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EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

THE POWER OF MERCY ADVISORY COMMITTEE (POMAC)



ANNUAL REPORT & FINANCIAL STATEMENTS

FINANCIAL YEAR 2023/2024

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 MAR 2025	DAY. Tuesday
TABLED BY:	Hon. Owen Baya, MP Deputy Majority Leader
CLERK-AT THE-TABLE:	Gertrude Chebet



EXECUTIVE OFFICE OF THE PRESIDENT
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THE POWER OF MERCY ADVISORY COMMITTEE (POMAC)

ANNUAL REPORT & FINANCIAL STATEMENTS
FINANCIAL YEAR 2023/2024





THE POWER OF MERCY ADVISORY COMMITTEE (POMAC)

MOTTO

Power and mercy at its best

VISION

"Excellence in rendering advice on the Power of Mercy"

MISSION

To receive and consider petitions by convicted criminal offenders, research and collaborate with other relevant organs and expeditiously render independent advice to the President on the exercise of Power of Mercy

CORE VALUES

Integrity
Transparency
Accountability
Professionalism
Social Justice
Teamwork

TABLE OF CONTENTS

CHAIRPERSON'S STATEMENT	9
SECRETARY'S STATEMENT.....	13
CHAPTER ONE: INTRODUCTION	17
Mandate of the Power of Mercy Advisory Committee	17
Functions of the Committee.....	17
Powers of the Committee	17
Composition of the Committee	18
CHAPTER TWO: PETITION FOR THE EXERCISE OF POWER OF MERCY	19
Introduction	19
Eligibility to file a petition for exercise of mercy.....	19
Admissibility.....	19
Commencing a Petition	19
CHAPTER THREE: APPOINTMENT OF NEW ADVISORY COMMITTEE MEMBERS.....	27
Qualification for Appointment	27
Brief Profiles of the new Committee Members.....	29
Induction of the Committee.....	36
CHAPTER FOUR: STAKEHOLDER PARTNERSHIPS AND COLLABORATIONS	37
CHAPTER FIVE.: STRATEGIC INTERVENTIONS	45
Education and Sensitization Forums	45
FINANCIAL STATEMENTS.....	58



CHAIRPERSON'S STATEMENT

I am pleased to present the Power of Mercy Advisory Committee's (POMAC) Annual Report and Financial Statements for the fiscal year 2023/2024 in accordance with Section 29 of the Power of Mercy Act, 2011. This is the twelfth Annual Report of the committee and the first publication since I joined the Committee as Chair upon my appointment as the attorney general. Further, this is the first report for the Third committee whose mandate commenced on 6th October, 2023.

As you are aware Petition Processing is the backbone of the Clemency Process. Notably, during the period under review, His Excellency the President granted conditional pardon to 37 long term convicted offenders; Commuted death sentence of 662 death row inmates to life sentences and; granted pardon by way of general amnesty to 5,060 petty offender who were sentenced to six (6) months and below and those with sentence balance of six (6) months and below. It is important to mention that this report has been prepared against the backdrop of the progressive reforms that are being undertaken by POMAC as provided for in the Policy Framework that was adopted and approved by the cabinet on 9th October, 2023. These reforms are aligned with the Bottom-up Economic Transformation Agenda (BETA) commitment to agility in service delivery; customer centric focus; transparency

and accountability; and prudent use of available resources. As the Chairperson of the committee I commit to lead the process and also collaborate with the other actors in the criminal justice system that are involved in the Clemency process to fast-track the reforms and realize the envisaged gains. I note with satisfaction that a lot of ground has now been covered. The Policy has since been presented to the National Assembly for approval. The Draft Bill has also been finalized and is ready for submission to both the Cabinet and The National Assembly for adoption and approval. We anticipate that Parliament will fast track the process to pave way for the institutionalization some of the reforms that may require legal anchorage and pave way for a new dawn in the Clemency process.

I am happy to report that the operationalization of the other key reforms is on track. Key amongst them is the approval of the Organizational Structure and Authorized Establishment for POMAC by the Public Service Commission. While some of the processes have been actualized others are at very advanced stages of implementation. Once the entire process is completed it will enhance the operational autonomy of the organization and its ability to tap the requisite human resource to support the petition process.

I am pleased to mention that now POMAC in collaboration with the Information, Communication and Technology Authority (ICTA) has completed the digitization of the entire Petition Process from end to end through the Electronic Petition Management Information System (ePOMPMIS). The System has also been on-boarded on the e-Citizen portal to enhance accessibility. On one hand the system aims at providing interaction between POMAC and the Public, while on the other hand it aims at providing seamless interaction between POMAC and the databases of key actors in the petition process. These include the Prison Service, The Probation and Aftercare Department and The Directorate of Criminal Investigation Department.

As you are aware digitization of Government Services is one of the key priorities of the BETA. The above cited digitization of the Petition Process therefore aligns with the Presidential directive that all government services be digitized and on-boarded in the e-citizen platform. The said digitization will not only enhance openness, transparency and accountability but it will also facilitate seamless participation and collaboration between the major stakeholders in the petitions process.

Am aware that the establishment of Multi-agency Reintegration, Resettlement, Rehabilitation and Empowerment Committee is in the pipeline. This Committee comprises of the key actors in Petition Process namely; The National Government Administrative Officers -NGAO; The County Government; Key State and Non-State Actors. The role of the said committee is to support the rehabilitation, resettlement, empowerment and reintegration of the reformed pardoned convicts in the society.

It has also been noted that the committee is also exploring innovative ways of moving beyond monitoring to helping the pardoned offenders to settle in some income-generating activities especially in areas that are related to their acquired vocational skills. The rationale is to on one hand encourage other prisoners to change their behavior while also enabling the reformed offenders to engage in gainful employment. At practice level it is envisaged that mechanisms will be put in place to provide county-specific interventions that will ensure the pardoned offenders have been reintegrated in order to become useful citizens. This is likely to combat recidivism since inability to earn a livelihood has been identified as one of the key drivers of recidivism. It is important to note that there is a significant correlation between reintegration and reduction in recidivism. I note with appreciation that once these interventions are fully operationalized they will reengineer the petition process and result in better outcomes for petitioners.

Closely tied to the above initiative to address recidivism is the recommendation to create a system that allows for the conditional sealing of the criminal records of offenders. Further, it provides for unsealing the record if the offender recedes back to crime. This envisions the establishment of a Sealing of the Criminal Record Unit to pave way for Reformed Offenders to conditionally acquire the Police Clearance Certificate to enable them earn a just livelihood. This is modeled alongside the Canada Board of Pardon and Parole which was identified as a suitable model during the Taskforce's study visit. The said visit presented an important opportunity for learning best practices on the parole system from Canada, the sealment of the criminal record

of reformed offenders and the reintegration of the reformed offenders into the society.

Other key outcomes of the visit included understanding the legal, policy and administrative frameworks that support the implementation of the prerogative of mercy in Canada; appreciating critical success factors and best practices in the implementation of the prerogative of mercy and parole; establishing the linkages between the various institutions and agencies involved in the implementation of the prerogative of mercy in Canada;

As I conclude I urge the committee to move with speed and complete the preparation of the Strategic Plan for period 2024-2027. This is very crucial because it will embed the reforms and provide a roadmap for their implementation in the ensuing period. I wish to underscore the need for the committee to ensure that the strategic plan focuses on interventions that have a great impact on the social economic transformation of

the country. The committee should also remain committed to an ethical culture guided by its strong value systems of Integrity, Transparency, Accountability, Professionalism, Social Justice and Teamwork.

On behalf of the Committee, I thank the Office of the President, all actors in the criminal justice system and all our partners for their support. I implore on them to strengthen their collaboration with POMAC in order to drive the reforms to the desired level. Finally I urge all our stakeholders to walk with us in this journey as we look forward to greater success in our joint endeavor to fulfill the Committee's mandate.



DORCAS ODUOR, SC, EBS
THE HON. ATTORNEY GENERAL



SECRETARY'S STATEMENT

I am honored to present this report during a decisive phase when POMAC is implementing far reaching reforms. It is a critical phase since POMAC is operationalizing the reforms in the Policy Framework that was adopted and approved by Cabinet in September 2023. The above cited reforms are as a result of the recommendations on the Taskforce on the Review of all the Laws related to Article 133.

The Recommendations were further buttressed by the findings of a benchmarking team that comprised of the Power of Mercy Advisory Committee, the Parliamentary Committee of Justice and Legal Affairs, the Committee on Internal Security and officers drawn from the Executive office of the President. The team had embarked on a study mission to the Canada Board of Pardon and Parole to establish the strength of its model and the extent to which it can be replicated and domesticated to be applicable in Kenya.

The Taskforce had conducted comparative research on the implementation of Pardon and Parole in a number of jurisdictions including the USA, UK, Canada, Philippines, India, South Africa and Namibia. The Taskforce therefore identified Canada as one of the jurisdiction with best practices upon which Kenya should base its proposed parole system. The recommendations

were made on the basis that Canada has established a very progressive justice system with well-entrenched structures that Kenya could emulate. Canada also has a long history in successful implementation of pardon and parole. It is noteworthy that the said Reforms also include the sealing of criminal records to provide pardoned persons with better opportunities for gainful employment; the establishment of a multi-agency reintegration and empowerment committee to assist pardoned persons in re-entering and reintegrating in society; the establishment of a framework for pardoning Kenyans and foreigners as distinct categories of petitioners; and parole and pardon as forms of the exercise of the President's power under Article 133.

