Annex 3:

Advertisement published in the Standard and Daily Nation newspapers on invitation for submission of memoranda from the public

Health CS touts major investments and reforms in the health sector aimed at improving access to and quality of ca

Hospitals blocking patients to lose licences

Duale tells hospitals payment delays or system downtime are no justification for denying patients care

BY ANGELA OKETCH AND COLLINS OMULO

Health facilities that turn away patients will have their Social Health Authority (SHA) portal suspended or their operating licences revoked, Health Cabinet Secretary Aden Duale has warned.

The CS said the government's patience with facilities that cite SHA payment delays or system downtime as justification for denying care has run out, adding that neither excuse carries legal or moral weight.

"You are denying patients treatment because SHA has not paid you. SHA will pay you in accordance with the law. We will not stand by and watch patients suffer when you are supposed to give them treatment and then be paid," he said.

Health facilities, the CS said, are legally obligated to provide services to all Kenyans, and failure to do so is a direct violation of citizens' constitutional right to healthcare, which cannot be held hostage to billing disputes or technical glitches.

Mr Duale told the *Nation* that SHA has released Sh4.1 billion to clear part of the arrears owed to primary healthcare facilities across the country, accumulated over October, November, December and January. An additional Sh11.3 billion has been released, bringing the total disbursement to Sh15.4 billion. He said the release of funds would be accompanied by intensified scrutiny.

"SHA has money, but the money belongs to the people of Kenya. It is not meant for people to pocket in the name of fraud. We will identify facilities that want to steal from SHA. We will fight fraud," he said.

Speaking at a retreat with senators in Naivasha last Friday, the CS said free primary healthcare has been rolled out across all counties, with more than eight million Kenyans already accessing services without paying at level two and three facilities..

SHA has designated green-labelled facilities, contracted level 2 and 3, and selected level 4 facilities, where patients can walk in, receive care and leave without paying for covered primary healthcare services. These services include outpatient consultation, diagnosis and treatment of common illnesses, basic laboratory tests, essential medicines, preventive and promotive health services, and referral to higher-level facilities.

To improve transparency and reduce confusion among patients about what they are entitled to, SHA will place service charters in all facilities, clearly showing patients what services are covered. Facilities offering fully free primary healthcare will be green-labelled, while those offering higher or specialised levels of care will carry a different colour code.

Mr Duale also reported significant progress on the digitisation of Kenya's health system, with 10,277 health facilities now linked to the Taifa Care system and over 30,000 digital devices deployed across the country. Health data is being hosted locally under a new Kenya-United States partnership designed to safeguard data sovereignty, addressing longstanding concerns about where sensitive health information is stored and who controls it.

The ministry has also regularised the status of medical interns, formalised and equipped 107,000 community health promoters who serve as the first point of contact between the health system and households, and brought them under the SHA benefits package.

An investment of Sh6.18 billion in diagnostic equipment has be made under the National Equi ment Support Programme.

Despite the progress, Mr Duale a knowledged that significant cha lenges remain, particularly in harm nising health laws in the country devolved system, and in advancir the Quality Healthcare and Patier Safety Bill, which he described as cri ical to standardising the level of car Kenyans receive regardless of facilit or county.

"The state of our healthcare is trans forming. We have moved from a defi cit-ridden NHIF [National Health In surance Fund] to a surplus-generat ing SHA, stopped the haemorrhage of public funds and redirected resourc es to the mwananchi," he said.

He called for urgent exchequer re leases of Sh5.9 billion to clear pend ing primary healthcare claims, a sup plementary budget of Sh11.9 bil lion to cover projected deficits, and Sh2.04 billion to support the mater nity package.

Health Cabinet Secretary Aden Duale addresses journalists at the Ministry of Health offices in Nairobi on March 10. BONFACE BOGITA I NATION

Sh4.1bn

Amount the Social Health Authority recently released to cle arrears owed to primary healtl care facilities.

State allocates Sh4.2 billion to universities

- Public universities have been grappling with funding crises for many years.
- The Student-Centred Funding Model was introduced in 2023 to address funding challenges.

MIKE KIHAKI, NAIROBI

Public universities are expected to receive Sh4.2 billion this week to support continuing students under the government's new higher education financing system.

The funds, to be disbursed by the Universities Fund, will support learners enrolled under the Student-Centred Funding Model (SCFM), a framework introduced to improve higher education financing.

