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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

**REPORT ON THE APPROVAL HEARING OF THE NOMINEE FOR THE
APPOINTMENT OF THE CHAIRPERSON OF THE INDEPENDENT POLICING
OVERSIGHT AUTHORITY**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 AUG 2026	
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CLERK-AT THE-TABLE:	Mado

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LIST OF ABBREVIATIONS AND ACRONYMS

DCI	-Directorate of Criminal Investigations
EACC	-Ethics and Anti – Corruption Commission
HELB	-Higher Education Loans Board
ORPP	-Office of the Registrar of Political Parties
KRA	-Kenya Revenue Authority
ODPP	-Office of the Director of Public Prosecution
CUE	-Commission of University Education
NACADA	-National Authority Campaign Against Drugs Alcohol
IPOA	-Independent Policing Oversight Authority
NPS	-National Police Service
KPS	-Kenya Police Force
APF	-Administrative Police Force
JD	-Juris Doctor
KFS	-Kenya Forest Service
CCTV	-Close Circuit Television
BBi	-Building Bridges Initiative
NADCO	-National Dialogue Committee
IG	-Inspector General
UN	-United Nations
PSC	-Public Service Commission
LSK	-Law Society of Kenya
LLM	-Masters in Law
IPOA	-Independent Policing Oversight Authority
IEBC	-Independent Electoral and Boundaries Commission

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CHAIRPERSON'S FOREWORD

The Report contains proceedings of the Departmental Committee on Administration and Internal Security relating to the approval hearing of the nominee for appointment as the Chairperson of the Independent Policing Oversight Authority (IPOA) Board.

Pursuant to the provisions of Article 250(2)(b) of the Constitution of Kenya and section 11(5) of the Independent Policing Oversight Authority Act, Cap. 86 and section 3 and 5 of the Parliamentary Appointments (Parliamentary Approval) Act, Cap. 7F, His Excellency the President nominated Dr. Duncan Oburu Ojwang as the Chairperson of the Independent Policing Oversight Authority.

The Rt. Hon. Speaker vide Communication dated Thursday, 30th July, 2026, conveyed a Message from the President to the House nominating Dr. Duncan Oburu Ojwang for appointment as the Chairperson of the Board of the Independent Policing Oversight Authority subject to approval by the National Assembly pursuant to Article 250(2)(b) of the Constitution.

Subsequently, the Message from the President containing the name of the nominee together with his curriculum vitae was referred to the Departmental Committee on Administration and Internal Security to undertake approval hearings in accordance with section 6 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order 216(5)(f) of the National Assembly Standing Orders and table a report in the House pursuant to section 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

Pursuant to Article 118 of the Constitution, section 6(3) and (4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly notified the nominee and placed an advertisement in the print media on Friday, 31st July, 2026 inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of the nominee. The advertisement indicated that the submissions were to be received on or before Monday, 10th August, 2026 at 5.00 p.m. By the close of the deadline, the Committee had not received any memoranda on the nominee. Further, the advertisement dated 31st July 2026, notified the public that the Departmental Committee on Administration and Internal Security would conduct an Approval hearing, pursuant to Article 118 (1)(a)(b) and (2) of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

The nominee appeared before the Committee for approval hearing on Wednesday, 12th August, 2026 as scheduled. The Committee examined his suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Constitutional and statutory requirements relating to the office in question, suitability of the nominee for the proposed appointment relating to the office in question, suitability of the nominee's ability, experience and qualities needed for the office in question. Further, the Committee examined the nominee's academic credentials, relevant professional training and experience, knowledge of sector issues and personal integrity in accordance with Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

Pursuant to section 6(7), 6(8) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committee observed that the nominee Dr. Duncan Oburu Ojwang demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which he had been nominated, and had the requisite abilities, academic qualifications and professional experience to be approved for appointment as Chairperson of the IPOA Board.

Having conducted the Approval Hearing of the Nominee and pursuant to Article 250(2)(b) of the Constitution and section 11(5) of the Independent Policing Oversight Authority Act, Cap. 86 and section 3 and 8 of the Public Appointments (Parliamentary Approval) Act Cap. 7F, the Committee recommends that the National Assembly **approves** the nomination for appointment of Dr. Duncan Oburu Ojwang as Chairperson of the Independent Policing Oversight Authority.

I take this opportunity to acknowledge and appreciate all the Hon. Members of the Committee for their valuable contributions, deliberations and participation in the approval hearing. I also take this opportunity on behalf of the Committee to thank the Offices of the Speaker and the Clerk of the National Assembly for the technical and logistical support accorded to the Committee during the approval hearing exercise. Further, the Committee wishes to thank the nominee for his cooperation and the public for their participation in the approval hearing. The Committee appreciates the Ethics and Anti-Corruption Commission, Higher Education Loans Board, Directorate of Criminal Investigation, Office of the Registrar of Political Parties, Kenya Revenue Authority, Office of the Director of Public Prosecutions and Commission of University Education for providing references and background checks relating to the suitability of the nominee, and the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the approval hearing.