In particular the said reforms focus on the transformation of the clemency landscape. However as it operationalizes the reforms POMA shall always endeavor to fulfil its constitutional mandate in a manner that does not undermine the value of judicial decisions or the equilibrium that exists between the Executive and Judicial branches of Government. Moving forward, it is imperative for POMAC to acknowledge the need for exercising its constitutionally prescribed mandate within the broader criminal justice system in a collaborative and cooperative framework. Further, POMAC should take full cognizance of

the role of the various individuals, institutions and offices that it must of necessity collaborate through and with, in order to achieve its mandate. Of special mention is the critical nexus between the committee, the Kenya Prisons Service, the Probation and After Care Department and Judiciary Community Service Order Department. We call upon the full optimization and sustained engagement of these collaborative frameworks in order to ensure an efficient and effective petition process.

As you are aware well a strategic plan that helps to determine priorities, and define long-term goals of an organization. It creates a path and identifies strategies to ensure that the institution is headed in the right direction and achieving its stated objectives. As part of its reengineering, POMAC has mapped out its priority focus on key areas namely; Strengthening partnerships and collaboration with key actors in the criminal justice system; Digitization of the Petition Management process for greater reach and efficient service delivery; Review of the Legal framework of the Power of Mercy in order to give full effect to Article 133; and Support to the effective reintegration of the pardoned convicted criminal offenders.

The above cited interventions have been deemed critical because they shall not only enhance the committee's appreciation and operationalization of its criminal justice reform mandate, but also secure public information, knowledge and acceptance of the concept of Mercy and its implication. This is particularly relevant when one considers that pardon serves as an incentive for the convict to behave him/herself in the prison institution and contribute to the reformation and transformation of criminal behavior. The said reforms have been anchored in the Policy and Legislative Framework and once fully implemented they will reengineer the petition process and result in better outcomes for petitioners.

You will agree with me that the adoption of modern technological systems and practices by the Power of Mercy Advisory Committee is a major milestone. Am pleased to note that the committee in collaboration with the ICT Authority has developed a system that automates the entire petition process. Further, as part of its effort to leverage on technology the committee has integrated the system with other relevant systems in the petition process. These include, the Correctional Services Department and the Probation and After Care Department Systems to name just a few. I also note with appreciation that this will provide seamless interaction between the relevant databases and enhance the efficiency and effectiveness of the petition process. As I conclude am pleased to report that the committee remains committed to professionalism and excellence in order to provide for the efficient implementation of various procedures and processes. This will ultimately impact upon the effectiveness of the holistic petition process and encourage the committee and all the various actors in the criminal justice system. It will also give further impetus to future partnerships and yield the ultimate ideals of the envisaged in Article 133.

Once again we thank all the state and non-state actors who have walked with us and have been instrumental in the reform process. We recognize in a very special way the Executive Office of the President; The National Treasury and the Critical Actors in the Criminal Justice System for their immense support.



Dr. Lydia Muriuki, EBS.
CEO/ SECRETARY

COMMITTEE MEMBERS

Dorcas Oduor, SC, EBS	Chairperson
Ms. Jane Kuria, OGW	Vice-Chairperson
Prof. Kithure Kindiki, EGH	Member
Mr. Kutswa Olaka, MBS	Member
Dr. Lonah Mumelo, OGW	Member
Rev. Rogers Namu	Member
Mr. Bishar Abdullahi	Member
Dr. Edward Boor	Member
Mr. Patrick Musila	Member
Dr. Lydia Muriuki, EBS	Secretary



Dorcas Oduor, SC, EBS
CHAIRPERSON



MS. JANE KURIA, OGW
VICE CHAIRPERSON



PROF. KITHURE KINDIKI, EGH
MEMBER



MR. KUTSWA OLAKA
MEMBER



DR. LONAH MUMELO, OGW
MEMBER



REV. ROGERS NAMU
MEMBER



MR. BISHAR ABDULLAHI
MEMBER



DR. EDWARD BOOR
MEMBER



MR. PATRICK MUSILA
MEMBER



DR. LYDIA MURIUKI, EBS
SECRETARY

INTRODUCTION

Mandate of the Power of Mercy Advisory Committee

The Power of Mercy Advisory Committee (POMAC) is a Constitutional Committee established pursuant to Article 133 of the Constitution of Kenya 2010, and operationalized by The Power of Mercy Act No. 21 of 2011. The committee's core mandate is to advise the President on the exercise of the Power of Mercy. The Act provide for the appointment, tenure of office of the members, the powers and functions of the Committee and connected purposes.

The Committee ensures that the process of exercising power of mercy is transparent, free from bias, just and used for public good. The Committee studies critical issues surrounding a petition, carries independent research, hears both the beneficiary of a petition and where necessary the testimony of others, review reports and recommendations from relevant agencies - all of which ensure the Committee formulates and forwards to the President well developed, thoughtful recommendations on all petitions for the exercise of mercy, made by convicted criminal offenders or their representatives. The Committee's role therefore guarantees that the mercy process is predictable and procedural. The establishment of the Committee was part of the criminal justice system reforms.

Functions of the Committee

In addition to the functions set out in Article 133 (1) and (4) of the constitution, the Advisory committee shall;

- a) undertake or commission research and collect data on matters relating to the Power of Mercy;
- b) work with State organs responsible for correctional services to educate persons in correctional services on the power of mercy and procedures relating to applications for its exercise;
- c) carry out any necessary investigations required to make a determination on a petition for Power of Mercy;
- d) partner with State and non-state actors to educate the public on the nature and implications of the Power of Mercy;
- e) undertake such other activity as may be necessary for the discharge of its functions and exercise of its powers; and
- f) carry out any other function as may be conferred on it under any other written law.

Powers of the Committee

In the performance of its functions and in the exercise of its powers, the Committee:

- a) may, subject to the Power of Mercy Act,

- 2011, determine its procedure;
- b) shall, where appropriate, receive written or oral statements;
- c) may establish sub-committees;
- d) may co-opt into its sub-committees' persons whose knowledge and expertise it requires;
- e) is not bound by the strict rules of evidence; and
- f) shall conduct interviews of individuals on whose behalf the petition is made.

Composition of the Committee

The composition of the Power of Mercy Advisory Committee is provided for under Article 133(2) of the Constitution of Kenya and section 5 (1) & (2) of the Power of Mercy Act 2011 to comprise of: -

- a) The Honourable Attorney General, who is the Chairperson.
- b) The Cabinet Secretary responsible for Correctional Services.
- c) Seven (7) other members who are not State officers or in public service appointed by the President.

The Chairperson

The chairperson shall, within seven days of the appointment of the members, convene the first meeting of the Committee at which the members shall elect the vice chairperson of the Committee from amongst their number.

The Vice Chairperson

The vice-chairperson shall chair all the Committee meetings where the chairperson is absent. Where the chairperson and vice-chairperson are absent, the committee members shall elect one member

among themselves to chair the Committee meeting.

Committee Secretary

The Secretary to the Committee is a public officer nominated by the Public Service Commission through a competitive process and appointed by the President. The Office of the President provides secretariat services to the Committee.

Pardon Officers

Section 17 of the Power of Mercy Act provides for the appointment of Pardon Officers, who are public officers seconded to the Committee and stationed at all correctional facilities in the country to perform the following functions:

- a) report directly to the Committee on all matters related to the power of mercy;
- b) advise the internal mechanism in each correctional facility on all matters related to the exercise of the power of mercy; and
- c) be responsible for assisting the applicants in the preparation of petitions and providing general information on the power of mercy to the prisoners.

PETITION FOR THE EXERCISE OF POWER OF MERCY

Introduction

Article 133 (1) of the Constitution of Kenya provides that on petition of any person, the President may exercise power of mercy in accordance with the advice of the Advisory Committee by granting any of the following reliefs:

- a) Granting a free or conditional pardon to a person convicted of an offence
- b) Postponing the carrying out of a punishment, either for a specified or indefinite period
- c) Substituting a less severe form of punishment, or
- d) Remitting all or part of punishment.

Eligibility to file a petition for exercise of mercy

Section 19 of the Power of Mercy Act provide for the eligibility to file a petition for exercise of the power of mercy. Section 19 (2) states that a petition shall not be permitted where:

- a) The person for whose benefit it is made, is on probation or serving a suspended sentence
- b) The person has a pending judicial remedy before a court

Where a petition does not pass the eligibility test, the petitioner is notified of the reasons thereof.

Admissibility

Admissibility is the inherent power within the Committee set by the Act to either admit or defer

a petition therefore rendering it inadmissible. In determining the admissibility of the petition as set out by section 21 (2) of the Power of Mercy Act, the Committee may consider:

- a) whether, the convicted criminal prisoner has served at least one third of the sentence pronounced by a court (for determinate sentences)
- b) Where a person who is convicted and sentenced to imprisonment for life or to death and whose sentence has not been affected, has served for at least five years.
- c) Any other relief that the committee may consider necessary.

Commencing a Petition

The benefits conferred by Article 133 are available to any person convicted of an offence. The process of application for the exercise of power of mercy shall be by a petition in the prescribed form, and meeting the guidelines and criteria prescribed in the form. The downloadable form is available at the Power of Mercy Advisory Committee's website www.powerofmercy.go.ke The petition can also be filled electronically through the Electronic Power of Mercy Petitions Management Information System (ePOMPMIS) portal accessible via epmis.powerofmercy.go.ke or on the e-Citizen platform.

The petition can be filed in prison by a convicted offender through a pardon officer, or an advocate and or any other person on behalf of the offender. However, a petition that provides the requisite information shall not be incompetent only for the reason that it does not accord strictly with the prescribed format.

