



THE PRESIDENCY

THE POWER OF MERCY ADVISORY COMMITTEE (POMAC)

ANNUAL REPORT & FINANCIAL STATEMENTS

FINANCIAL YEAR 2020/2021





THE POWER OF MERCY ADVISORY COMMITTEE **(POMAC)**

MOTTO

Power and mercy at its best

VISION

Excellence in rendering advice on the Power of Mercy

MISSION

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

CORE VALUES

Integrity
Transparency
Accountability
Professionalism
Social Justice
Teamwork

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CHAIRPERSON'S STATEMENT

I am pleased to present the Power of Mercy Advisory Committee's Annual Report and Financial Statements for the financial year 2020/2021, in accordance with Section 29 of the Power of Mercy Act, 2011. This is the Committee's Eighth Annual Report and the third publication since I joined the Committee as Chair.

The Power of Mercy Advisory Committee is mandated to advise His Excellency, the President of the Republic of Kenya in his constitutional exercise of the power of mercy. To enable this, Article 133 of the Constitution of Kenya, in particular, provides that on the petition of any person, His Excellency, the President may exercise the power in accordance with the advice of the Committee by granting a free or conditional pardon; postponing the carrying out of a punishment for a specified or indefinite period; substituting a less severe form of punishment; or remitting all or part of a punishment.

While the processing of petitions remains the cornerstone of the Committee's role, this has been done albeit with some challenges. Over time, certain gaps, overlaps and inconsistencies have been identified between Article 133 of the Constitution and the legislation that existed prior to its passing. It is on the strength of this that the Office of the Attorney General and Department of Justice constituted a Multi-agency Taskforce comprised of key stakeholders, whose mandate is to review the legal framework related to Article 133. The Taskforce's work is ongoing and with a strategic focus on accelerating the development of a policy and legal framework to give full effect to Article 133.

It is envisaged that several improvements in the petition process will occur once the policy is developed and the legal framework refined. While I do not doubt that the Taskforce's report will contain useful recommendations, these may not amount to much if the implementation is ineffective, which is why there continues to be constructive dialogue and collaboration with the key actors in the criminal justice system including the Judiciary, National Police Service, Kenya Prison Service and the Probation and Aftercare Service. The positive ripple effect of this consultation will ultimately translate to better-considered outcomes for petitioners seeking mercy under Article 133 of the Constitution.

The report reveals a significant drop in the number of petitions from 206 in 2019/2020 to 62 in 2020/2021. This was occasioned by the significant number of long-serving convicts, who are by design the target of the Power of Mercy, that chose the court as the redress route thereby locking themselves out of the petition process. The decrease in petitions was further compounded by a large number of prisoners, especially those on death row, who opted to apply for resentencing in line with the ruling on the Karioko Muruatetu murder case, **Francis Karioko Muruatetu & another v Republic [2017] eKLR**, where the Supreme Court held that the mandatory nature of the death sentence as provided for under Section 204 of the Penal Code was declared unconstitutional.

The year 2020 also posed a great challenge to the petition process due to the unprecedented uncertainties occasioned by the COVID-19 pandemic. This resulted in the restriction of movement and the eventual closure of correctional facilities to outsiders. However, I note with a lot of satisfaction that the Committee was proactive in adopting a process of virtual petition interviews. This resulted in great savings, not only in terms of time but also the budgetary resources that would otherwise have been used traversing the various correctional facilities conducting face-to-face interviews.

As we continue to navigate what is at present considered the “new normal” with regard to the COVID-19 pandemic, it is imperative to continuously explore the options provided by the rapid advancements in technology in order to expedite service delivery. Stemming from the likely positive impact of such efforts, I urge the Committee to continue leveraging technology to ensure responsiveness to the needs of the petitioners.

Moving forward, I urge the Committee to remain vigilant, redouble its efforts, build on the progress made and renew its focus on initiatives that continue to deepen a culture of openness and inclusivity. These are the hallmarks of an ethical culture and will enhance the integrity of the petition process and successfully manage and meet the expectations of the petitioners. I further urge the Committee to continue ensuring prudent and optimal utilization of the available resources given the budgetary constraints occasioned by the many competing needs.

Finally, on behalf of the Committee, I wish to take this opportunity to thank the Office of the President, all actors in the criminal justice system and all our partners, for their continued support. I look forward to even greater collaboration in the future.



P. Kihara Kariuki
Attorney General and Chairperson



SECRETARY'S STATEMENT

I am delighted to present the milestones covered by the committee during the financial year 2020-2021. This Annual report is an accountability tool to Parliament and the Kenyan Public. It documents the key achievements, challenges encountered and an analysis of the financial resources for the year that has just ended.

For the very first time, in order to deepen its reach, the committee engaged the NGAO and the County Government to partner and support the reintegration, rehabilitation and empowerment of the pardoned convicts. The committee also conducted a High-Level Strategic Stakeholders forum to explore how the said actors can synergize their effort. Owing to the sustained stakeholder collaboration and consultations some pardoned offenders have been reintegrated and have become useful citizens. Another positive effect of reintegration is the reduction in the recidivism rate.

At practice level, the restructuring and re-strengthening of the petition process is based on the challenges experienced overtime. As part of the effort to leverage on technology the committee undertook the completion of an integrated Petition Management Information System (PMIS). Integration is one of the fundamental features of a well-designed system. It is with no doubt that the seamless communication will dismantle silos and result to greater satisfaction of the petitioners.

The routine review of the petition tools is another positive milestone. During the period under review, the committee spearheaded the development of a risk assessment tool which is undergoing refinement and will be piloted soon. A risk assessment tool enables the scientific evaluation and determination of successful petitions. Other measures taken include the streamlining the registry through automation. Virtual petition interviews also have now become the new normal.

Other efforts activities include a Training of Trainer's workshop for the newly appointed Pardon Officers. This was intended to orient them to their critical role as the link between the prisoners and the committee. POMAC and Prison service are joined at the hip and the objectivity of Prison Report which is a key document has a bearing on the integrity of the entire petition process. It was agreed that the provisions of article

133 should be embedded in the curriculum of Prison Training Program in order to create greater awareness.

Another notable achievement is the collaboration with the National Crime Research Center (NCRC) to conduct of two research studies. The first research focused on the Best Practices and Risk Assessment in the Pardon Process. The study will enable the committee to evaluate its risk assessment measures from the perspective of stakeholders.

The second study aimed to establish the level of rehabilitation, resettlement, empowerment and reintegration of the pardoned convict. These are necessary prerequisites in the reform of the pardoned offenders and also mitigate recidivism. It is envisaged that the recommendations will have a significant impact once they are incorporated in the petition process.

In its effort to further its reach, the committee conducted a post convict release monitoring Program for the selected pardoned ex-offenders in Coast and Mount Kenya Region. The aim was to establish the extent of their reintegration into the community. Most of them are endowed with high vocational skills acquired through correctional facilities' rehabilitation programs. The committee engaged the National Government Administration and the County Government and urged them to develop County-specific interventions to tap into the said skills and enable the Ex- convicts to become useful citizens.

As I conclude it is important to mention that in spite of these significant gains, it is key for the committee to remain vigilant and continue to re-engineer its processes. This is because real transformation will only be achieved when the petitioner experience has tangible difference in the service delivery.

Finally, the committee could not have realized its constitutional mandate without the unwavering support of the Attorney General who is also the Chair. We acknowledge with appreciation that his office constituted a Multiagency Taskforce on the Review of the Laws related to Article 133 in order to give it full effect. Further, we recognize the facilitative role played by the Cabinet Affairs Office and finally the immense support provided by the National Government Administrative Officers, the Prisons Department; all actors in the criminal justice system and various state and non-state actors that have continued to support us.



Dr. Lydia Muriuki, EBS
Secretary

COMMITTEE MEMBERS

Hon. P. Kihara Kariuki, EGH	– Chairperson
Dr. Janet Kirui, OGW	– Vice Chairperson
Dr. Fred Matiang'i, EGH	– Member
Mr. Jerim Oloo, MBS	– Member
Dr. Scholastic Adeli	– Member
Mr. David Macharia, MBS	– Member
Mr. Richard Mativu	– Member
Mr. Abdi Hassan, OGW	– Member
Dr. Lydia Muriuki, EBS	– Secretary





Hon. P. Kihara Kariuki, EGH
CHAIRPERSON



Dr. Janet Kirui, OGW
VICE CHAIRPERSON



Dr. Fred Matiang'i, EGH
MEMBER



Mr. Jerim Oloo, MBS
MEMBER



Dr. Scholastic Adeli
MEMBER



Mr. David Macharia, MBS
MEMBER



Mr. Richard Mativu
MEMBER



Mr. Abdi Hassan, OGW
MEMBER



Dr. Lydia Muriuki, EBS
SECRETARY

CHAPTER 1

INTRODUCTION

Mandate of the Power of Mercy Advisory Committee

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

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

Functions of the Committee

The Committee shall:

- a) undertake or commission research and collect data on matters relating to the Power of Mercy;
- b) work with State organs responsible for correctional services to educate persons in correctional services on the power of mercy and procedures relating to applications for its exercise;
- c) carry out any necessary investigations required to make a determination on a petition for Power of Mercy;
- d) partner with State and non-state actors to educate the public on the nature and implications of the Power of Mercy;

- e) undertake such other activity as may be necessary for the discharge of its functions and exercise of its powers; and,
- f) carry out any other function as may be conferred on it under any other written law.

