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17/12/14

REPUBLIC OF KENYA



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NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT-SECOND SESSION

COMMITTEE ON APPOINTMENTS

REPORT ON THE VETTING OF HON. MAJOR GENERAL (RTD)
JOSEPH K. NKAISSERRY, CABINET SECRETARY NOMINEE,
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL
GOVERNMENT

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

DECEMBER, 2014

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Hon. Maj (Rtd.) Joseph K. Nkaisserry

1.0 **PREFACE**

On behalf of the Members of the Committee on Appointments and pursuant to the provisions of Standing Order 199, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of Hon. Major General (Rtd) Joseph K. Nkaiserry, Cabinet Secretary nominee, Ministry of Interior and Coordination of National Government.

Committee Membership

The Committee on Appointments was constituted by the House on Tuesday 23rd April, 2013 comprising of the following Members:-

1. Hon. Justin Muturi, E.G.H, MP – Speaker, National Assembly (**Chairperson**)
2. Hon. (Dr.) Joyce Laboso, MP – Deputy Speaker
3. Hon. Aden Duale, MP – Leader of the Majority Party
4. Hon. Francis Nyenze, MP- Leader of the Minority Party
5. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
6. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
7. Hon. Jackson Kiptanui, MP
8. Hon. Isaac Ali Shaban, MP
9. Hon. Roselinda Soipan, MP
10. Hon. Katoo Ole Metito, MP
11. Hon. Jamleck Kamau, MP
12. Hon. Amina Abdalla, MP
13. Hon. Gideon Konchella, MP
14. Hon. Cecily Mbarire, MP
15. Hon. Moses Cheboi, MP
16. Hon. Nelson Gaichuhie, MP
17. Hon. Boniface Gatobu, MP
18. Hon. David Wafula, MP
19. Hon. Esther Murugi, MP
20. Hon. Ibrahim Sane, MP

21. Hon. Mishi Juma Khamis, MP
22. Hon. Manson Nyamweya, MP
23. Hon. Abass Ahmed Ibrahim, MP
24. Hon. Chris Wamalwa Wakhungu, MP
25. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
26. Hon. Stephen Mutinda Mule, MP

Committee mandate

The Committee on Appointments is established under Standing Order 204(4) which provides that, *the Committee on Appointments shall consider, for approval by the House, appointments under Article (152(2) of the Constitution (Cabinet Secretaries)*.

Pursuant to Article 152(2) of the Constitution, H.E. the President, forwarded to the Clerk of the National Assembly, the nomination of Hon. (Rtd) Maj. Joseph K. Nkaiserry vide a letter dated 2nd December, 2014 for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretary, Ministry of Interior and Coordination of National Government.

On Wednesday 3rd December, 2014 the Honourable Speaker in a communication to the House pursuant to Standing Order 42(1), informed the House that he had received the notification of nomination of Hon. (Rtd.) Maj. Joseph K. Nkaiserry and referred the same to the Committee on Appointments for vetting and reporting to the House within 14 days (by 16th December, 2014).

Committee meetings

The Committee held two Sittings during which the nominee appeared and was vetted in accordance with the Public Appointments (Parliamentary

Approval) Act No. 33 of 2011 for appointment to the position of Cabinet Secretary, Ministry of Interior and Coordination of National Government.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the vetting exercise. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

On behalf of the Committee on Appointments and pursuant to Article 124(4) (b) of the Constitution, Section 8(1) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and the provisions of standing 199(6), it is my pleasure and duty to present to the House, the Committee's report on the vetting of the Hon. Major General (Rtd) Joseph K. Nkaiserry, nominee for appointment to the position of Cabinet Secretary for Interior and Coordination of National Government.

Thank you.

Signed 

Hon. Justin B. Muturi, E.G.H., M.P
Speaker of the National Assembly/Chairperson
Committee on Appointments

Date

2.0 BACKGROUND

2.1 Establishment of the Committee

The Committee on Appointments is established under Standing Order 204(4) with the mandate to consider for approval by the House, appointments of Cabinet Secretaries pursuant to Article 152(2) of the Constitution. The said Article requires H.E. the President to nominate and with the approval of the National Assembly, appoint Cabinet Secretaries. Section 7(10) of the Public Appointments (Parliamentary Approval) Act 2011, *provides that, where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.*

2.2 Appointment process of the Cabinet Secretary nominee

- (i) In accordance with the provisions of Article 152(2) of the Constitution, H.E. the President forwarded to the Speaker of the National Assembly, the nomination of Hon. (Rtd) Maj. Joseph K. Nkaisserry vide a letter dated 2nd December, 2014 for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretary for Interior and Coordination of National Government.
- (ii) On Wednesday 3rd December, 2014 the Honourable Speaker in a communication to the House pursuant to Standing Order 42(1), informed the House that he had received the notification of the nomination of Hon. (Rtd) Maj. Joseph K. Nkaisserry and referred the same to the Committee on Appointments for vetting and reporting to the House within 14 days (by 16th December, 2014).

2.3 Notification to the public

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

On Thursday 4th December, 2014, the Clerk of the National Assembly placed an advertisement in the print media inviting the public to submit memoranda by way of written statement on oath (**sworn affidavit**) on the suitability or otherwise of the nominee in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received latest by Wednesday 10th December, 2014.

Pursuant to provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011) and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly on 4th December, 2014 of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominee on Thursday 11th December, 2014.

2.4 Clearance requirements

On 4th December, 2014, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA) and the Higher Education Loans Board (HELB) requesting for reports about the nominee on: -

- Matters touching on integrity;
- Tax compliance;
- Loan repayments.

In response, HELB confirmed vide a letter Ref. HELB/RD/56593/POV/1176 dated 8th December, 2014 that the nominee was not a beneficiary of the

HELB Loans Scheme. Kenya Revenue Authority confirmed vide a letter Re. CDT/MS/HQ/72 dated 8th December, 2014 that the nominee was tax compliant. The Ethics and Anti-Corruption Commission vide a letter Ref. EACC/6/42 VOL. XX (21) dated 9th December, 2014 confirmed having matters in which the nominee is adversely mentioned. However, the Commission's preliminary investigations have so far found the nominee not culpable of any wrong doing.

2.5 Submission of memoranda

Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the issues for consideration by the relevant House in relation to any nomination shall be:-

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

Pursuant to Section 6(9) of the said Act, the Committee invited submissions from the public on the suitability or otherwise of the nominee for appointment to the positions of Cabinet Secretary. In response the Committee received submissions from the following persons:-

1. Memorandum by Messrs Reverend John Mbugua, Gilbert Mukabane and Stephen Omodia

Upon scrutiny, the Committee established that the memorandum refers to issues other than those contemplated to be issues for consideration by the Committee as outlined under section 7 of the Public Appointments (Parliamentary Approval) Act. Further, no evidence was submitted in support of the allegations made in the memorandum and the letters as

to the suitability of the nominee to hold office for which he is nominated.

2. Memorandum by Major (Rtd) Stanley Kiama

The committee noted that the memorandum avers statements in support of the nominee's appointment. Major (Rtd) Stanley Kiama puts forth a case for the nominee's suitability and integrity having worked under and with him in the military.

3. Memorandum by Mr. Moses Loonatasati Ololwuaya on behalf of Nguruman Limited

Upon scrutiny, the Committee established that the memorandum makes reference to issues other than those contemplated to be issues for consideration by the Committee as outlined under section 7 of the Public Appointments (Parliamentary Approval) Act. While the affidavit set out issues related to the integrity of the nominee, the evidence provided in support of the contentions was in electronic form. However, there was no certificate issued or statement given in evidence by the person who purportedly recorded and produced the CDs and the flash disks hence the electronic evidence provided had not been authenticated.

4. Letters from Messrs Obadia Kimani Moyaie, Oscar O. Kenyanya, Perpertua Lasoi Likimani, Patrick Oshumu Parkire and Maparasha Youth Group

Upon scrutiny the Committee observed that:-

- (i) The letters were not made on oath contrary to the requirement under section 6(9) of the Public Appointments (Parliamentary Approval) Act,
- (ii) The letters refer to issues other than those contemplated to be issues for consideration by the Committee as outlined under section 7 of the Public Appointments (Parliamentary Approval) Act.

- (iii) While the letters sets out issues related to the integrity of the nominee, the same constitutes hearsay, which is inadmissible under the Evidence Act, Cap 80 of the Laws of Kenya.
- (iv) The allegations made in the letters as to the unsuitability of the nominee to hold office were unsubstantiated.

Consequently, the letters were not admissible hence rejected by the Committee.

3.0 VETTING OF HON. MAJ. GEN. (RTD.) JOSEPH K. NKAISSERRY-CABINET SECRETARY NOMINEE, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

In conducting the vetting process, the Committee on Appointments examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (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
- (ix) Expectations and key priorities

Hon. (Rtd) Maj. Joseph K. Nkaisserry appeared before the Committee on Thursday 11th December, 2014 and was informed by the Chairperson that, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee invited submissions from the public on his suitability or otherwise for appointment to the position of Cabinet Secretary. In response the Committee received memoranda from the public

some of which complied with the law while others did not. The nominee was orally interviewed by the Committee and responded to questions during the vetting as follows:-

1. Educational and Professional Qualifications

He took Members through his educational and professional background and stated that: -

- (i) He pursued diploma in Strategic Leadership and Management from the United States of America Army War College.
- (ii) He is the current Member of Parliament for Kajiado Central and former Member of the Committee of Appointments. He joined Parliament in 2002 on KANU ticket and participated both in the production of the CDF Act and Bomas National Constitutional Conference during his term.
- (iii) He formerly served in the military in the following positions:- Army Major General; Commander of Western Command; Chief Instructor and Deputy Commandant of Kenya Defence College (Karen); Second Brigadier Commander (Gilgil); Chief of Personnel, Kenya Army Headquarters; Personal/Military Assistant to Chief of General Staff; Instructor, School of Infantry (Isiolo); Cadet instructor and trained many officers who have risen to the rank of General; Founder of Sniper Courses in Kenya Armed Forces and the first to be trained in the United Kingdom as a Sniper.
- (iv) He also served as Director of Liaison Department in the office of the President which was dealing with peace within the region and was in particular assisting the government of Southern Sudan on peace and security matters. The Department was also handling the Somalia crisis.

- (v) He is currently the Chairman of the Parliamentary Pastoralist Group; former Chairman of Amani Forum-Kenya Chapter, a Parliamentary Forum on Peace in the Great Lakes Region; and former Vice President of International Parliamentarians on Small Arms and Light Weapons.