Below is an analysis of petitions received grouped according to:

- a) The sentence the petitioner is serving; and
- b) The nature of the offence committed.

Table 1: Comparison of number of petitions received categorized by sentence, the convicted offender (petitioner) is serving in the fiscal years 2019/2020, 2020/2021, 2021/2022, 2022/2023 and 2023/2024

S/No	Sentence	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	FY 2023/2024
1.	Death	15	2	2	1	NIL
2.	Life	3	18	8	67	94
3.	Determinate	100	40	25	68	366
4.	President's Pleasure	86	NIL	NIL	1	NIL
5.	Not indicated in the petition form	2	1	2	NIL	NIL
TOTAL		206	62	37	137	460

The Supreme Court of Kenya in its ruling in petition No. 15 of 2015; *Francis Karioko Muruatetu & Another and the Republic*, ordered inter alia, for all cases where the mandatory death sentence had been imposed to be re-heard on sentencing. Consequently, a significant number of long serving convicts opted to seek for review of the initial sentence. Subsequently, there was a steady

decline in the number of petitions received. However, arising from the automation and digitalization of the petition process, there has been a substantial increase in the number of petitions received in the last two financial years as shown by the data in Table 1 above.

Table 2: Number of petitions received during the period 2023/2024 categorized by offence committed

S/NO	Offence	No. of Petitioners
1.	Defilement	131
2.	Murder	87
3.	Robbery with violence	61
4.	Incest by male	25
5.	Grievous harm	22

S/NO	Offence	No. of Petitioners
6.	Manslaughter	20
7.	Rape	18
8.	Trafficking/Possession of narcotic drugs	10
9.	Attempted defilement	10
10.	Stealing	9
11.	Committing indecent act with a child	9
12.	Gang defilement	4
13.	Stealing stock	4
14.	Attempted murder	3
15.	Possession of bhang/cannabis sativa	3
16.	Stealing by servant	3
17.	Assault causing actual bodily harm	3
18.	Burglary and stealing	3
19.	House breaking and stealing	3
20.	Malicious damage to property	3
21.	Gang rape	2
22.	Attempted robbery	2
23.	Being in possession of alcoholic drinks	2
24.	Attempted rape	2
25.	Threatening to kill	2
26.	Benefiting from child prostitution	1
27.	Committing indecent act with an adult	1
28.	Killing an animal with intent to steal	1
29.	Infanticide	1
30.	Child stealing	1
31.	Being in possession of a firearm	1
32.	Possession of wildlife trophy	1
33.	Unnatural offence	1
34.	Obtaining money by false pretense	1
35.	Stealing motor cycle parts	1
36.	Arson	1
37.	Neglect of a child	1
38.	Conspiracy to defraud	1

S/NO	Offence	No. of Petitioners
39.	Selling alcoholic drinks without licence	1
40.	Breaking into a building and committing	1
41.	Stealing motorcycle	1
42.	Trafficking in persons	1
43.	Child Trafficking	1
44.	Dealing in meat of wildlife species	1
TOTAL		460

Overview of Consideration of petitions and notification of victims

Upon receipt of the petition, the Committee determines eligibility and admissibility of the Petition. Where a petition does not pass the eligibility test, the petitioner is notified of the reasons.

Currently, there are **2,629** active petitions in the Power of Mercy Advisory Committee's electronic system ePOMPMS. During the Financial Year (FY), the Committee received a total of **460** petitions. The Committee processed petitions in the database alongside new applications received during the period under review.

The Committee has automated the petition process and thus the admissibility test is done in the electronic system in view of the set criteria, after an evaluation of submitted information and petition documents. Where a petition is inadmissible, the petitioner is duly notified with the reasons thereof. Consequently, the admissible petitions undergo the following stages:

1. Investigation Stage

Once a petition is deemed eligible and admissible, a petition file shall be opened with a unique petition number. The petitioner will be notified of the number so that in the event that he/she wishes to

make any enquiry it is the reference quoted. The Committee has powers as per section 21(1) (b) to call for further evidence which will may include:

- a) **Prison Report:** - This report assists the Committee to understand post-conviction conduct, character and reputation of the convicted criminal offender. It is a comprehensive report giving a holistic view of the prisoner including, personal information, family history, details of the offence committed, rehabilitation history, prisoners' medical and physical report and remarks of the Officer-in-Charge.
- b) **Probation Officer's Report:** - It is a social enquiry report of the convicted criminal offender. It provides information such as the family background of the offender, social history including religion and education status, offenders' criminal history, the victim's views, the attitude of the offender's family towards possible release, state and community interest and the reintegration plan among other factors.
- c) **Court Documents:** - Judiciary provides court records that are vital in the process of consideration for mercy. Such record includes court proceedings and

judgment, documents related to appeal and any other record generated from the courts.

- d) **Medical Report:** - The Committee is mandated by section 22(1) (g) of the Act to consider personal circumstances of the offender at the time of making petition, including mental and physical health and any other disabilities. This report should be filed by a competent medical practitioner.
- e) **Security Appraisal Report:** - Key security agencies vet all petitioners being considered for mercy to protect the interests of the community and the State and submits its reports to the Committee.
- f) **Petition Summary:** After receiving all the documents, a petition summary which includes the Petitioner's Bio-Data, the type and circumstances of the offence, petition overview with emphasis on post-conviction conduct and views from other relevant agencies, is made for presentation to the Committee.

2. Paper Hearing Stage

Complete petition files having all the necessary documents up to petition summary is then presented to the Committee for members' hearing and deliberations. The Committee at this stage makes use of the Hearing Form as the tool to record observations regarding the parameters of assessment for possible recommendation of mercy.

Here, the petition may either be recommended for further consideration and therefore listed for interview, or not recommended with reasons or be deferred to a later date. When the Committee recommends the petition for interview, the interview date and venue is set.

During the period under review 48 petitions were procedurally reviewed by the committee out of which 40 petitions were recommended for interview and further consideration while 8 petitions were deferred to a later date with conditions.

3. Interview stage

All the petitions that are recommended for interview are presented before the Committee at this stage where the Committee members interrogate the petitioner with the objective of not only getting his/ her side of the story but also observing the demeanour of the petitioner.

The assessment of whether one is truly remorseful for the crime committed, has fully reformed, genuinely wishes to be pardoned, has atoned for the offence and less likely to revert to crime or not, is more possible at this stage. If the basis of the petition was ill health for instance, the Committee will interrogate the documents and make an assessment of the petitioner relying on the medical professional in the membership. The observations at this stage are recorded in the tool referred as Interview Summary Form.

During the period under review 60 petitioners were interviewed by the committee where 50 were recommended for security appraisal and further consideration while 10 were deferred with conditions. The petitions recommended at the interview stage were subjected to a security appraisal by the relevant security agencies.

4. Notification of victims

Where the relief sought relates to a conviction for a felony or misdemeanour in which there was a victim and the committee determines that there's need to contact the victim, reasonable efforts are made to notify the victim. The victim notified shall be entitled to make a representation at the interview stage.

5. Overview of the Digitalised Petitions Processing

The Electronic Power of Mercy Petitions Management Information System (ePOMPMIS), accessible through the link epmis.powerofmercy.go.ke or e-Citizen platform, is aimed at facilitating the end-to-end petition application process. The system facilitates the Power of Mercy Advisory Committee Members in receiving applications from petitioners, reviewing the petitions, processing them and making recommendations. It also assists the Secretariat Staff, Pardon Officers, Probation Officers and Security Agencies in updating petitioner information and uploading stakeholder reports.

The system has enabled petitioners to monitor their petitions through the new digital platform and provides an opportunity to the general public to access relevant information, thereby enhancing transparency, accountability and feed back in the petition process.

The main online processes involved in ePOMPMIS include:

- a) Online submission of petition by pardon officers or members of the public on behalf of a criminal offender.
- b) Verification of submitted information by POMAC and acknowledgement of receipt of a petition.
- c) Request for information from different stakeholders.
- d) Updating of information from different stakeholders.
- e) Committee conducts review/hearing of the petitions
- f) Committee interview the petitioners and make final recommendation of the petitions received.
- g) Committee updates report of security appraisal by the relevant security agencies
- h) Forwarding of the recommended petitions to H.E the President.

- i) Implementation of H.E. the President's decision.

Additionally, the system automates the services offered to the members of public and accessible through the online portal which include:

- a) Online Petition application
- b) Feedback to petitioners through tracking the progress of a petition application using search parameters that include Prison Number, POMAC Petition number or Name of the prisoner

6. Criteria applied by the Committee

When making a recommendation under Article 133 of the Constitution and Section 21(1) (c) of the Power of Mercy Act, the Committee considers the following:

- a) the age of the convicted criminal offender at the time of commission of the offence.
- b) the circumstances surrounding the commission of the offence.
- c) whether the person for whose benefit the petition is made is a first offender.
- d) the nature and seriousness of the offence.
- e) the length of period so far served by the convicted criminal offender in prison after conviction.
- f) the length of period served by the convicted criminal prisoner in remand.
- g) the personal circumstances of the offender at the time of making the petition including the mental, physical health and any disabilities.
- h) the interest of the State and community.
- i) the post-conviction conduct, character and reputation of the convicted criminal prisoner.
- j) the official recommendations and reports from the State organ or department responsible for correctional services.
- k) where the petitioner has opted to pursue

other available remedies the outcome of such avenue.

- l) the representation of the victim where applicable.
- m) the Committee may also consider reports from fellow inmates or reports from probation services.

Where a petition is deferred or not recommended for one or other reason, the petitioner is duly notified of the decision of the Committee.