Powers of the Committee

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

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

Composition of the Committee

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

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

The Vice Chairperson

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

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

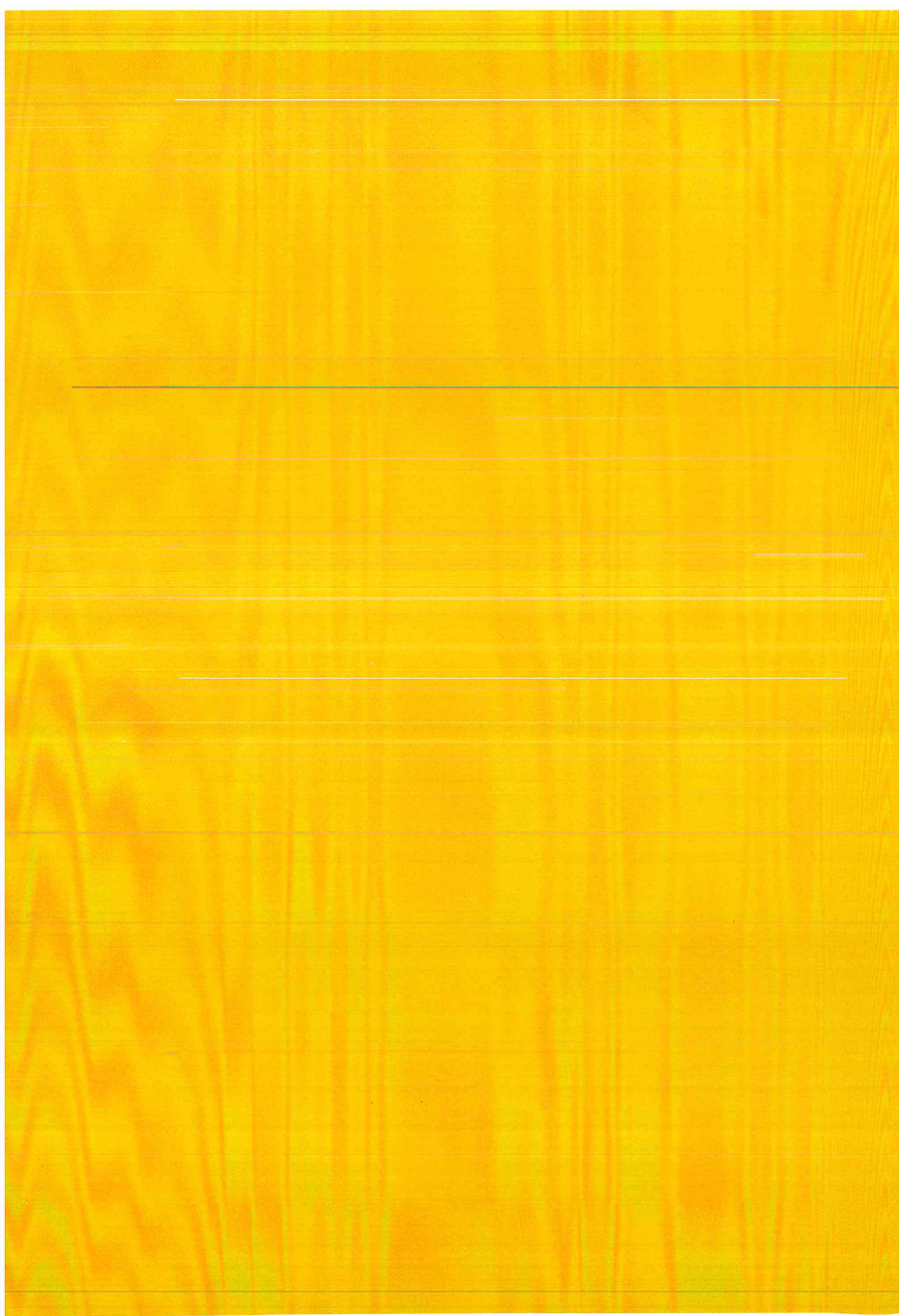
Committee Secretary

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

Pardon Officers

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

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



CHAPTER 2

PETITION FOR THE EXERCISE OF THE POWER OF MERCY

Eligibility to file a petition for exercise of mercy

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

- a) The person for whose benefit it is made is on Probation or serving a suspended sentence
 - b) The person has a pending judicial remedy before a court
- Where a petition does not pass the eligibility test, the petitioner is notified of the reasons thereof.

The President may exercise power of mercy in accordance with the advice of the Advisory Committee by granting any of the following reliefs:

- a) granting a free or conditional pardon to a person convicted of an offence;
- b) postponing the carrying out of a punishment, either for a specified or indefinite period;
- c) substituting a less severe form of punishment, or
- d) remitting all or part of punishment.

Admissibility

Admissibility is the inherent power within the Committee set by the Act to either admit or defer a petition therefore rendering it inadmissible. In determining the admissibility of the petition as set out by section 21 (2) of the Power of Mercy Act, the Committee may consider:

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

Commencing a Petition

The benefits conferred by Article 133 are available to any person convicted of an offence. This includes persons sentenced by a court,

court martial, mentally ill persons and children and where a finding of guilt has been made in relation to an offence punishable by law.

The process of application for the exercise of power of mercy shall be by a petition in the prescribed form and meeting the guidelines and criteria prescribed in the form. This form can be filled by the convicted offender, a pardon officer, an advocate, or any other person on behalf of the convicted offender. However, a petition that provides the requisite information shall not be incompetent only for the reason that it does not accord strictly with the prescribed format.

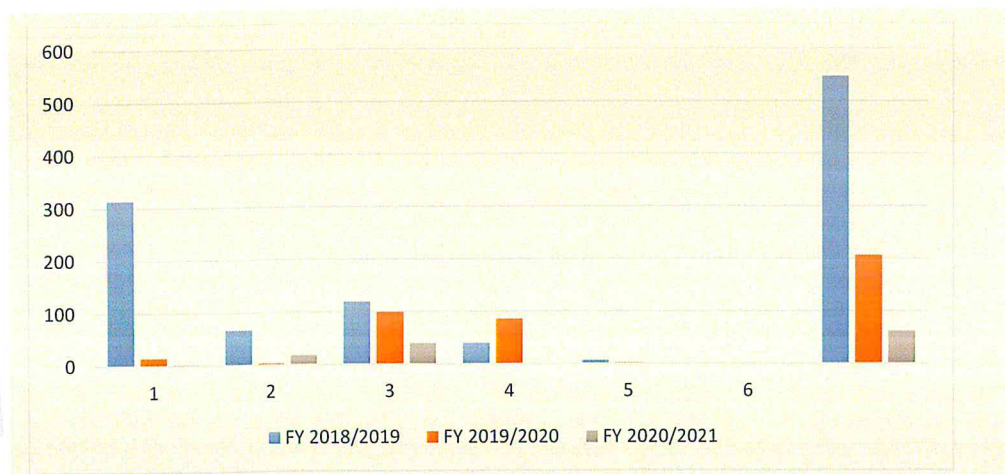
Below is an analysis of petitions received grouped according to:

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

Table 1: Comparison of number of petitions received categorized by sentence the convicted offender (petitioner) is serving in the fiscal years 2018/2019, 2019/2020 and 2020/2021

S/No	Sentence	FY 2018/2019	FY 2019/2020	FY 2020/2021
1.	Death	314	15	2
2.	Life	67	3	18
3.	Determinate	119	100	40
4.	President's Pleasure	40	86	-
5.	Not indicated in the petition form	7	2	1
6.	Dismissal from armed forces	-	-	1
	TOTAL	547	206	62

Chart 1: Comparison of number of petitions received categorized by sentence the convicted offender (petitioner) is serving in the fiscal years 2018/2019, 2019/2020 and 2020/2021



The Supreme Court of Kenya in its ruling on the case of **Francis Karioko Muruatetu & Another –vs– the Republic** on December 14, 2017 made a finding that the mandatory nature of the death sentence as provided for under Section 204 of the Penal Code, with respect to murder cases, was unconstitutional. Following the initial ruling, the Muruatetu case brought a lot of confusion with lower courts applying it in other offences including sexual offences and robbery with violence.

Consequently, a majority of long serving inmates opted to seek for review of their initial sentences in the courts and a significant number of the inmates have had their sentences reduced and others released from prison based on the ruling. Subsequently, there has been a steady decline in the number of petitions received in the year 2020/2021 as illustrated below

Table 2: Number of petitions received during the period 2020/2021 categorized by offence committed

S / Offence NO		No. of Petitioners
1.	Sexual offences	21
2.	Murder	12
3.	Robbery with violence	8
4.	Manslaughter	7
5.	Trafficking/Possession of narcotic drugs	7
6.	Attempted murder	1
7.	Assault	1
8.	Possession of alcoholic drinks without license	1
9.	Female genital mutilation	1
10.	Prejudice of good order and service discipline	1
11.	Stealing motor vehicle and handling stolen goods	1
12.	Missing details	1
Total		62

Consideration of petitions and notification of victims

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

Currently, there are 2701 active petitions in the Power of Mercy Advisory Committee's registry/database. During the Year 2020/2021, the Committee received a total of sixty-two (62) petitions from convicted offenders across correctional facilities in the Country. The Committee processed the active petitions in the database alongside the new petitions received during the period 2020/2021.

The Committee has developed admissibility form which is used to determine admissibility in view of the set criteria after an evaluation of submitted petition documents. Where a petition is inadmissible, the petitioner is duly notified with the reasons thereof.

Therefore, the admissible petitions undergo the following stages:

1. Investigation Stage

Once a petition is deemed eligible and admissible, a petition file shall be opened with a unique petition number. The petitioner will be notified of the number so that in the event that he/she wishes to make any enquiry it is the reference quoted. The Committee has powers as per section 21(1)(b) to call for further evidence which will may include:

- a) **Prison Report:** - This report assists the Committee to understand post-conviction conduct, character and reputation of the convicted criminal offender. It is a comprehensive report giving a holistic view of the prisoner including, personal information, family history, details of the offence committed, rehabilitation history, prisoners' medical and physical report and the Officer's in Charge remarks.
- b) **Probation Officer's Report:** - It is a pre-release report of the convicted criminal offender. It provides information such as the family background of the offender, social history including religion and education status, offenders' criminal history, the victim's views, the attitude of the offender's family towards possible release, state and community interest, resettlement and reintegration plan, reconciliation, breaches, victim's visits to the petitioner among other factors.
- c) **Court Documents:** - Judiciary provides court records that are vital in the process of consideration for mercy. Such record includes court proceedings and judgment, documents related to appeal and any other record generated from the courts. The purpose of these documents is to demonstrate the nature, seriousness and circumstances of the offence including special conditions for supervision.
- d) **Medical Report:** - The Committee is mandated by section 22(1) (g) of the Act to consider personal circumstances of the offender at the time of making petition, including mental and physical health and any other disabilities. This report should be filed by a competent medical practitioner.
- e) **Security Appraisal report:** - Key security agencies vets all petitioners being considered for mercy to protect the interests

of the community and the State and submits its reports to the Committee.

- f) **Petition Summary:** After receiving all the documents, a petition summary which includes the Petitioner's Bio-Data, the type and circumstances of the offence, petition overview with emphasis on post-conviction conduct and views from other relevant agencies, is made for presentation to the Committee

2. Hearing Stage

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

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

During the period under review 202 petitions were procedurally reviewed by the committee out of which 148 petitions were recommended for interview and further consideration.