2. Personal plan, vision and commitment to revamping the ailing security sector in our country

He stated that:-

- i. His vision is to have a very highly disciplined, versatile and robust police; coordination of all the security organs; and provision of adequate resources. To achieve this, there will be need to review the training policy and as a trainer he will be able to provide guidance so as to have a robust police with good training.
- ii. The cardinal responsibility of any government is security and protection of life and property of its citizens and therefore his two key priority areas in the ministry will be security and corruption.
- iii. The current unique security challenges facing the country were as a result of a dysfunctional and disconnected legal and administrative institutional framework. His immediate plan would be to bring together all the institutions/organizations dealing with the security. Secondly, he would re-look into causes of insecurity and the internal problems afflicting the country like cattle rustling, assess the strategies in place and the gaps with a view to making changes where necessary. In this regard, the Ministry will be very receptive to suggestions on measures to improve the security of the country.
- iv. He informed the Committee that he has a strategy which he is going to implement to end cattle rustling in Pokot, Samburu and Turkana so that these communities can trade in stock exchange like what other

communities are doing in the twenty-first Century instead of engaging in stock theft.

- v. He assured the Committee that he would be resolute as a Cabinet Secretary in ensuring that Kenyans are secure. To achieve this, he will address the capacity of the security organs dealing with security and the morale of the security officers.

3. Porous borders, proximity to Somalia, proliferation of small arms and sea-crime as a contributor to insecurity

- i. He stated that our borders are porous between Kenya and Somalia and also between Kenya and Southern Sudan all the way to Ethiopia. To mitigate this problem, there will be need to give mobility to the Kenya Defence Forces who are responsible for our external borders and also to empower the police in terms of good communication and mobility to deal with the internal aspects in areas like Garissa, Wajir, Mandera and Lamu counties.
- ii. He informed the Committee that, one, the objective of Amani Forum is to advance peace within the Great Lakes Region and the Forum has done a remarkable job in Burundi and Democratic Republic of Congo in bringing peace. Two, the role of UN General Assembly Inter-parliamentary Union on disarmament, small arms, conflict resolution and terrorism is basically to reduce the proliferation of small arms and tackle the issue of terrorism. Therefore, as a former Chairman of Amani Forum Kenya Chapter and a delegate to the UN General Assembly, he will use his past experience, connections and contacts in the region in the execution of his mandate to bring peace and security in the region.
- ii. He also informed the Committee that the Kenya Defence Forces (KDF) were deployed in Somalia during his tenure as Assistant

Minister for Defence under “Operation Linda Nchi” to remove Al Shabab from Kenya but later on became part of the AMISON under the United Nations Resolution. Therefore, KDF are in Somalia under AMISON as part of the nations’ contributing troops under the agreement and not as Kenyans hence cannot withdraw.

4. Budgetary allocation to the Ministry vis-avis service delivery

- i. He stated that his immediate task upon assumption of the office would be to take stock of what is available to both the Regular and Administration Police in terms of equipment, vehicles and capacity to establish why the service is incapable of executing its mandate and would initiate institutional re-structuring for the service to be in a position to secure the citizens. In case of underfunding, the Ministry will seek for additional budgetary allocation from the National Assembly.
- ii. He further stated that the people who have been given responsibilities must work as paid for and deliver or be sacked and the political leadership should face this with courage. He assured the Committee that he will recommend the person who is qualified to H.E. the President for appointment as the new Inspector General despite the call that successor should come from the Rift valley region.
- iii. He noted on the perceived militarization of the public service that, it is the prerogative of any government to employ any person with knowledge and experience including military retiree’s as military officers are extensively trained using public resources but retire early due to the nature of their job.

5. Alleged rampant corruption in the Ministry and revelation of unaccounted Kshs 2.8 billion in the Public Accounts Committee Report

He stated that corruption is alive in every part of our society and a real disease hence the need to approach it boldly. He undertook to do an audit and take stock of vehicles, personnel and equipment, ensure prudent management of public resources and fight corruption in procurement in the Ministry. He noted that there is need to provide evidence of officers trading in charcoal and the Commanders allowing such inappropriate behaviours should be prosecuted. He assured the Committee that he will personally allow due process to take its course once culprits are established.

6. The Security Laws (Amendment) Bill, 2014

He stated that the Bill is currently before the National Assembly for consideration and supports the deletion of clauses that infringe on human rights. He noted that the current NIS Act and Police Service Act provides for security of tenure for the Director General and the Inspector General respectively and therefore supports the amendments in the Security Laws Bill that will give H.E. the President powers as the Commander-in-Chief to hire and fire within the confines of the Constitution of Kenya. He assured the Committee that Ministry will review the NIS Act and consider areas for improvement.

7. Shoddy investigations of court cases by the police and the apparent disconnect between the National Intelligence Service and the regular police

- i. He stated that the office of the Director of Public Prosecutions is in place and has the responsibility to carry out investigations while the role of the police is to arrest hence there will be no further shoddy investigations by the police. However, the Police will also be trained within the legal framework.

- ii. He stated further that the apparent disconnect between the National Intelligence Service (NIS) and the regular police could be attributed to the dysfunctional administrative institutional and legal framework and will be addressed by bringing together all security institutions through coordination.
- iii. He undertook to ensure that the NIS performs its role of gathering information throughout the country since they have been provided with resources. He noted that there is need to re-train NIS officers in this digital era.

8. Disconnect between the County Commissioners and Administration Police/Police commanders at the county level

He stated that there is a problem with the law that provides for elected county governments who have no responsibility as regards the security of those who elected them. In addition, there is a broken chain of command with three parallel commands i.e. County Commissioner, Administration Police Commander and Police Commander and he expects that the Security Laws (Amendment) Bill, 2014 currently before the National Assembly will address this problem. However, his immediate action would be to request H.E. the President to give an Executive Order on how to bring unification of the chain of command because the country is facing serious insecurity challenges.

9. Media coverage and pronouncements by politicians on security matters

He stated that the media and politicians are contributing to endangering our country through their comments on security issues and urged the media to be sensitive by avoiding showing images of victims which not only instill fear in the citizens but also security officers. He remarked that in other countries like United States of America, politicians do not criticize their

security organs as this brings demoralization and that's why the images of the 11th September attack were being shown selectively in order not to instill fear in the citizens. He impressed upon politicians to be patriotic and avoid politicizing security issues so as not to expose the weakness of our country on security but could discuss the same with the Cabinet Secretary in Camera.

10. Allegation in the Truth, Justice & Reconciliation Commission (TJRC) on violation of human rights in Pokot during his tenure in the Military

- i. He stated that the Kenya Government decided in 1984 to disarm the Pokot and as is the practice when such a decision is made, a specific service is given the order or task to resolve the problem. The role of Kenya Armed Forces then was secondary i.e., to support the civil authority in the maintenance of law and order. The order was given to the Brigadier Commander and the 9th Battalion Kenya Rifles was deployed where the nominee was a Company Commander as a Major hence the boss of the operation was the Brigadier Commander.
- ii. He further stated that there was a contingent of police in Kacheliba and the role of the Army was to assist the police to disarm the Pokot by receiving guns. Both the Brigadier Commander and the Provincial Commissioner received the instructions and an order was given that the Pokot be given one month notice to return the guns but refused to comply. Consequently, a decision was arrived at to force the Pokot to surrender the guns and a plan was put up to round up all the livestock which the Pokot valued most. The plan yielded results and 1000 guns were returned within three weeks and thereafter, a decision was made to return the livestock to the Pokot whereby he became in charge of the operation when the Commanding Officer proceeded for training in India during the period. He dismissed the

allegation that he took away 10,000 cattle using military trucks by reasoning that a military truck could only take 20 cattle and therefore he would need 500 such trucks to ferry the cattle which could not have escaped the attention of the police.

- iii. He also stated that he did not decline to appear before the TJRC because he was summoned while in New York and upon return, he was not summoned again. He confirmed to the Committee that no Pokot was killed during the operation.

11. Land dispute between Ngurumani Limited and Shompole & Ol Kiramatian Group Ranch

He stated that his mandate as Cabinet Secretary will be on national security and not land matters. On the land dispute of which a memorandum had been submitted, he stated that the matter is in court and therefore could not delve into the details. However, the parties should pursue the legal process with a view to having a peaceful solution.

12. His thesis of 1986 regarding threats to Kenya's internal security

The Committee noted the statement in his thesis that *"internal security in any society is inextricably linked to the coherency of domestic social relations to the extent that if the patterns of interaction among the group interest are regular, the state's political capabilities would be enhanced and threats to the political order are likely to be momentarily and contained within the system"*. He confirmed that some of the security issues addressed in his thesis are the current challenges facing the country. The committee commended him for his paper and impressed upon him to implement some of the recommendations contained therein.

4.0 COMMITTEE'S OBSERVATIONS

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise/interview, made the following observations:-

- (i) He was born on 28th November 1949 and completed his secondary education in 1970. He joined Kenyatta University in 1971 as a member of the pioneer class, but left in early 1972 to join the Army as a Cadet. He trained as an Officer Cadet both at the **Armed Forces Training College Lanet-Kenya** and at the **India Military Academy (Dehra Dun – India)**.
- (ii) He is a graduate of the Defense Staff College class of 1985/1986 and holds a post graduate diploma in Strategic Leadership and Management from the **United States Army War College class of 1996/1997**.
- (iii) He has wealth of professional experience in the military having been commissioned as a **Second-Lieutenant in 1973** and rose to the rank of Captain, Major, Lieutenant Colonel, Colonel, Brigadier and finally to Major General where he retired honorably on 15th August 2002 to contest the Kajiado Central Parliamentary Seat that he successfully defended during 2007 and 2013 general elections. His military Command responsibilities and appointments included:- Platoon Commander, Company Commander, Battalion Second-in-Command, Commanding Officer and Brigade Commander. Other assignments included:- Cadets Instructor, Small Arms Instructor, Combat Wing Instructor, Officer Commanding Cadets Training, Military Assistant to the Chief of General Staff, Colonel Personnel, Chief Instructor/Deputy Commandant.