7. Notification of grant or Denial of Petition

- The President shall, within sixty days of receipt of the recommendations by the committee, consider the recommendations and either approve or reject the petition.
- Where the President approves or rejects a recommendation by the Committee, the Committee shall in writing notify the petitioner or their representative of the President's Decision within Seven Days.
- The Pardon Warrant will be prepared for all the approved petitions and be transmitted to the Commissioner General

of Prisons to facilitate release of the petitioner. The approved petitions will be published in the Kenya Gazette within twenty-one days of the receipt of the President's Decision.

- The decision of the President for each Petition made shall be final.

8. Re-petition

- A person may after the rejection of a petition, re-petition only once and on new grounds, to the President through the Committee;
- The Committee shall consider a request for re-petition and where it is satisfied that the request raises reasonable facts, inform the petitioner of the outcome and require the petitioner to file the petition in a prescribed manner; and
- The procedure for the petition process shall then apply to a re-petition.

ePOMPMIS Wins an Award

The Electronic Power of Mercy Petitions Management Information System (ePOMPMIS), was recognized and awarded in the category of Technology and Digitization during this year's Africa

Public Service Day (APSD) National Celebrations, at an exhibition held at the Kenya School of Government, Kabete campus on 22nd - 23rd June, 2022.



POMAC CEO Dr. Lydia Muriuki, receives the award during this year's Africa Public Service Day National Celebrations held the Kenya School of Government, Lower Kabete.



Power of Mercy Secretariat Staff led by the CEO Dr. Lydia Muriuki posing for a group photo in their exhibition booth during this year's Africa Public Service Day National Celebrations.

APPOINTMENT OF NEW ADVISORY COMMITTEE MEMBERS

The tenure of the second Power of Mercy Advisory Committee ended on 6th May 2023, having served its constitutional five-year term. This heralded the process of recruiting a subsequent Committee, in line with Section 9 of the Power of Mercy Act. H.E the President declared vacancies in the committee and constituted an eight-member selection panel in July, 2023 in the recruitment process of suitable candidates. The panel interviewed and shortlisted ten candidates whom they recommended to the president for appointment as members to the Advisory Committee on the Power of Mercy.

Qualification for Appointment

A person is qualified for appointment as a member under section 5(1) (b) of the Power of Mercy Act if the person—

- a) is a citizen of Kenya;
- b) possesses a degree from a university recognized in Kenya;
- c) has had a distinguished career in their respective field;
- d) has at least ten years proven knowledge and experience in matters relating to any of the following fields — (i) law; (ii) psychiatry; (iii) psychology and counselling; (iv) correctional services; (v) medicine; (vi) human rights; (vii) governance; (viii) religion; (ix) gender; (xi) children matters; (xii) disability; and,

- e) meets the requirements of Chapter Six of the Constitution.

Following recommendations of the selection panel, seven members were appointed by H.E. the President on 5th October, 2023 vide Kenya Gazette Notice No. 13357, in accordance with section 9 (3) of the Power of Mercy Act, 2011.

The seven (7) members who were appointed to serve on a part time basis in the Power of Mercy Advisory Committee are: Ms. Jane Kuria, Dr. Lorna Mutoro Mumelo, Mr. Patrick Musau Musila, Mr. John Kutswa Olaka, Dr. Edward Kibiwott Boor, Rev. Humpton Rogers Namu and Mr. Bishar Maalim Abdullahi. The Honourable Attorney General is the Chairperson of the Committee. The Cabinet Secretary responsible for Correctional Services also serves as a member of the Committee.

The seven Committee members were sworn into office on 12th October, 2023, by the Chief Registrar of the Supreme Court of Kenya. The swearing-in took place at the Supreme Court building. Thereafter, the committee held their first statutory meeting where Ms. Jane Wanjiru Kuria was elected as the vice chair of the advisory committee as provided for by section 12(1)(2) and (3) of the Power of Mercy Act 2011.

GAZETTE NOTICE NO. 13357

THE POWER OF MERCY ACT

(No. 21 of 2011)

ADVISORY COMMITTEE ON THE POWER OF MERCY

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (1) (b) and section 9 (3) of the Power of Mercy Act, I, William Samoei Ruto, President and Commander-in-Chief of the Kenya Defence Forces, appoint—

Lorna Mutoro Mumelo (Dr.),
Patrick Musau Musila,
John Kutswa Olaka,
Edward Kibiwott Boor (Dr.),
Rev. Humpton Rogers Namu,
Bishar Maalim Abdullahi,
Jane Wanjiru Kuria,

to be members of the Advisory Committee on the Power of Mercy, for a period of five (5) years, with effect from the 5th October, 2023.

Dated the 5th October, 2023.

WILLIAM SAMOEI RUTO,
President.



The Power of Mercy Advisory Committee members posing for a photo with their Chair, the Hon. Attorney General Mr. J.B.N. Muturi after holding the first Committee meeting.

Brief Profiles of the new Committee Members



MS. JANE KURIA, OGW
VICE CHAIRPERSON

Ms. Jane Wanjiru Kuria (OGW) Vice Chair is the Chief Executive Officer Faraja Foundation and pursuing her PhD in Philosophy of Social Transformation. Her thesis is about Focusing On Determinants of Effective Community Reintegration of the Formerly Incarcerated for Reduced Recidivism in Nairobi County. She is a social transformation champion with a wealth of experience in social impact engagement, designing, implementing, monitoring, evaluating and improving social change and development interventions. Progressive 20 plus year career encompassing Education, Training, Governance, Programme Management, Advocacy, Human rights, democracy and reforms in the correctional institutions, with tremendous results for individuals, communities, government institutions and civil society.

She is a member of Kenya National Association of social workers, chair of the After Care Committee at Kamae Borstal Institution, member of the Environmental Institute of Kenya (EIK) and a council member at the Great Lakes University of Kisumu. Jane is a recipient of the Volunteer Service Award, from the International Students and Scholar Services University of Wisconsin, Madison (USA). She holds key competencies in leadership, stakeholder engagement, effective communication, problem solving, representation, advocacy, planning among many others. She has successfully influenced people, policies and processes towards achieving quality project deliverables, as well as led programs with both grass roots and national level outcomes, while engaging stakeholders at different levels.



MR. PATRICK MUSAU MUSILA

MEMBER

Mr. Patrick Musau Musila started his career as an Economics Lecturer at Maseno University and transitioned to take up roles in the development sector; starting as a United Nations Project Officer - Tanzania and progressing to Monitoring and Evaluation Officer through various NGOs - Tanzania, County Governments of Garissa and Isiolo – Kenya. He has educational and professional qualifications encompassing a Masters of Arts Degree in Economics (Marathwada University, India) He has a Bachelor of Commerce Degree (Jabalpur University, India). Mr. Musau is widely trained and has commendable skills in Planning, Management, Leadership, Finance and Participatory Monitoring and Evaluation.

His career span is over 30 years, with over 15 years' experience in social development sector as a facilitator and advocate of the promotion of good governance. He has gained substantial experience in furthering of political and democratic rights as a member of United Nations Secretariat of International Observers in Tanzania. He served as a member of the Board of Directors for Kenya Bureau of Standards between 2017 and 2023. Patrick is passionate about the rights of children and is currently championing children's rights to shelter and education. He is keen to use his extensive experience and insights to add value to the communities he serves.



DR. EDWARD KIBIWOT BOOR

MEMBER

Dr. Edward Kibiwot Boor is a senior level specialist in Agriculture, Livestock, Institutional Governance & natural resources, with over 15 years' hands-on experience in managing agriculture, livestock, natural resource and education sector projects, enhancing controls to achieve operational objectives and create improvements, efficiencies and overall stakeholders value while working with Executive leadership teams and governance boards. Dr. Boor has strategic experience in disaster risk / compliance management and reporting processes. He has expertise in customer engagement, board level execution, community mobilization, people management, resource mobilization and experience in managing various projects funded by international agencies such as US AID-Western Kenya Sanitation Project, USAID-Kenya Crops Dairy Markets System, USAID-Farmer to Farmer Access to Finance Project, US AID-Kenya Agricultural Value Chain Enterprise and Brooke Hospital for Animals (UK).

He has worked with State Corporations like New Kenya Cooperative Creameries and Served in University of Kabianga Council and Chaired the Academic, Research and Human Resource Development and Administration Committee. Dr Boor is a Certified NEMA Lead expert.



REV. HUMPTON ROGERS NAMU

MEMBER

Rev. Humpton Rogers Namu is a Theologian and an ordained priest of the Anglican Church of Kenya (ACK). He holds a master's degree from Akrofi-Christaller Institute in Theology and Mission and a BA in Biblical and Religious Studies from Daystar University. He is pursuing his PhD at St. Paul's University. He has served in the ACK church for over 30 years in Embu and Mbeere Dioceses as; a Parish Priest, Rural Dean, an Archdeacon and worked in various directorates of Mbeere Diocese.

Rev Humpton has worked as an Administrative Officer of the proposed Kenya Anglican University and has been a board member of several schools and member of Christian Community Service of Mt. Kenya East. Currently, he is a Lecturer at St. Andrew's College- Kabare, where he also serves as the Director, School of Business Studies.



DR. LONAH MUTORO MUMELO

MEMBER

Dr. Lonah Mutoro Mumelo, HSC is a professional trained teacher with PhD in Peace and Conflict Studies from Masinde Muliro University of Science and Technology, a Masters of Art degree from Wales University (UK) and a Bachelor of Education in Science from the University of Nairobi. She has taught in different secondary schools in Kenya rising through the ranks from assistant teacher to the position of a chief principal. She then moved to Shanzu Teachers college as the dean of students, a position she held until she retired from Teachers Service Commission.

