

This statement is made pursuant to Press reports in which it is alleged retired President Moi made disparaging remarks on the nomination of Dr. Samuel Tororei to serve in the National Land Commission. It is alleged that the retired President observed that being visually challenged, Dr. Tororei was not suited for appointment to Commissions that represent the interests of the physically challenged. Further, that the Kalenjin Community had been short-changed by the nomination of Dr Tororei.

The Office of the Ombudsman, being the monitor of Public Administration, and enforcer of Administrative Justice, condemns these comments which are an affront to the Constitution, to Dr Tororei and to the entire Kenyan fraternity of people with disability. Article 27 of the Constitution outlaws discrimination on grounds of disability and accords equal protection of the law. Further, Article 232 (1) (i) & (2) of the Constitution requires that persons with disabilities be afforded equal opportunity for appointment, training and advancement in all state organs.

We wish to remind the Retired President and all Kenyans, that appointment to Constitutional Commissions is to serve the people of Kenya generally, and protect their sovereignty, and not their communities of origin. It is inconceivable that the over forty three major ethnic groupings would stake a claim for representation in a nine member Commission!

To suggest that Dr. Tororei is ill-suited to serve on account of disability is illegitimate, unconstitutional and repressive. We urge the retired President to apologize for these unfortunate remarks. We further urge Parliament and the Two Principals to consider Dr. Tororei's suitability undeterred by these unfortunate remarks

DATED this 13th Day of August 2012

CMMR OTIENDE AMOLLO E.B.S
OMBUDSMAN/CHAIR OF THE COMMISSION