- (iv) He has attended all relevant military courses and seminars throughout his career including the following:-
- Officer Cadet Course – India and Kenya
 - Platoon commander Course; Office Administration Course; Grade Three Staff Course; Anti-Tank Missile Course; Company Commanders' Course; Defense Staff College; International Senior officers Peace support Planning Course – Kenya
 - Snipers Course – UK, Strategic Leadership – U.S.A.
 - Strategic Intelligence Course – Germany and Israel
 - Industrial and Economic Development course - South Korea
 - Leadership in Development – Harvard University.
- (v) He has participated in many assignments as a member of Kenya delegation on conflicts resolution within the region as the Chairman of Amani Forum and as Military adviser to the IGAD Secretariat on South Sudan peace process until his retirement in August 2002.
- (vi) He is currently the Member of Parliament for Kajiado Central Constituency since 2002 and immediate former Assistant Minister of State for Defence. Prior to this, a former Commander of Western Command, Commandant Armed Forces Training College and the Director of the Liaison Department Office of the President. Other Parliamentary responsibilities includes:-
- Shadow Minister for Defence and National Security(2003 -2007)
 - Deputy Secretary General KANU (2003-2007)
 - Deputy Secretary General ODM (2008- Feb 2014)
 - Former Vice President International Parliamentarians Forum on Small Arms and Light Weapons (2006-2008)
 - Former Chairman AMANI Forum Kenya Chapter.

- Delegate to the United Nations General Assembly inter-parliamentary Union on disarmament, Small Arms, Conflicts Resolution and Terrorism (2003 – 2007)
 - Delegate to IGAD Parliamentary Union (2004-2007)
 - Parliamentary Marathon Champion
 - Chairman of Pastoralist Parliamentary Group.
 - Member of Defence & Foreign Relation Committee: 2013 to-date
 - Member of Joint Committee on National Cohesion and Equal Opportunity (2013 to-date)
- (vii) Hon. Nkaissery is decorated with Eight (8) medals among them the Order of Golden Heart third Class (M.G.H) and Order of the Burning Spear First Class (CBS).

The Committee further observed that:-

- (viii) He had satisfied the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity.
- (ix) He had been cleared by the Criminal Investigation Department (CID), Kenya Revenue Authority on tax compliance, Higher Education Loans Board (HLEB) and the Credit Reference Bureau.
- (x) He has never been charged in a Court of Law and has no potential conflict of interest,
- (xi) He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

The Committee noted that the nominee exhibited impressive knowledge of topical issues touching on the internal security docket and has the requisite abilities, qualifications and experience. Therefore, the Committee found the

nominee suitable for appointment as the Cabinet Secretary, Ministry of Interior and Coordination of National Government.

5.0 COMMITTEE'S RECOMMENDATION

Pursuant to Article 152(2) of the Constitution and Standing Order 204 (4), the Committee recommends that, this House approves the nomination of HON. (RTD.) MAJ GEN. JOSEPH K. NKAISSERRY for appointment by H.E. the President as Cabinet Secretary, Ministry of Interior and Coordination of National Government.

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Appendix (1)

(Minutes)

**MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON APPOINTMENTS
HELD ON TUESDAY, 16TH DECEMBER 2014, IN COMMITTEE ROOM NO. 9, MAIN
PARLIAMENT BUILDINGS, AT 10.00 A.M.**

PRESENT

- | | |
|---|--|
| 1. Hon. Justin B. Muturi, MP | - Speaker of National Assembly (Chairperson) |
| 2. Hon. Aden Duale, MP | - Leader of the Majority Party |
| 3. Hon. Francis Nyenze, MP | - Leader of the Minority Party |
| 4. Hon. Naomi Shaban, MP | - Deputy Leader of the Majority Party |
| 5. Hon. Jakoyo Midiwo, MP | - Deputy Leader of the Minority Party |
| 6. Hon. Jackson Kiptanui, MP | |
| 7. Hon. Issac Ali Shaban, MP | |
| 8. Hon. Katoo Ole Metito, MP | |
| 9. Hon. Chrisantus Wamalwa Wakhungu, MP | |
| 10. Hon. Mishi Juma Khamis, MP | |
| 11. Hon. Cecily Mbarire, MP | |
| 12. Hon. David Wafula, MP | |
| 13. Hon. Nelson Gaichuhie, MP | |

ABSENT WITH APOLOGY

- | | |
|---|------------------|
| 1. Hon. (Dr) Joyce Laboso, MP | - Deputy Speaker |
| 2. Hon. Moses Cheboi, MP | |
| 3. Hon. Abass Ahmed Ibrahim, MP | |
| 4. Hon. Jamleck Kamau, MP | |
| 5. Hon. Roselinda Soipan, MP | |
| 6. Hon. Ibrahim Sane, MP | |
| 7. Hon. Manson Nyamweya, MP | |
| 8. Hon. Stephen Mutinda Mule, MP | |
| 9. Hon. Amina Abdallah, MP | |
| 10. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP | |
| 11. Hon. Boniface Gatobu, MP | |
| 12. Hon. Esther Murugi, MP | |
| 13. Hon. Gideon Konchellah, MP | |

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | |
|-------------------------------|---|
| 1. Ms. Florence Atenyo-Abonyo | - Deputy Clerk/Director, Committee Services |
| 2. Mr. Dennis Mogare Ogechi | - Clerk Assistant III |
| 3. Mr. Douglas Katho | - Clerk Assistant III |
| 4. Ms Doreen Nkatha | - Legal Counsel |

MIN. NO. 76/2014

PRELIMINARIES

The meeting was called to order at Forty Five Minutes Past Ten O'clock and prayers were said by the Hon. Aden Duale, MP.

MIN. NO. 77/2014

CONFIRMATION OF THE MINUTES

The minutes of the Seventeenth Sitting of the Committee held on Thursday, 11th December 2014 were confirmed and signed by the Chairman after being proposed and seconded by Hon. Nelson Gaichuhie, MP and Hon. Mishi Juma Khamis, MP respectively.

MIN. NO. 78/2014

**CONSIDERATION OF THE DRAFT REPORT ON THE
VETTING OF THE CABINET SECRETARY NOMINEE –
MINISTRY OF INTERIOR AND COORDINATION OF
NATIONAL GOVERNMENT – HON. MAJ. GEN.
(RTD) JOSEPH NKAISSERY.**

Members considered the draft report on the vetting of the Cabinet Secretary nominee for the Ministry of Interior and Coordination of National Government, the Hon. Major General (Rtd) Joseph Nkaissery. The Committee recommended that pursuant to Article 152 (2) of the Constitution and Standing Order No. 204 (4), the house approves the nomination of Hon. Major General (Rtd) Joseph Nkaissery for appointment by H.E. the President.

MIN. NO. 79/2014

ADOPTION OF THE REPORT

The Committee unanimously adopted the report with the following amendments:

1. That the following be included in the Committee's observations:
 - a) He has satisfied the requirements of Chapter Six of the constitution of Kenya on leadership and integrity.
 - b) He had been cleared by the Criminal Investigations Department (CID), the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
2. That the observation on the memorandum by Major (Rtd) Stanley Kiama should read as follows:-

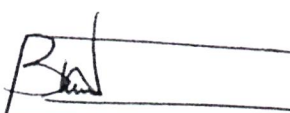
"The committee noted that the memorandum avers statements in support of the nominee's appointment. Major (Rtd) Stanley Kiama puts forth a case for the nominee's suitability and integrity having worked under and with him in the military."

MIN. NO. 80/2014

ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at Five Minutes Past Twelve O'clock.

SIGNED _____



(CHAIRPERSON)

DATE _____


16th December, 2014

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON APPOINTMENTS HELD ON THURSDAY, 11TH DECEMBER, 2014, IN MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS, AT 10.00 A.M.

PRESENT

1. Hon. Justin B. Muturi, MP - Speaker of National Assembly (Chairperson)
2. Hon. Aden Duale, MP - Leader of the Majority Party
3. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
4. Hon. Jackson Kiptanui, MP
5. Hon. Issac Ali Shaban, MP
6. Hon. Katoo Ole Metito, MP
7. Hon. Manson Nyamweya, MP
8. Hon. Abass Ahmed Ibrahim, MP
9. Hon. Chrisantus Wamalwa Wakhungu, MP
10. Hon. Stephen Mutinda Mule, MP
11. Hon. Amina Abdallah, MP
12. Hon. Gideon Konchellah, MP
13. Hon. Mishi Juma Khamis, MP
14. Hon. Jamleck Kamau, MP
15. Hon. Nelson Gaichuhie, MP
16. Hon. Cecily Mbarire, MP
17. Hon. Roselinda Soipan, MP

ABSENT WITH APOLOGY

1. Hon. (Dr) Joyce Laboso, MP -Deputy Speaker
2. Hon. Francis Nyenze, MP - Leader of the Minority Party
3. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
4. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
5. Hon. David Wafula, MP
6. Hon. Moses Cheboi, MP
7. Hon. Boniface Gatobu, MP
8. Hon. Esther Murugi, MP
9. Hon. Ibrahim Sane, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|-------------------------------|---|---|
| 1. Ms. Florence Atenyo-Abonyo | - | Deputy Clerk/Director, Committee Services |
| 2. Mr. Dennis Mogare Ogachi | - | Third Clerk Assistant |
| 3. Mr. Douglas Katho | - | Third Clerk Assistant |
| 4. Ms Doreen Nkatha | - | Legal Counsel |

MINUTE NO. 73/2014

PRELIMINARY OBSERVATIONS BY THE CHAIRPERSON

The meeting was called to order at Ten O'clock and prayers were said by the Hon. Stephen Mutinda Mule, MP.

VETTING OF THE CABINET SECRETARY NOMINEE
FOR INTERIOR AND COORDINATION OF
NATIONAL GOVERNMENT – HON. MAJ. (RTD)
JOSEPH K. NKAISSERY

Hon. (Rtd) Maj. Joseph K. Nkaisserry appeared before the Committee on Thursday 11th December, 2014 and was informed by the Chairperson that, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee invited submissions from the public on his suitability or otherwise for appointment to the positions of Cabinet Secretary. In response the Committee received memoranda from the public some of which complied with the law while others did not. The nominee responded to questions during the vetting as follows:-

1. Educational and Professional Qualifications

He took Members through his educational and professional background and stated that: -

- (i) He pursued diploma in Strategic Leadership and Management from the United States of America Army War College.
- (ii) He is the current Member of Parliament for Kajiado Central and former Member of the Committee of Appointments. He joined Parliament in 2002 on KANU ticket and participated both in the production of the CDF Act and Bomas Constitutional Conference during his term.
- (iii) He formerly served in the military in the following positions:- Army General; Commander of Western Command; Chief Instructor and Deputy Commandant of Kenya Defence College (Karen); Second Brigadier Commander (Gilgil); Chief of Personnel, Kenya Army Headquarters; Personal/Military Assistant to Chief of General Staff; Instructor, School of Infantry (Isiolo); Cadet instructor and trained many officers who have risen to the rank of General; Founder of Sniper Courses in Kenya Armed Forces and the first to be trained in the United Kingdom as a Sniper.
- (iv) He also served as Director of Liaison Department in the office of the President which was dealing with peace within the region and was in particular assisting the government of Southern Sudan on peace and security matters. The Department was also handling the Somalia crisis.
- (v) He is currently the Chairman of the Parliamentary Pastoralist Group; former Chairman of Amani Forum-Kenya Chapter, a Parliamentary Forum on Peace in the Great Lakes Region; and former Vice President of International Parliamentarians on Small Arms and Light Weapons.

