

**Our Ref: CAJ/OM/7/21/2014**

16<sup>th</sup> June 2014

**Hon. Dr. Willy Mutunga, D.Jur, SC., EGH**

Chief Justice of the Republic of Kenya

Chief Justice Chambers

Supreme Court Building

**NAIROBI**

**RE: APPOINTMENT OF JUDGES OF THE HIGH COURT**

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Kindly receive warmest compliments from the Commission on Administrative Justice (Office of the Ombudsman).

The Commission is a Constitutional Commission established under Article 59(4) of the Constitution, and the Commission on Administrative Justice Act, 2011. The Commission is empowered to, among other things, investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government, and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Additionally, the Commission has a quasi-judicial mandate to deal with maladministration, and to adjudicate on matters relating to administrative justice. Further, and through Advisory Opinions, the Commission is expected to render proposals on improvement of public administration, including review of processes and procedures where appropriate.

The attention of the Commission has been drawn to expressions in a section of the media to the effect that the appointment of Judges to the High Court has not been made by His Excellency the President despite the manes of the nominees being forwarded to him by the Judicial Service Commission.

The Commission has taken cognisance of the Constitutional and Statutory mandate of the Judicial Service Commission (JSC) under Articles 166(1)(b) and 172(1)(a) of the Constitution, and the Judicial Service Act, which empower it to recommend to the President persons for appointment as Judges . In the present matter, we are not aware whether the names of such persons were submitted to

the President for appointment. It is our considered view that such information is critical in this matter to enable us progress this matter further. Accordingly, we hereby write to you to seek information on the same, the time it was forwarded and any responses from the President for failure to make the appointments.

We thank you for your continued co-operation and assure you of our highest regards.

Yours Sincerely,

**CMMR. OTIENDE AMOLLO, EBS**  
**CHAIR OF THE COMMISSION**