaires.

C P O - Les cours préuniversitaires sont offerts au niveau avancé et préparent à l'université.

DIPLOME D'ÉTUDES SECONDAIRES:

De 1972/1973 à 1989 - 27 crédits; 1971/1972 et avant - obtenu après avoir terminé avec succès les cours de 9e, 10e, 11e et 12e années prescrites.

DIPLOME D'ÉTUDES SECONDAIRES SUPÉRIEURES:

De 1969/1970 à 1990 - 6 crédits de 13e année; de 1965/1966 à 1968/1969 - 7 cours de 13e année; avant 1965-1966 - 8 cours de 13e année.

DIPLOME D'ÉTUDES SECONDAIRES DE L'ONTARIO:

1986 et après - 30 crédits.

CERTIFICAT DE FORMATION PROFESSIONNELLE:

Avant 1988 - s'obtient après avoir terminé avec succès 1, 2 ou 3 années d'un programme d'initiation au travail.

CERTIFICAT D'ÉTUDES:

1985 et après - 14 crédits.

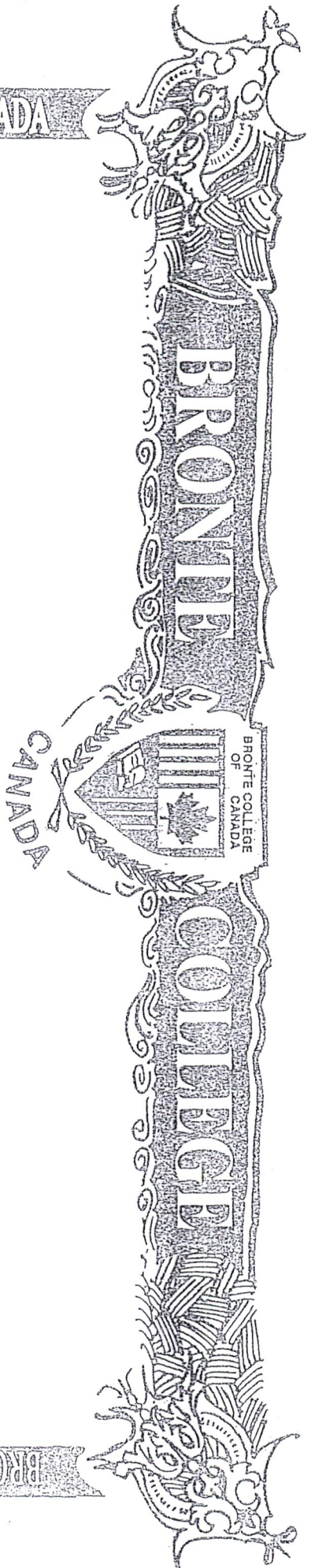
SPÉCIALISATION:

Affaires et commerce et études technologiques: 8 crédits dans ces domaines.

AUTORISATION:

Du directeur d'école (ou de la personne désignée); du fonctionnaire du ministère pour les cours par correspondance, les écoles privées fermées et certains diplômes et certificats obtenus avant 1968.

Veuillez noter que les cours ayant le même titre et le même code sont des cours différents, basés sur un même programme-cadre du ministère, et non pas des cours que l'élève a dû suivre de nouveau.



Verifica

of

Scholastic Achievement

Ontario Academic Credits

Bronte College of Canada

Thordin M. Haji

[Signature]
Principal

April 92
Date