2. Personal plan, vision and commitment to revamping the ailing security sector in our country

He stated that his vision is to have a very highly disciplined, versatile and robust police; coordination of all the security organs; and provision of adequate resources. To achieve this, there will be need to review the training policy and as a trainer he will be able to provide guidance so as to have a robust police with good training.

He further stated that the cardinal responsibility of any government is security and protection of life and property of its citizens and therefore his two key priority areas in the ministry will be security and corruption.

He also stated that the current unique security challenges facing the country were as a result of a dysfunctional and disconnected legal and administrative institutional framework. His immediate plan would be to bring together all the institutions/organizations dealing with the security. Secondly, he would re-look into causes of insecurity and the internal problems afflicting the country like cattle rustling, assess the strategies in place and the gaps with a view to making changes where necessary. In this regard, the Ministry will be very receptive to suggestions on measures to improve the security of the country.

He informed the Committee that he has a strategy which he is going to implement to end cattle rustling in Pokot, Samburu and Turkana so that these communities can trade in stock exchange like other communities in the twenty-first Century instead of engaging in stock theft.

He assured the Committee that he would be resolute as a Cabinet Secretary in ensuring that Kenyans are secure. To achieve this, he will address the capacity of the security organs dealing with security and the morale of the security officers.

3. Porous borders, proximity to Somalia, proliferation of small arms and sea-crime as a contributor to insecurity

He stated that our borders are porous between Kenya and Somalia and also between Kenya and Southern Sudan all the way to Ethiopia. To mitigate this problem, there will be need to give mobility to the Kenya Defence Forces who are responsible for our external borders and also to empower the police in terms of good communication and mobility to deal with the internal aspects in areas like Garissa, Wajir, Mandera and Lamu counties.

He informed the Committee that, one, the objective of Amani Forum is to advance peace within the Great Lakes Region and the Forum has done a remarkable job in Burundi and Democratic Republic of Congo in bringing peace. Two, the role of UN General Assembly Inter-parliamentary Union on disarmament, small arms, conflict resolution and terrorism is basically to reduce

the proliferation of small arms and the issue of terrorism. Therefore, as a former Chairman of Amani Forum Kenya Chapter and a delegate to the UN General Assembly, he will use his past experience, connections and contacts in the region in the execution of his mandate to bring peace and security in the region.

He also informed the Committee that the Kenya Defence Forces (KDF) were deployed in Somalia during his tenure as Assistant Minister for Defence under "Operation Linda Nchi" to remove Al Shabab from Kenya but later on became part of the AMISON under the United Nations Resolution. Therefore, KDF are in Somalia under AMISON as part of the nations' contributing troops under the agreement and not as Kenyans hence cannot withdraw.

4. Budgetary allocation to the Ministry vis-avis service delivery

He stated that his immediate task upon assumption of the office would be to take stock of what is available to both the Regular and Administration Police in terms of equipment, vehicles and capacity to establish why the service is incapable of executing its mandate and would initiate institutional re-structuring for the service to be in a position to secure the citizens. In case of underfunding, the Ministry will seek for additional budgetary allocation from the National Assembly.

He further stated that the people who have been given responsibilities must work as paid for and deliver or be sacked and the political leadership should face this with courage.

He assured the Committee that he will recommend the person who is qualified to H.E. the President for appointment as the new Inspector General despite the call that successor should come from the Rift valley region.

He noted on the perceived militarization of the public service that, it is the prerogative of any government to employ any person with knowledge and experience including military retiree's as military officers are extensively trained using public resources but retire early due to the nature of their job.

5. Alleged rampant corruption in the Ministry and revelation of unaccounted Kshs 2.8 billion in the Public Accounts Committee Report

He stated that corruption is alive in every part of our society and a real disease hence the need to approach it boldly. He undertook to do an audit and take stock of vehicles, personnel and equipment, ensure prudent management of public resources and fight corruption in procurement in the Ministry. He noted that there is need to provide evidence of officers trading in charcoal and the Commanders allowing such inappropriate behaviours should be prosecuted. He assured the Committee that he will personally allow due process to take its course once culprits are established.

6. The Security Laws (Amendment) Bill, 2014

He stated that the Bill is currently before the National Assembly for consideration and supports the deletion of clauses that infringe on human rights. He noted that the current NIS Act and Police Service Act provides for security of tenure for the Director General and the Inspector General respectively and therefore supports the amendments in the Security Laws Bill that will give H.E. the President powers as the Commander-in-Chief to hire and fire. He assured the Committee that Ministry will review the NIS Act and consider areas for improvement.

7. Shoddy investigations of court cases by the police and the apparent disconnect between the National Intelligence Service and the regular police

He stated that the office of the Director of Public Prosecutions is in place and has the responsibility to carry out investigations while the role of the police is to arrest hence there will be no further shoddy investigations by the police. However, the Police will also be trained within the legal framework.

He stated further that the apparent disconnect between the National Intelligence Service (NIS) and the regular police could be attributed to the dysfunctional administrative institutional and legal framework and will be addressed by bringing together all security institutions through coordination.

He undertook to ensure that the NIS performs its role of gathering information throughout the country since they have been provided with resources. He noted that there is need to re-train NIS officers in this digital era.

8. Disconnect between the County Commissioners and Administration Police/Police commanders at the county level

He stated that there is a problem with the law that provides for elected county governments who have no responsibility as regards the security of those who elected them. In addition, there is a broken chain of command with three parallel commands i.e. County Commissioner, Administration Police Commander and Police Commander and he expects that the Security Laws (Amendment) Bill, 2014 currently before the National Assembly will address this problem. However, his immediate action would be to request H.E. the President to give an Executive Order on how to bring unification of the chain of command because the country is facing serious insecurity challenges.

9. Media coverage and pronouncements by politicians on security matters

He stated that the media and politicians are contributing to endangering our country through their comments on security issues and urged the media to be sensitive by avoiding showing images of victims which not only instill fear in the citizens but also security officers. He remarked that in other countries like United

States of America, politicians do not criticize their security organs as this brings demoralization and that's why the images of the 11th September attack were being shown selectively in order not to instill fear in the citizens. He impressed upon politicians to be patriotic and avoid politicization of security issues so as not to expose the weakness of our country on security but could discuss the same with the Cabinet Secretary in Camera.

10. Allegation in the Truth, Justice & Reconciliation Commission (TJRC) on violation of human rights in Pokot during his tenure in the Military

He stated that the Kenya Government decided in 1984 to disarm the Pokot and as is the practice when such a decision is made, a specific service is given the order or task to resolve the problem. The role of Kenya Armed Forces then was secondary i.e., to support the civil authority in the maintenance of law and order. The order was given to the Brigadier Commander and the 9th Battalion Kenya Rifles was deployed where the nominee was a Company Commander as a Major hence the boss of the operation was the Brigadier Commander.

He further stated that there was a contingent of police in Kachelebi and the role of the Army was to assist the police to disarm the Pokot by receiving guns. Both the Brigadier Commander and the Provincial Commissioner received the instructions and an order was given that the Pokot be given one month notice to return the guns but refused to comply. Consequently, a decision was arrived at to force the Pokot to surrender the guns and a plan was put up to round up all the livestock which the Pokot valued most. The plan yielded results and 1000 guns were returned within three weeks. Thereafter, a decision was made to return the livestock to the Pokot and he became in charge of the operation when the Commanding Officer proceeded for training in India during the period. He dismissed the allegation that he took away 10,000 cattle using military trucks by reasoning that a military truck could only take 20 cattle and therefore he would need 500 such trucks to ferry the cattle which could not have escaped the attention of the police.

He also stated that he did not decline to appear before the TJRC because he was summoned while in New York and upon return, he was not summoned again. He confirmed to the Committee that no Pokot was killed during the operation.

11. Land dispute between Ngurumani Limited and Shompole and Ol Kiramatian Group Ranch

He stated that his mandate as Cabinet Secretary will be on national security and not land matters. On the land dispute of which a memorandum had been submitted, he stated that the matter is in court and therefore could not delve into the details. However, the parties should pursue the legal process with a view to having a peaceful solution.

12. His thesis of 1986 regarding threats to Kenya's internal security

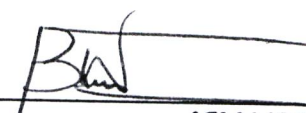
The Committee noted the statement in his thesis that "*internal security in any society is inextricably linked to the coherency of domestic social relations to the extent that if the patterns of interaction among the group interest are regular, the state's political capabilities would be enhanced and threats to the political order are likely to be momentarily and contained within the system*". He confirmed that some of the security issues addressed in his thesis are the current challenges facing the country. The committee commended him for his paper and impressed upon him to implement some of the recommendations contained therein.

MIN. NO. 75/2014

ADJOURNMENT OF THE MEETING

There being no other business, the meeting was adjourned at Twelve O'clock until Tuesday 16th December, 2014 at 10.00 a.m.

SIGNED _____


(CHAIRPERSON)

DATE _____

16th December, 2014

Appendix (2)

Correspondence

- Kenya Revenue Authority
- Higher Education Loans Board
- Ethics & Anti-Corruption Commission



KENYA REVENUE AUTHORITY

ISO 9001:2008 CERTIFIED

MEDIUM AND SMALL TAXPAYERS

8th December, 2014

Ref: CDT/MST/HQ/72

The Clerk
National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

VETTING OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Refer to your letter dated 4th December, 2014 under Ref. NA/COMM/APPT.

This letter confirms that Maj. Gen.(Rtd.) Joseph Nkaissery, MP is tax compliant.

