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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON THE APPROVAL HEARINGS OF THE NOMINEES FOR THE POSITIONS OF THE CHAIRPERSON AND MEMBERS OF THE BOARD OF THE INDEPENDENT POLICING OVERSIGHT AUTHORITY

 THE NATIONAL ASSEMBLY PAPERS LAID	
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LIST OF ABBREVIATIONS AND ACRONYMS

APF	Administrative Police Force
AU	African Union
AYLF	African Youth Leaders Forum
BOSA	Back Office Service Activity
CBS	Chief of the Order of the Burning Spear
CFIP	Certified Forensic Investigation Professional
CKRC	Constitution of Kenya Review Commission
CUE	Commission of University Education
DCI	Directorate of Criminal Investigation
EACC	Ethics and Anti - Corruption Commission
EBS	Elder of the Order of the Burning Spear
ECK	Electoral Commission of Kenya
FOSA	Front Office Service Activity
GBV	Gender Based Violence
H.E	His Excellency
HELB	Higher Education Loans Board
HQ	Headquarters
HSC	Head of State Commendation
IDEA	Institute of Democracy and Electoral Assistance
IEBC	Independent Electoral and Boundaries Commission
IEC	Independent Election Commission
IPOA	Independent Police Oversight Authority
IRI	International Republican Institute
KIPI	Kenya Industrial Property Institute
KFS	Kenya Forest Service
KNHCR	Kenya National Commission on Human Rights
KPF	Kenya Police Force

KRA	Kenya Revenue Authority
KWS	Kenya Wildlife Service
MCA	Member of County Assembly
NPS	National Police Service
ODPP	Office of the Director of Public Prosecutions
OGW	Order of the Grand Warrior
ORPP	Office of Registrar of Political Parties
PCAK	Professional Criminologist Association of Kenya
PROSAK	Protective and Safety Association of Kenya
PSC	Public Service Commission
PWD	Persons With Disabilities
UDA	United Democratic Alliance
UNAMID	United Nations African Union Mission in Darfur
UNDP	United Nations Development Programme
UNPOS	United Nations Political Office of Somalia
WARMA	Water Resource Management Authority

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CHAIRPERSON'S FOREWORD

The Report contains proceedings of the Committee on Administration and Internal Security relating to the approval hearings of the persons nominated for appointment as the Chairperson and Members of the Independent Policing Oversight Authority Board.

Pursuant to the provisions of Article 250(2)(b) of the Constitution of Kenya and Section 11(5) of the Independent Policing Oversight Authority Act, (No. 35 of 2011) and Sections 3 and 5 of the Parliamentary Appointments (Parliamentary Approval) Act, (No. 33 of 2011), His Excellency the President nominated the following persons as the Chairperson and Members of the Independent Policing Oversight Authority (IPOA) Board –

- 1) **Mr. Ahmed Issack Hassan, CBS** – Chairperson;
- 2) **Ms. Ann Wanjiku Mwangi** – Member;
- 3) **Dr. Micah Onyiego Nyakego, PhD, OGW** – Member;
- 4) **Mr. Boniface Kipkemoi Samati** – Member;
- 5) **Dr. Annette Mudola Mbogoh** – Member;
- 6) **Hon. John Muchiri Nyaga, HSC** – Member;
- 7) **Mr. Kenwilliams Nyakomitah, OGW** – Member; and
- 8) **Ms. Jackline Lukalo Mwenesi** – Member.

The Rt. Hon. Speaker vide Communication on Wednesday, 13th November, 2024, conveyed the Message from H.E the President to the House nominating persons for appointment to the Board of the Independent Policing Oversight Authority subject to approval by the National Assembly pursuant to Article 250(2)(b) of the Constitution.

Subsequently, the message from H. E. the President containing the names of the nominees together with their curriculum vitae was referred to the Departmental Committee on Administration and Internal Security to undertake approval hearings in accordance with Section 6 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011), and Standing Order 216(5)(f) of the National Assembly Standing Orders and table a report in the House pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), .

Pursuant to Article 118 of the Constitution, Section 6(3) and (4) of the Public Appointments (Parliamentary Approval) Act, (No. 33 OF 2011) and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly notified the nominees and placed an advertisement in the local dailies on Thursday, 14th November, 2024 inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of each nominee.

The advertisement indicated that the submissions were to be received by Thursday, 21st November, 2024 at 5.00 p.m. By the close of the deadline, the Committee did not receive any memoranda on the nominees. Further, the advertisement dated Thursday, 14th November, 2024 notified the public that the Departmental Committee on Administration and Internal Security would conduct an Approval hearing, pursuant to Article 118 (1)(a)(b) and (2) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011).

The nominees appeared before the Committee for approval hearings on Friday, 22nd November, 2024 as scheduled. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), the

constitutional and statutory requirements relating to the offices in question, suitability of the nominees for the proposed appointments relating to the offices in question, suitability of the nominees abilities, experience and qualities needed for the office in question. Further, the Committee examined the nominees academic credentials, relevant professional training and work experience, knowledge of sector issues and personal integrity in accordance with Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011).

Pursuant to Sections 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), the Committee observed that the nominees demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated, and had the requisite academic qualifications and professional experience to be approved for appointment-

Having conducted the Approval Hearings of the Nominees and pursuant to Article 250(2)(b) of the Constitution and Section 11 (5) of the Independent Policing Oversight Authority Act, Cap 86 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), the Committee recommends that the National Assembly approves the nomination for appointment of the following as Chairperson and Members of the Independent Policing Oversight Authority-

- a. **Mr. Ahmed Issack Hassan, CBS – Chairperson;**
- b. **Ms. Ann Wanjiku Mwangi – Member;**
- c. **Dr. Micah Onyiego Nyakego, PhD, OGW – Member;**
- d. **Mr. Boniface Kipkemoi Samati – Member;**
- e. **Dr. Annette Mudola Mbogoh – Member;**
- f. **Hon. John Muchiri Nyaga, HSC – Member;**
- g. **Mr. Kenwilliams Nyakomitah, OGW – Member; and**
- h. **Ms. Jackline Lukalo Mwenesi – Member**

May I take this opportunity to acknowledge and appreciate all the Hon. Members of the Committee for their valuable contributions, deliberations and participation in the approval hearings. I also take this opportunity on behalf of the Committee to thank the Offices of the Speaker and the Clerk of the National Assembly for the technical and logistical support accorded to the Committee during the approval hearing.

Further, the Committee wishes to thank the nominees for their cooperation and the public for their participation in the exercise. The Committee is also thankful to the Ethics and Anti-Corruption Commission (EACC), Higher Education Loans Board (HELB), Directorate of Criminal Investigation (DCI), Office of the Registrar of Political Parties (ORPP), Kenya Revenue Authority (KRA), Office of the Director of Public Prosecutions (ODPP) and Commission for University Education (CUE) for providing references and background checks relating to the suitability of the nominees.

The Committee also extends its gratitude to the media for their coverage of the proceedings, thus enhancing accountability and transparency of the approval hearings.

On behalf of the Committee and pursuant to Article 250 (2) (b) of the Constitution, Section 11(5) of the Independent Policing Oversight Authority Act, Cap 86, Section 8(1) and (2) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), and Standing Order No. 45(4) and 216, it is my pleasant duty to table the Report of the Departmental Committee on Administration

and Internal Security on the approval hearings of nominees for appointment as the Chairperson and Members of the Independent Policing Oversight Authority Board.

A handwritten signature in black ink, appearing to read 'Gabriel Tongoyo', with a stylized flourish at the end.

Hon. Gabriel Tongoyo, MP
Chairperson

Departmental Committee on Administration and Internal Security

CHAPTER ONE

1.0 PREFACE

1.1 Establishment and mandate of the Committee

1. The Departmental Committee on Administration and Internal Security of the National Assembly is established under Standing Order 216 whose functions pursuant to the Standing Order 216 (5) are as follows: -
 - a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - c. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - d. study and review all legislation referred to it;
 - e. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - f. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - g. **vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);**
 - h. examine treaties, agreements, and conventions;
 - i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - k. examine any questions raised by Members on a matter within its mandate.

1.2 Subjects of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: -
 - a. Home affairs, internal security – including police services and coast guard service;
 - b. Public administration; and
 - c. Immigration and citizenship

3. In executing its mandate, the Committee oversees the following Ministries and Departments:
 - a. Executive Office of the President;
 - b. Office of the Deputy President;
 - c. Office of the Prime Cabinet Secretary;
 - d. State Department for Parliamentary Affairs;
 - e. State Department for Performance & Delivery Management;
 - f. State Department for Cabinet Affairs;
 - g. State House;
 - h. State Department for Immigration & Citizen Services;
 - i. National Police Service;
 - j. State Department for Internal Security & National Administration;
 - k. National Police Service Commission; and
 - l. Independent Policing Oversight Authority.

4. The Semi-Autonomous Government Institutions under the Committee include:-
 - a. National Authority for Campaign Against Drug Abuse. (NACADA);
 - b. Firearms Licensing Board;
 - c. NGO Coordination Board;
 - d. National Crime Research Centre;
 - e. Private Security Regulatory Authority Board; and
 - f. National Cohesion & Integration Commission.