Chief Executive Officer of the Universities Fund Edwin Wanyonyi sai[illegible]e latest allocation forms part [illegible]budgetary provisions for the [illegible]5/2026 financial year.

"In the 2025/2026 financial year, the Universities Fund has already disbursed Sh8.4 billion in scholarship support," said Wanyonyi.

The disbursement comes two months after the government released funds in early January to support scholarships for financially needy students in universities.

Kenya's higher education sector has expanded significantly over the last decade, creating both opportunities and funding pressures.

The country now has 83 universities with hundreds of thousands of students.

At the same time, the number of students qualifying for university admission has increased sharply.

Government data shows that the number of students qualifying for university entry rose from 62,581 in 2017 to 270,715 in 2025, representing a 332 per cent increase.

The surge in enrollment has intensified the demand for funding to support tuition, infrastructure and student welfare.

For years, universities have faced financial challenges due to delayed government disbursements and a growing student population, with institutions often struggling to meet operational costs.

The introduction of the Student-Centred Funding Model in 2023 was aimed at addressing these challenges by restructuring how public funds are allocated to universities.

Under the new model, government support is directed to students rather than institutions, with funding levels determined by the learner's needs.

Universities Fund Chief Executive Officer Edwin Wanyonyi. [File, Standard]

SH8.4

AMOUNT in billions that the Universities Fund has disbursed to institutions n the 2025/26 Financial Year, according to Chief Executive Officer Edwin Wanyonyi.

This marks a shift from the previous system where funds were allocated directly to universities based on enrollment numbers.

So far, 437,648 students have benefited from scholarships under the model, with the government having disbursed more than Sh37 billion to support undergraduate education.

"The model ensures that students from vulnerable backgrounds receive greater support, while those with higher financial capacity receive less government subsidy," said Wanyonyi.

To qualify for government scholarships, students must be placed in public universities through the Kenya Universities and Colleges Central Placement Service (KUCCPS).

Applicants must also have sat the Kenya Certificate of Secondary Education (KCSE) examination in 2022 or later and apply through the Higher Education Financing (HEF) Portal once placement results are released.

"A new cohort of students who sat the 2025 KCSE examination and attained the minimum university entry grade will be expected to apply for scholarships through the HEF Portal," said Wanyonyi.

The latest disbursement follows a technical workshop involving registrars and finance officers from public universities aimed at improving management of scholarship funds.

During the meeting, officials were trained on the Universities Fund Institutional Portal, a digital system designed to help institutions submit and verify student data, reconcile funds and improve accountability in the administration of scholarships.

The platform is expected to streamline financial reporting and ensure funds reach the intended beneficiaries.

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Expectations as Nadco report handover nears

- Team formed by Ruto and Raila to audit implementation is finalising report.
- Report on 10-point reform agenda could have implications of next year polls.

STANDARD REPORTER, NAIROBI

With weeks left before its mandate expires, the committee on the implementation of the National Dialogue Committee (Nadco) report, is preparing to hand over its final document.

The report is expected to reveal how much of the ambitious 10-point reform agenda have moved from paper to practice.

Formed between President William Ruto and the Opposition, led by Raila Odinga, after months of political tension and street protests, the team was tasked with stabilising the country and recommending reforms in elections, the economy, governance and constitutional order.

On August 6 last year, UDA and ODM established the team, chaired by Dr Agnes Zani. She says the committee has developed a framework to evaluate the progress made.

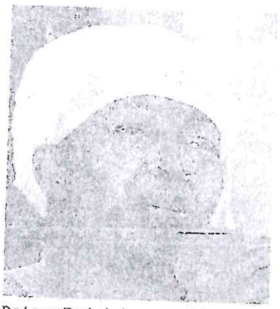
"We have engaged stakeholders in and outside the government to access the progress on the implementation of the Nadco report and the 10-point agenda. They have been very supportive, and they have proposed key inputs and ideas towards full implementation of the Nadco recommendations."

According to the chair, the team has engaged the Executive, Parliament, the Judiciary, state commissions, NGOs and other stakeholders, including holding county public forums.

On electoral reforms, Zani says the restructuring and reconstitution of the Independent Electoral and Boundaries Commission has been completed. The IEBC (Amendment) Act, 2024, is now in place. It will ensure the commission reviews its operations after every General Election, and compel it to develop internal guidelines "within three months of its reconstitution".