**Alice A. Owuor, OGW.
COMMISSIONER OF DOMESTIC TAXES
MEDIUM AND SMALL TAXPAYERS**



HIGHER EDUCATION LOANS BOARD

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

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

HELB/RD/56593/POV/1176

8th December, 2014

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

Dear Sir,

CLEARANCE OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT.

We acknowledge receipt of your letter Ref No. NA/COMM/APPT/2014 regarding the clearance of nominee for the appointment as cabinet secretary for interior and coordination of national government.

Please find a list confirming the loan status of the applicant with the board.

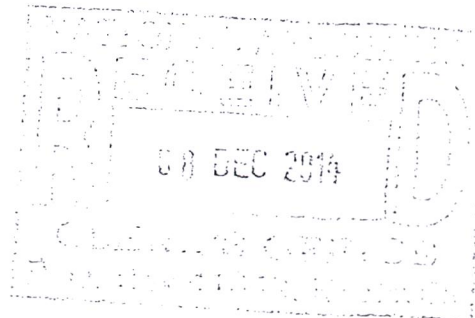
S/NO	NAME	ID NO.	STATUS	YEAR OF CLEARANCE
1	Maj. Gen.(Rtd) Joseph Nkaisery	0402833	Non Beneficiary	N/A

We urge you to encourage the applicant to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter six of the constitution of Kenya.

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

Yours faithfully,

MARY W. MUCHEE (MRS)
FOR: CHIEF EXECUTIVE OFFICER & BOARD SECRETARY





ETHICS AND ANTI-CORRUPTION COMMISSION

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

When replying please quote:

Our ref. EACC.6/42 VOL. XX/(21)

9th December 2014,

The Clerk
The National Assembly
P O Box 41843 00100
NAIROBI

Dear Sir,

VETTING OF NOMINEE FOR APPOINTMENT AS CABINET SECRETARY FOR INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Your letter, **NA/COMM/APPT/2014** dated **4th December 2014** on the above matter is acknowledged.

We confirm that we have matters in which **Maj. Gen. (Rtd) Joseph Nkaiserry** who has been nominated for the above position is adversely mentioned. However, findings of our preliminary investigations have so far found him **not** culpable of any wrong doing.

Yours faithfully,


David R. Too
Director- Legal Services
For: Secretary/Chief Executive Officer

Appendix (3)
(Memoranda received)

REPUBLIC OF KENYA
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY, OF
PERSON NOMINATED TO BE APPOINTED AS CABINET SECRETARY FOR
INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT.

SUBMISSION OF MEMORANDA

We John Mbugua the Reverend, Gilbert Mukabane and Stephen Omodia of P.O Box 19377-00100 Nairobi, Tel 0716929975 of Embakasi West Constituency in Nairobi County, Citizens of this country and also representatives of the Disabled Nairobi Amputee Football Players Community.

Draw the attention of the House on the pursuant to section 6(9) of the public Appointments (Parliament Approval Act, 2011 that we now respond to the nomination of Hon. Maj. Gen (Rtd) Joseph Nkaiseri,MP as the Cabinet Secretary for Interior National Coordination of Government as follows:

1. That this Honourable House/Committee must ask itself the following questions first before they make the same grave mistakes they made when vetting and approving the nomination the now disgraced outgoing Cabinet Secretary Mr. Ole Lenku:

- a) **What** failures and challenges have happened to the now disgraced outgoing Cabinet Secretary in the first place that the incoming will do better? We the vetting committee what didn't we see that has now disastrously come to hound us?
- b) **What** equipments and facilities will the incoming nominee have that the outgoing didn't have? Or will it be a rotation of the Maasai Community in the name of regional balance at the expense on nation Security and threat to lives and property?
- c) **When** this same House committee sat and approved the nomination of the outgoing Cabinet Secretary, did they just approve him simply because the President had nominated him or because he was qualified, competent and more informed on security related matters and also experienced for the Job?
- d) **That** we the citizens had objected in our memoranda which are with this House the appointment of the now disgraced outgoing Cabinet Secretary but this same house approved him? Why did this house ignore the signs of the times?
- e) **What has happened to the training that the now disgraced outgoing Cabinet Secretary underwent in Israel just recently on Cattle rustling ,Crime and Terrorism, will be it waste of public funds or we he refund the tax payers money?**
- f) **How comes the** Police killings at Kapedo, guns were recovered what about the thousands of cattle and sheep stolen, do we just sit back sahau and forget and let the merchants of death continue with their evil mission in the society or what's going on?
This are the answers we need not names and titles.
- g) **That** we Kenyans now need an answer from Parliament since it's the one that sits and approves the nomination of the appointees as to who shoulders the responsibilities of the failures and inaction to national and sensitive matters?

2. Who will compensate all the damage, loss of life and property. in West Gate Mall attacks, Lamu Mpeketoni attacks, Kapedo Police Killings, Mandera and other parts of the Country as insecurity rages on due to the failures of the now disgraced Cabinet Secretary? Will it be himself or the incoming nominee? Will the new nominee accept responsibilities of the damage?
OR WILL THEY ALL SAY AS USUAL NO STONE WILL BE LEFT UNTURNED?

3. That since the incoming nominee was a former General in the Army later Assistant Minister for Defence, what efforts did he as a Professional fighter pilot do to improve the conditions of the uniformed men and women so that they can tackle these criminal cattle rustlings gangs and terrorism enterprise?



4. That since he is accused in TJRC report of killings and violations of human rights, how will defend himself and solve the already out of hand insecurity in the same west Pokot/Baringo areas he was accused of leading the battalions to tackle cattle rustling that ended up violating the rights of the victims?
5. That we need the incoming nominee to show Kenyans and the world at large, how a poorly paid and thinly equipped Police and Defence forces can march the brutality of the Modern equipped and vicious terrorist gangs.
6. That further the Hon. Major General (Rtd) Joseph Nkaiseri Mp, should tell us as we speak, his Kajiado Central Constituency which borders Makeni-Kibwezi-Machakos and other Constituencies has only one Land cruise for the O.C.P.D, the same used by the Police to ferry prisoners or inmates from police station or the remand e.t.c. is he not aware of that and what will be the new measures that will be put in place?
7. *Further on Tue 4th December 2014 I visited the Kajiado Law Courts, Police station and G.K Prisons on a fact finding mission for the new nominee and found out the Prison staff live on Mud walled houses yaanin Nyumba za matope! Is he aware as the area Mp and what actions will he do now as the Powerful Cabinet Secretary for Interior and National Co-ordination of Government?*
8. That since he is 65 years over the 60 years bench mark for public servants, will he be violating the constitution or is he already above the constitution.
9. That the nominee Hon. Maj-Gen (Rtd) Nkaisery must tell the nominating committee what motions and action did he present to the House while as an Assistant Minister of Defence regarding the improvement of the standards of the men and women in inform to march Global Security Standards of Security.
10. That since the new nominee will be forced to resign his parliamentary seat, how will he move motions or bills to improve the standards of the all the security forces in the country?
11. That we are very afraid and disappointed only for him to be appointed and begin claiming that its Parliament that has failed to approve huge budgets to equip the security forces yet he has been in the same Parliament for over 10 years and nothing better has been done to that effect.
12. That we need him to tell the house as to why as former Professional fighter Pilot and now MP has not educated the house on the need to follow the constitution to the letter regarding CHAPTER FOURTEEN-NATIONAL SECURITY ARTICLE 238,239,240, 241,PART 2, KENYA DEFENCE FORCES,PART 3 THE NATIONAL INTELLIGENCE SERVICE, PART 4 THE NATIONAL POLICE SERVICE,243,244,,245,246,247 and equip the Security forces as a constitutional body yet the Police serves is paid as a Parastatal with huge budget and allowances yet the trained offices are languishing in poverty?
13. That since once he is vetted and later appointed by the President, he will find the same officers who are poorly equipped and poorly paid, still frustrated and threatened by the same terrorists that have forced Ole Lenku out. What will he do to improve their standards?
14. What will he do to?
 - a) Have all Police stations beginning with Kajiado Central have computers for ICT
 - b) Data Cables for high speed networks
 - c) Separate cells for both men and women fully equipped with toilets and showers.
 - d) Housing for all police officers.
 - e) Good and healthy facilities sat Kiganjo and other training colleges for the officers.
 - f) Vehicles for all the police officers
 - g) Modern equipments, bullet proof vests, night vision, goggles, to march world security standards.

This are some of the few questions and answers that we need from the Major Generela (Rtd)

That our recommendations are as follows.

1. **That** the Parliament should do an amendment to the Constitution to allow the nominee Hon. Major General (Rtd) Joseph Nkaiseri MP for Kajiado Central, to serve as M.P for the remaining term and Cabinet Secretary so that he can personally prepare bills and motions and push them in Parliament so that the security forces can be equipped to the standards of his requirements.
 2. **That** before he resigns if he has to, he should have first of all prepared and forwarded a strong and practical bill/motion that all our police officers be housed in modern two bed roomed/three flats while they await their flats to be constructed so that the police officers can live like human beings and with dignity and privacy since we are all covered by the same constitution 2010.
 3. **Further** the members should vote strongly for the Police Service to be equipped with each officer armed with bullet proof vests, helmets, communication equipments, computers in all Police stations to match all cyber and terror threats, all gears, over 10,000 police land cruisers and armoured trucks, helicopter gunships where necessary all over the country, to be prepared at all time to deal and crash terrorism, the way Israelis are armed and equipped!
 4. **That the Parliament members have failed to give credible service to the same police officers who protect the around the clock they must wake up and act!**
-
15. **That** we urge the speaker and his committee members to understand that approving nominee without equipping the forces will not improve anything and therefore they should overwhelmingly vote for the police officers to be paid 100,000, be given two bed roomed apartments, insurance and other facilities otherwise the Hon. Major General (Rtd) Joseph Nkaiseri will face the same challenges his predecessor now disgraced faced and he may be disgraced as well if no improvements to the police serve is done.
 16. *That we belief the objective of call this memoranda is not Public Relations exercise but a very serious matter regarding National Security*
 17. *We hope and pray that the nominee will pass all the test of time and finally be appointed for the post.*
 18. That what we have depend herein is true to the best of our knowledge and understanding.