1.3 Committee Membership

5. The Committee comprises of the following Members: -

Hon. Gabriel Tongoyo, MP
Chairperson
Narok West Constituency

Hon. Col. (Rtd.) Dido Rasso, MBS, MP
Vice Chairperson
Saku Constituency

Hon. Kaluma George Peter, MP
Homa Bay Constituency

Hon Protus Ewesit Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Akinyi Buyu, MP
Kisumu West Constituency

Hon. Fred C. Kapondi, MP
Mt. Elgon Constituency

Hon. Caroline Ng'elechi, MP
Elgeyo-Marakwet County

Hon. Liza Chepkorir Chelule, MP
Nakuru County

Hon. Fatuma Jehow, MP
Wajir County

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Mburu Kahangara, MP
Lari Constituency

1.4 Committee Secretariat

6. The Committee Secretariat consists of the following:

Mr. John Mugoma
Head of Secretariat

Ms. Grace Wahu
Clerk Assistant II

Mr. Gideon Kipkogei
Clerk Assistant II

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Clarah Kimeli
Principal Legal Counsel II

Mr. Charles Atamba
Principal Research Officer

Ms. Judith Kanyoko
Legal Counsel II

Mr. Gerald Kadede
Legal Counsel II

Ms. Delvine Onyancha
Research Officer II

Mr. Martin Sigei
Research Officer III

Ms. Eunice Liavuli
Research Officer III

Mr. Rodgers Kilungya
Audio Officer

Mr. Benson Kimanzi
Serjeant-At-Arms

Ms. Ivy Maritim
Media Relations Officer

Ms. Esther Mbatha
Public Communications Officer

Ms. Edith Chepngeno
Media Relations Officer III

CHAPTER TWO

2.0 BACKGROUND

2.1 Legal Framework

7. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate —
 - (a) Article 10 of the Constitution on the national values and principles of governance;
 - (b) Article 73 of the Constitution on responsibilities of leadership;
 - (c) Article 75 of the Constitution on conduct of State Officers;
 - (d) Article 77 of the Constitution on restriction on activities of State Officers;
 - (e) Article 78 of the Constitution on dual citizenship;
 - (f) Chapter 6 of the Constitution on leadership and integrity;
 - (g) Article 118 of the Constitution on public participation;
 - (h) Article 124(4) of the Constitution on consideration of persons for appointment to public office;
 - (i) Article 232 of the Constitution on values and principles of public service;
 - (j) The Independent Policing and Oversight Authority Act, Cap. 86
 - (k) The Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011);
 - (l) The Leadership and Integrity Act, Cap. 185C;
 - (m) The Ethics and Anti-Corruption Commission Act, Cap 7H; and
 - (n) The Public Officer Ethics Act, Cap. 185B.

2.2 Establishment of Independent Policing Oversight Authority

8. The Independent Policing Oversight Authority was established through an Act of Parliament published in November, 2011 to provide for civilian oversight over the work of the police in Kenya and in response to the country's long history of serious violations of human rights and fundamental freedoms by the then Kenya Police Force (KPF) and the Administrative Police Force (APF), which were created under the repealed Caps 84 and 85 respectively, but are now under the National Police Service –(NPS) Act, Cap 84.
9. IPOA was established as part of the legal and policy agenda for transformation of the NPS into an efficient and accountable service, capable of providing and ensuring security for all Kenyans while observing the highest standards of professionalism and respect for the constitutionally guaranteed fundamental freedoms and rights for all, especially the principles set forth in Articles 238, 239 and 244 of the Constitution.

2.3 Objectives of the Authority

10. Section 5 of the Independent Policing Oversight Authority Act, Cap 86 provides that the objectives of the Authority shall be to—
 - (a) hold the Police accountable to the public in the performance of their functions;

- (b) give effect to the provision of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and
- (c) ensure independent oversight of the handling of complaints by the Service.

2.4 Functions of the Authority

11. Pursuant to Section 6 of the Independent Policing Oversight Authority Act, Cap 86 the functions of the authority shall be to-

- a) investigate any complaints related to disciplinary or criminal offences committed by any member of the Service, whether on its own motion or on receipt of a complaint, and make recommendations to the relevant authorities, including recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief, and shall make public the response received to these recommendations;
- b) receive and investigate complaints by members of the Service;
- c) monitor and investigate policing operations affecting members of the public;
- d) monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the Service in response to complaints against the Police and keep a record of all such complaints regardless of where they have been first reported and what action has been taken;
- e) conduct inspections of Police premises, including detention facilities under the control of the Service;
- f) co-operate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them;
- g) review the patterns of Police misconduct and the functioning of the internal disciplinary process;
- h) present any information it deems appropriate to an inquest conducted by a court of law;
- i) take all reasonable steps to facilitate access to the Authority's services for the public;
- j) subject to the Constitution and the laws related to freedom of information, publish findings of its investigations, monitoring, reviews and audits as it sees fit, including by means of the electronic or printed media;
- k) make recommendations to the Service or any State organ;
- l) report on all its functions under this Act or any written law; and
- m) perform such other functions as may be necessary for promoting the objectives for which the Authority is established.

2.5 Procedure for appointment of the members of the Board

12. Section 11(5) of the Independent Policing Oversight Authority Act, (No. 33 of 2011), provides that—

'The President shall, if he approves, within fourteen days of receipt of the names of successful applicants forwarded, select the chairperson and members of the Commission and forward the names of the persons so selected to the National Assembly for approval.'

2.6 Issues for consideration in conducting the Approval hearing

13. In conducting the approval hearings, the Committee was guided by Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), which provides that—

(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

14. Additionally, Section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be—

(a) the procedure used to arrive at the nominee;

(b) any constitutional or statutory requirements relating to the office in question; and

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

2.7 Public access and participation

15. Article 118 (1) of the Constitution provides that; Parliament shall—

(a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and

(b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

(2) Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

16. In conducting the Approval hearing, the Committee was guided by Article 73(2)(a), (b), (c) and (e) of the Constitution, and the provisions of Sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011).

17. Article 73(2) of the Constitution provides that:

(2) The guiding principles of leadership and integrity include—

(a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

(b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

(c) selfless service based solely on the public interest, demonstrated by—

- (i) honesty in the execution of public duties; and,*
- (ii) the declaration of any personal interest that may conflict with public duties;*
- (d) accountability to the public for decisions and actions; and*
- (e) discipline and commitment in service to the people.*

2.8 Communication and committal to the Committee

18. Pursuant to Standing Order 42(1) of the National Assembly Standing Orders, the Rt. Hon. Speaker on Wednesday, 13th November, 2024 communicated a message from, H. E. the President with respect to the nomination of the aforementioned persons for appointment to the position of Chairperson and Members of the Independent Policing Oversight Authority Board. The nominations were committed to the Departmental Committee on Administration and Internal Security for consideration.

2.9 Notification to the public

19. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011), further provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

20. In this regard, the Clerk of the National Assembly published an advert on **Thursday, 14th November, 2024** in the local dailies and notified the public of the time and place for holding the approval hearings of the nominees in accordance with the requirements of Article 118 of the Constitution and Section 6(4) of the Act. 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 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”*.

21. In accordance with the requirements of Section 6(9) of the Act, the Clerk vide an advertisement published on **Thursday, 14th November, 2024** in various local dailies, invited the public to submit memoranda contesting the suitability of the nominees to the to be received on or before **Thursday, 21st November, 2024 by 5.00 pm.**

2.10 Notification to the nominees

22. On Thursday, 14th November, 2024, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011), notified the nominees in writing that the approval hearing was scheduled to take place on **Friday, 22nd November, 2024** in the Mini Chamber, County Hall, Parliament Buildings, starting from 8.30 a.m.

2.11 Clearance and Compliance Requirements

23. On Friday, 15th November 2024, the Clerk of the National Assembly wrote letters to the EACC, the DCI, the KRA, the Higher Education Loans Board (HELB), ORPP, the ODPP and the CUE seeking relevant information relating to the nominees in compliance with the requirements of Chapter Six of the Constitution on Leadership and Integrity.
24. On matters of ethics and integrity, the EACC vide a letter dated 20th November, 2024 stated that the Commission had not undertaken any investigation or recommended prosecution pursuant to its mandate against the nominees. However, the EACC drew the attention of the Committee to the Public Service Commission Circular referenced PSC/ADM/13(42) on authentication of academic and professional certificates in the public service and therefore advised to ensure compliance and validate all academic and professional certificates of newly appointed public officers.
25. In relation to higher education loan repayments, HELB responded vide letters dated 18th November, 2024 and stated that the following nominees had cleared their higher education loans on various dates –
 - (1) Mr. Ahmed Issack Hassan, CBS
 - (2) Ms. Ann Wanjiku Mwangi
 - (3) Mr. Boniface Kipkemoi Samati
26. The Higher Education Loans Board further stated that the following nominees were not beneficiaries of the higher education loans –
 - 1) Mr. Kenwilliams Nyakomitah, OGW
 - 2) Dr. Annette Mudola Mbogoh
 - 3) Ms. Ann Wanjiku Mwangi
 - 4) Dr. Micah Onyiego Nyakego, PhD, OGW
 - 5) Hon. John Muchiri Nyaga, HSC
 - 6) Ms. Jackline Lukalo Mwenesi
27. The DCI vide a letter dated 20th November, 2024 advised that forensic fingerprint analysis of the following nominees had been conducted and that the criminal database had not revealed any previous criminal records—
 - a. Mr. Ahmed Issack Hassan, CBS
 - b. Mr. Boniface Kipkemoi Samati
 - c. Mr. Kenwilliams Nyakomitah, OGW
 - d. Dr. Annette Mudola Mbogoh
28. In the afore-mentioned letter the DCI further advised the following nominees to present their fingerprints for analysis –
 - a. Ms. Ann Wanjiku Mwangi
 - b. Dr. Micah Onyiego Nyakego, PhD, OGW
 - c. Hon. John Muchiri Nyaga, HSC

d. Ms. Jackline Lukalo Mwenesi

29. However, the aforementioned officers submitted their clearance certificates from the DCI on Friday, 22nd November, 2024.
30. On whether the nominees hold offices within political parties, ORPP vide a letter dated on 18th November, 2024 stated that pursuant to Article 77(2) of the Constitution and according to the records held by the Office as at 18th November, 2024, all the eight (8) nominees were not officials of any registered political party in Kenya.
31. With regards to the request for tax compliance status for the nominees, KRA vide a letter dated 20th November, 2024 indicated that all the eight (8) nominees were compliant.
32. The Committee wrote to Commission for University Education but did not receive any response regarding a request for a report on academic and professional certificates.
33. The Committee wrote to the Office of the Director of Public Prosecutions but did not receive any response regarding a request for a report on whether there are any criminal proceedings against the eight (8) nominees or any other previous charges against them.

2.12 Committee proceedings

34. The National Assembly having received the names of the nominees was obligated to conduct approval hearings and make determination of the nominees' suitability pursuant to the provisions of Section 11 (5) of the Independent Policing Oversight Authority Act, Cap 86 as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011).
35. The Committee held a total of four sittings to receive the notification and plan on how to conduct the approval hearings, examine and review the nominees' certificates, testimonials, consider public views and hold approval hearings of the nominees.