On behalf of the Committee on Administration and Internal Security and pursuant to Article 250 (2) (b) of the Constitution, section 11(5) of the Independent Policing Oversight Authority Act, Cap. 86, section 8(1) and (2) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Order No. 45(4) and 216, it is my pleasant duty to table the Report of the Departmental Committee on Administration and Internal Security on the approval hearing of the nominee for appointment as the Chairperson of the Independent Policing Oversight Authority Board.



HON. GABRIEL TONGOYO, CBS, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL
SECURITY

CHAPTER ONE

I.0 PREFACE

I.1 Establishment and mandate of the Committee

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

I.2 Subjects of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: -
 - a. Home affairs, internal security – including police services and coast guard service;
 - b. Public administration; and
 - c. Immigration and citizenship
3. In executing its mandate, the Committee oversees the following Ministries and Departments:
 - a. Executive Office of the President;
 - b. Office of the Deputy President;

- c. Office of the Prime Cabinet Secretary;
 - d. State Department for Parliamentary Affairs;
 - e. State Department for Performance & Delivery Management;
 - f. State Department for Cabinet Affairs;
 - g. State House;
 - h. State Department for Immigration & Citizen Services;
 - i. National Police Service;
 - j. State Department for Internal Security & National Administration;
 - k. National Police Service Commission; and
 - l. Independent Policing Oversight Authority.
4. The Semi-Autonomous Government Institutions under the Committee include:-
- a. National Authority for Campaign Against Drug Abuse. (NACADA);
 - b. Firearms Licensing Board;
 - c. NGO Coordination Board;
 - d. National Crime Research Centre;
 - e. Private Security Regulatory Authority Board; and
 - f. National Cohesion & Integration Commission.

I.3 Committee Membership

5. The Committee comprises of the following Members: -

Hon. Gabriel Tongoyo, CBS, MP
Chairperson
Narok West Constituency

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

Hon. Kaluma Peter, CBS, MP
Homa Bay Constituency

Hon Protus Ewesit Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Buyu, CBS, MP
Kisumu West Constituency

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

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

Hon. Liza Chelule, CBS, MP
Nakuru County

Hon.(Dr.) Peter Masara, MP
Suna West Constituency

Hon. Sarah Korere, CBS, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Mburu Kahangara, MP
Lari Constituency

I.4 Committee Secretariat

6. The Committee Secretariat consists of the following:

Mr. Gideon Kipkogei
Head of Secretariat

Ms. Clarah Kimeli
Principal Legal Counsel I

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer II

Mr. Salim Athman
Clerk Assistant III

Ms. Penninah Simiren
Legal Counsel I

Mr. Benson Kimanzi
Serjeant-At-Arms

Mr. Nimrod Ochieng
Audio Officer

Ms. Esther Mbatha
Public Communications Officer

Mr. Hillary Mageka
Media Relations Officer

Ms. Moureen Kendi
Intern

Ms. Gladys Letoluo
Attachee

CHAPTER TWO

2.0 BACKGROUND

2.1 Legal Framework

7. The Committee was guided by the following provisions of the Constitution and statutes in executing its mandate —
 - (a) Article 10 of the Constitution on the national values and principles of governance;
 - (b) Article 73 of the Constitution on responsibilities of leadership;
 - (c) Article 75 of the Constitution on conduct of State Officers;
 - (d) Article 77 of the Constitution on restriction on activities of State Officers;
 - (e) Article 78 of the Constitution on dual citizenship;
 - (f) Chapter 6 of the Constitution on leadership and integrity;
 - (g) Article 118 of the Constitution on public participation;
 - (h) Article 124(4) of the Constitution on consideration of persons for appointment to public office;
 - (i) Article 232 of the Constitution on values and principles of public service;
 - (j) The Independent Policing and Oversight Authority Act, Cap. 86
 - (k) The Public Appointments (Parliamentary Approval) Act, Cap. 7F;
 - (l) The Leadership and Integrity Act, Cap. 185C;
 - (m) The Ethics and Anti-Corruption Commission Act, Cap. 7H; and
 - (n) The Public Officer Ethics Act, Cap. 185B.