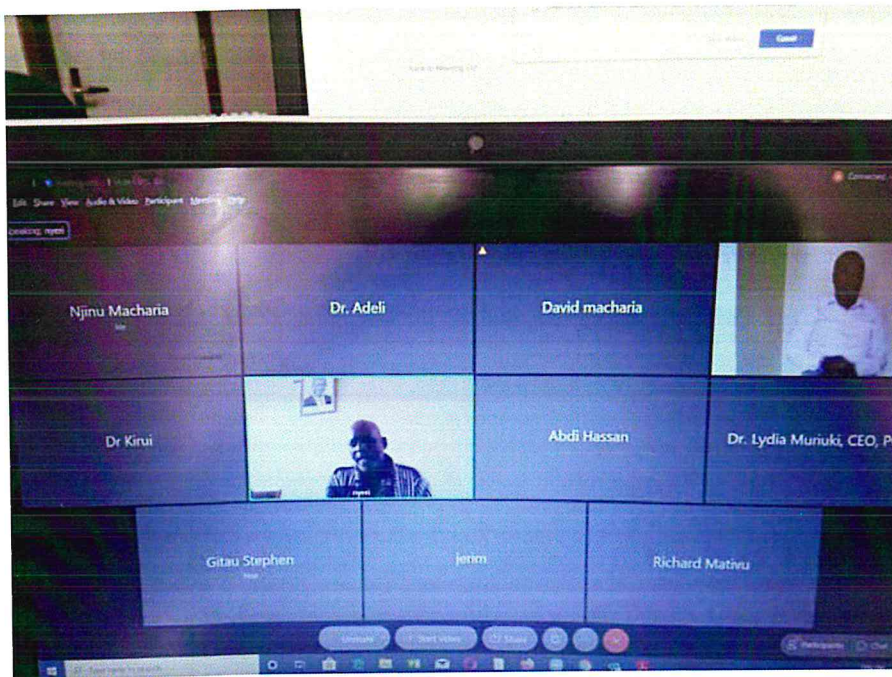
3. Interview stage

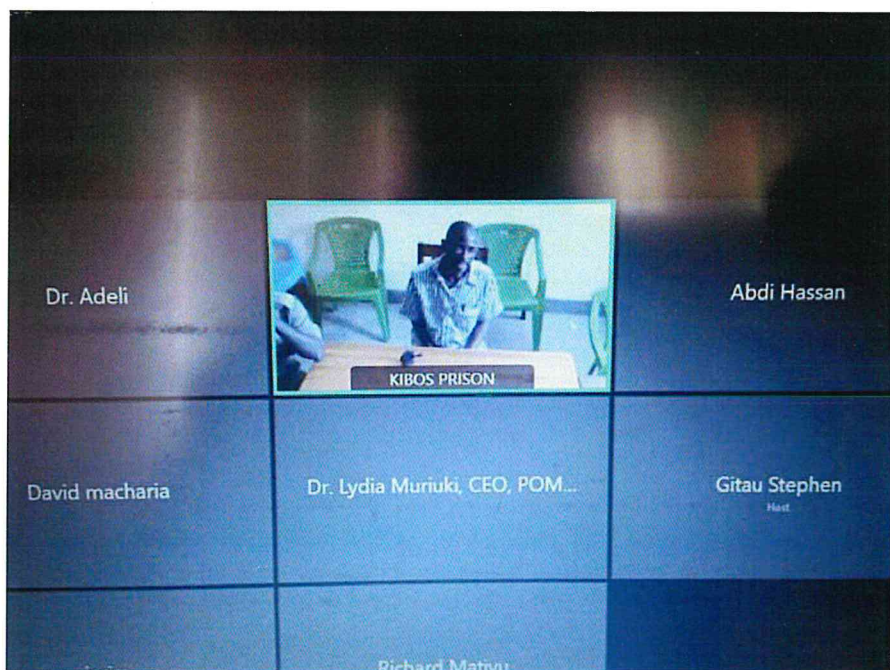
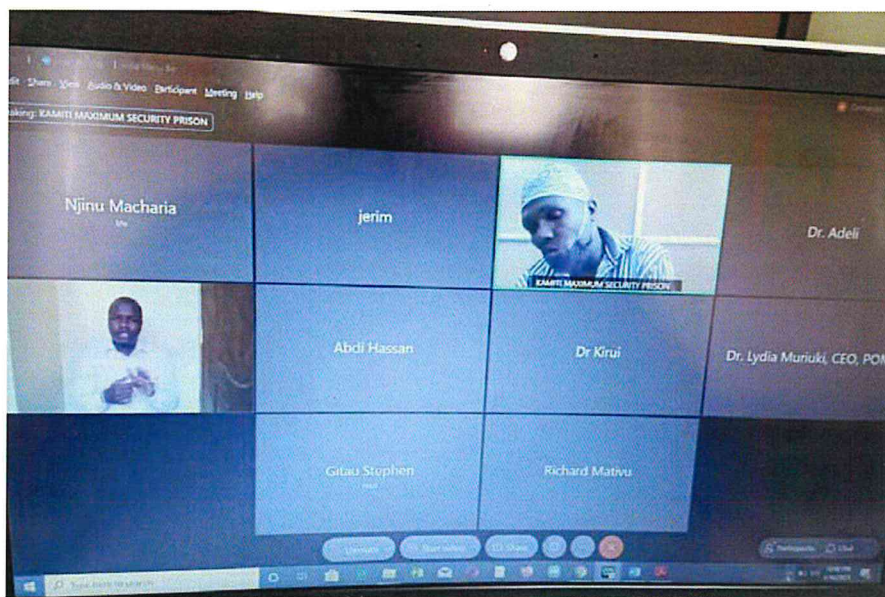
All the petitions that are recommended for interview are presented before the Committee at this stage where the members interrogate the petitioner with the objective of not only getting his/ her side of the story but also observing the demeanor of the petitioner. The petitioner is further assessed on whether he/she is truly remorseful for the crime committed, has fully reformed, genuinely wishes to be pardoned, has atoned for the offence and is less likely to recidivate is more possible at this stage.

If the basis of the petition was ill health for instance, the Committee will interrogate the documents and make an assessment of the petitioner relying on the medical professional in the membership. The observations at this stage will be recorded in the tool referred as interview summary form.

During the period under review physical visits to prisons were temporarily suspended due to the effects of the Covid-19 pandemic. Consequently, the Committee adapted by conducting virtual hearings and interviews with 122 petitioners out of the targeted 148, held in 26 correctional facilities as illustrated in the pictorial below:

Below are pictures of a laptop screen displaying virtual interviews in session conducted by the Committee, with petitioners from Kamiti, Kibos, Naivasha and Nyeri Maximum Security Prisons.







The committee, led by Vice Chairperson Dr. Janet Kirui conducting a physical interview during the financial year.

4. Notification of victims

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

5. Criteria applied by the Committee

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

- a) the age of the convicted criminal offender at the time of commission of the offence.
- b) the circumstances surrounding the commission of the offence.
- c) whether the person for whose benefit the petition is made is a first offender.
- d) the nature and seriousness of the offence.
- e) the length of period so far served by the convicted criminal offender in prison after conviction.
- f) the length of period served by the convicted criminal prisoner in remand.
- g) the personal circumstances of the offender at the time of

making the petition including the mental, physical health and any disabilities.

- h) the interest of the State and community.
- i) the post-conviction conduct, character and reputation of the convicted criminal prisoner.
- j) the official recommendations and reports from the State organ or department responsible for correctional services.
- k) where the petitioner has opted to pursue other available remedies the outcome of such avenue.
- l) the representation of the victim where applicable.
- m) the Committee may also consider reports from fellow inmates or reports from probation services.

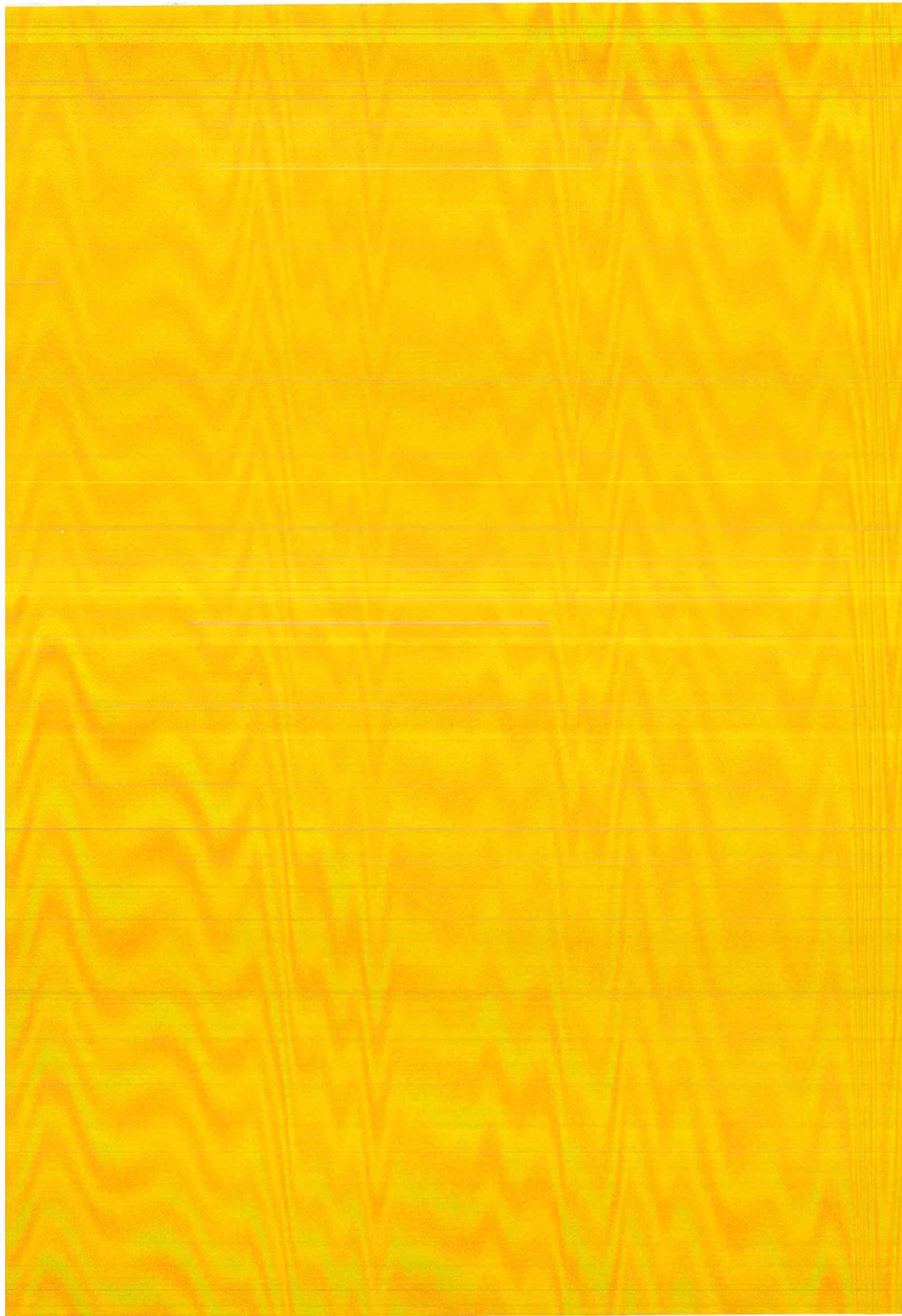
Where a petition is deferred or not recommended for one or other reason, the petitioner is duly notified of the decision of the Committee.

6. Notification of grant or Denial of Petition

- The President shall, within sixty days of receipt of the recommendations by the committee, consider the recommendations and either approve or reject the petition.
- Where the president approves or rejects a recommendation by the Committee, the Committee shall in writing notify the petitioner or their representative of the President's Decision within Seven Days.
- The Pardon Warrant will be prepared for all the approved petitions and be transmitted to the Commissioner General of Prisons to facilitate release of the petitioner. The approved petitions will be published in the Kenya Gazette within twenty-one days of the receipt of the President's Decision.
- The decision of the President for each Petition made shall be final.

7. Re-petition

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



**CHAPTER
3****PARDONED CONVICT POST RELEASE
MONITORING PROGRAMME**

In addition to the functions set out in Article 133(1) and (4) of the Constitution, Section 14 (e) of the Power of Mercy Act, 2011 assign the Committee additional function to undertake such other activities as may be necessary for the discharge of its functions and the exercise of its powers.