2.13 Criteria for Consideration during the Approval Hearings

36. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011) provides that—
 - “(7) An approval hearing shall focus on a candidate’s academic credential, professional training and experience, personal integrity and background.”*
 - “(8) The criteria specified in the Schedule shall be used by the Committee during an approval hearing for the purposes of vetting a candidate.”*
37. In addition, Section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be—
 - a) the procedure used to arrive at the nominee;*
 - b) the constitutional and statutory requirements relating to the office in question; and*

- c) *the suitability of the nominees for the appointment proposed having regard to whether the nominees' abilities, experience and qualities meet the needs of the body to which the nomination is being made.*

2.14 Procedure used to arrive at the nominee

38. Section 12 of the IPOA Act, No. 35 Of 2011 provides for the procedure for appointments of the Chairperson and Members of the Board as follows —

- (1) *The President shall, within **fourteen days** after the commencement of this Act, constitute a selection panel comprising one person from each of the following bodies respectively—*
- (a) the Office of the President;*
 - (b) the Office of the Prime Minister; (replaced by a representative of the Public Service Commission after the first general election under the 2010 Constitution)*
 - (c) the Judicial Service Commission;*
 - (d) the Commission for the time being responsible for matters relating to anti-corruption;*
 - (e) the Kenya National Commission on Human Rights; and*
 - (f) the Commission for the time being responsible for matters relating to gender.*
- (2) *The Public Service Commission shall—*
- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among their number; and*
 - (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.*
- (3) *The selection panel shall, within **seven days** of its convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment for the position of chairperson and members of the Board.*
- (4) *The selection panel shall—*
- (a) consider the applications received under subsection (3) to determine their compliance with the provisions of the Constitution and the Act;*
 - (b) short list the applicants;*
 - (c) publish the names of the shortlisted applicants in at least two daily newspapers of national circulation; and*
 - (d) conduct public interviews of the shortlisted persons in public;*
 - (e) shortlist **three** qualified applicants for the position of chairperson;*
 - (f) shortlist **eight** qualified applicants for the position of the members; and*
 - (g) forward the names of the qualified persons under paragraphs (e) and (f) to the President.*
- (5) *The President shall, if he approves, within **fourteen days** of receipt of the names of successful applicants forwarded under subsection (4)(g), select the chairperson and members of the Commission and forward the names of the persons so selected to the National Assembly for approval.*

- (6) *The National Assembly shall, within **twenty-one days** of the day it next sits after receipt of the names of the applicants under subsection (5), vet and consider all the applicants, and may approve or reject any or all of them.*
- (7) *Where the National Assembly approves of the applicants, the Speaker of the National Assembly shall forward the names of the approved applicants to the President for appointment.*
- (8) *The President shall, within **seven days** of receipt of the approved applicants from the National Assembly, by notice in the Gazette, appoint the chairperson and members approved by the National Assembly.*
- (9) *Where the National Assembly rejects any nomination, the Speaker shall within **three days** communicate its decision to the President and request the President to submit fresh nominations;*
- (10) *Where a nominee is rejected by the National Assembly under subsection (9), the President shall within **seven days**, submit to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the selection panel under subsection (5);*
- (11) *If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (10), the provisions of subsections (1) to (6) shall apply.*

39. The Act further provides that in shortlisting, nominating or appointing persons as chairperson and members of the Board, the selection panel, the National Assembly and the President shall ensure that no more than **two-thirds** of the members are of the same gender. The selection panel may, subject to Section 11 of the Act, determine its own procedure and it stands dissolved upon the appointment of the chairperson and members under subsection (9). Where the provisions of subsection (11) (*Rejection of subsequent nominees*) apply, the selection panel shall continue to exist but shall stand dissolved upon the requisite appointments being made under subsection (12).

2.15 Proceedings before the Selection Panel

40. The Selection Panel was appointed vide Gazette Notice No. 10887 of 28th August, 2024. The proceedings before the selection panel are contained in its report dated 5th November, 2024 in which it is noted—
- (a) the Panel invited applications via print media and the Public Service Commission website on 13th September, 2024;
 - (b) the Panel received a total of 22 applications for the position of Chairperson and 304 applications for the positions of member of the board;
 - (c) the Panel applied a shortlisting criterion in four rounds for the position of chairperson and members of the Board respectively, including the criteria set out in the Constitution, the IPOA Act, quality, relevance and level of experience gained and analysis based on gender, regional balance, ethnic balance, PwD consideration and diversity of skills and competences;
 - (d) the Panel shortlisted eight candidates for the position of chairperson and thirty-seven (37) persons for the positions of member of the Board;

- (e) the Panel published the names of the shortlisted candidates in print media and the Public Service Commission website and invited members of the public to avail critical information on the candidates by way of sworn affidavits. The Panel also requested statutory bodies to conduct background checks on the candidates;
- (f) the Panel conducted interviews for the position of Chairperson on 22nd and 23rd October, 2024 and for the positions of member of member of the Board on 24th, 25th, 28th, 29th and 30th October, 2024 at the Public Service Commission; and
- (g) upon the conclusion of the interviews, the Panel submitted to H.E the President the names of three persons nominated to the position of Chairperson and eight (8) persons nominated to the positions of member of the Board.

2.16 Constitutional and Statutory requirements

41. The Committee was guided by the following provisions of the law on the requirements for appointment to the State Offices:

a. Two-Thirds Gender Rule

42. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

b. Representation of Regional and Ethnic Diversity

43. Article 130(2) of the Constitution provides that the composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.

c. Leadership and Integrity

44. The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-
- i. Article 73(2) of the Constitution which provides that the guiding principles of leadership and integrity include –
 - (a) *selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - (b) *objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;*
 - (c) *selfless service based solely on the public interest, demonstrated by-*
 - (i) *honesty in the execution of public duties; and*
 - (ii) *the declaration of any personal interest that may conflict with public duties;*
 - (d) *accountability to the public for decisions and actions; and*
 - (e) *discipline and commitment in service to the people.*
 - ii. Article 75(1) of the Constitution that requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and

public official duties and Article 75(3) of the Constitution that prohibits a State Officer who has been removed from office under that Article from holding any other State Office.

- iii. Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.
- iv. Article 78 of the Constitution that disqualifies persons who are not Kenyan Citizens and persons holding dual citizenship from appointment as State Officers.

2.17 Suitability of the Nominees for the Proposed Appointment

45. The suitability of the nominees was assessed after scrutiny of the nominees academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on 22nd November, 2024.

2.18 Qualifications for appointment as Chairperson and Members of the Independent Policing Oversight Authority Board

46. In conducting the Approval hearing, the Committee was guided by Article 250(2)(b) of the Constitution, Section 11(5) of the Independent Policing Oversight Authority Act Cap 86 and the provisions of Section 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Act No. 33 of 2011).
47. Article 250(3) of the Constitution provides that to be appointed as a member to a Commission or Independent Office, a person shall have specific qualifications required by the Constitution or national legislation. Further, Article 250(4) provides that appointments to Commissions and Independent Offices shall consider the national values referred to in Article 10 and the principle that the composition of the Commissions and Offices, taken shall reflect the regional and ethnic diversity of the people of Kenya.
48. Article 73 of the Constitution provides that: (2) The guiding principles of leadership and integrity include—
- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
 - (c) selfless service based solely on the public interest, demonstrated by—*
 - (i) honesty in the execution of public duties; and,*
 - (ii) the declaration of any personal interest that may conflict with public duties;*
 - (d) accountability to the public for decisions and for decisions and actions; and*
 - (e) discipline and commitment in service to the people.*

CHAPTER THREE

3.0 MEMORANDA FROM THE PUBLIC ON THE SUITABILITY OF THE NOMINEES

3.1 Article 118 of the Constitution provides that the Parliament shall facilitate public participation and involvement in the legislative business of Parliament and its Committees.

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

3.2 Pursuant to Article 118 of the Constitution s read with Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Act No. 33 of 2011), , the Clerk of the National Assembly placed an advertisement in the local dailies on 14th November, 2024 inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act (Act No. 33 of 2011), .

50. The advertisement indicated that the submissions were to be received by 21st November, 2024. At the close of business on Thursday 21st November, 2024, the Office of the Clerk, had not received any memoranda contesting the suitability of the nominees.

CHAPTER FOUR

4.0 APPROVAL HEARINGS OF THE NOMINEES

51. The Committee conducted approval hearings for the nominees to the position of Chairperson and Members of the Independent Policing Oversight Authority Board on **Friday, 22nd November, 2024**. In conducting the approval hearing, the Committee was guided by, the Constitution, the Independent Policing Oversight Authority Act, Cap 86 and the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011) and the National Assembly Standing Orders.
52. The Committee examined the nominees using the guidelines provided for in Sections 6(7), 6(9) and 7 of the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011).

4.1 Mr. Ahmed Issack Hassan, CBS, nominee for the position of the Chairperson

53. Mr. Ahmed Issack Hassan, CBS appeared before the Committee on Friday, 22nd November, 2024, and was vetted under oath to examine his suitability. The Committee noted the following: -

Citizenship and Place of Birth

54. The nominee is a Kenyan citizen of I.D Number 9565946, was born in 1970 in Garissa County and does not hold dual citizenship.

Academic and Professional Qualifications

55. The nominee holds a Master's Degree in Electoral Policy and Administration, *Scuola Superiore Sant'Anna Pisa*, Italy/United Nations Institute for Training and Research, a Diploma in Contemporary Administration Management from Galilee International Management Institute in Israel, Post Graduate Diploma in Law from the Kenya School of Law and a Bachelor's degree in Law, Second Class Honors, Upper Division, University of Nairobi.

Employment Record and Work Experience

56. The nominee has the following employment record and experience: -
- Electoral Expert, Trilateral Assessment Mission on the Constitution making & Electoral process in South Sudan, African Union Commission;
 - Consultant on Strategic Planning, International Republican Institute (IRI);
 - Senior Legal/ Electoral Dispute Resolution
 - Expert – African Union (AU) Election Assistant;
 - Legal Consultant at Garane & Somane Advocates;
 - Chairperson Kenya Industrial Property Institute;
 - Chairperson Kenya Industrial Property Institute
 - Electoral Expert IDEA- Institute for Democracy and Electoral Assistance (Sweden) Headquarters;

- i. International Non-voting Commissioner Independent Election Commission (Afghanistan);
- j. International Governance Advisor United Nations Development Programme (Somalia/ Integrated Electoral Support Group (IESG));
- k. Lead Consultant Creative Associates International Inc.;
- l. Chairperson Independent Electoral and Boundaries Commission (IEBC);
- m. Chairperson Interim Independent Electoral Commission of Kenya (IIEC);
- n. Legal Consultant UNDP – United Nations Development Programmes (Somalia);
- o. Director Water Resource Management Authority (WARMA);
- p. Commissioner Office of the President - Kiruki Commission of Inquiry;
- q. General Legal Counsel / Special Legal Adviser, Transitional Federal Government of Somalia;
- r. Legal Consultant UNPOS – United Nations Political Office for Somalia;
- s. Managing Partner Ibrahim Issack & Company Advocates;
- t. Commissioner Constitution of Kenya Review Commission;
- u. Deputy Returning Officer Electoral Commission of Kenya (ECK);
- v. Associate Legal Practitioner Mohamed Ibrahim & Associates; and
- w. Presiding Officer Electoral Commission of Kenya.