She adds that Kenyans called for amendments to Article 138 of the Constitution to clarify the role of commissioners in verifying presidential results before declaration by the chairperson, and changes to the Elections Act to streamline the processing and declaration of results.

Parliament will be expected to



Dr Agnes Zani, chairperson of the Nadco report implementation committee.

> "We have engaged stakeholders in and outside the government to access the progress on the implementation of the Nadco report and the 10-point agenda,"
>
> Dr Agnes Zani, chair, implementation committee.

pick six experts "to evaluate the 2022 electoral process within 21 days of the adoption of the Nadco report", with the panel mandated to hire a firm or consortium to conduct the review.

On boundaries delimitation, the blueprint directed amendments to Article 89 to allow Parliament to extend review timelines where justifiable, and the enactment of the County Boundaries Bill, 2023, within six months.

Under the cost of living agenda, the report required national and county governments to halve their travel budget, reduce daily subsistence allowances by 30 per cent through the Salaries and Remuneration Commission, and freeze the establishment of new state corporations.

The national government was also to "within three months undertake an audit of the operational and financial efficiency, viability and sustainability of State-owned enterprises" and adopt zero-based budgeting to curb wastage.

Parliament, meanwhile, was directed to fast-track anti-corruption legislation, amend Article 203(2) to guarantee counties at least 20 per cent of nationally raised revenue, and review criminal justice laws to expand non-custodial sentences.

On devolution, the MoU emphasised protecting counties from "any possibility of claw back," ensuri "timely and predictable disburs ment of devolved funds," and con pleting the transfer of all devolve functions within six months.

Youth livelihoods agenda calls fo "urgent and massive investment i all high-potential sectors of the econ omy, including mining, blue economy agriculture and ICT," alongside na tionwide stimulus programmes to create employment.

On governance, the committee urged enforcement of Chapter Six the protection of the right to peaceful assembly, compensation of victims of protest-related abuses, and measures to "stop the spectre of abductions and extra-judicial killings."

The national debt agenda demanded a clear reckoning: "Conduct an audit of how much has been borrowed in the past and how it has been used," and "stop the ballooning of the national debt."

As the committee prepares to submit its scorecard, the spotlight turns to the Executive, county governments, Parliament, the Judiciary, and independent commissions, all repeatedly listed as duty bearers.

The moment will also be critical for President Ruto and the ODM, coming at a time the Raila party is struggling to hold together after his exit.

POLITICS

ODM and UDA to hold joint parliamentary group meeting

ODM and UDA parties will hold a parliamentary group meeting to review the progress of the 10-point agenda signed between President William Ruto and former Prime Minister Raila Odinga two years ago

ODM Chairman Gladys Wanga yesterday said the two parties are working towards ensuring that the country achieves its development goals as it is envisioned by their supporters.

"The framework of the agreement between ODM and UDA is focused on tackling youth unemployment, enhancing national unity, inclusivity in governance and development, promoting integrity in public service and ending wastage in government which we are committed to," said Wanga after a National Executive Committee meeting in Nairobi.

Leaders allied to the party Secretary General Edwin Sifuna did not attend the meeting.

Deputy Secretary General Catherine Omanyo said the party was ready for the National Delegates Conference on March 27, a meeting that will set the pace on how ODM would conduct its business as the country gears for the General Election.

"The National Delegates Conference we will be holding intends to ensure that we maintain the vision of our founder the late Raila Odinga, who wanted justice and fairness for all Kenyans and also the equitable sharing of the national cake," said Omanyo.

National Assembly Minority Leader Junet Mohamed said the meeting would conclude pending issues, but could now name specif matters the party hopes to resolve.

ODM chairperson Gladys Wanga. [File]

"We have given 21 days' notice for the conference. We will be giving the agendas for the meeting this Friday in the various media platforms, so I am asking journalists to relax since they will be the first to know what we are intending to achieve during the National Delegates Conference," he said.

The Suna East MP said decisions they would be making will be out to ensure that the best interests of their followers are observed, and they will strive to maintain the ideals of the late Raila.

One of the main issues the party is expected to confront is the confirmation of Oburu Oginga as the party leader.