One of the challenges that face released convicts is effective reintegration and resettlement back in to the society. Most of the released ex-offenders lack stable source of income, besides stigma for having been convicted for often capital offences and other serious offences. In the absence of an effective support system the released convicts may resort to recidivism.

The Committee therefore routinely visits pardoned ex-offenders, in collaboration with the Probation & Aftercare Service, National Government Administrative Officers and the County Government among other agencies to assess how they have resettled and their acceptance in to society. In particular, the Committee visits the released convicts and interacts with the communities around them so as to assess how the convicts are reintegrating back to society.

During the period under review the Committee continued with the programme of monitoring the persons released by H. E the President in exercise of powers conferred by Article 133 of the Constitution.

The Committee interacted with 19 ex-offenders released under the power of mercy from various parts of the country, ten (10) ex-offenders in Eastern and Central regions, and nine (9) in Coast region as indicated in Table 3 and Table 4 below;

Table 3: A tabulated list of pardonees' visited in the Eastern and Central Regions

S/NO.	Pardonee	County Of Origin	Date Of Visit
1.	Nelson Gitari	Tharaka Nithi	31/08/2020
2.	Caroline Kaari	Tharaka Nithi	31/08/2020
3.	David Njeru	Embu	1/08/2020
4.	Josphat Muchiri	Embu	1/08/2020
5.	Anthony Ndegwa	Kirinyaga	2/08/2020
6.	Charity Muthoni	Kirinyaga	2/08/2020
7.	Ceaser Mwangi	Nyeri	3/08/2020
8.	Paul Nderitu	Nyeri	3/08/2020
9.	John Nduati	Murang'a	4/08/2020
10.	Joseph Maina	Murang'a	4/08/2020

Table 4: A tabulated list of pardonees' visited in the Coastal circuit

S/NO.	Pardonee	County Of Origin	Date Of Visit
1.	William Karisa	Kilifi	18/01/2021
2.	Kambi Chai	Kilifi	18/01/2021
3.	Ali Kipungu alias Saha Garadi	Kilifi	19/01/2021
4.	Erick Nyiro	Kilifi	19/01/2021
5.	Bora Karisa	Kilifi	20/01/2021
6.	Abdi Hared	Kilifi	20/01/2021
7.	Said Mzuri	Mombasa	21/01/2021
8.	Simon Waiganjo	Mombasa	21/01/2021
9.	Kazungu Kenga	Mombasa	21/01/2021

Anthony Ndegwa Njeru

Anthony Ndegwa Njeru was convicted for the offence of robbery with violence at the young age of 23 years after he alongside others robbed revelers of cash and valuables at a bar in Nyeri County. Ndegwa was granted pardon by His Excellency the President on 20th October, 2016 after serving for 22 years in prison.

Following the release, his siblings were very supportive and they mobilised the local community which raised funds that he used as capital to start a confectionary business. Ndegwa is now married and has been able to start upholstery and chicken rearing projects to supplement his family's income. He has successfully reintegrated.

John Nduati Muchiri

John Nduati Muchiri was sentenced to death for the offence of robbery with violence. After serving for 20 years, he was granted pardon by His Excellency the President on 20th October, 2016 and was released from prison at the age of 44 years.

During the course of his sentence, Nduati trained in various courses and attained trade test certifications Grade III, II & I in Leather Work, Shoe Making and Panel Beating & Spraying. John Nduati has reintegrated well in the society and is currently running a motor vehicle spares business along Kirinyaga Road, in Nairobi County.

Swaleh Kambi Chai

Swaleh was convicted in 2003 for the offence of robbery with violence. He was sentenced to death, which was later substituted to detainment under President's Pleasure on account of being a minor. He was pardoned by the president upon petitioning for mercy in December 2015, having served fourteen (14) years.

While in prison at Shimo La Tewa Maximum Security Prison, Kambi pursued his formal education up to diploma level. He also acquired vocational skills at the prison where he attained a Trade Test Grade II in Electrical Welding.

Kambi has reintegrated well in the community and is currently practicing mixed farming, in a 32-acre piece of land inherited from the family. He is currently a fourth-year student pursuing a Bachelor of Education degree at Mount Kenya University.



Committee members led by Vice Chairperson Dr. Janet Kirui pose for a photo with pardonee Kambi Chai during the home visit on 18th January, 2021

Simon Waiganjo Mwangi

Simon Waiganjo Mwangi was convicted in 1992, for the offence of robbery with violence and was sentenced to suffer death which was later commuted to life imprisonment. He was granted pardon on 12th December, 2015 by the President at the age of 48 years, having served for 25 years.

While in prison, Waiganjo resumed his education and sat for both his KCPE and KCSE exams. He also acquired vocational skills attaining Grades III, II and I in carpentry and joinery.

Simon is presently employed by Star of Hope Church, Mikindani where he is in-charge of maintenance at the church and school that is run by the church. He desires to start a carpentry workshop, once he is able to raise the startup capital. Currently, he resides in Mombasa with his wife and child.

Erick Nyiro Douglas

Erick Nyiro was convicted in 2000, for the offence of robbery with violence and was sentenced to suffer death which was later commuted to life imprisonment in 2003. He served 20 years in prison before he was granted pardon by the President in July 2014. While in prison, he attained Grade I trade test in carpentry and joinery as well as Grade III in upholstery.

Nyiro is married with two children. He has reconciled with the victim's family and has successfully reintegrated back into the society. Carpentry skills acquired in prison have been his source of livelihood since he was pardoned. He had been previously engaged on a casual basis as a carpentry foreman at the SGR Project in Mombasa but was later laid off due to Covid 19 pandemic.



Pardonee Erick Nyiro Douglas (in a striped shirt) leads a word of prayer after the Committee home Visit on 19th January, 2021

Observations and Recommendations

In the course of home visits to the released ex-convicts, the committee noted the following challenges that pose threat to successful reintegration and resettlement of pardoned ex-offenders:

- a) Stigma and rejection by close kin, neighbours and the community.
- b) Disinheritance of land and other family property, particularly where the inmate had been imprisoned for a long period.
- c) Despite acquiring skills in prison, they lack tools of trade, equipment and startup capital to establish their own businesses after release.
- d) They are denied employment opportunities due to lack of certificate of good conduct.
- e) Strained social networks, due to the long periods of incarceration, resulting to broken and or / separated families.

The committee recommends the following interventions to address the stated challenges:

- a) Need for close collaboration with the County Government to facilitate gainful employment for pardoned ex-offenders and facilitations with tools and set up capital.
- b) Formulation of policy on the establishment of half way homes for released ex-convicts.
- c) Establishment of structured medical care program for released mentally ill patients. Consider follow up through the relevant agencies in the national and County governments.
- d) Develop policies leading to legislation at both national and county government for interventions in rehabilitating pardoned ex-offenders including access to employment and certificates of good conduct.



Committee Vice Chair Dr. Janet Kirui hands over an umbrella and foodstuffs to pardonee Said Mzuri Bwanahaji during a home visit on 21st January, 2021 in Mombasa County



The Committee led by Vice Chair Dr. Janet Kirui hand over gifts to pardonee Ali Kipungu during a home visit on 19th January, 2021



Pardonee Abdi Hared (holding umbrella) pose for a photo with the Committee and secretarial staff who visited him at his home in Mariakani on 20th January, 2021



Committee Vice Chairperson talking with pardonee Bora Karisa Tsuma in his house during a home visit. Also present were other committee members.

CHAPTER 4

STAKEHOLDER PARTNERSHIPS AND COLLABORATIONS

The Power of Mercy Advisory Committee actively collaborates with key stakeholders to enhance knowledge sharing and to improve service delivery.

Some of the key stakeholders who worked closely with the Committee include: Office of the President, State Law Office, Prisons Department and National Crime Research Center. Others were the Probation and After Care Service Department, National Government Administration, County Governments and Media

Table 5: A matrix showing POMAC's key stakeholders, their mandate and linkage

S/No.	Stakeholder	Mandate	Linkage
1.	The Presidency	<ul style="list-style-type: none"> Organization and coordination of Government business. Ensures the president achieves his objectives related to the power of mercy. Offers technical leadership role and mandate in policy formulation. 	<ul style="list-style-type: none"> Appoints members of the Power of Mercy Advisory Committee after recommendation by the selection panel. Considers recommendation of the Committee in regard to exercise of power of mercy.

S/No.	Stakeholder	Mandate	Linkage
2.	Kenya Prison Service	It contributes to public safety and security by ensuring there is safe custody of all persons who are lawfully committed to prison facilities, as well as facilitating the rehabilitation of custodial sentenced offenders for community reintegration.	<ul style="list-style-type: none"> • Custodian of POMAC's clients. • Pardon officers are also prison officers. • Pardon officers report to the Committee through the Officer in Charge . • Assists inmates in the preparation of Petitions for power of mercy. • Ensures accurate compilation of prison reports which are filed with POMAC. • Makes necessary preparations for POMAC's interviews within the institutions. • Through the Pardon officers, the Service ensures that Petition registers are well maintained.
3.	Probation & Aftercare Service (PACS)	<ul style="list-style-type: none"> • It is involved in the administration of criminal justice with the responsibility of the management of community corrections. • Generates social information on offenders to courts and other government penal organs, implementation of supervised non-custodial court orders as well as the rehabilitation, reintegration, and resettlement of post-penal offenders. 	<ul style="list-style-type: none"> • Provides reports on the petitioners who have petitioned for clemency. • Facilitates reintegration and resettlement of pardoned offenders in the community. • Provide aftercare service for offenders who have been granted mercy • Prepares periodic reports on the progress of pardoned offenders.

S/No.	Stakeholder	Mandate	Linkage
4.	National Police Service	Its core mandate: maintenance of law and order, preservation of peace, protection of life and property, prevention and detection of crime, apprehension of offenders and enforcement of all laws and regulations with which it has been charged.	<ul style="list-style-type: none"> On 21st January, 2020, the POMAC Committee co-opted the Director, Directorate of Criminal Investigations (DCI) into the Committee. The DCI vets' offenders who are being considered for pardon by reviewing and submitting to the Committee criminal records of each of the petitioners considered for clemency.
5.	Office of Director of Public Prosecutions (ODPP)	<ul style="list-style-type: none"> Institutes and undertakes criminal proceedings against any person before any court (other than a court martial) in respect to any offence alleged to have been committed. To undertake public prosecution of cases forwarded by all investigation agencies. To represent the State in all criminal cases. To advice Government Ministries, Departments and State Corporations on matters pertaining to the application of criminal law. 	POMAC has collaborated with the ODPP in creating synergies through stakeholders' engagement forums.
6.	Judiciary	The Judiciary is mandated to dispense justice in line with the Constitution and other laws, and is expected to resolve disputes in a just manner with a view to protecting the rights and liberties of all.	Provides court records that are vital in the process of consideration for pardon. Such record includes court proceedings, judgment and notice of appeal where applicable.