Honours and Awards

57. The nominee submitted that in 1990-1991, he got the Sakarben Sheth Award. He has a certificate of appreciation by Uwiano, Elder of the Order of the Burning Spear (EBS), a C10100 Leadership Award in 2013, Chief of the Order of the Burning Spear (CBS) and was recognized among the 100 most influential people in Africa in December 2012.

Professional Association and Membership

58. The nominee submitted that he is a member of the Commonwealth Electoral Democracy Forum, Elections Stakeholders and a Member of Administration and Cost of Elections Network (ACE)
59. The nominee is a long-standing member of the Law Society of Kenya with a current practicing certificate.

Publications and Writings

60. The nominee stated that he published and authored the following articles, books and journals –
 - a. Legal Impediment to Development of Northern Kenya – August 2008;
 - b. North Eastern Province and Constitutional Review Process- Lessons of History – July 2021;
 - c. The Constitutional Management of Religious Diversity in Kenya – August 2008;
 - d. Kadhi’s Court, Working Paper for Constitutional of Kenya Review Commission (CKRC) – August 2002; and
 - e. Referee of a Dirty Ugly Game – May 2023.

Public Office, Political Activities and Affiliations

61. The nominee stated that he was the Chairperson, Board of Directors Kenya Industrial Property Institute (KIPI) from 2018 to 2024; Chairperson, IEBC from 2011 to 2016; Chairperson IIEC from 2009 to 2011; a Commissioner at Constitution of Kenya Review Commission and Kiriku Commission of Inquiry in 2006.

Integrity

62. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He also stated that he has never been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. He informed the Committee that he is fully compliant with tax obligations to the State and has never been charged in any Court of Law in the last three years. He further stated that he has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years.

Income and Net-worth

63. The nominee estimated his net worth to be Kshs. 100 million with the sources of income being majorly from a property in Karen, Kileleshwa and in Garissa, motor vehicles, income from law firm, Kenya Industrial Property Institute and saving from gratuity.

Potential Conflict of Interest

64. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

65. The nominee submitted that he supported his sister's sons from secondary to university, he supports ten orphan families in Bura, constructed a Mosque in memory of his late mother and supports the needy students from Western province.

General and Sector-Specific Questions to the Nominee

On the strategy to ensure IPOA achieves its objectives

66. The nominee pointed out that there is an overlap in mandate between Directorate of Criminal Investigation (DCI), National Police Service Internal Affairs Unit and Independent Policing Oversight Authority (IPOA). In order to achieve IPOA's objectives, the nominee informed the Committee that he will ensure there is stakeholders' engagement on IPOA's mandate and the key partners so that the police service has the confidence and faith of the Kenyans. He further stated that he will ensure that civilians are detained in a humane manner.

On the public view on IPOA as inefficient and ineffective on service delivery

67. The nominee affirmed the Committee's position that IPOA is indeed ineffective and inefficient in-service delivery citing underfunding as the main reason. The nominee proposed the need to engage the Committee for more funding to consequently enhance staffing of IPOA. Further, he emphasized the need for public sensitization and awareness on the role of IPOA.

On being bundled out of office as IEBC chair alongside the Commissioners after the disputed 2013 general elections

68. The Committee acknowledged the nominee's role as the former Chairperson of the Independent Electoral and Boundaries' Commission during the 2013 General Election and the Commissioners' resignation in 2016 was in the best interest of the country to move forward.

On reducing the turn-around time on the conclusion of investigations

69. The nominee stated that he intends to reduce the turn-around time to fourteen (14) working days. He proposed that police officers wear body cameras for monitoring and accountability, for example South Africa where police officers wear body cameras to monitor their activities as a way of justifying their actions.

On IPOA's presence across the country

70. The nominee proposed the need to employ more staff. He further proposed to open more offices across the country and the use of social media as a means of outreach and creating awareness.
71. In addition, he proposed to initiate amendments to the IPOA Act for the Authority to have powers to investigate, arrest and prosecute and ensure that police officers who violate human rights are prosecuted and the victims compensated.

On priorities to ensure efficiency with the current budget cuts

72. He proposed to leverage technology as a way to mitigate the budget constraint. Social media has a huge outreach and government institutions no longer need to pay huge amounts of money to advertise through print media but save on costs. He further noted that outreach can be done through social media platforms.

On striking a balance between having an effective police service and efficient oversight by the Authority

73. The nominee informed the Committee that strengthening IPOA does not result in a weak police service. He stated that the police are required to protect demonstrators but at sometimes peaceful demonstrations are infiltrated by criminals.

On the proposal to expand the mandate of IPOA to oversight Kenya Wildlife Service (KWS) and Kenya Forest Service (KFS)

74. The nominee supported the proposal since the two disciplines are also armed but not oversighted like the National Police Service.

On the issue Public Trust

75. The nominee expressed his commitment to ensuring that case turnaround period will be limited to fourteen working days. He also mentioned that the implementation of body-worn-cameras would improve undercover operations. Additionally, he noted that utilizing unmasked vehicles, having officers wear masks and avoiding uniforms during operations has influenced public perception on police officers.

On extrajudicial killings abductions

76. The nominee stressed the critical importance of tackling issues like abductions and femicides. He asserted that law enforcement operations should be carried out professionally and in strict adherence to the rule of law. He emphasized that police officers should not wear masks to hide their identities or use unmarked vehicles. He noted that criminals take advantage of such practices to generate disorder and undermine legitimate police efforts.

Committee's determination on the Suitability of the Nominee to hold office

77. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on his suitability for appointment as IPOA Board Chairperson. that:
- a. The nominee is eligible for appointment as a Chair of IPOA Board pursuant to provisions of Section 9 (1)(a)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
 - b. The nominee, being a holder of Master's Degree in Electoral Policy and Administration, a Diploma in Contemporary Administration Management, Post Graduate Diploma in Law, a Bachelors degree in Law and having held a managerial position in reputable organizations, has the requisite skills to turn-around the image and operations of IPOA
 - c. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
 - d. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. That he and other Commissioners voluntarily resigned from the IEBC due to public interest in 2016.
 - e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry for the past three years.
 - f. The nominee does not hold office in any political party
 - g. The nominee demonstrated an in-depth understanding of topical, administrative, and technical matters related to the responsibilities of a Chairperson of IPOA Board.

Consequently, he possesses the necessary abilities and qualifications to effectively serve as the Chairperson of IPOA Board.

- h. Having served in various managerial/administrative roles, both in the public and private sectors, the nominee possesses managerial experience that will be handy in managing both the financial and human resources of the Authority.

4.2 Ms. Ann Wanjiku Mwangi, nominee for the Position of Board Member

- 78. The nominee appeared before the Committee for approval hearing on Friday, 22nd November, 2024. She was vetted under oath to examine her suitability. The Committee noted the following: -

Citizenship and Place of Birth

- 79. The nominee is a Kenyan citizen of I.D Number 25221823 and was born in 1986 in Uasin Gishu County, Kenya and that she doesn't hold dual citizenship.

Academic and Professional Qualification

- 80. The nominee is pursuing a PhD in project Planning and Management at JKUAT. She holds a Master's Degree in Education and Research from Moi University and Masters of Arts Degree in Project Planning and Management from the University of Nairobi, a Bachelor of Education Degree in Arts from Moi University and a Diploma in Computer Applications from Comido College.

Employment Record and Work Experience

- 81. She is currently the Board Chairperson of Trans-Nzoia Women Leaders. She was a nominated Member of the Trans-Nzoia County Assembly from 2017 to 2022, an Assistant Administrator and later on an Administrator at Moi University. She also worked as a Gender Officer at the Mercy Corps Kenya, a National Treasurer at the National Youth Bunge Association and facilitator at the Kenya National Bureau of Statistics.
- 82. The nominee's work experience is advocacy on matters gender and human rights through the Tras-Nzoia Women Leaders forum.

Professional Association and Membership

- 83. The nominee submitted that she is a member of the African Youth Leadership Forum and National Youth Bunge Association.

Public Office, Political Activities and Affiliations

- 84. The nominee stated that she is not affiliated with any political party or involved in political activities.

Integrity

- 85. The nominee submitted that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. She also stated that she has never been adversely associated with practices that depict bias, favoritism, or

nepotism in the discharge of public duties.

Income and Net-worth

86. The nominee estimated her net worth to be Kshs 10 million, with the sources of income being salary and investments.

Potential Conflict of Interest

87. The nominee declared that she does not have any persons or matters that would present a potential conflict of interest. She further stated that should any conflict of interest arise, she would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

88. The nominee submitted that she is involved in various pro-bono and charity works, including yearly donations of sanitary towels in schools across Trans-Nzoia County and donation of blankets and foodstuffs to one hundred elders in different constituencies in Trans-Nzoia County.

General and Sector-Specific Questions to the Nominee

On Experience That She Will Be Bringing

89. The nominee stated that she has been in the public sector and carried out the mandate of advocacy. She informed the Committee that one aspect she will bring to the authority is to assist people understand the mandate of the Authority through awareness creation.
90. Further she noted that she will ensure the Authority acquires prosecuting powers. This legal aspect lacks in the Authority and hinders conclusion of cases. She explained that the Authority has no prosecuting powers and, in some instances, when police are called to testify, they decline. She noted that she will ensure there is collaboration between IPOA, National Police Service, DPP and DCI

On Cases of Femicide

91. The nominee explained that if confirmed for the position, she will ensure that the cases of femicide that involve police officers are thoroughly investigated and that the victims protected to ensure that they testify as required.
92. She further explained that there is need for communal approach, to address the gender issues that involve men and make men see themselves as protectors of families and the woman. The women also need to understand the importance of taking caution on who they interact with.

On experience When Dealing with Police

93. The nominee noted that while working in advocacy she interacted with the National Police

Service and has had both positive and negative experiences. She noted that in cases where the police were perpetrators, she will ensure that they are prosecuted.

