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REPUBLIC OF KENYA

EXECUTIVE OFFICE OF THE PRESIDENT

IN THE MATTER OF THE TRIBUNAL APPOINTED UNDER ARTICLE 168 (5) OF THE CONSTITUTION OF KENYA TO INVESTIGATE THE CONDUCT OF THE HON. MR. JUSTICE (PROF.) JACKTON BOMA OJWANG, JUDGE OF THE SUPREME COURT OF KENYA

WHEREAS, a Petition (the “Petition”) by Nelson Oduor and 8 Others on the conduct of the Hon. Mr. Justice (Prof.) Jackton Boma Ojwang, Judge of the Supreme Court of Kenya (“Hon. Judge”), was considered by the Judicial Service Commission in March, 2019;

Whereas, the Judicial Service Commission, having satisfied itself that the Petition disclosed grounds for removal of the Hon. Judge from Office, transmitted the said Petition to the President on 11th March, 2019 in accordance with Article 168 (4) of the Constitution;

Whereas, pursuant to Article 168 (5) of the Constitution, the President *vide* Gazette Notice No. 3035 of 29th March, 2019, suspended the Hon. Judge from office and appointed a Tribunal to inquire into his conduct; and

Whereas, the Tribunal submitted its Report to the President on 4th August, 2019, and recommended that:

- (i) The Hon. Mr. Justice (Prof.) Jackton B. Ojwang, ought not to be removed from office; and
- (ii) The current suspension of Hon. Mr. Justice (Prof.) Jackton B. Ojwang, from exercising the functions of his office be lifted.

Now Therefore, and having considered the said Report together with its annexures, I note as follows:

- (i) That pursuant to Article 168 (9) of the Constitution, the recommendations of the Tribunal with respect to Hon. Judge are binding on the President;
- (ii) That following the lapse of the constitutionally allowable timeline for appeal against the decision of the Tribunal; and
- (iii) That having had no party exercise the right of appeal against the decision of the Tribunal.

Reasons wherefore, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, by the authority vested in me by the Constitution and the Laws of Kenya, do determine as follows:

- (i) That in accordance with the recommendations of the Tribunal, the suspension of Hon. Mr. Justice (Prof.) Jackton B. Ojwang, Judge of the Supreme Court of Kenya is lifted; and
- (ii) That Hon. Mr. Justice (Prof.) Jackton B. Ojwang is reinstated to Office, and all remunerations and benefits adjusted during the term of his suspension pursuant to Article 168 (6) of the Constitution shall accrue to the Hon. Judge with immediate effect.

Issued under the Hand and Seal of the President, at State House, Nairobi on this 15th August, 2019.

UHURU KENYATTA,
President.