Dr. Lonah served in the Parliamentary Service Commission as a non-member Commissioner, representing Women in Kenya; a position she held for six years. During her tenure as commissioner, she chaired the Commission's Internal Audit Committee, and she was a member of Staff and Members Welfare Committee, Communication and Public Participation Committee and also became a member of the board of Centre of Parliamentary Studies and Training. Thereafter, she joined the University of Nairobi department of Diplomacy as a part time lecturer in Peace and Conflict Management. A position she held until she was appointed a member of POMAC.



MR. JOHN KUTSWA OLAKA

MEMBER

Mr. John Kutswa Olaka, has a Bachelor's degree from the University of Jos, Nigeria and Masters from the University of London. He is a seasoned civil servant, who in his career as an administrator initiated many programs that positively impacted on society. He was the first County Commissioner to design and launch the County Action Plan on Countering Violent Extremism while in Kwale, 2017. The National Counter Terrorism Plan drew many lessons from the Kwale County Action Plan. He led National Government delegations to Senegal, Denmark and Japan on Countering Violent Extremism.

Olaka chaired the Committee that designed the Bureti Strategic Plan (2013-2018) that was launched by the His Excellency Deputy President William Ruto on November 2013. In conjunction with the Kenya Investment Authority, he designed and launched the Bureti District Investment Seminar that showcased the investment potential of the then Bureti District. Mr. Olaka is a Public Policy consultant to many institutions of Higher Education, County Governments and NGOs.



MR. BISHAR MAALIM ABDULLAHI

MEMBER

Mr. Bishar Maalim Abdullahi, is a retired public servant with wealth of experience having worked in the departments of Social Services, Probation and After Care and Children's Services. He holds a bachelor's degree in Psychology and masters in Project Planning and Management from the University of Nairobi.

While in service, Mr. Bishar put a lot of efforts to rescue children from hostile environments, identify and commit children to safe places, monitor offender behaviour to ensure they follow orders issued by the court, ensured offenders could access counselling to enable them become acceptable members of the society and supervision and re-integration of offenders within the community. Mr. Bishar served as Member of the Mandera County Assembly representing Takaba Ward 2017-2022.

Induction of the Committee

Following the appointment and subsequent swearing-in into office of the advisory committee members, an induction seminar on the processes members of the committee would adopt as they assist the president in his noble task of exercising his prerogative of mercy, was deemed fit. Therefore, a five-day induction programme was organized and

held at Lake Naivasha Country Club on 20th - 25th November, 2023.

The committee members were taken through various topics touching their mandate, the legislation governing their conduct, their duties as public officers and inter-relationship between the Committee and other State Agencies.



POMAC Members seated led by the Chair Hon. Attorney General Mr. J.B.N. Muturi (seated fifth from right) joined by the Principal Administrative Secretary Mr. Arthur Osiya (seated fifth from left) and members of the Secretariat Staff, back row.



POMAC CEO Dr. Lydia Muriuki conducting a session during the Committee Members Induction.

STAKEHOLDER PARTNERSHIPS AND COLLABORATIONS

Section 14 (b) and (d) of the Power of Mercy Act, 2011 provide that the Committee shall undertake its mandate in collaboration with State and Non-State actors. The Committee actively collaborates with key stakeholders to enhance knowledge sharing and improve on service delivery. Among the key stakeholders who work closely

with the Committee include: Kenya Prisons Service, Probation & After Care Service, National Police Service, National Intelligence Service, National Government Administration Officer and the Information, Communication & Technology Authority.

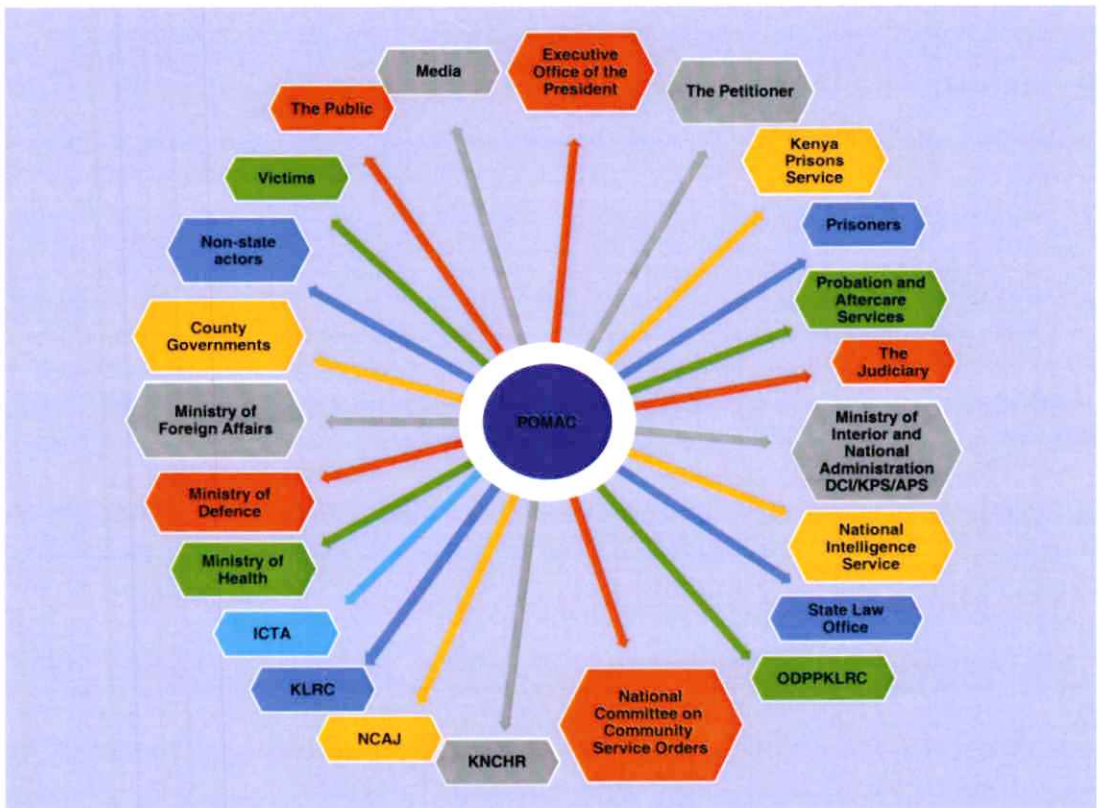


Fig 1: POMAC key stakeholders

Table 3: POMAC's key stakeholders, their mandate and linkage

S/No.	Stakeholder	Mandate	Linkage
1.	Executive Office of the President	<ul style="list-style-type: none"> Organization and coordination of Government business. Ensures the President achieves his objectives related to the power of mercy. Offers technical leadership role and mandate in policy formulation. 	<ul style="list-style-type: none"> Appoints members of the Power of Mercy Advisory Committee after recommendations by the selection panel. Considers recommendation of the Committee in regard to exercise of power of mercy.
2.	Kenya Prisons Service	<ul style="list-style-type: none"> It contributes to public safety and security by ensuring there is safe custody of all persons who are lawfully committed to prison facilities, as well as facilitating the rehabilitation of custodial sentenced offenders for community reintegration. 	<ul style="list-style-type: none"> Custodian of POMAC's clients Pardon officers are also prison officers Pardon officers report to the Committee through Officer-in-Charge Assists inmates in the preparation of petitions for power of mercy Ensures accurate compilation of prison reports which are filed with POMAC Makes necessary preparations for POMAC's interviews within the institutions. Through the Pardon officers, the Service ensures that Petition registers are well maintained.
3.	Probation & Aftercare Services (PACS)	<ul style="list-style-type: none"> It is involved in the administration of criminal justice with the responsibility of the management of community corrections. Generates social information on offenders to courts and other government penal organs, implementation of supervised non-custodial court orders as well as the rehabilitation, reintegration, and resettlement of post-penal offenders. 	<ul style="list-style-type: none"> Provides reports on the petitioners who have petitioned for clemency. Facilitates reintegration and resettlement of pardoned offenders in the community. Provide aftercare service for offenders who have been granted mercy Prepares periodic reports on the progress of pardoned offenders.

S/No.	Stakeholder	Mandate	Linkage
4.	National Police Service (NPS)	<ul style="list-style-type: none"> Its core mandate: maintenance of law and order, preservation of peace, protection of life and property, prevention and detection of crime, apprehension of offenders and enforcement of all laws and regulations with which it has been charged. 	<ul style="list-style-type: none"> On 21st January, 2020, the Advisory Committee co-opted the Director, Directorate of Criminal Investigations (DCI) into the Committee. The DCI vets' offenders who are being considered for pardon by reviewing and submitting to the Committee criminal records of each of the petitioners considered for clemency.
5.	Ministry of Interior & National Administration- National Government Administrative Office (NGAO); Department of Immigration Services	<ul style="list-style-type: none"> To create an enabling environment for Kenya's growth and prosperity through provision of security and safety to the people and property. 	<ul style="list-style-type: none"> Provision of key information to POMAC mainly through the local administrators. Through public barazas undertake community sensitization, education and community acceptance of offenders who have been granted pardon. Assists and ensures smooth re-integration, family re-unification and social re-adjustment of pardoned offenders. Monitors the resettlement of pardoned offenders in their localities, provide periodic feedback and challenges with a view to guaranteeing public protection. Assist in repatriation of released foreign prisoners to their respective countries of origin.