94. She confirmed that she had previously worked with the police through strengthening gender desks. She provided sanitary towels for women in police custody during trainings where the police were involved.
95. Moreover, being appointed to IPOA, she will assist the Chairperson to achieve the mandate of the Authority and give recommendations to the National Police Service Commission.

On Gender Mainstreaming in IPOA

96. The nominee noted that the work she has done on GBV is not only for women but also for men. She pledged to work with other stakeholders like Kenya National Commission on Human Rights (KNCHR), National Gender and Equality Commission (NGEC), and also strengthen institutions like Gender Desk. She further stated that some of these Gender Based Violence (GBV) cases involve the police and there is need to look at the root causes as the GBV cases sometimes result to murder.

On Qualifications for Nomination

97. The nominee reiterated that she is well conversant with the requirement of the position. She further noted that having worked as an administrator at Moi University and as a Member of the County Assembly she has the experience required. In addition, on human rights qualifications, she is a strong campaigner, on human rights advocacy, community policing, public participation and engagement with community leaders.

On Creating Awareness

98. The nominee noted that she has worked as a treasurer in National Youth Bunge Association. She added that the association established youth bunges at village levels and that they ensured that youth come together and become self-sustainable through grants. Having been in the Bunge network and the association formed in Moi University, and AYLF the experience acquired will help her disseminate information about IPOA. She informed the committee that she will also use social media platforms, websites to create awareness and ensure information dissemination.

On Effect of 2007 Post Election on her Career

99. The nominee stated that the incidences helped her to prepare how to live with other communities without infringing their rights and also protecting her own rights.

Committee's determination on the Suitability of the Nominee to hold office

100. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on her suitability for appointment as IPOA Board Member. that:

- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
- b. The nominee's education background and work experience will be crucial in performance of the roles of IPOA Board Member.
- c. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
- d. The nominee stated that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
- e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.
- f. The nominee does not hold office in any political party
- g. The nominee demonstrated extensive and impressive knowledge of topical, administrative and technical issues touching on the mandate of IPOA. He therefore has the requisite abilities, qualifications and experience to serve as IPOA Board Member.

4.3 Dr. Micah Onyiego Nyakengo, PhD, OGW - nominee for the position of Board Member

101. The nominee appeared before the Committee for approval hearing on Friday, 22nd November, 2024. He was vetted under oath to examine his suitability. The Committee noted the following: -

Citizenship and Place of Birth

102. The nominee is a Kenyan Citizen of ID Number 7376658, born in Nyamira County on 25th August, 1965 and does not hold dual citizenship.

Academic and Professional Qualification

103. He holds a Doctorate of Philosophy Degree in Business Management, Strategic Management (Option) from Moi University, Masters of Science Degree(MSC), Human Resource Development from Moi University and Bachelors of Business Management, Human resource Management.

Employment Record and Work Experience

104. The nominee stated that he is currently a Chief Advisor at the National Intelligence Service and previously worked as a Senior Officer at the National Police Service.

Honours and Awards

105. The nominee was awarded the Order of the Grand Warrior (OGW) by the Government of Kenya in 2023 in his recognition of an outstanding service rendered to the country in different responsibilities and capabilities.

Professional Association and Membership

106. The nominee is an Associate Member of the Institute of Human Resource Management and a Member of Moi University Alumni Association.

Publications and Writings

107. The nominee published the following thesis and publication –
- a. Strategic Implementation, Planning Typologies and Performance of Universities in Kenya – PhD Thesis;
 - b. Determinants of Employee Turnover in Kerio Valley Development Authority in Kenya – Master’s Thesis;
 - c. Nyakego, M.O, Maru,L (2016) Moderating Effects of Reactive Planning Typology on the Relationship Between Strategy Implementation and Employee Effectiveness in Universities in Kenya. European Journal of Business and Social Sciences 5(09),100-113.ISSN: 2235-767.URL: <http://www.ejbss.com/recent.aspx/>;
 - d. Nyakego,M,O.,Cheruiyot T. (2016) Moderating Effects of Reactive Planning Typology On the Relationship Between Strategy Implementation and Societal Expectations in Universities in Kenya. International Journal of Economics, Commerce and Management United Kingdom Vol. IV, Issue12 December 2016 ISSN 2348 03 <http://ijecm.co.uk/>;
 - e. Nyakego,M.O.,Kanuke,M.,K,(2015) An Assessment of the Utilization of Human Resource Information Systems in Selected Universities in Kenya;
 - f. Nyakego,M.O.,(2014) Determinants of employee turnover in Kerio valley Development Authority in Kenya. Journal of Research on Humanities and Social Sciences.www.iiste.org.ISSN (Paper) 2224-5766 ISSN (Online)2225-0484 (Online) Vol.4, No.20, 2014; and
 - g. Nyakego,M.O., Mulongo,L. (2014) Job satisfaction and employee turnover in Kerio Valley Development Authority. International Journal of Advanced Research (2014), Volume 2, Issue 10, 618- 625, ISSN 2320.<http://www.journalijar.com>.

Public Office, Political Activities and Affiliations

108. The nominee submitted that he is an employee of the National Intelligence Service under permanent and pensionable terms. He was previously an employee of the National Police Service under permanent and pensionable terms until the year 1998

Integrity

109. The nominee affirmed that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He also asserted that he has never been adversely associated with practices indicating bias, favoritism, or nepotism in the discharge of public duties. He informed the Committee that he has fully complied with tax obligations to the State and has not faced any charges in any Court of Law in the last three years, and that he has never been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.

Income and Net-worth

110. The nominee submitted that his net worth is approximately Kshs. 50 million and that his sources of income include a salary for the National Intelligence Service. Furthermore, he indicated that he does not have any deferred income and future benefits.

Potential Conflict of Interest

111. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

112. The nominee is involved in donations to church development activities and settling medical bills for the vulnerable in the community.

General and Sector-Specific Questions to the Nominee

On addressing the disquiet between the police and the citizens regarding police excesses

113. The nominee responded that maintaining law and order is a priority and felt the police officers had played their role especially during demonstrations where criminal elements infiltrate protests.

On concerns about potential conflicts of interest arising from his background as a former police officer while serving in an oversight role at IPOA

114. He clarified that he would fully transition from his previous role and focus on his oversight responsibilities. He added that he would expect his former colleagues to abide by the law ensuring fairness to both citizens and the police.

On his current role as NIS advisor

115. He responded that the Director General of NIS is the overall head of the service and in charge of day to day operations as per the NIS structure. Moreover, given his background as an advisor and having the privilege of understanding how the police service works, he will be of great input to IPOA on investigations.

On his take on the issues of abductions and forced disappearances

116. The nominee stated that the Police agencies were proactive in apprehending the perpetrators and that there was no evidence of who was committing the abductions

On experience contribution to IPOA based on his professional background

117. On his background in research and analysis, he will assist the Authority to conduct research which will enable decision making that is evidence based. Professional and academic excellence will be instrumental to contribute to the development of training programs for both police officers and IPOA staff.
118. He noted that the Strategic plan of the Authority had lapsed and suggested that he will use his knowledge in strategic planning having researched widely in strategic planning to assist IPOA in developing another one to be used in the next five years.

119. Moreover, the nominee further committed to more effective engagement initiatives that can improve relations between the police and communities they serve aiming to enhance accountability and protect citizens rights.

On the lack of public awareness and efficiency of IPOA

120. The nominee stated that IPOA is underfunded and this has hindered the Authority's ability to fully execute its mandate. He expressed his commitment to addressing this issue by advocating for the establishment of IPOA offices in every county and even exploring the possibility of setting up desks at Huduma Centres.

Committee's determination on the Suitability of the Nominee to hold office

121. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on his suitability for appointment as IPOA Board Member. that:

- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
- b. The nominee, being a holder of Doctorate of Philosophy Degree in Business Management, Strategic Management (Option), a Master's of Science (MSC) Degree, Human Resource Development and Bachelors of Business Management, Human resource Management will be crucial in performance of his roles as a Board Member. The Nominee will be instrumental in formulation and reviewing policies that will guide the operations of IPOA to ensure it aligns with best practices in policing oversight.
- c. His experience as a Chief Security Advisor at the NIS will help him to advocate for a collaborative approach between the National Police Service and IPOA to enhance oversight, bolster public confidence and trust between the citizens and the police.
- d. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
- e. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
- f. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.
- g. The nominee does not hold office in any political party
- h. The nominee demonstrated extensive and impressive knowledge of topical, administrative and technical issues touching on the mandate of IPOA. He therefore has the requisite abilities, qualifications and experience to serve as IPOA Board Member.

4.4 Mr. Boniface Kipkemai Samati - Nominee for the position of Board Member

122. The nominee appeared before the Committee for approval hearing on Friday 22nd November, 2024. He was vetted under oath to examine his suitability. The Committee noted the following: -

Citizenship and Place of Birth

123. The nominee is a Kenyan Citizen born in 1983 in Marigat, Baringo County and does not hold any dual citizenship

Academic and Professional Qualification

124. The nominee is currently undertaking Masters of Arts Degree in Security Studies and Criminology at Mt. Kenya University. He holds a Bachelor of Arts Degree (Political Science and Public Administration) from the University of Nairobi, Computer Applications from World Link Computer Applications College and Paramilitary Training Course from GSU Training School.

Employment Record and Work Experience

125. The nominee is a Chief Security Officer at Kenya Medical Training College. He also served as Chief Inspector of Police (District Criminal Investigation Officer) in Nyali from 2016 to 2018, Chief Inspector of Police-Officer Commanding and Port Victoria Police Station (OCS) from 2015 to 2016, Chief Inspector of Police – Officer Commanding Malindi Police Station in 2015, Deputy Officer Commanding – Watamu Police Station in 2014, Officer In-Charge Crime Branch at Githunguri Police Station in 2012 and Platoon Commander – GSU M-Company from 2010 to 2012.

Professional Association and Membership

126. The nominee stated that he was neither a member of any professional association nor did he belong to any professional, business or charitable organization.

Publications and Writings

127. The nominee has neither authored nor edited any published materials.

Public Office, Political Activities and Affiliations

128. The nominee submitted that he is not affiliated to any political party or activities.

Integrity

129. The nominee submitted that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He also stated that he has never been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. He informed the Committee that he is fully compliant with his tax obligations to the State. Furthermore, the nominee submitted that he has neither been charged in any court of law nor adversely mentioned in an investigatory report of Parliament or any other commission of inquiry in the last three years.