2.2 Establishment of Independent Policing Oversight Authority

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

2.3 Objectives of the Authority

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

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

2.4 Functions of the Authority

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

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

2.5 Issues for consideration in conducting the Approval hearing

12. In conducting the approval hearing, the Committee was guided by section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F which provides that—

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

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

13. Additionally, section 7 of the Act provides that the issues for consideration by the relevant

House of Parliament in relation to any nomination shall be—

- (a) *the procedure used to arrive at the nominee;*
- (b) *any constitutional or statutory requirements relating to the office in question; and*
- (c) *the suitability of the nominee for the appointment proposed, having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

2.6 Public access and participation

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

- (a) *conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and*
 - (b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*
- (2) *Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*

15. In conducting the Approval hearing, the Committee was guided by Article 73(2) of the Constitution, and the provisions of section 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

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

- (2) *The guiding principles of leadership and integrity include—*
- a) *selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - b) *objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;*
 - c) *selfless service based solely on the public interest, demonstrated by—*
 - (i) *honesty in the execution of public duties; and,*
 - (ii) *the declaration of any personal interest that may conflict with public duties;*
 - d) *accountability to the public for decisions and actions; and*
 - e) *discipline and commitment in service to the people.*

2.7 Communication and committal to the Committee

17. Pursuant to Standing Order 42(1) of the National Assembly Standing Orders, the Rt. Hon. Speaker on Thursday, 30th July, 2026 communicated a Message from the President with respect to the nomination of Dr. Duncan Oburu Ojwang for appointment to the position of the Chairperson of the Independent Policing Oversight Authority Board. The nomination was committed to the Departmental Committee on Administration and Internal Security for consideration.

2.8 Notification to the public

18. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F further provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
19. In this regard, the Clerk of the National Assembly published an advert on **Friday, 31st July 2026**, in the local dailies and notified the public of the time and place for holding the approval hearings of the nominee in accordance with the requirements of Article 118 of the Constitution and section 6(4) of the Act. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that: *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.
20. In accordance with the requirements of section 6(9) of the Act, the Clerk vide an advertisement published on **Friday, 31st July 2026**, in various local dailies, invited the public to submit memoranda contesting the suitability of the nominee to be received on or before **Monday, 10th August, 2026 by 5.00 pm**

2.9 Notification to the nominee

21. On Monday, 10th August, 2026, the Clerk of the National Assembly, pursuant to section 6(3) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, notified the nominee in writing of the approval hearing scheduled for **Wednesday 12th August, 2026** in the Mini Chamber, County Hall, Parliament Buildings, starting from 10.00 a.m.

2.10 Clearance and Compliance Requirements

22. On Monday 3rd August 2026, the Clerk of the National Assembly wrote letters to the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Office of the Registrar Political Parties (ORPP), the Office of the Director of Public Prosecution (ODPP) and the Commission for University Education (CUE) seeking relevant information relating to the nominee in compliance with the requirements of Chapter Six of the Constitution on Leadership and Integrity.
23. On matters of ethics and integrity, the EACC vide a letter dated 10th August 2026, responded and stated that the Commission had not undertaken any investigation or recommended prosecution pursuant to its mandate against the nominee.
24. In relation to higher education loan repayments, HELB responded that the nominee is not a beneficiary of any funds from HELB vide letters dated 5th August 2026.

25. The DCI vide a letter dated 11th August 2026 wrote back and advised that forensic fingerprint analysis had been conducted and that the criminal database had not revealed any previous criminal records of the nominee.
26. On whether the nominee holds offices within political parties, ORPP vide a letter dated on 6th August 2026, wrote back and stated that pursuant to Article 77(2) of the Constitution and according to the records held by the Office as at 3rd August 2026, the nominee was not an official of any registered political party in Kenya.
27. With regards to the request for tax compliance status for the nominee, KRA vide a letter dated 17th August, 2026 indicated that the nominee was compliant.
28. The Office of the DPP vide a letter dated 10th August 2026, indicated that there were no any active criminal proceedings or any other previous charges against the nominee.

2.11 Committee proceedings

29. The National Assembly having received the name of the nominee conducted an approval hearing to determine the nominee's suitability pursuant to the provisions of section 11(5) of the Independent Policing Oversight Authority Act, Cap. 86 as read together with section 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

2.12 Criteria for Consideration during the Approval Hearing

30. Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that—

“(7) An approval hearing shall focus on a candidate’s academic credential, professional training and experience, personal integrity and background.”