Before me commissioner of Oaths/Magistrate

DRAWN AND FILED BY THIS 4TH DAY OF DECEMBER 2014

Tel 0716929975
Email sjohasegineer@gmail.com

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

SWORN BY THE SAID

1. JOHN MBUGUA THE REVEREND
2. GILBERT MUKABANE
3. STEPEHN OMODIA



THIS DAY OF Dec 4th 2014



BEFORE ME COMMISSIONER OF OATHS/MAGISTRATE

DRAWN AND FILED

1. JOHN MBUGUA THE REVEREND

BOX 1937700100

NAIROBI

TEL 0716929975

Email stjohnsengineers@gmail.com



2. GILDERT MUKABANE

BOX 1937700100

NAIROBI



3. STEPEHEN OMODIA

____ BOX 1937700100

NAIROBI



REPUBLIC OF KENYA

IN THE MATTER OF: SECTION 6 (9) OF THE PUBLIC APPOINTMENTS
(PARLIAMENTARY APPROVAL) ACT, 2011

AND

IN THE MATTER OF: THE NOMINATION, VETTING AND APPOINTMENT OF MAJ-
GEN. (RTD) JOSEPH KASAINI NKAISSERY, MP, AS CABINET
SECRETARY FOR INTERIOR AND CO-ORDINATION OF
NATIONAL GOVERNMENT.

WRITTEN MEMORANDA

I, MAJOR (RTD) STANLEY M. KIAMA of Post Office Box 58037-00200 Nairobi in the
Republic of Kenya doth hereby MAKE OATH and DECLARE as follows:-

1. **THAT** I am the Secretary General of the Kenya Veterans Association (KVA) and I have full authority to make this Declaration on my behalf and on behalf of our Members.
2. **THAT** we take this early opportunity to congratulate His Excellency the President and Commander-in-Chief of the Kenya Defence Forces for his wisdom in nominating MAJ-GEN (RTD) JOSEPH KASAINI NKAISSERY, MP, to the position of Cabinet Secretary for Interior And Co-ordination of National Government.
3. **THAT** indeed there could never have been a better choice for the highest National Security office in the Republic of Kenya. GENERAL NKAISSERY IS THE MAN!
4. **THAT** there is no doubt that the nominee is not only a charming people person but also a man of impeccable integrity, well educated, disciplined, patriotic, loyal, decisive and above all a very honest and forthright individual who can be relied upon to deliver immediate and tangible results in this critical docket at this critical time of continuing threats to our National Security.
5. **THAT** we, the Kenya Veterans Association, have previously appeared before this August House following the shocking and daring Westgate Mall Terrorists Attack which occurred on 21st September, 2013 where we highlighted the disconnect and lack of co-ordination and co-operation between the various National Security organs and consequently recommended among other reforms, the establishment of a national inter-Agency Command Centre. We are however dismayed that to date, the said Command Centre has not been operationalized. We respectfully believe that the operational blunders that resulted in the Kapedo and Mandera massacres could have been averted and/or greatly mitigated. Indeed, reports have it that one of our members, Sgt.(Rtd) Peter Kokon who represented this country in countless shooting competitions, was recently brutally murdered in an apparent retaliatory attack in West Pokot County. These criminal activities must be halted immediately and their perpetrators brought to book!

10 DEC 2014

6. **THAT** it is our belief that urgent restructuring and reforms, including the elimination of outdated colonial practices and structures in our security agencies can only be brought about by a person with the leadership qualities and all-round experience of General Nkaiserry.
7. **THAT** we have read media reports that a certain NGO has threatened to go to court to block the appointment of General Nkaiserry should Parliament approve his nomination to this critical docket in the Government of Kenya. We who worked with him, under him and above him, are ready and willing to defend the General against such malicious allegations. The military operations that this organization appears to be alluding to are security matters which cannot be responded to by individual officers by dint of the mandatory provisions **Official Secrets Act** (Cap 187) which bind every member of the National Security organs, whether in active service or otherwise.
8. **THAT** as we wholeheartedly recommend the appointment of MAJ-GEN JOSEPH KASAINI NKAISSEY, we also hereby urge this August House to consider appointing Military retirees to other positions in the service of the Government of the Republic of Kenya. Indeed due to the exigencies of service, military personnel are retired from active service earlier than their Counter Parts in the Civil Service in order to pave way for younger personnel. These retired personnel though no longer fit for active military service are nevertheless fit and available for other non-combat military and security related duties which would go a long way in enhancing National Security.
9. **THAT** sometime last year, a Military Veterans Bill was introduced in the House. It would appear that the same has for some unknown reasons been shelved. We shall appreciate it if the Leader of Government Business assumes ownership of the Bill and ensures that the same is passed speedily.
10. **THAT** what is deponed to herein above is within my knowledge and is true.

SWORN at NAIROBI by

MAJOR (RTD) STANLEY M. KIAMA

this 10th day of December 2014

Before me:



COMMISSIONER FOR OATHS

[Handwritten signature]
T

REPUBLIC OF KENYA

IN THE MATTER OF: OATHS AND STATUTORY DECLARATIONS ACT CAP. 15
LAWS OF KENYA

-AND-

IN THE MATTER OF: THE APPROVAL BY THE NATIONAL ASSEMBLY OF
HON. MAJ. GEN (RTD) JOSEPH NKAISSERY MP TO BE
APPOINTED AS CABINET SECRETARY FOR INTERIOR
AND COORDINATION OF NATIONAL GOVERNMENT

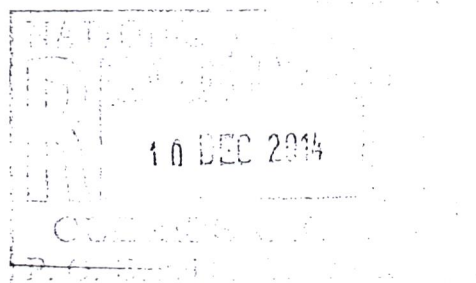
-AND-

IN THE MATTER OF: A MEMORANDUM BY NGURUMAN LIMITED

AFFIDAVIT

I, MOSES LOONTASATI OLOLOWUAYA of Post Office Box Number 45 Kajiado in the
Republic of Kenya DO HEREBY make oath and state as follows:-

1. I am a director and chairman of **NGURUMAN LIMITED**, a public non-listed company duly incorporated under the provisions of the Companies Act Cap. 486 Laws of Kenya, hence competent to swear this Affidavit.
2. I swear this Affidavit pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act, 2011, and in support of **NGURUMAN LIMITED's** representations concerning the suitability or otherwise of Hon. Maj. Gen (Rtd) Joseph Nkaissery's, MP ("Hon. Nkaissery") appointment for the position of Cabinet Secretary for Interior and Coordination of National Government.
3. Nguruman Limited is the registered proprietor of the property situated in Narok South district known as Title Narok/Nguruman/Kamorora/1 ("the Nguruman property") and has been so since 1986. Annexed hereto and marked "**MLO1**" is a copy of the Title Deed dated 15th June 2010.



4. We are the holders of a decree that was issued by the High Court at Kericho on 2nd December 2009 which directed that the members of the neighbouring Shompole and Ol Kiramatian Group Ranches who had trespassed in the Nguruman property be evicted from the Nguruman property and every part thereof. The Court also awarded nominal damages to Nguruman Limited. Annexed hereto and marked “**MLO2(a)&(b)**” are copies of the Decrees dated 2nd December 2009 respectively.
5. Shompole and Olkiramatian did not prefer an appeal against the Judgment of the High Court dated 2nd December 2009. Their attempt to review the said Judgment before the High Court was unsuccessful. Annexed hereto and marked “**MLO3**” is a copy of the High Court at Kericho’s Ruling dated 19th January 2012 dismissing the said application for review.
6. Shompole and Ol Kiramatian then moved to the Court of Appeal where they obtained a partial order for stay of execution of the Judgment of the High Court dated 2nd December 2009. However, the said Orders were subsequently rescinded by a 5 judge bench of the Court of Appeal on 3rd October 2014. Execution proceedings then ensued to recover the nominal damages. Annexed hereto and marked “**MLO4(a),(b),(c),(d)&(e)**” are copies of the Rulings by the Court of Appeal dated 19th April 2013 and 3rd October 2014, Orders dated 9th October 2014, Notice by Advertisement of Sale which was published on The Daily Nation, Thursday October 23, 2014 and the Notifications of Sale respectively.
7. Meanwhile, Shompole and Ol Kiramatian had encroached further into the Nguruman property in June 2014 thereby necessitating the obtaining of an Order from the High Court at Kericho dated 3rd July 2014 which directed the police to assist Nguruman Limited to evict Shompole and Ol Kiramatian from the Nguruman property. Annexed hereto and marked “**MLO5**” is a copy of the Order dated 3rd July 2014.
8. On 23rd October 2014 Hon. Maj. Gen (Rtd) Joseph Nkaisery was among the leaders from Kajiado County who attended a meeting at a Nairobi hotel where he unlawfully directed Shompole and Ol Kiramatian to disregard and disobey the Orders of the High Court at Kericho. The leaders also threatened that there would be dire consequences in

the event that the then Inspector General of Police, Mr. David Kimaiyo deployed police officers to evict Shompole and Ol Kiramatian from the Nguruman property. I was widely reported by the print media on 24th October 2014 that "*Hon. Nkaisery said that the land belongs to the Maasai community and at no point will they allow any person to purport to sell or evict its residents.*" It was further reported that the said leaders "*warned there would be dire consequences should inspector general of police David Kimaiyo deploy police officers to forcefully evict the people who have been living in the disputed land.*" Hon. Nkaisery is reported to have stated that "*We are aware those behind the auction are some whites from Tanzania. The Maasai have been living in the area and there is no way someone can come from anywhere to claim the ownership of the land.*" Annexed hereto and marked "MLO6" is a copy of the story under the caption "**Maa leaders warn against eviction of 15,000 families in disputed land**" which appeared on page 2 of "The Standard", Friday, October 24, 2014.

9. We subsequently became aware that some local politicians from Kajiado County intended to hold a political meeting in the Nguruman property on 31st October 2014 and incite the local Maasais to invade the remainder of the Nguruman property, burn it down, commit various other acts of vandalism, and chase away or kill our employees.
10. We then moved to the High Court at Machakos on 30th October 2014 and obtained Orders restraining the Governor of Kajiado from directly or indirectly inciting, inducing, procuring, persuading, organizing, financing or in any manner facilitating any mass action, gathering, meeting, rally, demonstration on 31st October 2014. Annexed hereto and marked "MLO7" is a copy of the Order dated 30th October 2014.
11. In spite of the said Court Orders, Hon. Nkaisery was among the leaders who attended the meeting of 31st October 2014, took an active part in the said meeting and together with others, irresponsibly and maliciously stirred up ethnic hatred in the armed militia from Shompole and Ol Kiramatian towards us, and incited Shompole and Ol Kiramatian to invade the Nguruman property.