S/No.	Stakeholder	Mandate	Linkage
7.	Kenya National Commission on Human Rights (KNCHR)	<ul style="list-style-type: none"> • Promotes respect for human rights and develop a culture of human rights in the Republic. • Act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights . 	<ul style="list-style-type: none"> • The KNCHR has a role of reviewing the Committee and stakeholder practices to ensure that the rights of petitioners are upheld and the practices are in compliance with human rights provisions. • KNHCR is a member of the selection panel under the Power of Mercy Act.
8.	National Council of Administration of Justice (NCAJ)	<ul style="list-style-type: none"> • Formulate policies relating to the administration of justice. • Implement, monitor, evaluate and review strategies for the administration of justice. • Facilitate the establishment of court user committees. • Mobilize resources for purposes of the efficient administration of justice . • Oversees the operations of any other body engaged in administration of justice. 	
9.	Kenya Law Reform Commission (KLRC)	<ul style="list-style-type: none"> • Undertakes review of the laws in the republic. • Ensures that the laws conform to the spirit of the constitution. 	The Committee partners with the Kenya Law Reform Commission to strengthen its legal framework.

S/No.	Stakeholder	Mandate	Linkage
10.	Ministry of Health	<ul style="list-style-type: none"> It provides rehabilitation and treatment to all mentally ill offenders who are held under presidential pleasure. Provision of medical reports to government agencies for purpose of administration of justice. 	<ul style="list-style-type: none"> Through the Medical Superintendent at Mathari Referral hospital, they collaborate with Probation department in assisting mental offenders petition for mercy. Provides progress and psychiatric assessment reports for mentally ill offenders who are under consideration by the Committee. The Ministry further provides on-going care and treatment to pardoned offenders as may be required.
11.	Ministry of Defence	To defend and to protect the sovereignty and territorial integrity of the republic, assist and cooperate with other authorities in situations of emergency or disaster and restore peace in any part of Kenya affected by unrest or instability as assigned.	Kenya Defence Forces through the Ministry of Defense aids in processing of petitioners who were initially tried and convicted through the court martial.
12.	Ministry of Interior & Coordination of National Government- National Government Administrative Office (NGAO); Department of Immigration Services	To create an enabling environment for Kenya's growth and prosperity through provision of security and safety to the people and property.	<ul style="list-style-type: none"> Provision of key information to POMAC mainly through the local administrators. Through public barazas undertake community sensitization, education and community acceptance of offenders who have been granted pardon. Assists and ensures smooth re-integration, family re-unification and social re-adjustment of pardoned offenders.

			<ul style="list-style-type: none"> Monitors the resettlement of pardoned offenders in their localities, provide periodic feedback and challenges with a view to guaranteeing public protection.
13.	National Intelligence Service (NIS)	<ul style="list-style-type: none"> NIS is charged with the responsibility of enhancing national security by providing security intelligence and counter intelligence for all government Ministries, Departments and Agencies (MDAs). Gather, evaluate and transmit departmental intelligence at the request of any State department or organ, agency or public entity. Undertake to provide a confidential security report as may be required under any written law; 	The National Intelligence Service vets all petitioners being considered for mercy to protect the interests of the State.
14.	Ministry of Foreign Affairs	To project, promote and protect Kenya's interests and image globally through innovative diplomacy, and contribute towards a just, peaceful and equitable world.	Assist in mutual transfer of offenders.
15.	Non-State Actors	Established for the benefit of public at large and for promotion of social welfare, development, charity or research in education and supply of amenities and services.	The Committee similarly partners with non-state actors that have established linkages with correctional services in Kenya. These include among others; religious organizations, community-based organizations and non-government organizations. Such organizations work on various programs including offender rehabilitation, offender resettlement and re-integration, human rights, capacity building and training.

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

S/No.	Stakeholder	Mandate	Linkage
20.	General Public	The citizens of Kenya who are key stakeholders in the mercy process.	The Committee partners with them to provide relevant information through public forums and interaction with government officers during sensitization sessions and social enquiries.
21.	Pardoned Ex-offenders	They are key stakeholders in the mercy process.	They are the direct beneficiaries of the mercy process.

Pardon Officers Induction

A five-day induction programme was organized by the Committee in partnership with the Prison Service in cognizance of the critical role played by Pardon Officers in the petition process. The Forum which took place between 1st and 5th March 2021, was held at Prisons Staff Training College, Ruiru.

It drew participants from maximum security prisons in the country. This followed their appointment and subsequent gazettelement by the Cabinet Secretary for Interior and Co-ordination of National Government, vide Gazette Notice No.4476 dated June 3rd, 2020.

The officers were taken through various topics touching on their mandate, the legislation guiding their duties, the interdependence between the Committee and other State Agencies.

The objectives of the seminar were:

- i. to train the newly appointed pardon officers on their functions and expected performance at prison level;
- ii. discuss the experience of the pardon officers including challenges noted; and
- iii. chart way forward for enhanced service delivery.

Pardon Officers are gazetted prisons officers who are stationed at correctional facilities with a mandate to advise the internal mechanism in each prison on all matters relating to the power of mercy. They are also responsible for assisting the applicants in preparation of petitions and providing general information on the power of mercy to the prisoners.

From the deliberations between the Committee and the Pardon Officers, the following was agreed upon as the way forward for immediate implementation by the various actors in the petition process:

- i. The Committee will conduct regular trainings for pardon officers;
- ii. Pardon Officers shall continuously update the Committee on emerging issues regarding the petitioners;
- iii. In addition to the mandatory petition form, the Officers shall be availing supplementary documentation for petition consideration by the Committee. The documents identified were: prison report, judicial records (if available), referral for probation officers report, medical reports, copies of certificates of treatment and rehabilitation programs, and a summary of the petition;
- iv. Pardon Officers shall sensitize inmates and other prison staff about the petition process so that all players can better understand and appreciate the process;
- v. To have a petition committee at facility level with the Officer In-Charge as the chair and Pardon officer as secretary, to ensure transparency and objectivity of the prison reports; and
- vi. Pardon Officers will maintain a comprehensive petitions' database at facility level that can easily be referred to.

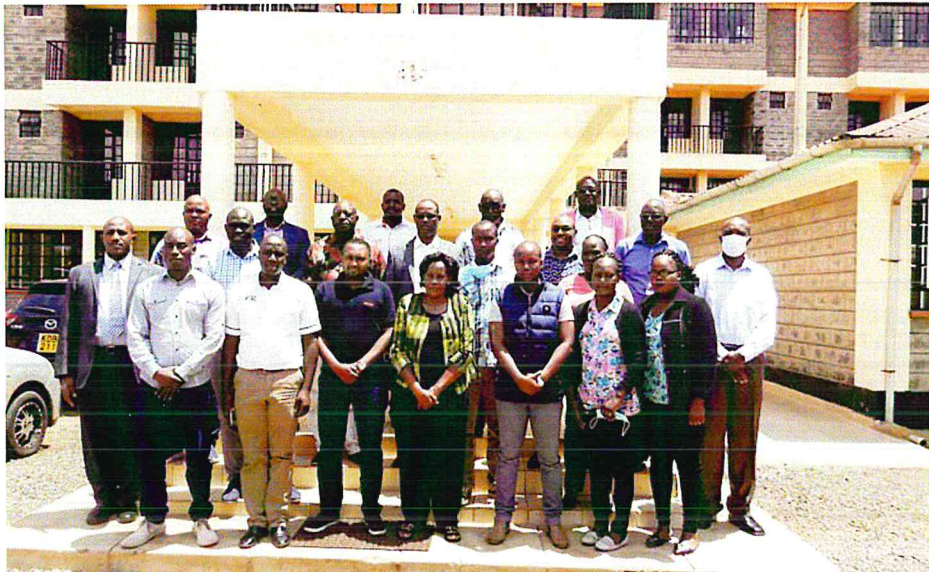
Below are pictures of the Pardon Officers induction event at the Prisons Staff Training College in Ruiru;



Committee Members led by the Vice Chairperson Dr. Janet Kirui with the newly appointed Pardon Officers from various Maximum-Security Prisons in the country, during their induction at the Prisons Staff Training College, Ruiru



Committee Member Mr. Jerim Oloo takes the pardon officers through a session during their induction.



Committee members pose for a photo with Pardon Officers after a week-long induction programme at the Prisons Staff Training College, Ruiru. They are flanked by Secretarial staff present during the training.

High Level Strategic Stakeholder's Consultative Forum

The Power of Mercy Advisory Committee in pursuit of its mandate and functions held a high-level strategic stakeholder's forum at Simba Lodge, Naivasha between Monday 21st and Friday 25th September, 2020.

The stakeholder's forum objectives were to review the Committee's mandate, functions, working procedures, collaboration and partnership through a multiagency approach for efficient service delivery. The areas covered during the forum were categorized into four thematic areas namely:

1. Operationalization of Article 133 of the Constitution of Kenya, 2010

- Topic 1: Overview of the Power of Mercy Act of 2011
- Topic 2: Historical background of power of mercy
- Topic 3: Legal foundation of Power of Mercy

2. The role various actors in the criminal justice system

- Topic 1: Role of Probation and Aftercare Service in the mercy process
- Topic 2: Role of Mathari National Teaching and Referral Hospital
- Topic 3: Role of Kenya Prisons Service in the mercy process
- Topic 4: Role of the Judiciary

3. Strengthening partnership and Collaboration with National Security agencies

- Topic 1: Role of DCI in the mercy process
- Topic 2: Role of NIS in the mercy process
- Topic 3: Role of NGAO in the mercy process

4. Implementation of Power of Mercy Act, 2011

- Topic 1: The multi-agency approach in review of Power of Mercy Act of 2011 and related statutes
- Topic 2: The Committee evaluation
- Topic 3: Development of Strategic plan 2019-2023
- Topic 4: Adoption of the annual report
- Topic 5: Code of Conduct and ethics (role of secretariat vis-a-vis the Committee)
- Topic 6: Electronic petitions management information system



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CHAPTER 5

STRATEGIC INTERVENTIONS

Research

The Power of Mercy Act provides that the Committee shall undertake or commission research and collect data relating to the power of mercy. In line with this function, during the financial year the Committee commissioned a research survey titled 'Follow up Study on Pardoned Offenders in Kenya'.

Thousands of offenders are released annually from prisons in Kenya through various avenues with limited follow up. Correspondingly, fewer studies have focused on the process of resettlement and reintegration of released offenders especially those that have been pardoned in the African region and globally. Such knowledge is critical in the formulation of government policies aimed at comprehensive crime prevention and reduction. It is against this background the Power of Mercy Advisory Committee commissioned the Follow up Study on Pardoned Offenders in Kenya, a comprehensive research on convicted offenders who have received executive clemency. The Study was conducted in September 2020.

It was anticipated that the research findings will provide reliable data on the post penal scenario in the country in addition to supporting the ongoing review of the legislative, policy and institutional frameworks for the administration of the power of mercy in Kenya. It was further envisioned that the findings of the study will provide accurate information that will be useful in aiding the Committee's stakeholders in the formulation of relevant policies. The survey was conducted by POMAC with technical support from the National Crime Research Center (NCRC), whose mandate is to carry out research into crime trends, causes, consequences and prevention.