“(8) The criteria specified in the Schedule shall be used by the Committee during an approval hearing for the purposes of vetting a candidate.”
31. In addition, section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be—
 - a) *the procedure used to arrive at the nominee;*
 - b) *the constitutional and statutory requirements relating to the office in question; and*
 - c) *the suitability of the nominee for the appointment proposed having regard to whether the nominee’s abilities, experience and qualities meet the needs of the body to which the nomination is being made.*

2.13 Procedure used to arrive at the nominee

32. Section 12 of the IPOA Act, Cap. 86 provides for the procedure for appointments of the Chairperson and Members of the Board as follows —
 - (1) *The President shall, within fourteen days after the commencement of this Act, constitute a selection panel comprising one person from each of the following bodies respectively—*

- (a) the Office of the President;
 - (b) the Office of the Prime Minister; (replaced by a representative of the Public Service Commission after the first general election under the 2010 Constitution)
 - (c) the Judicial Service Commission;
 - (d) the Commission for the time being responsible for matters relating to anti-corruption;
 - (e) the Kenya National Commission on Human Rights; and
 - (f) the Commission for the time being responsible for matters relating to gender.
- (2) The Public Service Commission shall—
- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among their number; and
 - (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.
- (3) The selection panel shall, within seven days of its convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment for the position of chairperson and members of the Board.
- (4) The selection panel shall—
- (a) consider the applications received under subsection (3) to determine their compliance with the provisions of the Constitution and the Act;
 - (b) shortlist the applicants;
 - (c) publish the names of the shortlisted applicants in at least two daily newspapers of national circulation; and
 - (d) conduct public interviews of the shortlisted persons in public;
 - (e) shortlist three qualified applicants for the position of chairperson;
 - (f) shortlist eight qualified applicants for the position of the members; and
 - (g) forward the names of the qualified persons under paragraphs (e) and (f) to the President.
- (5) The President shall, if he approves, within fourteen days of receipt of the names of successful applicants forwarded under subsection (4)(g), select the chairperson and members of the Commission and forward the names of the persons so selected to the National Assembly for approval.
- (6) The National Assembly shall, within twenty-one days of the day it next sits after receipt of the names of the applicants under subsection (5), vet and consider all the applicants, and may approve or reject any or all of them.
- (7) Where the National Assembly approves of the applicants, the Speaker of the National Assembly shall forward the names of the approved applicants to the President for appointment.
- (8) The President shall, within seven days of receipt of the approved applicants from the National Assembly, by notice in the Gazette, appoint the chairperson and members approved by the National Assembly.
- (9) Where the National Assembly rejects any nomination, the Speaker shall within three days communicate its decision to the President and request the President to submit fresh nominations;
- (10) Where a nominee is rejected by the National Assembly under subsection (9), the President shall within seven days, submit to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the selection panel under subsection (5);

(11) If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (10), the provisions of subsections (1) to (6) shall apply.

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

2.14 The Selection Panel Report

34. The Selection Panel was appointed vide Gazette Notice No. 66 of 10th April 2026. The proceedings before the selection panel are contained in its report dated 12th June 2026 in which it is noted—
- (a) the Panel invited applications via print media and the Public Service Commission website on 28th April 2026 and 30th April 2026;
 - (b) the Panel received a total of 18 applications for the position of Chairperson of the Board;
 - (c) the Panel applied a shortlisting criterion in four rounds for the position of Chairperson of the Board respectively, including the criteria set out in the Constitution, the IPOA Act, quality, relevance and level of experience gained and analysis based on gender, regional balance, ethnic balance, PwD consideration and diversity of skills and competences;
 - (d) the Panel shortlisted sixteen candidates;
 - (e) the Panel published the names of the shortlisted candidates in print media and the Public Service Commission website and invited members of the public to avail critical information on the candidates by way of sworn affidavits. The Panel also requested statutory bodies to conduct background checks on the candidates;
 - (f) the Panel conducted interviews for the position of Chairperson on 3rd, 4th, 5th and 8th June 2026; and
 - (g) upon the conclusion of the interviews, the Panel submitted to the President the names of three persons nominated to the position of Chairperson.

2.15 Constitutional and Statutory requirements

The Constitution

35. Under Article 124(4) of the Constitution, when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament—
- (a) the appointment shall be considered by a committee of the relevant House;
 - (b) the committee's recommendation shall be tabled in the House for approval; and

- (c) the proceedings of the committee and the House shall be in public.

Independent Policing Oversight Authority Act, Cap. 86

36. Section 8 of the IPOA Act establishes the Independent Policing Oversight Board as the governing body of the Independent Policing Oversight Authority. The Act grants the Board all the powers necessary for the proper performance of the functions and the exercise of the powers of the Authority under the Act or any other applicable law.