Income and Net-worth

130. The nominee estimated his net worth to be Kshs. 45 million with the sources of income being salary, livestock and crop farming and a bar and restaurant business.

Potential Conflict and Interest

131. The nominee declared that he does not have any persons or matters that would present a potential conflict of interest. He further stated that should any conflict of interest arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

132. The nominee stated that he sponsored a youth empowerment program, an annual football peace tournament as a way of supporting and nurturing talent among the youth in Marigat Sub-County, Baringo County and promoting peace at the same time. He managed to mobilize Kshs. 1 million for the two tournaments from friends, stakeholders and other sponsors

General and Sector-Specific Questions to the Nominee

On conflict of interest having served as a police officer

133. The nominee stated that he was a police officer, however he resigned from the National Police Service and if approved he would stick to the mandate of IPOA to investigate crimes committed by police officers. He further stated that he would provide more oversight as he is out of the Police Service than the internal affairs unit that is run by serving police officers.
134. The nominee stated that the bar and restaurant business in Baringo County was started before the advertisement of the job. It is being run by three partners and there would be no conflict of interest.

On suitability for position

135. The nominee stated that he has vast experience in police work. He is a team player and has skills in making policies and regulations. This is one of his duties as head of security at Kenya Medical Training College (KMTC). He has risen to the highest level of training as an investigator which is important for the role.

On bridging the gap between IPOA and the National Police Service.

136. The nominee recognized that there is a strained relationship between IPOA and the National Police Service. He will sensitize police on the mandate of IPOA and create awareness. He stated that he will engage and collaborate with the various stakeholders in order to improve working relations with the police since IPOA had no arresting or prosecutorial powers.

On abductions and forced disappearance

137. The Nominee acknowledged that abductions and forced disappearance have escalated after the demonstrations by Gen Z. He committed to work with other security agencies to oversight and hold the responsible police officers accountable.

On his achievements as a Police Officer and suitability for the position

138. The nominee stated that he was involved in the war against drugs while serving in Mombasa and Malindi and was able to secure convictions. He was also part of the team involved in investigating and stopping the Mombasa Republican Council (MRC) operations. He was the investigating officer in a rape case of a girl where he secured a life time imprisonment for the convict.

On what were the circumstances for him leaving the Kenya Police Service

139. The nominee stated that he resigned from the service and moved to Kenya Medical Training College as the Chief security officer.

Committee's determination on the Suitability of the Nominee to hold office

140. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on his suitability for appointment as IPOA Board Member. that:
- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
 - b. The nominee, being a student of Master's Degree in Security Studies and Criminology and being a holder of a Bachelor's Degree in Political Science and Public Administration, and having worked as a Chief Security Officer, Chief Inspector of Police and as Criminal Investigation Officer, has the requisite knowledge and abilities to engage in delicate and complex IPOA investigations that may arise.
 - c. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB satisfies the requirements of Chapter Six of the Constitution.
 - d. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
 - e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry for the past three years.
 - f. The nominee does not hold office in any political party.
 - g. The nominee demonstrated extensive and impressive grasp of knowledge of topical, administrative and technical issues relating to the mandate of IPOA and has the requisite abilities, qualifications and experience to serve in the office.

4.5 Dr. Annette Mudola Mbogoh, PhD. - Nominee for the position of Board Member

141. The nominee appeared before the Committee for vetting on Friday 22nd November, 2024. She was vetted under oath to examine her suitability. The Committee noted the following:-

Citizenship and Place of Birth

142. The nominee is a Kenyan Citizen born in Kilifi County in 1981 and does not hold dual citizenship.

Academic and Professional Qualification

143. The nominee is a holder of Doctorate of Philosophy Degree in Law and Master's Degree in Women's Law Southern and Eastern African Regional Centre for Women's Law from University of Zimbabwe, Harare. Postgraduate Diploma in Law from Kenya School of Law and a Bachelor of Laws (LL.B) from the University of Nairobi.

Employment Record and Work Experience

144. The nominee is currently the Executive Director, Kituo Cha Sheria - Legal Advice Centre. Prior to that, she was the Executive Director, Regional Coordinator at Kituo Cha Sheria - Legal Advice Centre. She is also a Lecturer at the University of Nairobi, Faculty of Law. She is also a Board Member at the African Centre of Excellence for Access to Justice, a Network Advisory Council, East and Horn of Africa Regional Anchor at Grassroots Justice Network convened by Namati.
145. The nominee is also an independent Board Member at the Kenya Civil Aviation Authority, a Board of Director representative of the Public Benefit Organizations at National Legal Aid Service, a Member of the Advisory Board at Haki Journal; Free the Slaves East Africa, and the Chairperson, Board of Trustees at Haki Yetu Organization.
146. Previously, she was the Vice President of Insurance Appeals Tribunal, a Resident Advocate at Christian Legal Education, Aid and Research – Kenya and the Legal and Program Assistant at the Cradle- The Children's Foundation

Honours and Awards

147. The nominee has the following honours and awards –
- a. University of Nairobi School of Law, Dean's List, Class of 2004;
 - b. Southern and Eastern Africa Centre for Women's Law -UZ, Book Prize, Distinction, Master in Women's Law;
 - c. Nominee and Finalist, Nairobi Legal Awards, Civil Society Lawyer of the Year Category, 2022 and 2023;
 - d. Alumna, International Visitors' Leadership Programme, NGO Management, United States of America State Department, United States of America (2023);
 - e. Civil Society Lawyer of the Year, 1st Runners Up, Nairobi Legal Awards (2023); and
 - f. Top 50 Nairobi Women Lawyers, International Women's Day Edition, Nairobi Legal Awards (2024).

Professional Association and Membership

148. She is a member of the Law Society of Kenya and Kenya Christian Lawyers' Fellowship. She was also an Executive Committee member of Christian Lawyers Fellowship, Mombasa Chapter from 2009-2011.

Publications and Writings

149. The nominee stated that she has published and authored the following articles, books and journals -

- a. Co-authored article on Trafficking in Women article for the Federation of Women Lawyers - Kenya Annual Report (2005);
- b. Children Entangled in the Web of Organized Crime: Strategies for Intervention, Prevention and Protection in Kenya (2010);
- c. Man-Kwan C & A Mbogoh (2016) *Strengthening Women's Voices in the Context of Agricultural Investments: Lessons from Kenya*, London: IIED and Nakuru: Kenya Land Alliance (KLA) publication;
- d. Mbogoh, A. (2017) *Beyond the Law: A Critique of the Participation of Women in the Truth, Justice and Reconciliation Commission's Processes using Mombasa, Kenya as a Case Study* DPhil Thesis submitted in SEARCWL-UZ;
- e. Mbogoh A & R Mwatela "Public Health or Security Issue: An Analysis of Kenya's Kenya's Response to the COVID-19 Pandemic" in *European Studies Journal* (2020) Vol 17 (3) pp. 165-188;
- f. Mute L, Meroka A, Okelloh M, Mbogoh A, Oduor F and Echesa K (2020) *Slides Speak to People who can See: Baseline Study on the inclusiveness of the University of Nairobi to Persons with Disabilities*;
- g. Mbogoh A. (2021) "Pouring new wine in old wineskins: State Capture, Contestations and Conflicting Understanding of Paralegalism in Kenya with the advent of the Legal Aid Act 2016" in *Egerton Law Journal* Vol. 1 pp.164-182;
- h. Mbogoh A. (2023) "A Critical Analysis of the Intersections of Women's Multiple Identities and Its Impact on Representation in Local Peace Process in Kenya: A Case Study of Mombasa and Kilifi Counties" in *East Africa Law Journal* Special Issue;
- i. Mbogoh A. (2023) "My Marriage, My Choice: A Critical Analysis of Kenya's Plural Marriage Laws" in Hammond A (Ed) *Family Law in Africa* (2023) Talbot Publishing; and
- j. Kituo Cha Sheria-Legal Advice Centre, PAN-Zambia et al (2024) *Challenges and Opportunities for Community Paralegals: An Analysis of Legal Recognition, State Regulation and Financing in Kenya and Zambia* (forthcoming)

Public Office, Political Activities and Affiliations

150. The nominee submitted that she is an Independent Board member at Kenya Civil Aviation Authority, Non-executive, appointed (April 2023) on (part time) and a Board member, National Legal Aid Service, appointed (Jan 2024) (part time).

Integrity

151. The nominee submitted that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. She also stated that he has never been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. She informed the Committee that she is fully compliant with his tax obligations to the State. Furthermore, the nominee submitted that she has neither been charged in any court of law nor adversely mentioned in an investigatory report of Parliament or any other commission of inquiry in the last three years.

Income and Net-worth

152. The nominee estimated her net worth at Kshs. 15 million with income derived from salaries, allowances and consultancies. She also indicated that her deferred income and future benefits consist of Kshs. 500, 000 from insurance policy.

Potential Conflict of Interest

153. The nominee declared that she does not have any persons or matters that would present a potential conflict of interest. She further stated that should any conflict of interest arise, she would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

154. The nominee stated that as a person that has sat in boards of charitable institutions, she provided technical support and strategic guidance to the organizations. She devoted time for meetings and governance retreats to the institutions. Her work has mainly included providing legal advisory support based on her professional qualifications. Time devoted includes quarterly meetings of two years every year for each of the boards of charitable organizations.

General and Sector-Specific Questions to the Nominee

On improving IPOA efficiency

155. The nominee committed to enhancing community engagement and building stronger partnerships between the police and citizens through a community policing framework and justice system. She emphasized the importance of addressing systemic issues that contribute to police excesses to develop practical solutions. In addition, she committed to adopting an advocacy-driven approach to promote efficiency and raise awareness.

On resource mobilization

156. The nominee promised to leverage her extensive experience for proposal writing in the NGO sector and identify development partners both domestically and internationally for resource mobilization and fundraising.

On the Legal gaps in the IPOA Act

157. The nominee noted that IPOA lacks prosecutorial powers, which hampers its ability to ensure accountability, particularly in cases where the ODPP either delays or declines to prosecute. She pledged to propose amendments to the IPOA Act to enhance its efficiency.
158. She further identified gaps in IPOA's functions, noting that its functions with those of various other institutions, such as the Internal Affairs Unit of the National Police Service, are not clearly outlined in regards to police oversight. She pledged to propose legislation that clearly defines the roles of each institution to prevent overlap and duplication of roles.