12. During the said meeting Hon. Nkaiserry engaged in hate speech that was directed at Ngruman Limited and its owners and directors. Hon. Nkaiserry told the members of Shompole and Ol Kiramatian who were present during the said meeting that:-

“... and governor na viongozi wote. I think there are two simple issues here. Let us not bring the issue of the boundary. It is not the issue here so don't come with that as an issue ati you are coming to resolve the issue of the boundary. No. The issue is huyu mzungu amechukua shamba letu. That's the issue. Na tumesema huyu mzungu aondoke hapa within seven days. The rest of the other issues ya kuangalia who owns this land it is owned by the Lodokilani, so don't even bring the issue of who is the owner of this land. When God created the earth he put Lodokilani here and it doesn't matter, until they leave nobody else has a right to live here. That's what we are saying. So regardless of whatever, whatever you are saying, what you are going to tell the people there is that seven days, and this is the government, iko DC, iko County Commissioner hapa. Seven days mzungu aondoke hapa, within seven days mumeangalia the ownership belongs to Lodokilani, caveat iwekwe kutoka leo this afternoon. Iwekwe unapeana hii instruction caveat ya sale because hata kama hapana weka nani atakuja kununua hapa? Tuko. Nobody can buy this land, I am telling you. So lets not waste time here kusema abcd twende huko tueleze wananchi the land belongs to you, mzungu is leaving, you know, and that is the end of it. I think hiyo mkutano imeisha.”

“*Niaku. Kore entoki nikijito tene wueji keyiolo oldisi kelo aliki serikali, kore mali natii ene naa inkunaang (The DC knows what we are saying here, and he will tell the government that the property which is here is ours).*”

“*Mekipuo aaapeji, kainyoo pee kipejie mali aang, kelo olmusunkui neingua mali aang. Amu nkishu aang eteshetie niaku (We will not burn it. Why should we burn our own property? The white man will go and he will leave the property because he used our wealth to build it). Bwana Sakuda, bwana senator, bwana Governor, bwana County Commissioner we don't care what Swazuri is going to do we don't, we don't. It is our land and it is our land, by*

Monday the land belongs to us. Ole sere naa neijia kitejo (Good bye, and that is what we have said).”

Annexed hereto and marked “MLO8(a)&(b)” is a CD and flash disc containing the relevant video recordings of public statements by Hon. Nkaiserry on 31st October 2014 and 10th November 2014.

13. I verily believe that Hon. Nkaiserry’s conduct on 31st October 2014 is contrary to the provisions of section 13 of the National Cohesion and Integration Act No. 12 of 2008.
14. Hon. Nkaiserry’s hate speech and public incitement had the result of stirring up ethnic hatred towards Nguruman Limited, its owners and shareholders and encouraged the armed militia from Shompole and Ol Kiramatian to criminally invade the Nguruman property on 1st November 2014, commit acts of wanton destruction and theft, beat up and kidnap our employees, and forcefully and illegally grab the said land.
15. On 2nd November 2014, the armed and riotous militia from Shompole and Ol Kiramatian burnt down Olduvai Lodge, one of the prestigious tourist establishments on the Nguruman property, after having expelled all of our remaining employees from the land. They then continued with the vandalism, theft and looting of the entire property unhindered. Annexed hereto and marked “MLO9” is a bundle of various newspaper reports and photos of the said invasion and destruction of the property.
16. The loss suffered by Nguruman Limited as a result of Hon. Nkaiserry’s hate speech which led to the said criminal invasion, destruction and looting of our property is conservatively estimated to be no less than Kenya Shillings 2 billion.
17. On 3rd November 2014, Nguruman Limited returned to the High Court at Machakos and obtained an Order which directed the then Inspector General of Police, Mr. David Kimaiyo to **investigate the role played by Hon. Nkaiserry and others in the incitement and eventual invasion and destruction of the Nguruman property.** Annexed hereto and marked “MLO10” is a copy of the Order dated 3rd November 2014.

18. On 5th November 2014, Nguruman Limited filed proceedings in the High Court at Machakos in which amongst the reliefs sought is a **declaration that Hon. Nkaiserry is not fit to hold public office** because he has violated various provisions of the Constitution of Kenya, 2010, National Cohesion and Integration Act, 2008, Public Officer Ethics Act Cap. 183 Laws of Kenya and Leadership and Integrity Act, 2012 **as a result of his role and involvement in the invasion and destruction** of the Nguruman property. Annexed hereto and marked “MLO10” is a copy of the Amended Plaint dated 5th November 2014.

19. On 5th November 2014, the High Court at Machakos issued an Order restraining Hon. Nkaiserry from *inter alia* directly and indirectly procuring, encouraging or persuading Shompole and Ol Kiramatian to disregard or disobey the various orders of the High Court, Court of Appeal and Resident Magistrate, Narok. Annexed hereto and marked “MLO11” is a copy of the Order dated 5th November 2014.

20. Hon. Nkaiserry has also demonstrated by his conduct that **he does not respect and will not uphold the national values and principles set out in Article 10 of the Constitution especially the rule of law** should he is appointed to the position of Cabinet Secretary for Interior and Coordination of National Government. This is because when he attended the High Court at Machakos on 10th November 2014, he publicly stated that:

“We are resilient. Nguruman will come back to Loodikilani to the owners. That’s really the message. It doesn’t matter how the court is going to decide, it does not matter which judgment is going to be made. The land belongs to Loodikilani and the Loodikilani must have their land.” (see the CD and flash disc containing the relevant video recordings of public statements by Hon. Nkaiserry on 10th November 2014 marked “MLO8(a)&(b)” respectively).

21. On 5th December 2014 the State Law Office presented a report to the High Court at Machakos which indicates that Mr. David Kimaiyo, as the Inspector General of Police did instruct the Director of Criminal Investigation to **commence investigations into the possible commission by Hon. Nkaiserry and others of various crimes in respect of**

their role and involvement in the invasion and destruction of the Nguruman property, and when investigations are complete, to forward the files to the Director of Public Prosecutions for perusal and action. Annexed hereto and marked "MLO12" is a copy of the Report dated 1st December 2014.

22. I verily believe that in the premises, Hon. Nkaissery is not suitable to be appointed to the position of Cabinet Secretary for Interior and Coordination of National Government.

23. What is stated above is true and to my own knowledge and belief save as to matters deponed to on information, the sources whereof are otherwise identified and set out hereinabove.

SWORN by the said MOSES

LOONTASATI OLOLOWUAYA

at Nairobi this 10th day of Dec 2014)

BEFORE ME)

SOLOMON KIOKO KIVUVA
ADVOCATE
COMMISSIONER FOR OATHS
P. O. Box 26083-00100, NAIROBI.

COMMISSIONER FOR OATHS)

DRAWN AND FILED BY:-

NYAENCH WAICHARI & COMPANY

ADVOCATES,

NEW HURLINGHAM PLAZA

3RD FLOOR

P. O. BOX 79630-00200

NAIROBI

①

OBADIA KIMANI MOYIAE,

P.O BOX 11,

ONGATA RONGAI.

KAJIADO COUNTY

5/12/2014

JUSTIN BUNDI, CBS

CLERK OF THE ASSEMBLY

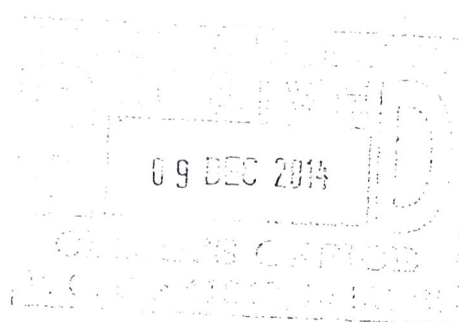
Dear Sir

Sir Nkaissey is an inciter and does not deserve the post.

Sir, I am an independent journalist. On 3/11/2014 I was on assignment at Shompole centre concerning Nguruman Limited and Shompole Group Ranch. I went to cover the maasai leaders crisis meeting and had ample time to interview Shompole Group Ranch members concerning the disputed land, Nguruman Limited. I interviewed a maasai lady who seemed a bit learned. Why are you demonstrating? "Our leaders have told us so." she answered. Who are the leaders? In whispers she answered, "our MCA, Peter Ole Pariken told us to demonstrate, shout, scream and even faint before the cameras until the government cancels the court order against Shompole Group Ranch. Our MCA told us not to be afraid because Nkaissey, Mositet, Sakuda and Ole Lenku would protect us and they are the government. That's why the Shompole Group Ranch hooligans went ahead and destroyed property worth millions of shillings that belongs to Nguruman Limited. They are protected by the president of Kenya." No justice in Nkaissey, he is an inciter, catalyst and a notorious war mongerer. He should be prosecuted for inciting people against private property and he is not above the law. He has very terrible behaviors.

Thank You Sir

Obadia Kimani Moyiae



OSCAR OKEMWA KENYANYA

P.O BOX 21456

NAIROBI

08/12/2014

JUSTIN BUNDI CBS

CLERK OF THE ASSEMBLY

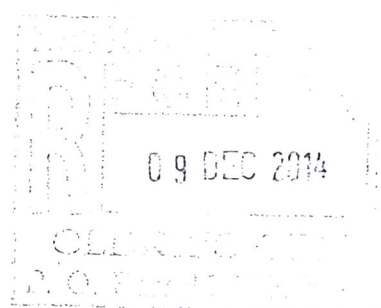
Dear Sir

I live in Oloorsirkon, Ongata Rongai, Kajiado County. I bought some land in the area adjacent to Kitengela plains. I come from Kisii. I'm a civil servant working with NHIF.

I recently watched in the media maasai leaders being led by Nkaiserry inciting Shompole residents to invade a private land, Nguruman Limited. The property worth millions of shillings was destroyed. The private land had a court order to Shompole Group Ranch. Why did Nkaiserry invade the private property through public incitement? Why did he not follow the law that governs and protects all Kenyans? Is he above the law? In fact he should be in jail and the president of Kenya is not also fair. Why is he giving a criminal like general Nkaiserry such a post? What if he is appointed, will he evict all non-maasais like me living in Kajiado County? He should be behind bars now until his incitement case against him in Machakos high court is determined. Unfit to work.