S/No.	Stakeholder	Mandate	Linkage
6.	National Intelligence Service (NIS)	<ul style="list-style-type: none"> • NIS is charged with the responsibility of enhancing national security by providing security intelligence and counter intelligence for all government Ministries, Departments and Agencies (MDAs). • Gather, evaluate and transmit departmental intelligence at the request of any State department or organ, agency or public entity. • Undertake to provide a confidential security report as may be required under any written law. 	<ul style="list-style-type: none"> • The National Intelligence Service vets all petitioners being considered for mercy to protect the interests of the State
7.	Office of Director of Public Prosecutions (ODPP)	<ul style="list-style-type: none"> • Institutes and undertakes criminal proceedings against any person before any court (other than a court martial) in respect to any offence alleged to have been committed. • To undertake public prosecution of cases forwarded by all investigation agencies. • To represent the State in all criminal cases. • To advice Government Ministries, Departments and State Corporations on matters pertaining to the application of criminal law. 	<ul style="list-style-type: none"> • POMAC has collaborated with the ODPP in creating synergies through stakeholders' engagement forums.
8.	Judiciary	<ul style="list-style-type: none"> • The Judiciary is mandated to dispense justice in line with the Constitution and other laws, and is expected to resolve disputes in a just manner with a view to protecting the rights and liberties of all. 	<ul style="list-style-type: none"> • Provides court records that are vital in the process of consideration for pardon. Such record includes court proceedings, judgment and notice of appeal where applicable.

S/No.	Stakeholder	Mandate	Linkage
9.	Kenya National Commission on Human Rights (KNCHR)	<ul style="list-style-type: none"> Promotes respect for human rights and develop a culture of human rights in the Republic. Act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights 	<ul style="list-style-type: none"> The KNCHR has a role of reviewing the Committee and stakeholder practices to ensure that the rights of petitioners are upheld and the practices are in compliance with human rights provisions. KNHCR is a member of the selection panel under the Power of Mercy Act.
10.	National Council of Administration of Justice (NCAJ)	<ul style="list-style-type: none"> Formulate policies relating to the administration of justice Implement, monitor, evaluate and review strategies for the administration of justice Facilitate the establishment of court user committees. Mobilize resources for purposes of the efficient administration of justice Oversees the operations of any other body engaged in administration of justice. 	<ul style="list-style-type: none"> Cooption of POMAC in NCAJ
11.	Kenya Law Reform Commission (KLRC)	<ul style="list-style-type: none"> Undertakes review of the laws in the republic. Ensures that the laws conform to the spirit of the constitution. 	<ul style="list-style-type: none"> The Committee partners with the Kenya Law Reform Commission to strengthen its legal framework.
12.	Ministry of Health	<ul style="list-style-type: none"> It provides rehabilitation and treatment to all mentally ill offenders who are held under presidential pleasure Provision of medical reports to government agencies for purpose of administration of justice. 	<ul style="list-style-type: none"> Through the Medical Superintendent at Mathari Referral hospital, they collaborate with Probation department in assisting mental offenders petition for mercy. Provides progress and psychiatric assessment reports for mentally ill offenders who are under consideration by the Committee. The Ministry further provides on-going care and treatment to pardoned offenders as may be required.

S/No.	Stakeholder	Mandate	Linkage
13.	Ministry of Defence	<ul style="list-style-type: none"> To defend and to protect the sovereignty and territorial integrity of the republic, assist and cooperate with other authorities in situations of emergency or disaster and restore peace in any part of Kenya affected by unrest or instability as assigned. 	<ul style="list-style-type: none"> Kenya Defence Forces through the Ministry of Defense aids in processing of petitioners who were initially tried and convicted through the court martial.
14.	Ministry of Foreign Affairs and Diaspora Affairs	<ul style="list-style-type: none"> To project, promote and protect Kenya's interests and image globally through innovative diplomacy, and contribute towards a just, peaceful and equitable world. 	<ul style="list-style-type: none"> Assist in mutual transfer of offenders.
15.	Non-State Actors	<ul style="list-style-type: none"> Established for the benefit of public at large and for promotion of social welfare, development, charity or research in education and supply of amenities and services. 	<ul style="list-style-type: none"> The Committee similarly partners with non-state actors that have established linkages with correctional services in Kenya. These include among others; religious organizations, community-based organizations and non-government organizations. Such organizations work on various programs including offender rehabilitation, offender resettlement and re-integration, human rights, capacity building and training.

S/No.	Stakeholder	Mandate	Linkage
16.	County Governments /Council of Governors (CoG)	<ul style="list-style-type: none"> The committee partners with county governments through the Council of Governors. The mandate of the Council of Governors includes; offering a collective voice on policy issues, initiating preventive or corrective action, facilitating capacity building for governors and receiving reports among others. The Committee engages county governments to provide support for the re-integration and resettlement of pardoned offenders. 	<ul style="list-style-type: none"> The Committee engages county governments to provide support for the resettlement and re-integration of pardoned offenders.
17.	Media	<ul style="list-style-type: none"> Disseminates public information Creates public awareness Enhances accountability 	<ul style="list-style-type: none"> The Media acts as an important intermediary between the Committee and the public by way of disseminating information on the petition processes and work of the Committee.
18.	The National Committee on Community Service Orders (NCCSO)	<ul style="list-style-type: none"> The Committee is responsible for providing policy guidance on the implementation of Community Service Orders in Kenya. 	<ul style="list-style-type: none"> POMAC has collaborated with the NCCSO in creating synergies through stakeholders' engagement forums.
19.	National Crime Research Centre (NCRC)	<ul style="list-style-type: none"> They are mandated to carry out research into the causes of crime, its prevention and to disseminate the research findings and recommendations to Government Agencies concerned with the administration of criminal justice. 	<ul style="list-style-type: none"> The Committee partners with the National Crime Research Center to conduct relevant research.
20.	General Public	<ul style="list-style-type: none"> The citizens of Kenya, who are key stakeholders in the mercy process. 	<ul style="list-style-type: none"> They are key in the mercy process and the Committee partners with them to provide relevant information through public forums and interaction with government officers during sensitization sessions and social enquiries.



POMAC Members during a courtesy visit to the Commissioner General of Prisons Rtd. Brig. John K. Warioba at the Prisons headquarters, Magereza House.



Stakeholders in the Criminal Justice System drawn from the South Rift region, during a training and sensitization forum held at the Nakuru County Commissioner's Hall.

STRATEGIC INTERVENTIONS

5



The head of public service Mr. Felix Koskei officially launching ePOMPMIS sensitization at Kamiti Maximum Security Prison on 20th September, 2023. Joining him are the Hon. Attorney General and POMAC Chair Mr. J.B.N. Muturi (second left) and POMAC CEO Dr. Lydia Muriuki (extreme left)

Education and Sensitization Forums

Introduction

The Electronic Petitions Management Information System (ePOMPMIS) was aimed at facilitating the end-to-end petition application process. The system facilitates the Power of Mercy Advisory Committee Members, Secretariat Staff, Pardon Officers and Probation Officers in receiving applications from petitioners, reviewing the petitions, processing them and making recommendations.

The committee held successful Phase I of sensitization forums in the Counties organized into fifteen (15) clusters held between 16th July and 25th August, 2023 while Phase II was held in eleven (11) Counties between 1st and 21st October, 2023. It involved training the Pardon Officers, Probation Officers and other key stakeholders on the system which was critical in facilitating the end-to-end automated processing of petition applications and implementation of the system. Phase III of ePOMPMIS training was held in ten (10) Counties between 8th to 19th April, 2024 and 6th to 17th May, 2024.

Expected outcomes

Training of the users on the systems was expected to enable them understand how the system works, how to use the system and be confident in their ability to carry out their specific roles in the petition application process within the system. By the end of the training, the stakeholders were able to: -

- Understand how the ePOMPMIS system works.
- Access the online system.
- Assist Petitioners make a petition application online.
- Track the status of applications on behalf of petitioners.
- Upload relevant reports into the system
- Generate relevant reports

Training Strategy

To achieve the intended objectives of the training for key stakeholders, Phase III of the training targeted the Inmates, Prison Staff and representative of key stakeholders in Ten (10) Counties. These selected representatives would then be required to train respective colleagues and peers in their respective facilities or Counties. The training was practical with the participants practicing the concepts during the training sessions. The training was conducted as shown in Table 4 below.

Training Participants

In adopting the above model, the participants included: -

1. Pardon officers - Gazetted Pardon Officer(s) in the respective Prisons
2. Prison staff in the respective Prisons
3. Inmates in the respective Prisons
4. Probation Officers - one (1) County Director of probation or representative and two (2) other Officers in nearby stations.
5. NGAO – 1 DCC, 1 ACC, 2 Chiefs, 2 Assistant Chiefs where the correctional facility is located
6. Sub County Security Committee where the Correctional facility (ies) is/are located.

The participants were required to have basic ICT skills.

Training programme

The training programme for Pardon Officers, Probation and Aftercare Service Officers and key stakeholders on the Electronic Power of Mercy Petitions Management Information System.

Table 4: Induction Training Programme

Time	Activity
8.30 am – 9.00 am	Registration
9:00 am - 9:15 am	Introductions and Opening Remarks
9.15 am – 10.00 am	<ul style="list-style-type: none"> Overview of the Power of Mercy in Kenya Petition Management Process
10:00 am – 10.15 am	Introduction to the ePOMPMIS system
10:15 am – 10.30 am	Health Break
10.30 am -11: 00 am	<ul style="list-style-type: none"> Making a new petition application by members of the public Tracking Progress of petition application
11:00 am -12:00 pm	<ul style="list-style-type: none"> Making petition application by Pardon Officers Updating petition details Tracking Progress of petition application Scanning and uploading supporting documents
12:00 pm- 12:30 pm	Uploading reports by Probation Officers and other Key stakeholders
12:30pm – 1:00 pm	Q&A session
1.00 pm	Departure

Training Schedule

The training was done in regions, then it was focused on the prisons at County level, where participants were meeting at the proposed venues as indicated on the schedules as shown below.