On ensuring IPOA operates seamlessly with the NPS

159. The nominee pledged to build collaboration with the NPS to enhance its efficiency and create a better understanding of the role of IPOA ensuring that the police see it as a partner rather than an entity interfering with its operations.

On choosing IPOA over serving in the legal space

160. The nominee stated that serving in the Authority would place her at the decision-making table, allowing her to have a direct impact on supporting communities and her commitment to improving policing in Kenya for the benefit of all citizens, unlike her work in the legal field, where her influence is more limited.

On leveraging technology to improve efficiency

161. She proposed incorporating Artificial Intelligence (AI) to efficiently handle frequent public inquiries, streamlining the process and improving the Authority's responsiveness in service delivery by having complaints received and responded to by AI to save on human resource capital and achieve greater impact.

On the negative public perception of NPS

162. The nominee proposed creating a reconciliation framework that would allow citizens and the police to engage in informal conversations. Further, she stated that the police officers found culpable shall be held accountable as this will restore public confidence and trust in the police service.

On the Internal Affairs Unit of the National Police Service

163. She asserted the importance of the Internal Affairs Unit in handling less serious matters and recommended the need for clearer legislation regarding the functions of each office within IPOA and other institutions that deal with discipline within NPS. This will ensure a proper understanding of which cases should be referred to IPOA, as well as the appropriate timing and process for doing so.

Committee's determination on the Suitability of the Nominee to hold office

164. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on her suitability for appointment as IPOA Board Member. that:
- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
 - b. The nominee, being a holder of Doctorate of Philosophy Degree in Law and Master's Degree in Women's Law, has adequate grounding in legal issues including the gaps in legislation that will be crucial in making IPOA effective and address the excesses of the police officers.
 - c. The nominee, having extensive experience in a management level in various organizations and an official of a professional association, has the requisite skills and abilities to not only recognize but also to advocate for a people friendly police service and an effective IPOA.
 - d. The nominee meets the requirements of Chapter Six of the Constitution having obtained clearance from the EACC, KRA, DCI, ORPP, and HELB.
 - e. The nominee stated that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
 - f. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.
 - g. The nominee does not hold office in any political party.
 - h. The nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the role of a Board Member and has the requisite abilities, qualifications and experience to serve in the office.

4.6 Hon. John Muchiri Nyaga, HSC- nominee to the position of Board Member

165. The nominee appeared before the Committee for vetting on Friday 22nd November, 2024. He was vetted under oath to examine his suitability. The Committee noted the following:
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Citizenship and Place of Birth

166. The nominee is a Kenyan Citizen born in 1962 in Embu County and does not hold dual citizenship.

Academic and Professional Qualification

167. The nominee holds a Bachelor's Degree in Development Studies from Mt. Kenya University and a Diploma in Business Management (Human Resource Option) from the East African University.

Employment Record and Work Experience

168. The nominee was a Member of the National Assembly, Manyatta Constituency from 2013 to 2022. Prior to this, he served as the Chairperson of the Gakundu Farmers, Cooperative Society. He was a board member of the Kenya Planters Cooperative Union (KPCU) and the Chairperson of the SAG Freights. He also served as the Chief Executive

Officer of the SAG Freights and marketing manager of SALANCE Freights, Marketing Executive ALICO Insurance and Cash Manager at Administration Police Service.

Honours and Awards

169. The nominee was awarded the Head of State Commendation (HSC) in 2005 by the National Honour Awards Committee.

Professional Association and Membership

170. The nominee state that he does not belong to any Professional Association but he is the Patron of the Manyatta Sustainable Education Fund.

Public Office, Political Activities and Affiliations

171. The nominee was a Member of Parliament for Manyatta Constituency from 2013 to 2022; a Director of KPCU from 2005 to 2011 and the Chairperson of the Gakundu Farmers Co-Operative Society from 2002 to 2012. He also stated that he is a Member of the United Democratic Alliance Party (UDA).

Integrity

172. The nominee stated that he had never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He also stated that he has never been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. He informed the Committee that he had fully complied with tax obligations to the State and has never been charged in any court of law or been adversely mentioned in an investigatory report of Parliament or any other commission of inquiry.

Income and Net-worth

173. The nominee estimated his net worth to be Kshs.150 million with sources of income being coffee farming and pension. He also indicated that his deferred income and future benefits consist of kshs. 3 million from annual coffee farming.

Potential Conflict of Interest

174. The nominee declared that he does not have any persons or matters that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law.

General and Sector-Specific Questions to the Nominee

On His Contribution to the Authority based on His Professional background

175. The nominee noted that the National Police Service is not the same as the former Kenya Police Force. He added the Police was a symbol of power not like what is now. The police

officers are also not friendly. The nominee noted that he will initiate a dialogue between, IPOA, Inspector General and The National Police Service Commission to ensure seamless interaction and adherence to a common goal of serving Kenyans.

On Success in The Cooperative Society

176. The nominee noted that he was a good farmer and Gakundu Farmers' Cooperative Society had been run down. He further added that he encouraged farmers to adapt good practices. He explained that during his tenure as the Chairperson of the Society, it was rated the best managed in East and Central Africa. It was the best paying society in Kenya and this enabled him get a state commendation award, HSC. He added that the society paid farmers Kshs. 125 per kg of coffee then. In addition, he started a dairy farming society that paid Kshs. 60 per liter of milk as at 2012.

On His Role as A Legislature in IPOA

177. The nominee noted that there was need for reforms in the Authority and that some reforms required funding. He further added that there was need for IPOA to work in collaboration with the police and have powers to prosecute.

Committee's determination on the Suitability of the Nominee to hold office

178. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on his suitability for appointment as IPOA Board Member. that:
- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
 - b. The nominee, being a holder of a Bachelor's degree in Development Studies, a Diploma in Business Management (Human Resource Option) and having served as a Member of Parliament in the 11th and 12th Parliament, has the ability to detect political subtleties in IPOA and utilize such to improve the image of IPOA and bring it closer to people and ability to manage human resource aspect in IPOA.
 - c. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
 - d. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
 - e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry for the past three years.
 - f. The nominee does not hold office in any political party. He however stated that he is a member of UDA Party and that his affiliation to the party will not affect his performance as IPOA Board Member.
 - g. The nominee has the requisite abilities, qualifications and experience to serve as a Member of IPOA Board.

4.7 Mr. Kenwilliams Nyakomitah OGW - Nominee for the position of Board Member

179. The nominee appeared before the Committee for approval hearing on Friday 22nd November, 2024. He was vetted under oath to examine his suitability. The Committee noted the following:-

Citizenship and Place of Birth

180. The nominee is a Kenyan citizen born on 10th March, 1984 in Migori County and does not hold any dual citizenship.

Academic and Professional Qualification

181. The nominee is currently a PhD candidate in Development Studies (Disaster Management & Sustainable Development) at Daystar University. He holds a Master's degree in Security Management and Bachelor of Arts in Criminology and Security Studies both from Egerton University.

182. The nominee has also undertaken Strategic Leadership Development Program and the Senior Management Course both from Kenya School of Government.

183. He also holds a Diploma in Forensic and Criminal Investigation from Kenya Institute of Studies in Criminal Justice, Post Graduate Diploma in Education from Daystar University and Post Graduate Diploma in International Relations and Diplomacy from Geneva School of Business and Economics.

Employment Record and Work Experience

184. The nominee is currently the Group Head of Security at Britam PLC. He also worked as Head of Security Operations at Kenya Reinsurance Corporation from 2016 to 2023. The nominee was the Head of Security at Daystar University from 2014 to 2016 and a Provost investigator at Kenya Defense Force Military Police from 2010 to 2014. The nominee also informed the Committee that he served in Sudan-Darfur with the United Nation Mission as a Provost Investigator.

Honours and Awards

185. The nominee was awarded the Order of the Grand Worrier (OGW) in 2022, Professional Criminologist Association of Kenya (PCKA) in 2019, best employee of the year, SOEA Award by Daystar University in 2014 and Peace Keeping Medal in 2010 by the United Nation Mission in Sudan-Darfur (UNAMID).

Professional Association and Membership

186. The nominee is a member of the Association of Certified Fraud Examiners (ACFE) and a member of the Professional Criminologist Association of Kenya (PCKA).

187. He is also a member of Protective and Safety Association of Kenya (PROSAK), and Certified Forensic Investigation Professional (CFIP).

Publications and Writings

188. The nominee indicated that he had authored the following publications –
- a. Rethinking the Role of Diplomacy in Shaping the World Politics;
 - b. The Role of Diplomacy in Shaping the Strategic Future of the International System;
 - c. Assessing the Correlation between Sovereign State and Global Governance;
 - d. War, Peace and Diplomacy: An Analysis of Strategic History of the International System;
 - e. Media's role in televised media coverage and its influence on terrorist attacks in Nairobi, Kenya; and
 - f. Evaluating the Scope and Utility of Modernization Theory in Contemporary African Development.

Public Office, Political Activities and Affiliations

189. The nominee stated that he has never held any position in a public office or involved in any political activities or affiliations.

Income and Net-worth

190. The nominee estimated his net-worth to be Kshs. 37,700,000 comprising a parcel of land, houses, vehicles and Sacco Shares.

Potential Conflict of Interest

191. The nominee state that having carefully considered and reviewed his personal. Professional and financial engagements, there exists no conflict of interest that would impact his ability to perform the duties of the position to which he has been nominated and that he has no financial arrangements, family relationships, professional affiliations or litigation matters that could present a conflict with the responsibilities and ethical requirements of his role. That should any potential conflict arise during his tenure, he will promptly disclose it and take all necessary steps to address it in alignment with ethical and legal standards.

Pro-bono

192. The nominee indicated that he supports the Niko Fiti Initiative by Reinsurance Corporation for the last Six years. That he has mentored criminologists through the Professional Criminologists Association of Kenya (PCAK). That he has consistently provided pro-bono consultancy services to the public and professional associations.

General and Sector-Specific Questions to the Nominee

On how he will use his wealthy experience in the security space to bring value to IPOA to make it more efficient, vibrant and better than it is now

193. The nominee stated that based on his practical experience and having served in different organizations. He is clear on his deliverables in criminology and does not have career

confliction. He informed the Committee that he has enhanced collaboration with other organization in all the institutions he has served in, majorly in terms of information, communication and public awareness and as a result he will ensure collaboration with other stakeholders to enable IPOA executes its mandate.