Membership of the Board

37. Under section 9 of the IPOA Act, the Board consists of—
- (a) a chairperson who shall be a person qualified for appointment as a Judge of the High Court of Kenya;
 - (b) seven other persons appointed by virtue of their knowledge and at least ten years' experience in the fields of criminology, psychology, law, human rights and gender, medicine, alternative dispute resolution, security matters or community policing.
 - (c) The Chairperson of the Kenya National Human Rights and Equality Commission, who shall be an ex-officio member.
38. The Act further provides that members shall at the first meeting of the Board elect a vice-chairperson from among the members appointed under subsection (1)(b), the chairperson and vice-chairperson shall be of opposite gender and the Director shall be the Secretary to the Board but shall not be entitled to vote.
39. On the requirement that the Chairperson to be a person qualified for appointment as a Judge of the High Court of Kenya, the qualifications for appointment as a Judge of the High Court are stipulated under Article 166(2) and (5) of the Constitution. Article 166(2) provides that each judge of a superior court shall be appointed from among persons who—
- (a) hold a law degree from a recognized university, or are advocates of the High Court of Kenya, or possess an equivalent qualification in a common-law jurisdiction;
 - (b) possess the experience required under clause (3) to (6) as applicable, irrespective of whether that experience was gained in Kenya or in another Commonwealth common-law jurisdiction; and
 - (c) have a high moral character, integrity and impartiality.
40. Article 166(5) provides that each judge of the High Court shall be appointed from among persons who have—
- (a) at least ten years' experience as a superior court judge or professionally qualified magistrate; or
 - (b) at least ten years' experience as a distinguished academic or legal practitioner or such experience in other relevant legal field; or
 - (c) held the qualifications specified in paragraphs (a) and (b) for a period amounting, in the aggregate, to ten years.

Qualifications and disqualifications of a member of the Board

41. Under section 10 of the IPOA Act, a person shall be qualified for appointment as a member of the Board if the person—
- (a) holds a degree from a university recognized in Kenya;
 - (b) is fit and proper to serve as a member of the Board charged with upholding and protecting ethics, professionalism, accountability and lawful conduct;
 - (c) is a Kenyan citizen;
 - (d) is not disqualified from serving in accordance with the provisions of subsection (2); and
 - (e) meets the requirements of Chapter Six of the Constitution.
42. A person is disqualified from being appointed or serving as a member of the Board if the person—
- (a) has previously served as a member of the Board;
 - (b) is employed by or is associated with any person who supplies services or goods to the Authority, or whose spouse or other family member is so employed or associated;
 - (c) holds office in a political party;
 - (d) is a member of Parliament or a member of a county assembly or a Governor or Deputy Governor;
 - (e) is a serving police officer, or retired from being such an officer within the five years immediately preceding the commencement of this Act;
 - (f) has been convicted, whether in Kenya or elsewhere, of an offence involving dishonesty or of any other offence for which such person has been sentenced to imprisonment without the option of a fine; or
 - (g) is unable to perform the functions of office due to mental incapacity; or
 - (h) is an undischarged bankrupt.

2.16 Suitability of the nominee for the Proposed Appointment

43. The suitability of the nominee was assessed after scrutiny of the nominee's academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearing conducted on 12th August, 2026.

2.17 Guiding factors in conducting Approval Hearing

44. In conducting the approval hearing, the Committee was guided by Article 250(2)(b) of the Constitution, section 11(5) of the Independent Policing Oversight Authority Act, Cap. 86 and the provisions of section 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

45. Article 250(3) of the Constitution provides that to be appointed as a member to a Commission or Independent Office, a person shall have specific qualifications required by the Constitution or national legislation. Further, Article 250(4) provides that appointments to Commissions and Independent Offices shall consider the national values referred to in Article 10 and the principle that the composition of the Commissions and Offices, taken shall reflect the regional and ethnic diversity of the people of Kenya.
46. Article 73(2) of the Constitution provides for guiding principles of leadership and integrity which include—
- “(a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;*
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;*
 - (c) selfless service based solely on the public interest, demonstrated by—*
 - (i) honesty in the execution of public duties; and,*
 - (ii) the declaration of any personal interest that may conflict with public duties;*
 - (d) accountability to the public for decisions and for decisions and actions; and*
 - (e) discipline and commitment in service to the people.”*

CHAPTER THREE

3.0 MEMORANDA FROM THE PUBLIC ON THE SUITABILITY OF THE NOMINEE

47. Article 118 of the Constitution provides that the Parliament shall facilitate public participation and involvement in the legislative business of Parliament and its Committees.
48. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated.”*
49. Pursuant to Article 118 of the Constitution as read with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F the Clerk of the National Assembly placed an advertisement in the print media on 31st July 2026 inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.
50. The advertisement indicated that the submissions were to be received on or before Monday 10th August 2026, by 5.00 pm.
51. The Office of the Clerk had not received any memoranda contesting the suitability of the nominee.

