

Mombasa

I will not be bullied, judge tells lawyer

Lawyers representing the parties in a petition on the governorship race yesterday clashed in court last evening over an application seeking to disqualify a judge.

Former Mombasa senator Hassan Omar wanted Justice Lydia Achode to disqualify herself from hearing the case against the election of Governor Hassan Ali Joho.

But Justice Achode declared that after 30 years on the bench, she would not be bullied by lawyers.

The lawyers for Mr Joho and the Independent Electoral and Boundaries Commission (IEBC) questioned Mr Omar's conduct.

Omar claimed that the judge was biased against him, but Joho's lawyers accused him of holding a vendetta against the judge.

Joho's lawyers also alleged that Omar was bitter after losing in the August 8 polls and was now trying to find an excuse for the collapse of a petition they described as 'incurable and incompetent'.

The former senator wants Joho's victory overturned, alleging fraud.

Omar's lawyer

Omar's lawyer, Yusuf Abubakar, told Justice Achode that although it was distressing to tell judges to disqualify themselves from a case, he had no choice but to do so because it was what his client wanted.

Abubakar said Omar got offended when the judge rejected his application to have a scrutiny of the votes and that whenever the other parties made an application, it was accepted.

"We wanted to question the academic background of the governor but our plea was reject. That was a demonstration of bias," said Abubakar.

However Joho's lawyer, Mohamed Balala, dismissed Omar's application for the judge to disqualify herself as 'desperation', saying he feared that his case could be dismissed.

In her ruling, the judge said she would not be intimidated or swayed from doing the right thing by sideshow applications.

During the hearing, which extended past 5pm and had to move to the Chief Magistrate's chamber after power went off, IEBC lawyer Paul Nyamodi said Omar's action was regrettable. **[Willis Oketch]**

Transport

Police vow to restore sanity

Police have pledged to deal ruthlessly with drivers who break traffic rules in the wake of the withdrawal of National Transport Safety Authority personnel from roads.

Assistant Inspector General of Police Charles Owino said traffic duties have always belonged to police. President Uhuru Kenyatta on Tuesday ordered NTSA officers off Kenyan roads leaving the enforcement of traffic rules to police.

Asked what the police would do differently to reduce road carnage that has shone the spotlight on NTSA, Mr Owino promised tougher enforcement, increased advocacy campaigns.

"The issue of accidents is a collective responsibility for all of us. The only thing that we can do most is advocacy campaigns," he told *The Standard*.

"We will be more strict, more tough on people and with no compromise," he added.

He dismissed claims of conflict between traffic police and NTSA, saying that the two would continue working together. "We have been doing traffic duties ever since Kenya started having police on the roads. NTSA's work is majorly policy formulation," he said. **[Wainaina Wambu]**

Vacuum. Five key offices unable to discharge duties effectively because they have no substantive heads

Concern raised over gaps left in key commissions

Lawyer says positions or offices that make executive decisions are the most affected by a lack of commissioners or heads.

By Protus Onyango and Cyrus Ombati

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Experts are concerned that five constitutional commissions and the office of the Director of Public Prosecutions (DPP) cannot discharge their duties effectively because they do not have substantive heads.

The DPP's office is currently unable to prosecute treason suspects because this can only be done by the director.

Former DPP Tobiko Keriako resigned last Friday ahead of his nomination by President Uhuru Kenyatta to the Cabinet. He is still awaiting vetting by Parliament.

The Salaries and Remuneration Commission (SRC) has no chairperson or commissioners. Sarah Serem and her team exited when their non-renewable six-year term expired at the end of last year.

Kenyans may have a long wait before the next commission is constituted as Parliament, which is mandated to vet the nominees, is still on recess until February 13.

And the Parliamentary Service Commission (PSC), which deals with MPs and staff welfare, is yet to pick a nominee to the commission.



Former Director of Public Prosecutions Keriako Tobiko.

Just yesterday, PSC Secretary and Clerk of the Senate Jeremiah Nyegenye advertised the position in local dailies.

Interested persons have up to February 2 to apply.

Similar position

Mr Nyegenye also advertised a similar position on behalf of the Senate to represent the 47 county governments.

Lawyer Kamotho Waiganjo, a former commissioner with the defunct Commission for the Implementation of the Constitution (CIC), said commissions or offices that make executive decisions were the most affected by lack of commissioners or heads.

National Gender and Equality Commission Chairperson Winfred Lichuma and the commissioners also left office when their term



Former National Gender and Equality Commission chairperson Winfred Lichuma.

ended last year.

At the National Cohesion and Integration Commission, chairman Francis ole Kaparo and his team are also headed for home.

The Commission for Administrative Justice (CAJ) and Commission for Revenue Allocation (CRA) have acting chairpersons.

In January last year, Commission on Administrative Justice vice chairperson Regina Mwatha took over on New Year's Day in an acting capacity pending the hiring of a substantive boss.

This followed Otiende Amollo's early retirement as Ombudsman ahead of the end of his six-year term in November. Mr Amollo is now the MP for Rarieda.

In the same month, the President replaced the CRA team, including chairman Micah Cheserem.



Former Salaries and Remuneration Commission chairperson Sarah Serem.

He appointed Jane Kiringai in an acting capacity to replace Mr Cheserem.

Same problem

The remaining 10 commissions are facing the same problem as most of them were created after the 2010 constitution.

This means the terms of most commissioners are coming to an end after the mandatory six years.

Outgoing DPP Mr Tobiko said his exit would not leave a vacuum.

Secretary of Public Prosecutions Dorcas Oduor will take charge in an acting capacity before Tobiko's successor is appointed, he said in Nairobi.

He was addressing senior staff from the DPP headquarters and all the 47 counties.

Nakuru. County executive learns about new barley variety



Agriculture. Narok County Agriculture Executive Evelyn Koian (right) and East African Maltings General Manager Lawrence Maina inspect a new variety of barley known as Grace during the Annual Barley Field Day at Sansora Farm in Mau Narok, Nakuru County. The new variety, introduced by the University of Eldoret in collaboration with East African Maltings Ltd, has a high yield. **[Kipsang Joseph, Standard]**