Table 5: Phase I sensitization forums in the Counties organized into fifteen (15) clusters held between 16th July and 25th August, 2023

S. No	Training clusters	Counties	Venue	Prisons	Total no. of participants	Dates
1.	WESTERN CLUSTER I	1. Bungoma 2. Busia 3. Kakamega 4. Vihiga	Bungoma (County Commissioner's Office)	Pardon Officers :- 1. Bungoma 2. Bungoma Women 3. Busia 4. Busia Women 5. Kakamega Main 6. Kakamega Women 7. Shikusa Farm 8. Vihiga	50	26th June 2023

S. No	Training clusters	Counties	Venue	Prisons	Total no. of participants	Dates
2.	WESTERN CLUSTER II	1. Trans Nzoia County 2. West Pokot County 3. Turkana County	Kitale (County Commissioner's Office)	Pardon Officers 1. Kitale Main 2. Kitale Medium 3. Kitale Annex 4. Kitale Women 5. Kapenguria 6. Lodwar Main 7. Lodwar Women	50	28th June 2023
3.	NORTH NYANZA CLUSTER	1. Kisumu County 2. Siaya County	Kisumu (County Commissioner's Office)	Pardon Officer 1. Kisumu Maximum 2. Kisumu Women 3. Kisumu Medium 4. Kibos Maximum 5. Kibos Medium 6. Siaya	50	30th June 2023
4.	SOUTH NYANZA CLUSTER	1. Homabay County 2. Kisii County 3. Migori County 4. Nyamira County	Kisii (County Commissioner's Office)	Pardon Officer 1. Rachuonyo 2. Homa Bay 3. Homa Bay Women 4. Kisii Main 5. Kisii Women 6. Migori 7. Migori Women 8. Kendege 9. Nyamira	50	3rd July 2023
5.	NORTH RIFT CLUSTER	1. Uasin Gishu County 2. Nandi County 3. Baringo County 4. Elgeyo Marakwet County	Eldoret (County Commissioner's Office)	Pardon Officer 1. Eldoret Main 2. Eldoret Women 3. Ngeria Farm 4. Kapsabet 5. Kabarnet 6. Eldama Ravine 7. Tambach	50	5th July 2023
6.	CENTRAL RIFT CLUSTER	1. Samburu County 2. Laikipia County	Nanyuki (County Commissioner's Office)	Pardon Officers 1. Nanyuki 2. Nanyuki Women 3. Rumuruti 4. Maralal	50	7th July 2023

S. No	Training clusters	Counties	Venue	Prisons	Total no. of participants	Dates
7.	SOUTH RIFT	1. Nakuru County 2. Narok County 3. Bomet County	Nakuru (County Commissioner's Office)	Pardon Officers:- 1. Bomet 2. Sotik 3. Naivasha Maximum 4. Naivasha Medium 5. Naivasha Women 6. Nakuru Main 7. Nakuru Women 8. Narok 9. Narok Women 10. Kilgoris	50	10th July 2023
8.	CENTRAL CLUSTER I	1. Nyeri County 2. Nyandarua County 3. Kirinyaga County	Nyeri (County Commissioner's Office)	Pardon Officers 1. T/falls Main prison 2. T/falls women 3. Nyandarua 4. Nyeri maximum 5. Nyeri women 6. Nyeri medium 7. Kerugoya 8. Mwea	50	12th July 2023
9.	CENTRAL CLUSTER II	1. Muranga 2. Kiambu	Thika (Deputy County Commissioner's Office)	Pardon Officers 1. Kamiti Medium 2. Kamiti Maximum 3. Muranga Main 4. Muranga Women 5. Maranjau 6. Thika Main 7. Thika Women 8. Kiambu 9. Ruiru	50	14th July 2023
10.	UPPER EASTERN CLUSTER	1. Embu County 2. Isiolo County 3. Meru County 4. Tharaka Nithi County 5. Marsabit County	Meru (County Commissioner's Office)	Pardon Officers:- 1. Embu Main 2. Embu Women 3. Isiolo 4. Meru Main 5. Meru Women 6. Uruku 7. Kangeta 8. Maara 9. Marimanti 10. Chuka 11. Marsabit 12. Moyale	50	17th July 2023

S. No	Training clusters	Counties	Venue	Prisons	Total no. of participants	Dates
11.	NORTH EASTERN CLUSTER	1. Garissa 2. Wajir 3. Mandera	Garissa (County Commissioner's Office)	Pardon Officers 1. Garissa Main 2. Garissa Women 3. Garissa Medium 4. Wajir 5. Mandera	50	19th July 2023
12.	LOWER EASTERN CLUSTER	1. Kitui County 2. Machakos County 3. Makueni County	Machakos (County Commissioner's Office)	Pardon Officer 1. Kitui Main 2. Kitui Women 3. Mwingi 4. Mwingi Women 5. Mutomo 6. Machakos Main 7. Machakos Women 8. Yatta 9. Makueni	50	21st July 2023
13	COAST CLUSTER	1. Kwale County 2. Mombasa County 3. Taita Taveta County	Mombasa (County Commissioner's Office)	Pardon Officer 1. Kwale Main 2. Kwale Women 3. Shimo La Tewa Maximum 4. Shimo La Tewa Women 5. Shimo La Tewa Medium 6. Manyani Maximum 7. Wundanyi 8. Wundanyi Women 9. Voi 10. Taveta		24th July 2023
14.	COAST CLUSTER	1. Lamu County 2. Tana River County 3. Kilifi County	Malindi (Deputy County Commissioner's Office)	Pardon Officer 1. Kilifi 2. Kaloleni 3. Malindi 4. Malindi Women 5. Hindi 6. Hola	50	26th July 2023

S. No	Training clusters	Counties	Venue	Prisons	Total no. of participants	Dates
15.	NAIROBI CLUSTER	1. Nairobi County 2. Kajiado County	City Hall	Pardon Officer:- 1. Prison Headquarters 2. Nairobi Rem. & Allocation Maximum 3. Nairobi West 4. Langata Women Maximum 5. Nairobi Medium 6. Jamhuri Short Sentence 7. Kajiado 8. Kajiado Women 9. Kitengela 10. Oloitoktok	50	28th July 2023
Total					750	

Table 6: Phase II education and sensitization forums held in eleven (11) Counties between 1st and 21st October, 2023

Cluster	County	Prisons clusters	Venue	Dates
1.	Busia County	9. Busia Main 10. Busia Women	Busia Main Prison	Monday 2nd October, 2023
2.	Kakamega County	1. Kakamega Main 2. Kakamega Women	Kakamega Main Prison	Wednesday 4th October, 2023
		1. Shikusa Farm	Shikusa Farm Prison	Thursday 5th October, 2023
3.	Vihiga County	1. Vihiga Prison	Vihiga Prison	Friday 6th October, 2023
4.	Trans Nzoia County	8. Kitale Main 9. Kitale Medium 10. Kitale Annex 11. Kitale Women	Kitale Main Prison	Monday 9th October, 2023
5.	West Pokot County	1. Kapenguria Main 2. Kapenguria Women	Kapenguria Main Prison	Wednesday 11th October, 2023
6.	Elgeyo Marakwet County	Tambach Prison	Tambach Prison	Thursday 12th October, 2023
7.	Baringo County	1. Eldama Ravine Prison	Eldama Ravine Prison	Friday 13th October, 2023
		2. Kabarnet Prison	Kabarnet Prison	Monday 16th October, 2023
8.	Nandi County	8. Kapsabet Prison	Kapsabet Prison	Tuesday 17th October, 2023
9.	Siaya County	Siaya Prison	Siaya Prison	Wednesday 18th October, 2023
10.	Kisumu County	10. Kisumu Maximum 11. Kisumu Women 12. Kisumu Medium	Kisumu Maximum Security Prison	Thursday 19th – 20th October, 2023

Table 6: Phase III education and sensitization forums held in ten (10) Counties between 8th to 19th April, 2024 and 6th to 17th May, 2024

Cluster	County	Prisons clusters	Venue	Dates
	Travel to Bomet County			Sunday 7th April, 2024
1.	Bomet County	1. Sotik Prison	Sotik Prison	Monday 8th April, 2024
		11. Bomet Prison	Bomet Prison	Tuesday 9th April, 2024
2.	Kericho County	1. Kericho Main 2. Kericho Women	Kericho Main Prison	Wednesday 10th April, 2024
3.	Narok County	1. Narok Main 2. Narok Women	Narok Main Prison	Friday 12th April, 2024
4.	Nakuru County	1. Naivasha Maximum 2. Naivasha Medium 3. Naivasha Women	Naivasha Maximum Security Prison	Monday 15th and Tuesday 16th April, 2024
		1. Nakuru Main 2. Nakuru Women	Nakuru Main Prison	Wednesday 17th April, 2024
5.	Nyandarua County	1. Nyandarua County	Nyandarua County	Friday 19th February, 2024
BREAK				
	Travel to Kisumu County			5th May, 2024
6.	Kisumu County	1. Kibos Maximum 2. Kibos Medium	Kibos Maximum Security Prison	Monday 6th May, 2024
7.	Homabay County	13. Homa Bay Main 14. Homa Bay Women	Homa Bay Main Prison	Wednesday 8th May, 2024
		1. Rachuonyo Main	Rachuonyo Main Prison	Thursday 9th May, 2024
8.	Migori County	1. Migori Main 2. Migori Women	Migori Main Prison	Friday 10th May, 2024
		3. Kendege Prison	Kendege Prison	Monday 13th May, 2024
9.	Narok County	1. Kilgoris Prison	Kilgoris Prison	Tuesday 14th May, 2024
10.	Kisii County	2. Kisii Main 3. Kisii Women	Kisii Main Prison	Thursday 16th May, 2024
11.	Nyamira County	1. Nyamira Prison	Nyamira Prison	Friday 17th May, 2024



Committee members during ePOMPMIS sensitization in a Prison.