CHAPTER FOUR

4.0 APPROVAL HEARING OF THE NOMINEE

52. The Committee conducted approval hearing for the nominee to the position of Chairperson of IPOA on **Wednesday, 12th August, 2026**. In conducting the approval hearing, the Committee was guided by the Constitution, the Independent Policing Oversight Authority Act, Cap. 86 and the Public Appointments (Parliamentary Approval) Act, Cap. 7F and the National Assembly Standing Orders.

53. The Committee examined the nominee using the guidelines provided for in section 6(7), (9) and 7 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F.

54. Dr. Duncan Oburu Ojwang appeared before the Committee on Wednesday, 12th August, 2026, and was vetted under oath to examine his suitability. The Committee noted the following—

Citizenship and Place of Birth

55. The nominee is a Kenyan citizen of I.D Number 22xxxx46, born in 1979 in Kericho County, resides in Homabay County, does not have dual citizenship and married with four children.

Academic and Professional Qualifications

56. The nominee holds a PhD in Law from the University of Arizona in 2013, a Master of Laws (LLM) from Indiana University in 2011, and a *Juris Doctor* (JD) in Law from Southern Illinois University in 2008. He also holds a Bachelor of Arts from Indiana University, which he acquired in 2006. He went to Kelunet Primary School in Kericho and later joined Mbita Boys and Alala Secondary Schools.

Employment Record and Work Experience

57. Until April, 2026, the nominee served as a Director, Constitutional Commissions and Independent Offices Liaison, in the Office of the Deputy President of Kenya. He also participated in the NADCO negotiations as part of the secretariat and worked as a Consultant in the South Sudan mediation.

58. The nominee served as a Dean at Africa Nazarene University and as a Senior Lecturer at the University of Nairobi between 2014 and 2016. Between 2011 and 2012, he served as a legal support team member to the UN Special Rapporteur on the Rights of Indigenous Peoples, and from 2008 to 2009 he served as an Assistant Public Defender in Jackson County, Illinois.

Honours and Awards

59. The nominee submitted that he was awarded the Association of Black Lawyers Scholarship and was also awarded the Chief Editor Award by African Nazarene University.

Professional Association and Membership

60. The nominee submitted that he is a member of the American Bar Association.

Publications

61. The nominee stated that he published and authored the following articles, books and journals –
- a) Meroka, A. K., & Ojwang, D. (2018). A Critical Analysis of Legal Research in Kenya: The Nexus between Research Funding, Academic Freedom and Social Responsibility. *Asian Journal of Legal Education*, 5(2), 109–121. <https://doi.org/10.1177/2322005818768682>
 - b) Duncan Ojwang, *Intersection of Law and Culture at the International Criminal Court*. Book accepted to be published by Cambridge publishers (ongoing until May) . Book chapter titled, “Proving Organizational Policy at the International Criminal Court at the expense of Kalenjin cultural exclusion in the trial of William Ruto and Joshua Arap Sang.”
 - c) Duncan Ojwang, “Dismantling Kenya Jurist Stereotypes towards traditional justice systems. Can something good come from article 159 (2) (C) of the Constitution on traditional dispute resolution mechanism?
 - d) Duncan Ojwang, “Environmental Ethics, Culture, Traditional Knowledge and Norms for the Realization of Sustainable Development.” Book Chapter on book Title: *Environmental Governance in Kenya: Implementing the Constitutional Framework* (May 2018)
 - e) Duncan Ojwang, “Converging Ubuntu Principles with Corporate Social Responsibility to Extend Corporate Benefits to Communities,” (2015) *East Africa Law Journal*
 - f) Duncan Ojwang, “Converging Child Identity & Culture with Right to Self Determination, (Lambert Academic Publishing, 2015)
 - g) Duncan Ojwang, “Reviewing the Africa–ICC relation: does the international criminal court’s purpose to ‘end impunity’ reflect the same old selective application of international law? *Africa Nazarene University Law Journal* 4, pp 50 –74 (2016)
 - h) Duncan Ojwang, Agnes Meroka and Francis Situma, “Is technology used to subordinate socially conservative constitutions in Africa? The case of Kenya’s proposed legislation on assisted reproductive technology.” *Africa Nazarene University Law Journal* 4, pp 1 –26 (2016)
 - i) Irungu Kang’ata and Duncan Ojwang, “An ethnically divided society: how centripetalism failed in Kenya in the 2013 and 2017 presidential elections.” *Volume 6 Number 1, Jun 2018, p. 57 – 65*

Public Office, Political Activities and Affiliations

62. The nominee stated that until April, 2026 he was the Director Constitutional Commissions and Independent Office Liaison at the Office of the Deputy President, a member of Nairobi River Commission and Kenya Power Board.
63. The nominee alluded that he was a member of UDA Election Dispute Committee and had vied for Parliamentary seat in Rangwe Constituency in 2012.