Data Collection

Data collection for the study was conducted over a span of 15 days from 14th - 30th September 2020. The exercise was carried out in all regions in the country namely: Western, Nyanza, Rift Valley, Eastern, Central, North Eastern, Nairobi and Coast. The National Government Administrative Service and Probation and Aftercare Service were instrumental in facilitating the research teams during the course of the exercise.

Data for the research was collected through two (2) methods:

- Administering of questionnaires to pardoned offenders
- Conducting key informant interviews with stakeholders who were knowledgeable about the pardoned offender's rehabilitation and reintegration.

Objectives

Against the above-mentioned background, the overall objectives of the study were:

1. to establish the current status of offenders who have received Presidential clemency in Kenya;
2. to assess the outcomes of current mercy practice and whether it is meeting the intended objectives;
3. investigate the social, economic and demographic challenges that offenders are faced with upon release and which may contribute to recidivism;
4. highlight existing barriers that prohibit the successful rehabilitation and reintegration of offenders into the community; and
5. provide recommendations to all the relevant role-players and stakeholders.

Methodology

The research study was conducted using a qualitative research approach. The qualitative research model was deemed to be appropriate given that it allows for the use of data-collection methods that yield detailed understanding about the research subject.

Given the interest in capturing in depth experiences of the ex-offenders, using two categories of participants was judged to be most appropriate. The first and main category of the research population was comprised of all ex-offenders who had been pardoned. The second category consisted of key informants who were knowledgeable about the offender's rehabilitation and reintegration. These participants included probation officers, family members, national government administration officers, victims and other stakeholders from non-state organizations that interact closely with pardoned offenders.

Sample size

The research teams aimed at interviewing all 196 pardoned offenders in addition to conducting two supporting interviews with key stakeholders who interact closely with each of the pardoned offenders

Table 6: Breakdown of Offenders Pardoned Pursuant to Article 133 of the Constitution

S/NO.	Year Of Pardon	Number Of Offenders Pardoned
1.	2016	101
2.	2015	48
3.	2014	47
	TOTAL	196

Table 7: Research sample

S/NO.	Research Activity	Sample Size
1.	Administering questionnaires to pardoned offenders	196
2.	Key informant interviews with two stakeholders who have interacted with the each of the pardoned offenders.	392
	Total	588

Research Focus areas

The key focus areas of the survey were:

- Current economic and social status of the pardoned offender
- Family and community ties
- Resettlement and reintegration experience of the pardoned offender
- Community acceptance and stigma
- Nature of interactions between the pardoned offender and victims of the offence that was committed by the pardoned offender
- Conflict with the law and recidivism
- Supervision of pardoned offenders
- Opinions and observations on the petition process by stakeholders

Research Coordination

The research exercise was coordinated by the POMAC Secretariat which reported regularly to the Committee on the progress within agreed timeframes.

Research Findings

i. Lack of employment

Unemployment is the most serious problem experienced by most pardoned offenders.

ii. Criminal records

Most of the respondents held the view that a criminal record makes offenders less employable and denies them other opportunities, given that most employers do background checks on prospective employees.

iii. Family and community relationships

majority of participants noted that one of the greatest challenges they face was the issue of mending broken relations with their family and the community at large.

iv. Psychosocial challenges

A common challenge experienced by many pardoned offenders is feelings of hopelessness and mental anguish.

v. Disinheritance

Many offenders were found to have been disinherited by their families, their portions of land having been sold prior to their release, leaving the pardoned offenders landless and reliant on family members.

vi. Inadequate aftercare services

The struggle to adjust after imprisonment as highlighted in the survey may largely be a result of limited aftercare service provision to pardoned offenders.

vii. Recidivism

An examination of the re-offending rate highlighted by the survey depicted the problem of recidivism.

Recommendations

i. Need for a multi-agency approach

There is need to adopt a multi-agency approach to resettlement, reintegration and supervision of released offenders by establishing mechanisms for various partners from the public, private and civil society sectors to work together and address the complex needs of pardoned offenders released from prisons.

ii. Criminal records

There is need for a progressive policy on management of criminal records that allows pardoned ex-offenders to obtain a certificate of good conduct provided that they meet certain conditions.

iii. Establishment of a parole system

It is recommended that there be established a new system of parole for offenders serving long-term sentences that will provide an integrated framework for a coordinated multi-agency approach to offender rehabilitation, reintegration, supervision and monitoring.

iv. Enactment of the aftercare policy and bill

There ought to be formulated a comprehensive aftercare policy that would provide for legislative basis, policy guidelines and structured arrangements between various stakeholders to support the resettlement and reintegration of pardoned offenders

v. Victims

It is recommended that a centralised database of victims be created under the auspices of the Victim Protection Agency to facilitate access to victims by the Committee

vi. Restorative justice approach

It is recommended that there be adopted a restorative justice approach that would enable a holistic approach to offender reintegration.

Legal Reforms

The Power of Mercy Advisory Committee which is a constitutional body is established pursuant to Article 133(2) of the Constitution with the core mandate of advising the President on the exercise of the power of mercy. Prior to the establishment of the Committee this mandate was exercised by different departments and agencies pursuant to various laws which have not been reviewed to comply with provisions of Article 133 of the Constitution of Kenya. As a result, this has created jurisdictional overlaps of respective mandates, contradictions, grey areas and loopholes that have affected the implementation of the Committee's mandate.

In addition to these challenges, it was also established that there was the need to formulate a comprehensive policy and review the Power of Mercy Act, 2011 to fully operationalize the four avenues of the exercise of the power of mercy set out in Article 133 of the Constitution. Following these observations, it was proposed that a Task Force be constituted to formulate a policy and review the entire legislative framework related to the exercise of mercy including in particular the Power of Mercy Act, the Prisons Act, the Criminal Procedure Code, and other related legislations such as the Mental Health Act and the Probation of Offenders Act with a view to ensuring that Article 133 is fully implemented.

Consequent to this proposal, the Hon. Attorney-General, vide Gazette Notice No. 7382 of the 25th September, 2020 and Gazette Notice No. 10186 of the 30th November 2020, established the Taskforce on the Review of the Laws Relating to the Exercise of the Power of Mercy under Article 133 of the Constitution of Kenya, 2010 consisting of the following—Principal Administrative Secretary and Assistant Secretary to Cabinet—(Chairperson);

Members:

- (a) A representative of the Power of Mercy Advisory Committee;
- (b) A representative of the Kenya Prisons Service;
- (c) A representative of the Director of Medical services;
- (d) A representative of the Probation and Aftercare service;
- (e) A representative of the Office of the Attorney-General and Department of Justice;
- (f) A representative the Kenya National Commission on Human Rights;
- (g) A representative the National Crime Research Centre;
- (h) A representative the Kenya Police Service;
- (i) A representative the Director of Public Prosecution;
- (j) A representative of the Executive Office of the President;
- (k) A representative the Victim Protection Board; & a representative of the Kenya Law Reform.
- (m) A representative from the Ministry of Defence

Terms of Reference of the Taskforce:

The terms of reference of the Taskforce are to—

- (a) Identify all the laws relevant in the implementation of the power of mercy under Article 133 of the Constitution;
- (b) Reviewing the legislative framework relating to exercise of the power of mercy in Kenya;
- (c) Recommending comprehensive amendments to existing legislation to give full effect to Article 133 of the Constitution;
- (d) Conduct research;
- (e) Sensitize stakeholders and the public on the power of mercy;
- (f) Receive and consider views from members of the public and oral or written submissions from relevant stakeholders;
- (g) Prepare quarterly progress reports and submit to the Attorney General;
- (h) Develop a prioritized implementation matrix clearly stating the immediate, medium and long-term proposals; and
- (i) Undertake any other activities required for the effective discharge of its mandate.

Education and Sensitization

Section 14 of the Power of Mercy Act mandates the Power of Mercy Advisory Committee to educate stakeholders on the power of mercy. During the year under review, Committee members attended the public hearings conducted by the “Taskforce on Review of The Laws Relating to The Exercise of The Power of Mercy Under Article 133 Of the Constitution”, to conduct education and sensitization.

Members of the Committee were accorded time to sensitize the stakeholders such as officials from various State and non-state organisations as well as the general public about the power of mercy, the application procedure and the role of the Committee in the process. The sensitization exercise was conducted in twenty-three (23) counties.

Table 8: Schedule of County sensitization meetings held in 23 Counties between 22nd March and 13th May, 2021

S / County NO.	County	Venue	Date
1.	Busia	Busia Agricultural Training Center	Monday 22/03/2021
2.	Kakamega	Regional Commissioner's Hall	Wednesday 24/03/2021
3.	Trans Nzoia	Kitale Museum Hall	Friday 26/03/2021
4.	Uasin Gishu	Eldoret Municipal Hall	Monday 29/03/2021
5.	Elgeyo Marakwet	County Commissioner's Hall	Wednesday 31/03/2021
6.	Kisumu	Regional Commissioner's Complex Hall	Thursday 01/04/2021
7.	Kericho	Kericho ACK Hall	Tuesday 06/04/2021
8.	Kisii	Kisii Cultural Center Hall	Wednesday 07/04/2021
9.	Homabay	ACK Hall	Friday 09/04/2021
10.	Narok	Zebu Lodge	Monday 12/04/2021
11.	Nyandarua	OI Kalou CDF Hall	Friday 16/04/2021
12.	Nyeri	Nyeri Youth Empowerment Center	Monday 19/04/2021
13.	Embu	County Commissioner's Hall	Wednesday 21/04/2021
14.	Meru	Youth Empowerment Center Hall (Kinoru)	Friday 23/04/2021
15.	Isiolo	Landmark Hotel	Monday 26/04/2021
16.	Garissa	Government Guest House Multi-purpose Hall	Wednesday 28/04/2021
17.	Kitui	Kitui Social Hall	Friday 30/04/2021
18.	Makueni	Kelvian Hotel	Monday 3/05/2021
19.	Taita Taveta	Mwatate CDF Hall	Wednesday 5/05/2021
20.	Kilifi	Jowabu Social Hall	Friday 7/05/2021
21.	Mombasa	Swahili Culture Hall	Monday 10/05/2021
22.	Kajiado	Maasai Technical Institute	Wednesday 12/05/2021
23.	Nairobi	Charter Hall	Thursday 13/05/2021

Below is a pictorial segment of the Power of Mercy Advisory Committee Members, conducting sensitization sessions at various counties across the country.

**TASKFORCE ON REVIEW OF THE LAWS RELATING TO THE EXERCISE OF THE POWER OF MERCY UNDER ARTICLE 133 OF THE CONSTITUTION OF KENYA
PUBLIC HEARINGS**



Dr. Scholastic Adeli, in Kakamega County on 24th March, 2021



Committee member Mr. Jerim Oloo in Kericho County on 6th of April, 2021



Committee Vice Chairperson, Dr. Janet Kirui in Nyandarua County on 16th April, 2021



Mr. Abdi Hassan in Embu County on 21st April, 2021



Mr. Richard Mativu in Meru County on 23rd April, 2021



Mr. David Macharia in Makueni County on 3rd May, 2021

Electronic Petitions Management Information System

The Power of Mercy Advisory Committee (POMAC) is a constitutional body established pursuant to Article 133 of the Constitution of Kenya, 2010 whose core mandate is to advise the President on the exercise of the power of mercy. The Power of Mercy is a prerogative conferred upon the President by the Constitution. It entails granting mercy to reformed and rehabilitated convicted criminal offenders deserving early release from prison.