Thank You

Oscar .O. Kenyanya



PERPETUA LASOI LIKIMANI

NELSEN CRONNIE

P.O BOX 20621

NAIROBI

8/12/2014

JUSTIN BUNDI CBS

CLERK OF THE ASSEMBLY

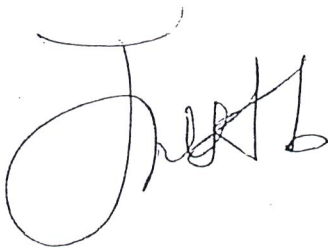
Dear Sir

I live in Kibiku in Ngong. I and my foreign husband have invested a lot in the flower industry in the area. The story of Nguruman Limited invasion by Shompole Group Ranch hooligans is heart breaking. Property worth millions of shillings was destroyed while the administration police officers watched. Nkaiserry was in the frontline talking with lots of anger and hatred. Is he interested in the property? Is he above the law? He should rot in jail. We followed the story on twitter. He is protected by Ole Lenku. Nkaiserry will also evict all non-maasai and people of European origin in the area who own property and land if elected the CS interior security? Not eligible to lead.

Thank You

Perpetua Lasoi Likimani

Nelsen Cronnie



MAPARASHA YOUTH GROUP,
NKUSERO EMPOWERMENT GROUP,
ORMOLELIANI LAND ACTIVIST,
P.O BOX 127,
KAJIADO.

08/12/2014

JUSTIN BUNDI CBS,
CLERK OF NATIONAL ASSEMBLY.

Dear Sir

We, the youth of Maparasha in Kajiado Central, together with other stakeholders are against Nkaisery's appointment.

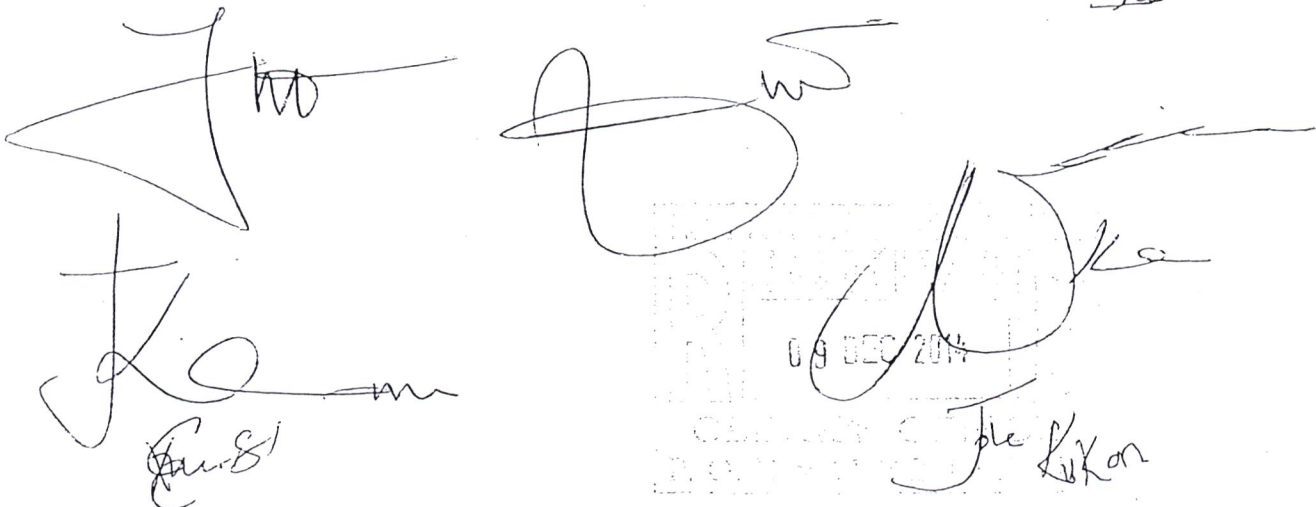
He is a land grabber, him together with his bosom friends Titus Tukero Naikuni CEO Kenya airways, Jacob Letia Kipury former registrar of high court and former counselor Ole Mohu have grabbed three thousand acres public land at Ilbisil shopping centre. Nkaisery and the gang sub-divided the land and each one of them got five hundred acres. In fact Nkaisery's second home is built on public land. We have papers to prove the allegation just in case you will need them.

Nobody dares to confront the brutal general because he has been the area mp for twenty years and has a strong cartel of leaders protecting him.

Thank You.

Maparasha Youth Group.

Yd Sinet



The bottom of the letter features several handwritten signatures in black ink. On the left, there are two distinct signatures. In the center, there is a large, stylized signature. To the right of this, there is a circular stamp containing the date '09 DEC 2014'. Below the stamp, there is another signature. To the right of the stamp, there is a signature that appears to be 'Jle Likon'. The overall impression is of a formal document with multiple signatories.

PATRICK OSHUMU PARKIRE

P.O BOX 174

KAJIADO

08/12/2014

JUSTIN BUNDI CBS

CLERK OF THE ASSEMBLY

Dear Sir

I am a veterinary officer based in Namanga. I come from Matapato North in Kajiado Central. Nkaissero is my MP. I come from the same location with him, Maparasha and also same village.

In 1984 I was a young boy almost fifteen years of age. Nkaissero was an army man the rank of cornel. In the midnight hour all the old men in my manyatta left for Nkaissero's village home "enkongu enjore" in silence and whispers. I was young but curious. The old men were saying that the cows had arrived.

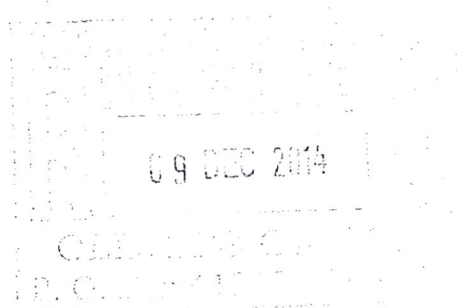
In the morning Nkaissero was the hero of Matapato, he had brought in the plunder of West Pokot after the Lotitiri massacre. Kenya army lorries were used to ferry the cows into the homestead of general Nkaissero. So it is very true what the TJRC reported.

He is inhumane and very evil and should be arrested, very unfit.

Thank you.

Patrick Oshumu Parkire

P.K



Appendix (4)
(Curriculum Vitae)

PROFILE

Hon. Retired Maj. Gen. J.K. Nkaissey is currently the M.P. for Kajiado Central Constituency and immediate former Assistant Minister of State for Defence. Before this he was a former Commander of Western Command, Commandant Armed Forces Training College and the Director of the Liaison Department Office of the President.

He was born on 28th November 1949 and completed his secondary education in 1970. He entered Kenyatta University in 1971 as a member of the pioneer class, but left in early 1972 to join the Army as a Cadet. He trained as an Officer Cadet both at the **Armed Forces Training College Lanet-Kenya** and at the **India Military Academy – Dehra Dun – India**. He was commissioned as a **Second – Lieutenant on 23rd November 1973**. He retired **honorably** on 15th August 2002 to contest the Kajiado Central Parliamentary Seat. He successfully defended the same during 2007 and 2013 general elections.

His military Command responsibilities and appointments include Platoon Commander, Company Commander, Battalion Second-in-Command, Commanding Officer and Brigade Commander. Other assignments include Cadets Instructor, Small Arms Instructor, Combat Wing Instructor, Officer Commanding Cadets Training, Military Assistant to the Chief of General Staff, Colonel Personnel, Chief Instructor/Deputy Commandant and Director Liaison Department Office of the President. He was also the Military Adviser to IGAD Secretariat on South Sudan Peace Process until his retirement in August 2002.

He has attended all relevant military courses and seminars throughout his career. He is a graduate of the **Defense Staff College class of 1985/1986**. He holds a post graduate diploma in Strategic Leadership and Management from the **United States Army War College class of 1996/1997**.

EDUCATION/TRAINING.

Officer Cadet Course – India and Kenya
Platoon commander Course - Kenya
Office Administration Course - Kenya
Grade Three Staff Course - Kenya
Anti – Tank Missile Course - Kenya
Snipers Course – UK
Company Commanders' Course - Kenya
Defense Staff College - Kenya
Strategic Leadership – U.S.A.
Strategic Intelligence Course – Germany and Israel
Industrial and Economic Development course - South Korea
Strategic Trade Control Implementation Legal-Regulatory –
University Of Georgia, USA
International Senior officers Peace support Planning Course – Kenya
Leadership in Development – Harvard University.

APPOINTMENTS.

Commissioned on 23rd November, 1973
Platoon Commander
Officer Cadet Instructor
Small Arms Instructor
Company Commander
Officer Commanding Cadets Training
Tactical Combat Instructor
Military Assistant to the Chief of General Staff
Brigade Commander
Deputy Commander/Chief Instructor
Director Liaison Department Office of the President
Military Adviser to IGAD Secretariat on Sudan Peace Process
General officer Commanding Western Command
Commandant Armed Forces Training College

RANKS.

Second lieutenant

Captain

Major

Lieutenant Colonel

Colonel

Brigadier

Major General

The General has participated in many assignments as a member of Kenya delegation on conflicts resolution within the region as the Chairman of Amani Forum and as Military adviser to the IGAD Secretariat on South Sudan peace process.

PARLIAMENTARY RESPONSIBILITIES.

Member of Parliament – Kajiado Central wef 27 Dec 2002 to date.

Shadow Minister for Defence and National Security 2003 -2007.

Deputy Secretary General KANU. 2003-2007

Deputy Secretary General ODM. 2008- Feb 2014

Former Vice President International Parliamentarians Forum on Small Arms and Light Weapons. 2006-2008

Former Chairman AMANI Forum Kenya Chapter.

Delegate to the United Nations General Assembly inter-parliamentary Union on disarmament, Small Arms, Conflicts Resolution and Terrorism. 2003 - 2007

Delegate to IGAD Parliamentary Union. 2004-2007

Member KNA on the Wildlife. 2003-2007

Parliamentary Marathon Champion.

Chairman of Pastoralist Parliamentary Group.

Former Assistant minister for Defence.

Member of Defence and Foreign Relation Committee.

Member of Joint Committee on National Cohesion and Equal Opportunity.

Member of International Parliamentary Forum on SALW.

Member of Select Committee on the Constitution. 2008- 2010

Member of Constitution Implementation and Oversight Committee. 2011-2013

Hon. Nkaiserry is decorated with Eight (8) medals among them the Order of Golden Heart third Class (M.G.H) and order of the Burning Spear First Class (CBS).

Hon. Nkaiserry is married to Helen Nkaiserry and they are blessed with four children - Two daughters, Two sons and a granddaughter.