194. The nominee also noted that he is tech-survey and looks forward to look at the current technological application in the authority and enhance it depending on what is on board at the moment to ensure efficient and effective information dissemination.
195. The nominees observed that image and perception is key in security deliverables to any agency and creating public perception in IPOA is important. IPOA needs to give reliable statistical information.

On his role in the Military

196. The nominee stated that he joined military as an infantry person, then joined military police as a provost investigator, and later moved to data and crime analysis where he analyzed data on crime perpetrated within the entire force.

On how the nominee will maintain the integrity on handling sensitive information in IPOA from people who testify and wish to remain anonymous

197. The nominee observed that based on his experience both in the public and private sector, the later has a whistleblower policy in managing people willing to give information freely by concealing their identity, the mechanism to protect such a witness, report and access to such reports. He stated that he will look at the IPOA system with respect to anonymous reporting and develop a system for anonymous reporting by the public and a mechanism on who can access such reports.
198. The nominee further stated that he will come up with other methods for reporting by the public such as anonymous emails. He also stated that he will ensure that the investigators are under oath as an organization policy and culture to protect witness identity.

On the Nominee's impact to IPOA based on his background

199. The nominee stated that his biggest intention is to make IPOA a global policing oversight by creating public trust of the Authority.
200. He further informed the Committee that he will enhance the investigation process and make the investigation reports reliable. He observed that currently IPOA has secured an average conviction of 1% only which might be as a result of poor investigations from initial statement taking, scene management and prosecution including evidence preservation. He stated that he intends to introduce a lean investigation process that is reliable both to the public and other authorities.

Committee's determination on the Suitability of the Nominee to hold office

201. The Committee, having reviewed the nominee's biodata, curriculum vitae and oral submission, made the following observations on her suitability for appointment as IPOA Board Member that:

- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
- b. The nominee being a holder of a Master's degree in Security Management, Bachelor of Arts in Criminology and Security Studies and a Diploma in Forensic and Criminal Investigation from Kenya Institute of Studies in Criminal Justice and having worked as Head of Security in various organizations, possesses the requisite knowledge and skills to help IPOA address the teething issues in investigations and dealing with issues related to police brutality and inspect police premises including detention facilities ascertain whether they are up to the approved standards.
- c. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
- d. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
- e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.
- f. The nominee does not hold office in any political party.
- g. The nominee demonstrated a grasp of knowledge of topical, administrative and technical issues touching on the mandate of IPOA and has the requisite abilities, qualifications and experience to serve as a Member of IPOA Board.

4.8 Ms. Jackline Lukalo Mwenesi - Nominee for the position of Board Member

202. The nominee appeared before the Committee for approval hearing on Friday 22nd November, 2024. She was vetted under oath to examine her suitability. The Committee noted the following:-

Citizenship and Place of Birth

203. The nominee is a Kenyan Citizen of Identification Number 20927107 and was born on 1st January, 1978 in Lugari, Kakamega County and she does not hold dual citizenship.

Academic and Professional Qualification

204. She holds a Bachelor of Education Degree in Education (English and Literature) from the Catholic University of East Africa and a Diploma in Education from Kagumo Teachers Training College.

Employment Record and Work Experience

205. The nominee served as a nominated Member of Vihiga County Assembly, Women Representative of the Kenya Union of Post Primary Education Teachers (KUPPET), Vihiga Branch and Executive Secretary of Sports at the Kenya Union of Post Primary Education Teachers (KUPPET) in Hamisi Sub-County.

Honours and Awards

206. The nominee was awarded a certificate of participation by Ministry of Education in English Seminar and a Certificate of Merit in Learning and Teaching by Institute of Seminars.

Professional Association and Membership

207. The nominee was a member of the Kenya Union of Post Primary Education Teachers (KUPPET) from 2008 to 2012.

Public Office, Political Activities and Affiliations

208. The nominee was a Member of Vihiga County Assembly from 2017 to 2022 and a coordinator of United Democratic Alliance (UDA) Presidential Campaigns in Vihiga County.

Integrity

209. The nominee stated that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. She also stated that she has never been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. She informed the Committee that she is fully compliant with tax obligations to the State and has never been charged in any Court of Law in the last three years. She further stated that She has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry.

Income and Net-worth

210. The nominee estimated her net worth to be Kshs. 28.3 million with the sources of income being majorly from farming and Cyber Café business.

Potential Conflict of Interest

211. The nominee declared that she does not have any persons or matter that would present a potential conflict of interest, and should it arise, shee would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono

212. The nominee stated that she is involved in a jiggers eradication project, educating needy children and constructing semi-permanent houses for the needy in her community.

General and Sector-Specific Questions to the Nominee

On what expertise she would bring on board to improve the efficiency IPOA

213. The nominee stated her expertise from teaching and being a nominated Member of the County Assembly would help bridge the gap between the Police and the public by enhancing awareness.

On independence and the mandate of IPOA

214. The nominee stated that the Authority conducts its own investigations without any external interference. She further stated that IPOA derives its mandate from the IPOA Act, and observed that the Act needs to be amended to enable the Authority have prosecutor powers.

On her experience dealing with the Police in her work experience

215. The nominee observed that most of the police stations have no gender desks, making it difficult with dealing with gender issues, and undertook to recommend measures to address the shortcomings.

On Creating Public awareness and whether IPOA has met the expectations of Kenyans

216. The nominee stated that IPOA has not met the expectations of Kenyans, however she was optimistic that her experience will to help create a more public friendly relationship between IPOA, public and the police. She expressed her passion in advocacy to assist in creating awareness to the general public to understand the mandate of the Authority.

On what skills she would bring to IPOA

217. The nominee stated that she would strengthened the structures in IPOA especially through educating the public given a background as former teacher to enable IPOA deliver its mandate. She would enhance public participation in all levels and act as a link between the public, police and IPOA.

Committee's determination on the Suitability of the Nominee to hold office

218. The Committee, having reviewed the nominee's completed questionnaire, curriculum vitae and oral submission, made the following observations on her suitability for appointment as IPOA Board Member. that:
- a. The nominee is eligible for appointment as a Member of IPOA Board pursuant to provisions of Section 9 (1)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap 86.
 - b. The nominee being a holder of Bachelor of Education Degree and having served as a nominated Member of Vihiga County Assembly, a Women Representative of the Kenya Union of Post Primary Education Teachers (KUPPET) she will help create a more public friendly relationship between IPOA, public and the police through advocacy to help the public understand the mandate of IPOA.
 - c. The nominee meets the requirements of Chapter Six of the Constitution having obtained clearance from the EACC, KRA, DCI, ORPP and HELB.
 - d. The nominee stated that she has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
 - e. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry for the.
 - f. The nominee does not hold office in any political party.

- g. The nominee demonstrated an average knowledge of topical, administrative, and technical issues pertaining to the mandate of IPOA. Therefore, she has average abilities, qualifications, and experience to serve as a Board Member of IPOA.
- h. The nominee is however open minded, diligent and eager to learn. She demonstrated resilience and determination in learning about the operations and mandate of IPOA.

CHAPTER FIVE

5.0 COMMITTEE GENERAL OBSERVATIONS

219. The Committee, having considered the nominees' academic credentials and professional qualifications, work and professional experience, personal integrity, as well as their performance during the approval hearing, made the following observations:

- 1) Section 3 of the IPOA Act (No. 35 Of 2011) (Cap 86) establishes the Independent Policing Oversighting Authority governed by a Board established under section 8 of the Act. The Mwangozo Code of Governance for State Corporations provide that Board appointments shall be made in line with Article 27 of the Constitution. Article 27(4) provides that "*The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.*"
- 2) All the nominees who appeared before the Committee are Kenyan citizens and do not hold dual citizenship in conformity with Article 78 of the Constitution.
- 3) All the nominees submitted not to participate in any other gainful employment while serving as State officers as required by Article 77(1) of the Constitution.
- 4) In accordance with Article 77(2) of the Constitution and the Schedule of the Public Appointment (Parliamentary Approval) (No. 33 of 2011), none of the nominees holds office in any political party.
- 5) The nominees demonstrated compliance with Articles 75 and 76 of the Constitution on the conduct and financial probity of State officers. They indicated non-existence of potential conflict of interest and committed to declare any should it arise.
- 6) By the set deadline of receipt of memoranda from members of the public, the Committee had not received any submission from the public on the suitability of the nominees.
- 7) The EACC, in response to a request for information on the nominees, pointed out that it had not undertaken any investigations pursuant to its mandate against the eight (8) nominees, nor has it recommended prosecution of any of them. The Commission however drew the attention of the Committee to the Public Service Commission Circular referenced PSC/ADM/13(42) on authentication of academic and professional certificates in the public service and that the Committee should ensure compliance and validate all academic and professional certificates of the nominees.
- 8) The nominations meet the threshold of the two-third gender principle and regional balance in line with Articles 27(3) and 232(1) (h) of the Constitution.
- 9) The Committee also observed that the appointing authority did not consider nominating PWDs to the IPOA Board.


CHAPTER SIX

6.0 COMMITTEE RECCOMENDATIONS

220. Having considered the suitability, capacity, qualifications and integrity of the nominees during the approval hearings, and pursuant to Article 250(2)(b) of the Constitution, Section 11 (5) of the Independent Policing Oversight Authority Act No. 35 of 2011, Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and Standing Order 261 (5) (f) of the National assembly Standing Orders, the Committee recommends that the House **APPROVES** the nomination for appointment of the following as Chairperson and Members of the Independent Policing Oversight Authority –

- 1) **Mr. Ahmed Issack Hassan, CBS** – Chairperson;
- 2) **Ms. Ann Wanjiku Mwangi** – Member;
- 3) **Dr. Micah Onyiego Nyakego, PhD, OGW** – Member;
- 4) **Mr. Boniface Kipkemoi Samati** – Member;
- 5) **Dr. Annette Mudola Mbogoh** – Member;
- 6) **Hon. John Muchiri Nyaga, HSC** – Member;
- 7) **Mr. Kenwilliams Nyakomitah, OGW** – Member; and
- 8) **Ms. Jackline Lukalo Mwenesi** – Member.

221. The Nominating Authority should in future endeavor to nominate persons with disabilities.

Signed.....  Date 26/11/2024

HON. GABRIEL TONGOYO, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 NOV 2024	DAY: TUE
TABLED BY:	Chairperson, DEPT. Comm on Adm. & Internal Security
CLERK AT THE TABLE:	MBERTO CHUMO