The Committee has since its inception processed applications, interviewed and caused for vetting of applicants and presented candidates to The President for consideration as provided for in Article 133 as read together with the Power of Mercy Act, 2011.

The Committee assisted by the Secretariat has been processing applications manually where;

1. Applicants/petitioners fill paper forms and submit physically to POMAC Offices;
2. The Secretariat processes them as provided for in the guidelines and seek for additional information where need be;
3. Applications that meet minimum threshold are forwarded to the Committee for further considerations and interviews; and
4. A resultant list is finally presented to The President through Head of Public Service, for consideration.

In the Year 2016, POMAC Secretariat engaged Open Institute, a Non-Governmental Organization to develop the first Online Petition Management System. However, on delivery of the final product, hosting became a challenge as the system was not vetted by Information Communications Technology Authority (ICTA) as it had been developed outside the set framework.

POMAC Secretariat has since engaged ICTA to develop an Online Petition Management System intended to automate the entire process. Consequently, POMAC Secretariat and ICTA have held two retreats to realize the following;

1. Understand the user needs
2. Reengineer processes
3. Develop work flows
4. Coding the work flows

The following key activities are pending;

1. System testing
2. Reports generation
3. Integration with other systems
4. System Hosting
5. Data Migration
6. User Training
7. System Documentations

CHAPTER
6

FINANCIAL STATEMENTS



THE POWER OF MERCY ADVISORY COMMITTEE

REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED JUNE 30, 2021

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

1. KEY ENTITY INFORMATION AND MANAGEMENT

(a) Background information

The Power of Mercy Advisory Committee was established in the year 2011 pursuant to Article 133 of the Constitution of Kenya, 2010. The Committee comprises of the Hon. Attorney General, who is the Chairman, the Cabinet Secretary responsible for Correctional Services, and seven (7) other members appointed by His Excellency the President. A Vice Chair is elected by the members from amongst the seven appointed members.

(b) Principal Activities

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

Key Management

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

The Secretariat, and

The Advisory Committee

(c) Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2018 and who had direct fiduciary responsibility were:

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



Dr. Lydia Muriuki, EBS
SECRETARY

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

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

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

(e) Entity Headquarters

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

(a) Entity Contacts

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

(b) Entity Bankers

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

(c) Independent Auditors

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

(d) Principal Legal Adviser

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

I. STATEMENT OF COMMITTEE MANAGEMENT RESPONSIBILITIES

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

The Secretary in charge of The Power of Mercy Advisory Committee is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2021. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Secretary in his role as the accounting officer for the Power of Mercy Advisory Committee accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the entity's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2021, and of the entity's financial position as at that date. The Accounting Officer in charge of the Power of Mercy Advisory Committee further confirms the completeness of the accounting records maintained for the entity, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

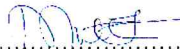
The Accounting Officer in charge of The Power of Mercy Advisory Committee confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for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

Approval of the financial statements

The entity's financial statements were approved and signed by the Accounting Officer on 30th September 2021.



 Secretary



 AAG

II. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2020-2021	2019-2020
		Kshs	Kshs
RECEIPTS			
Exchequer releases	1	39,934,375	55,422,885
TOTAL RECEIPTS		39,934,375	55,422,885
PAYMENTS			
Use of goods and services	2	38,738,891	54,567,557
Acquisition of Assets	3	195,484	855,328
TOTAL PAYMENTS		39,934,375	55,422,885
SURPLUS/DEFICIT		NIL	NIL

The accounting policies and explanatory notes to these financial Statements form an integral part of the financial statements. The entity financial statements were approved on 30th September, 2021 and signed by:



Secretary



AAG

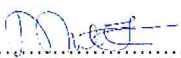
III. STATEMENT OF CASHFLOW

	Note	2020-2021	2019-2020
		Kshs	Kshs
Receipts for operating income			
Exchequer Releases	1	39,934,375	55,422,885
Payments for operating expenses			
Use of goods and services	2	38,738,891	54,567,557
Adjusted for:			
Adjustments during the year		-	-
Net cash flow from operating activities		195,513	855,328
CASHFLOW FROM INVESTING ACTIVITIES			
Proceeds from Sale of Assets		-	-
Acquisition of Assets	3	195,513	855,328
Net cash flows from Investing Activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		-	-
Cash and cash equivalent at BEGINNING of the year		-	+
Cash and cash equivalent at END of the year		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 30th September, 2021 and signed by:




 Secretary




 AAG

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
	a	b	c=a+b	d	e=c-d	f=d/c %
PAYMENTS						
Communication, supplies and services	509,926	509,926	1,019,852	997,347	409,663	98%
Domestic travel and subsistence	2,497,062	2,497,062	4,994,123	4,994,115	162,083	100%
Foreign travel and subsistence	-141,724	318,276	176,551	176,551	7,133	100%
Printing, advertising and information supplies & services	69,415	468,671	538,086	537,884	111,792	100%
Training expenses	-137,894	564,988	427,094	423,725	0	99%
Hospitality supplies and services	12,888,895	12,888,895	25,777,790	25,624,787	2,556,944	99%
Insurance Costs	250,000	250,000	500,000	441,700	65,252	88%
Specialized materials and services	325,025	325,025	650,050	424,583	1,056,796	65%
Office and general supplies and services	941,990	941,990	1,883,979	1,880,502	388,771	100%
Fuel oils and Lubricants	585,687	585,687	1,171,374	1,171,371	10,548	100%
Other operating expenses	433,186	433,186	866,371	781,215	-187,907	90%
Routine maintenance – vehicles and other transport equipment	378,077	378,077	756,154	705,739	292,258	93%
Routine maintenance – other assets	292,684	292,684	585,368	579,372	294,449	99%
Purchase of Office Furniture and General Equipment	7,732	187,782	195,513	195,484	695,800	100%
Total Payments/Expenditure	18,900,061	20,642,249	39,542,305	38,934,375	5,863,582	98%

The entity financial statements were approved on 30th September 2021 and signed by:


 Secretary


 AAG

NOTES

1. EXCHQUER RELEASES

	2020-2021	2019-2020
	Kshs	Kshs
Total Exchequer Releases for quarter 1	9,885,576.25	13,855,721
Total Exchequer Releases for quarter 2	9,885,576.25	13,855,721
Total Exchequer Releases for quarter 3	9,885,576.25	13,855,721
Total Exchequer Releases for quarter 4	9,885,576.25	13,855,721
TOTAL	39,542,305	55,422,885

2. USE OF GOODS AND SERVICES

	2020-2021	2019-2020
	Kshs	Kshs
Communication, supplies and services	997,347	1,630,043
Domestic travel and subsistence	4,994,115	9,733,124
Foreign travel and subsistence	176,551	2,090,339
Printing, advertising and information supplies & services	537,884	1,962,892
Training expenses	423,725	1,414,340
Hospitality supplies and services	25,624,787	27,396,552
Insurance Ccosts	441,700	192000
Specialised materials and supplies	424,583	243,516
Office and general supplies and services	1,880,502	3,779,189
Fuel oils and lubricants	1,171,371	2,332,200
Other operating expenses	781,215	1,697,025
Routine maintenance –other assets	705,739	1,220,050
Routine maintenance – motor vehicle	579,372	876,287
	38,738,891	54,567,557

3. ACQUISITION OF ASSETS

	2020-2021	2019-2020
	Kshs	Kshs
Non-Financial Assets		
Purchase of Office Furniture and General Equipment	195,513	855,328
TOTAL	195,513	855,328

ANNEX 1 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost 2020-2021	Historical Cost 2019-2020
	Kshs	Kshs
Non-Financial Office equipment, furniture and fittings	195,513	855,328
Other Machinery and Equipment	-	
TOTAL	195,513	855,328

ANNEXES

CHAPTER
7

- i. The following are Kenya Gazette Notices No. 7382 of 25th September, 2020 and 10186 of 30th November, 2020 by the Hon. Attorney General; on establishment of the Taskforce on review of the laws relating to the exercise of the Power of Mercy under Article 133 of the Constitution.

NYA GAZETTE

25th September, 2020

GAZETTE NOTICE No. 7382

THE TASKFORCE ON REVIEW OF THE LAWS RELATING TO
THE EXERCISE OF THE POWER OF MERCY UNDER ARTICLE
133 OF THE CONSTITUTION

APPOINTMENT

IT IS notified for the general information of the public that the Attorney-General has constituted a Taskforce on Review of the laws relating to the exercise of the Power of Mercy under Article 133 of the Constitution of Kenya, 2010, consisting of the following—

Principal Administrative Secretary and Assistant Secretary to Cabinet—
(Chairperson);

Members:

- (a) a representative of the Power of Mercy Advisory Committee;
- (b) a representative of the Kenya Prisons Service;
- (c) a representative of the Director of Medical services;
- (d) a representative of the probation and aftercare service;
- (e) a representative of the Office of the Attorney-General and Department of Justice; and
- (f) a representative the Kenya National Commission on Human Rights;
- (g) a representative the National Crime Research Centre;
- (h) a representative the Kenya Police Service;
- (i) a representative the Director of Public Prosecution;
- (j) a representative of the Executive Office of the President;
- (k) a representative the Victim Protection Board; and
- (l) a representative of the Kenya Law Reform.

1. Terms of reference of the Taskforce:

The terms of reference of the Taskforce are to—

- (a) identify all the laws relevant in the implementation of the power of mercy under Article 133 of the Constitution;
- (b) reviewing the legislative framework relating to exercise of the power of mercy in Kenya;
- (c) recommending comprehensive amendments to existing legislation to give full effect to Article 133 of the Constitution;
- (d) conduct research;
- (e) sensitize stakeholders and the public on the power of mercy;
- (f) receive and consider views from members of the public and oral or written submissions from relevant stakeholders;
- (g) prepare quarterly progress reports and submit to the Attorney General;
- (h) develop a prioritized implementation matrix clearly stating the immediate, medium and long-term proposals; and
- (i) undertake any other activities required for the effective discharge of its mandate.

2. Mode of operation:

In the performance of its mandate, the Taskforce—

- (a) may co-opt any relevant person to the Taskforce to assist in the effective discharge of its mandate; and
- (b) shall regulate its own procedure.

3. Reporting:

The Task Force shall report to the Attorney-General.

4. Duration:

The term of office of the Taskforce shall be a period of one (1) year with effect from the date of publication this Notice.

25th September, 2020

THE KENYA

5. Secretariat:

The Secretariat of the Taskforce shall be based at the Power of Mercy Advisory Committee offices. Submissions from the public can be addressed to:

Joint Secretaries

Taskforce on Review of the Power of Mercy
Power of Mercy Advisory Committee
P.O Box 79960-00200
Nairobi.