Integrity

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

Income and Net-worth

65. The nominee estimated his net worth to be Kshs. fifty million which comprises of land in Rangwe and K'otieno Gem, vehicles, salary and joint businesses in Homabay town.

Potential Conflict of Interest

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

Pro-bono

67. The nominee informed the Committee that he is a member of Kenya Christian Professional Forum Council which advocates for religious liberty and ethical leadership.

General and Sector-Specific Questions to the Nominee

On objective of IPOA and execution of mandate

68. The nominee explained that IPOA's mandate is to hold the police accountable, through overseeing police operations and investigating incidents of alleged misconduct. In discharging this mandate, IPOA also supports officers in executing their duties, builds public trust, and attends to the welfare of police officers.
69. He added that IPOA supports the police in operating with efficiency and professionalism, and in upholding the Constitution.

On maintaining independence and cooperation with Inspector General

70. The nominee assured the Committee that IPOA maintains functional independence, professionalism and impartiality during investigations. He, however, noted that an element of interdependence exists that requires collaboration among institutions, for instance the Inspector-General may need to be notified of ongoing investigations. The Inspector-General is also required to support reforms within the police service to enhance its efficiency and effectiveness.

Job security for IPOA staff

71. The nominee submitted that IPOA has an established staff complement of 1,300, however, owing to financial constraints, it currently employs 300 staff members. He stated that with

adequate resources, staff would enjoy improved terms of service and the Authority would be able to hire more personnel, enabling it to operate optimally.

72. He further stated that IPOA staff serve on five-year contracts and committed to ensuring that the Commission remains objective in reviewing contracts while considering individual staff performance given the sensitive and specialized nature of the Authority's work.

On conversance with Kenya School of Law

73. The nominee stated that the Constitution envisions various paths to being in possession of qualification of a Judge of the High Court, one is through having practised as an advocate in Kenya, or Commonwealth, or having taught law for more than 10 years. He stated that he has taught law in Kenya for about 12 years, and overall for about 15 years.
74. The nominee stated that he has taught constitutional law and human rights. He further stated that the practice of law, as important as it is, the knowledge and intimacy of law is in research. He stated that he has engaged the Council of Legal Education on exemptions since he is a distinguished scholar who has taught law for many years to get a license. The nominee stated that he as a letter from the Council of Legal Education that acknowledges his application and requiring him to pay a prescribed fee.

On IPOA overseeing Kenya Forest Services, Kenya Wildlife Service, Kenya Police Reservists and Kenya Prison Warders

75. The nominee acknowledged that there is a Bill currently before the Senate which seeks to bring the Kenya Forest Service, Kenya Wildlife Service, Kenya Police Reservists and Kenya Prison Warders and the under IPOA's oversight. He observed that this expansion is long overdue, given that officers in these Services handle firearms and should accordingly be subject to oversight as they deal with the public.
76. He added that, should the Bill pass, the resulting expansion of IPOA's mandate would require additional resources to accommodate the wider scope of its work.

On effectiveness of IPOA's operations

77. The nominee acknowledged that the number of concluded cases, as published on IPOA's website, remains low, reflecting insufficient input in the resolution of cases. He noted the need for IPOA to adopt a more strategic approach to cases capable of meaningfully enhancing police accountability.
78. He further observed the need to entrench command responsibility during police operations and to align the code of policing with constitutional standards of professionalism and accountability.

On safety in Police Stations

79. The nominee proposed that all police stations be fitted with CCTV cameras and that officers be required to wear body cameras while on duty. He noted that leveraging digitalization by including digital occurrence books and artificial intelligence would

strengthen accountability and investigations.

80. He added that there is need to train all police officers on policing particularly on human rights elements such as the right to assemble, right to life and human dignity.

On contesting for Rangwe Constituency

81. The nominee stated that he is no longer interested in pursuing politics, and that he holds all elected leaders across the country in high regard.

On motivation for IPOA position

82. The nominee noted that he has been a champion of human rights having presented Kedong Maasai to African Commission and has been intentional in fostering good relations with the society. He has been passionate in speaking truth through research. He intends to apply the same passion in IPOA management.

On public perception of IPOA

83. The nominee stated that the public perception is currently very low especially in reference to complacency, which he intends to improve by even sharing his personal number to the public for ease of access if appointed as Chairperson of IPOA.

On introducing activism in IPOA

84. The nominee stated that he had actively participated in the Building Bridges Initiative (BBI) and the National Dialogue Committee (NADCO) processes, both of which addressed matters of national interest, and affirmed his belief in collaborative and constitutional dialogue.
85. He noted that IPOA's constitutional mandate includes engaging in dialogue with other institutions in the service of Kenyans, and that such dialogue is a means of achieving the Authority's core mandate of holding the police accountable.