Sensitization exercise at Kodiaga Maximum Security Prison in Kisumu County.



A multisectoral Stakeholder sensitization forum, Machakos County.



Training session to the Mombasa County team at the County Commissioner's Hall.

KEY ENTITY INFORMATION AND MANAGEMENT

(a) Background information

The Power of Mercy Advisory Committee was established in the year 2011 pursuant to Article 133 of the Constitution of Kenya, 2010

The Committee comprises of the Hon. Attorney General, who is the Chairman, the Cabinet Secretary responsible for Correctional Services, and seven (7) other members appointed by His Excellency the President. A Vice Chair is elected by the members from amongst the seven appointed members.

(b) Principal Activities

The principal mission of POMAC is to receive petitions from convicted criminal prisoners, consider, review, hear and conduct interviews, investigate, research, collect data, educate and collaborate with other state and non-state organs to ensure His Excellency the President receives timely, objective, independent and accurate advise on the pardon of deserving petitioners in a just, fair and ethical manner

Key Management

The entity's day-to-day management is under the following key organs:

The Secretariat, and

The Advisory Committee

(c) Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2024 and who had direct fiduciary responsibility were:

No.	Designation	Name
1.	Secretary/Chief Executive Officer	Dr. Lydiah Muriuki



Dr. Lydia Muriuki, EBS

Secretary

The Secretary, POMAC has direct fiduciary responsibility for the Power of Mercy Advisory Committee (POMAC). She assumed the position of Secretary in (19th April, 2021) and is entrusted with providing strategic leadership to the Committee to facilitate delivery of its mandate as per the Constitution and POMAC Act. She holds a PhD in Business Management (Strategic Management) and Masters in Business Administration from Moi University, Eldoret.



THE POWER OF MERCY ADVISORY COMMITTEE (POMAC)

REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2024

Prepared in accordance with the Cash Basis of Accounting Method under the
International Public Sector Accounting Standards (IPSAS)

a) Fiduciary Oversight Arrangements

The Power of Mercy Advisory Committee provides a fiduciary oversight role to the management through:

- Policy directions on the activities to be implemented
- Approval of annual work plans
- Consideration of activity budgets

b) Entity Headquarters

P.O. Box 79960-00200
2nd floor Kencom House
Moi Avenue
Nairobi, KENYA

c) Entity Contacts

Telephone: (254) 2210144
E-mail: sec.pomac@kenya.go.ke
Website: www.go.ke

d) Entity Bankers

Central Bank of Kenya
Haile Selassie Avenue
P.O. Box 60000
City Square 00200
Nairobi, Kenya.

e) Independent Auditors

Auditor General
Kenya National Audit Office
Anniversary Towers, University Way
P.O. Box 30084
GOP 00100
Nairobi, Kenya

f) Principal Legal Adviser

The Attorney General
State Law Office
Harambee Avenue
P.O. Box 40112
City Square 00200
Nairobi, Kenya

I. STATEMENT OF COMMITTEE MANAGEMENT RESPONSIBILITIES

Section 29 (1) of The Power of Mercy Act, 2011 requires that, at the end of each financial year, the Power of Mercy Advisory Committee shall cause annual report to be prepared. Section 29 (3) (a) further require that the report shall contain, in respect to that financial year to which it relates, the financial statements of the Committee. Section 81 (3) of the Public Finance Management Act,2012 requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

The Secretary in charge of The Power of Mercy Advisory Committee is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2018. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Secretary in his role as the accounting officer for the Power of Mercy Advisory Committee accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the entity's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2024, and of the entity's financial position as at that date. The Accounting Officer in charge of the Power of Mercy Advisory Committee further confirms the completeness of the accounting records maintained for the entity, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of The Power of Mercy Advisory Committee confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the entity's financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the financial statements

The entity's financial statements were approved and signed by the Accounting Officer on 30th September 2024.


.....
Secretary


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SDAG

II. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2023-2024	2022-2023
		Kshs	Kshs
RECEIPTS			
Exchequer releases	1	58,690,023	29,747,471
TOTAL RECEIPTS		58,690,023	29,747,471
PAYMENTS			
Use of goods and services	2	58,616,023	29,559,691
Acquisition of Assets	3	74,000	187,780
TOTAL PAYMENTS		58,690,023	29,747,471
SURPLUS/DEFICIT		nil	nil

The accounting policies and explanatory notes to these financial Statements form an integral part of the financial statements. The entity financial statements were approved on 30th September, 2024 and signed by:



 Secretary



 SDAG

III. STATEMENT OF CASHFLOW

	Note	2023-2024	2022-2023
		Kshs	Kshs
Receipts for operating income			
Exchequer Releases	1	58,690,023	29,747,471
Payments for operating expenses			
Use of goods and services	2	58,616,023	29,559,691
Adjusted for:			
Adjustments during the year		-	-
Net cash flow from operating activities		74,000	187,780
CASHFLOW FROM INVESTING ACTIVITIES			
Proceeds from Sale of Assets		-	-
Acquisition of Assets	3	74,000	187,780
Net cash flows from Investing Activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		-	-
Cash and cash equivalent at BEGINNING of the year		-	-
Cash and cash equivalent at END of the year		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 30th September, 2024 and signed by:

.....
Secretary

.....
SDAG

I. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
	a	b	c=a+b	d	e=c-d	f=d/c %
PAYMENTS						
Communication, supplies and services	266,250	266,250	532,500	532,490.00	10	100%
Domestic travel and subsistence	1,392,687	1,267,500	2,660,187	2,617,744.00	42,443	98%
Foreign travel and subsistence	152,500	152,500	305,000	276,900.00	28,100	91%
Printing, advertising and information supplies & services	0	650,000	650,000	616,016.00	33,984	95%
Training expenses	251,360	212,500	463,860	425,820.00	38,040	92%
Hospitality supplies and services	37,100,000	10,700,000	47,800,000	47,784,295.00	15,705	100%
Insurance Costs	800,000	800,000	1,600,000	1,571,141.00	28,859	98%
Specialized materials and services	175,000	175,000	350,000	333,950.00	16,050	95%
Office and general supplies and services	540,000	500,000	1,040,000	1,033,885.00	6,115	99%
Fuel oils and Lubricants	1,187,432	1,097,432	2,284,865	2,264,000.00	20,865	99%
Other operating expenses	452,250	200,750	653,000	631,092.00	21,908	97%
Routine maintenance – vehicles and other transport equipment	262,500	175,000	437,500	430,690.00	6,810	98%
Routine maintenance – other assets	50,000	50,000	100,000	98,000.00	2,000	98%
Purchase of Office Furniture and General Equipment	37,500	37,500	75,000	74,000.00	1,000	99%
Total Payments/Expenditure	42,667,479	16,284,432	58,951,911	58,690,023.00	261,889	100%

The entity financial statements were approved on _____ 2024 and signed by:


Secretary


SDAG

NOTES

1. EXCHQUER RELEASES

	2023-2024	2022-2023
	Kshs	Kshs
Total Exchequer Releases for quarter 1	14,672,505.75	7,436,867.75
Total Exchequer Releases for quarter 2	14,672,505.75	7,436,867.75
Total Exchequer Releases for quarter 3	14,672,505.75	7,436,867.75
Total Exchequer Releases for quarter 4	14,672,505.75	7,436,867.75
Total	58,690,023.00	29,747,471.00

2. USE OF GOODS AND SERVICES

	2023-2024	2022-2023
	Kshs	Kshs
Communication, supplies and services	532,490	786,704
Domestic travel and subsistence	2,617,744	3,744,316
Foreign travel and subsistence	276,900	185,888
Printing, advertising and information supplies & services	616,016	170,030
Training expenses	425,820	340,990
Hospitality supplies and services	47,784,295	21,276,012
Insurance Costs	1,571,141	-
Specialised Materials and Supplies	333,950	236,606
Office and general supplies and services	1,033,885	477,324
Fuel oils and Lubricants	2,264,000	1,030,000
Other operating expenses	631,092	452,085
Routine maintenance –Other Assets	430,690	756,047
Routine maintenance – Motor Vehicle	98,000	103,689
	58,616,023	29,559,691

3. ACQUISITION OF ASSETS

	2023-2024	2022-2023
	Kshs	Kshs
Non-Financial Assets		
Purchase of Office Furniture and General Equipment	74,000	187,780.00

ANNEX 1 – SUMMARY OF FIXED ASSET REGISTER

	2023-2024	2022-2023
	Kshs	Kshs
Office equipment, furniture and fittings	74,000	187,780
Total	74,000	187,780





All Enquiries and Petitions to be sent to:

THE POWER OF MERCY ADVISORY COMMITTEE

3rd floor Maktaba Kuu Building
(Kenya National Library Service)

P.O. Box 79960 - 00200

Upper Hill-Nairobi, KENYA

Tel: 020 221 0144

Email: sec.pomac@headofpublicservice.go.ke

Website: www.powerofmercy.go.ke

Make a petition online via; epmis.powerofmercy.go.ke