E-mail to: powerofmercyreview@powerofmercy.go.ke

Dated the 22nd September, 2020.

P. KIHARA KARIUKI,
Attorney-General.

GAZETTE NOTICE NO. 7383

Member
Member
Member
Member

21st September, 2018
21st September, 2018
21st September, 2018
21st September, 2018
11th May, 2013
15th February, 2019

MARGARET KOBIA,
Service and Gender.

COMMITTEE

the general public that
ad Youth Affairs has
wid-19 ICT Advisory
of 2020, for a further
December, 2020.

the 4th December, 2020.

Dated the 1st December, 2020.

SICILY K. KARIUKI,
Cabinet Secretary for Water, Sanitation and Irrigation.

GAZETTE NOTICE NO. 10186

**THE TASKFORCE ON REVIEW OF THE LAWS RELATING TO
THE EXERCISE OF THE POWER OF MERCY UNDER ARTICLE
133 OF THE CONSTITUTION**

AMENDMENT

IT IS notified for the general information of the public that the Attorney-General has amended the membership of the Taskforce on Review of the Laws Relating to the Exercise of the Power of Mercy under Article 133 of the Constitution appointed *vide* Gazette Notice No. 7382 of 2020 on the 25th September, 2020 by adding the following new paragraph immediately after paragraph (1)–

(m) a representative of the Ministry of Defence.

Dated the 30th November, 2020.

P. KIHARA KARIUKI,
Attorney-General.

GAZETTE NOTICE NO. 10187

THE COUNTY GOVERNMENTS ACT

- ii. Kenya Gazette Notice No. 4476 of 3rd July, 2020 on the appointment of Pardon Officers by the Cabinet Secretary for Interior and Co-ordination of National Government.

2742 THE KENYA GAZETTE 3rd July, 2020

CORRIPIENDA

IN Gazette Notice No. 4099 of 2020, amend the expression printed as "Cause No. 83 of 2020" to read "Cause No. 85 of 2020".

IN Gazette Notice No. 4056 of 2020, Cause No. 23 of 2020, amend the petitioner's name printed as "Peter Nguturi Mburu Kariuki" to read "Paul Nguturi Mburu Kariuki".

IN Gazette Notice No. 4315 of 2020, delete number "C. 121816" "Midal Cables Marketing (Kenya) Limited".

IN Gazette Notice No. 3545 of 2020, delete number "C. 141150" "Rimaki Agencies Limited" and replace it with "C. 141150" "Rimaki Agencies Kenya Limited".

GAZETTE NOTICE NO. 4475

THE AUCTIONEERS ACT
(No. 5 of 1996)

APPOINTMENT

IN EXERCISE of the powers conferred by section 3 (1) (c) of the Auctioneers Act, the Chief Justice appoints—

George Mbagu Kinuthia,
Alfred Mdeizi.

as members of the Auctioneers Board, for a term of three (3) years, with effect from the 12th June, 2020. The appointment of Dickson Matei vide Gazette Notice No. 5739 of 2017, is revoked.

Dated the 12th June, 2020.

DAVID K. MARAGA,
Chief Justice/President, Supreme Court of Kenya.

GAZETTE NOTICE NO. 4476

THE POWER OF MERCY ACT
(No. 21 of 2011)

APPOINTMENT OF PARDON OFFICERS

IN EXERCISE of the powers conferred by section 17 (1) of the Power of Mercy Act, the Cabinet Secretary for Interior and Co-ordination of National Government appoints the officers whose names appear in the Second Column of the Schedule hereto to be pardon officers of the Power of Mercy Advisory Committee for a period of three years with effect from the 17th June, 2020.

SCHEDULE

Name	Prison / Station
Wiffrid Kati	Prisons Headquarters
Kennedy Motoki	Prisons Headquarters
Cornelius Rioba	Prisons Headquarters
Allan Oduor Thigo	Prisons Headquarters
Sunday Namisi Musa	Prisons Headquarters
Lawrence Oyangyo Ojwang	Nairobi Remand and Allocation Maximum
Thomas Morekwa Mosira	Nairobi West
Leah Belinda Aiteno	Langata Women Maximum
Charity Kabura Irungu	Kamiti Medium
John Kinoti Maruki	Kamiti Maximum
Clifford Kipoto	Kamiti Maximum
Fridah Nyanga	Nairobi Medium
Collins Wasikoyo	Embu Main
Elizabeth Muthoni Njagi	Embu Women
Maureen Kungu	Machakos Main
Nancy Meroka	Machakos Women
Michael Ndunda	Yatta
Douglas Mwingu Mburugu	Meru Main
Leah Muthoni Kinyua	Meru Women

Name	Prison / Station
Romano Mwenda Itaara	Uruku
Mike Makete	Kangeta
Charles Kyalo Ituka	Kitui Main
Emma Mburu	Kitui Women
Francis Njuguna	Mwingi
Hussein Mathenge Maina	Isiolo
Abdullah Guracha Jillo	Marsabit
Halake Adula Tato	Moyale
Maurice Okumu Agina	Makueni Main
Peter Mulwa	Makueni Remand
Stephen Chacha	Chuka
Mohamed Yussuf	Garissa Main
John Mairu	Garissa Medium
Ahmed Ali Ibrahim	Mandera
Ibrahim Abdillahi Mohamed	Wajir
Douglas Oyekhera Lovim	Kisumu Maximum
Patrick Kibir Korir	Kisumu Maximum
Beth Wanjiku Chege	Kisumu Women
Nelson Umayu Mugaka	Kisumu Medium
Isiath Nyakaba Ombacha	Kibos Maximum
Joseph Okwakori Ekesa	Kibos Medium
Joseph Arambe Omboga	Kisii Main
Everlyne Papa	Kisii Women
Joseph Otieno Oloo	Rachuonyo
Dominic Omwega Nyamweya	Homa-Bay
David Wasula Mufuta	Siaya
Fred Michael Okunana	Migori
Helen Achieng Owiti	Migori Women
Sammy Mike Mwita	Kenedege
Immanuel Edgar Omutelema	Kakamega Main
Hellen Wangari Gikonyo	Kakamega Women
Philip Wekesa	Shukasa Farm
Stephen Githuni	Bungoma
Moses Mutulis	Vihiga
Wycliffe Boyo Francis	Busia
Barnabas Kipkoehi Ruto	Nyeri Maximum
Grace Nyambura Kamau	Nyeri Women
Gerald Kibui Muigai	Nyeri Medium
Philip Ngetich Rop	T/Falls Main
Maryanne Wanjari Mithamo	T/Falls Women
Sophilpeter Odidi Otigo	Nyandarua
Edwin Wasike Wekesa	Maranga Main
Ethel Muryolo	Maranga Women
Geoffrey Kanyo Gathere	Marangau
Catherine Musarigi	Kerugoya
Duncan Mutavi Muindi	Mwea
Nicholas Gituma Marangu	Thika Main
Leah Waswa	Thika Women
Dan Ojodo Gor	Kiambu
Phylis Mbaka	Ruiru
Richard Kijchumba Sang	Naivasha Maximum
John Wanguku Maina	Naivasha Maximum
Easter Achieng Ayodo	Naivasha Medium
Alice Hadulu Dadye	Naivasha Women
Edward Kerindo	Nakuru Main
Claudia Kibokky	Nakuru Women
Edwin Bibkeya Wirula	Eldoret Main
Lornah Jepkoeh Chirchir	Eldoret Women
Charles Maburi Gichana	Nerria
Daniel Mambili	Kitale Main
Malack Bwana	Kitale Annexe
Charity Mumbi Gitanga	Kitale Women
Stella Jephchirchir Langat	Kapsabet
Stephen Ngalingali	Kapenguria
Patrick Nalimba Baraza	Lodwar
Zakayo Wechuli	Kericho Main
Jane Maritim Langat	Kericho Women
Kennedy Ondara	Kericho Medium
Alex Nguthi Ngare	Maralal
Siati Kedie Salat	Kajiado
John Mwangi Kariuki	Kitengela
Muchangi Muriethi Kagema	Nanyuki
Nicholas Barsto Kipsang	Rumuruti
Joseph Seregony Sang	Narok

3rd July, 2020 THE KENYA

Name	Prison / Station
Zablon Onkoe Ondiek	Kilgoris
Charles Ndwa Sakwa	Kabarnet
David Ambani	Eldama Ravine
Robert Rono	Bomet
James Nyamoi	Sonko
David Kaboyo Kimani	Tambach
Kennedys Kealo Mutem	Shimo La Tewa Maximum
Shadrack Okola Mutema	Shimo La Tewa Maximum
Rachael Muthoni Gathua	Shimo La Tewa Women
Geoffrey Kangwe	Shimo La Tewa Medium
Patrick Kuya Mukhanyu	Mombasa Remand
Laban Kikumba	Kwale Main
Catherine Chege	Kwale Women
Peter Ogal Hadulo	Kilifi
Timothy Kweonon Tunuya	Malindi
Zipporah Kadzo Baya	Malindi Women
Patricia Bakari Mwanita	Hola
Francis Kakeu Mwanida	Mwanjani Maximum
George Kimanthi Gichunge	Wundanyi
Ibrahim Abdullahi Tari	Voi Remand
Stephen Nguri Sita	Taveta
Meshaek Ontu Mutumbi	Hindi

Dated the 17th June, 2020.

FRED MATIANG'I,
*Cabinet Secretary,
Ministry of Interior and Co-ordination of National Government.*

- iii. Kenya Gazette notice on appointment of Dr. Lydia Muriuki as Secretary to the Power of Mercy Advisory Committee

SPECIAL ISSUE



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GAZETTE NOTICE No. 3658

THE CONSTITUTION OF KENYA

THE POWER OF MERCY ACT

(No. 21 of 2011)

APPOINTMENT

IN EXERCISE of the powers conferred by section 16 (2) of the Power of Mercy Act, 2011, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, appoint—

LYDIA HUKO MURIUKI (DR.)

as Secretary to the Power of Mercy Advisory Committee.

Dated the 19th April, 2021.

UHURU KENYATTA,
President.

GAZETTE NOTICE No. 3659

THE STATE CORPORATIONS ACT

(Cap. 446)

THE COMPANIES ACT

(Cap. 486)

APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 3 (a) of the Articles of Association of the Kenya Electricity Transmission Company Limited, and section 6 (1) (a) of the State Corporations Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, appoint—

JOE MUTAMBU

to be the Chairperson of the Board of Directors of the Kenya Electricity Transmission Company Limited, for a period of three (3) years, with effect from 20th April, 2021.

Dated the 20th April, 2021.

UHURU KENYATTA,
President.

Confirmation of Appointment

Dr. Lydia Muriuki was on 19th April, 2021 confirmed as the substantive Secretary and Chief Executive Officer (CEO) to the Power of Mercy Advisory Committee by His Excellency President Uhuru Kenyatta. Subsequently, she took her oath of office on 3rd June, 2021 at a swearing-in ceremony presided over by Ms. Anne Amadi, the Chief Registrar of Judiciary. The following are illustrative photos of the event;