On legal gaps in IPOA

86. The nominee identified the need to bring other firearm-holding entities under IPOA's oversight, to grant the Authority powers of arrest, and to strengthen cooperation with the Office of the Director of Public Prosecutions. He further noted the need to review staff policies to provide better terms of service for permanent and pensionable staff.

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

87. The Committee, having reviewed the nominee's completed questionnaire, curriculum vitae and oral submission, made the following observations on his suitability for
88. appointment as Chairperson of the IPOA Board that—
- a. The nominee is eligible for appointment as a member of IPOA Board pursuant to provisions of section 9(1)(a)(b) and 10 (1) and (2) of the Independent Policing Oversight Authority Act, Cap. 86.

- b. The nominee meets the qualifications for appointment as a Judge of the High Court of Kenya, the nominee-
 - i. holds a law degree from a recognized university, the Commission of University Education vide letters dated 6th May 2026 made recognition to the nominee's certificates.
 - ii. possess the experience as a distinguished academic and legal practitioner required for appointment as a Judge of the High Court which he has cumulatively served in various institutions within and outside Kenya.
 - iii. Is a member of the American Bar Association, a distinguished researcher and has a response from the Council of Legal Education on his application for an exemption from undertaking Advocates Training Programme at the Kenya School of Law under section 13(1) and (2) of the Advocates Act, Cap. 16 vide letter dated 6th June, 2022.
- c. The nominee, being a holder of PhD in Law, Masters in Law, and a Bachelor of Arts, having fifteen years in teaching law and research, and other experience in the legal field meets the eligibility criteria for appointment as the Chairperson of IPOA.
- d. The nominee, having obtained clearance from the EACC, KRA, DCI, ORPP and HELB, satisfies the requirements of Chapter Six of the Constitution.
- e. The nominee stated that he has never been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution.
- f. The nominee has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry for the past three years.
- g. The nominee does not hold office in any political party.
- h. The nominee demonstrated an in-depth understanding of topical, administrative, and technical matters related to the responsibilities of the Chairperson of IPOA Board.
- i. Having served in various managerial/administrative roles, both in the public and private sectors, the nominee possesses managerial experience that will be handy in managing both the financial and human resources of the Authority.

CHAPTER FIVE

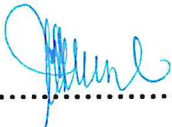
5.0 COMMITTEE GENERAL OBSERVATIONS

89. The Committee, having considered the nominee's academic credentials and professional qualifications, work and professional experience, personal integrity, as well as his performance during the approval hearing, made the following observations—
1. The nominee who appeared before the Committee is a Kenyan citizen and does not hold dual citizenship in conformity with Article 78 of the Constitution.
 2. The nominee meets the qualifications for appointment as a Judge of the High Court of Kenya, the nominee-
 - a) holds a law degree from a recognized university, the Commission of University Education vide letters dated 6th May 2026 made recognition to the nominee's certificates.
 - b) possess the experience as a distinguished academic and legal practitioner required for appointment as a Judge of the High Court which he has cumulatively served in various institutions within and outside Kenya.
 - c) Is a member of the American Bar Association, a distinguished researcher and has a response from the Council of Legal Education on his application for an exemption from undertaking Advocates Training Programme at the Kenya School of Law under section 13(1) and (2) of the Advocates Act, Cap. 16 vide letter dated 6th June, 2022.
 3. The nominee committed not to participate in any other gainful employment while serving as a state officer as required by Article 77(1) of the Constitution.
 4. In accordance with Article 77(2) of the Constitution and the Schedule of the Public Appointment (Parliamentary Approval) Cap. 7F, the nominee does not hold office in any political party.
 5. The nominee demonstrated compliance with Articles 75 and 76 of the Constitution on the conduct and financial probity of state officers. He indicated nonexistence of potential conflict of interest and committed to declare any should it arise.
 6. By the set deadline of receipt of memoranda from members of the public, the Committee had not received any submission from the public on the suitability of the nominee.

CHAPTER SIX

6.0 COMMITTEE RECOMENDATIONS

90. Having considered the suitability, capacity, qualifications and integrity of the nominee during the approval hearing, and pursuant to Article 250(2)(b) of the Constitution, section 11 (5) of the Independent Policing Oversight Authority Act, Cap. 86, section 3 and 8 of the Public Appointments (Parliamentary Approval) Cap. 7F, and Standing Order 216 (5)(f) of the National assembly Standing Orders, the Committee recommends that the House **APPROVES** the nomination for appointment of **Dr. Duncan Oburu Ojwang** as Chairperson of the Independent Policing Oversight Authority .

Signed.......... Date.....18/08/2026.....

HON. GABRIEL TONGOYO, CBS, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