Oburu led the meeting but left before the press briefing. [Edwin Nyarangi]

Politics In this arrangement, coalition partners agree not to field candidates in each other's strongholds

Zoning dilemma for Ruto, Oburu in coalition talks

The two main parties in broad-based government hold sharply opposing positions

BY MOSES NYAMORI AND SAMWEL OWINO

Zoning of traditional bases has emerged as a contentious issue in the pre-election coalition talks between President William Ruto's United Democratic Alliance (UDA) and the Orange Democratic Movement (ODM).

The two main parties in the broad-based government hold sharply opposing positions. UDA has ruled out zoning, while ODM has listed it as one of its irreducible minimums in the planned ...ations.

Zoning is a political arrangement in which coalition partners agree not to field candidates in each other's strongholds. President Ruto and top UDA officials have said they are ready for 'friendly fire' with their coalition partners, arguing that ODM should not fear competition if it is genuinely popular in its traditional bastions. UDA has, however, indicated it could compromise in certain areas, such as Nairobi, through joint nominations with ODM.

ODM wants affiliate parties, including UDA, barred from fielding candidates in its traditional bases, especially in Nyanza. Insiders say retaining its strongholds is crucial if the party is to maintain a substantive stake in the next government.

Zoning has been contentious in past elections. In 2022, the late Prime Minister Raila Odinga was forced to drop the plan after fringe parties threatened to leave the Azimio la Umoja One Kenya Coalition when asked to step down in favour of 'popular' parties. Conversely, coalitions have lost strategic seats due to sibling rivalry. In 2017, the National Super Alliance (NASA) lost the Lang'ata parliamentary seat to Jubilee after fielding multiple candidates, splitting the vote in favour of Nixon Korir.

On Tuesday, ODM interim party leader Oburu Oginga led MPs in a Parliamentary Group meeting that listed zoning as a condition before entering a pre-election coalition with UDA. Lawmakers singled out Western and Coast as regions where UDA already has 2027 aspirants seeking to challenge sitting MPs elected on ODM tickets.

> Wherever either party wins, we will celebrate together. We will also accommodate losers in the government
>
> President William Ruto

"Kilifi, for instance, is an ODM base, but as we sit here, I already have a competitor from UDA while our people are told to continue singing about the broad-based government. We need to know whether they will field candidates or not so that I know who I will face in 2027," said a second-term MP from Kilifi.

Minority Leader Junet Mohammed said zoning would be among the issues tabled in negotiations. "On the negotiations with UDA, we have given the Party Leader the mandate to come up with a plan on how it is going to be done, and all other things, including zoning, will be part of it," he said.

The party has resolved to retain all its current seats in the National Assembly and Senate and to win more. "We are telling any party that wants to associate with us that our parliamentary numbers are not negotiable," Mr Mohammed said.

President William Ruto (right) with Siaya Senator and ODM leader Oburu Oginga. FILE I NATION

Dr Oburu reportedly told MPs that the negotiating team would push for zoning. Homa Bay Town MP Peter Kaluma has also said zoning is part of ODM's irreducible minimum, warning that any breach would collapse negotiations.

Critics view the move as an attempt to protect sitting MPs loyal to the current leadership and to lock out alternative political outfits. Some ODM MPs argue zoning could deny regions the right leaders and trigger voter apathy, potentially hurting Dr Ruto's re-election if ODM endorses him.

Speaking in Kajiado County, President Ruto said UDA is ready for 'friendly fire' in 2027. "Wherever either party wins, we will celebrate together. We will also accommodate losers in the government," he said.

UDA Secretary-General Hassan Omar and National Elections Board chairman Anthony Mwaura have reiterated that the party will field candidates in all areas, with joint nominations as the only possible compromise.

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | FIFTH SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA AND PUBLIC HEARING ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THIKA MUNICIPALITY

CANCELLED

The Senate Standing Committee on Devolution and Intergove[illegible]l Relations is currently considering the application for conferment of city status to Thik[illegible]unicip[illegible]ty pursuant to Section 8 (5) of the Urban Areas and Cities Act, Cap 275.

Section 7 of the Urban Areas and Cities Act, Cap 275, pro[illegible]s th[illegible] the President may upon a resolution of the Senate, confer city status on a [illegible]nicipality [illegible]ting the criteria under Section 5 of the Act.

In accordance with the provisions of Article [illegible] of the Constitution, the Committee on Devolution and Intergovernmental Relations no[illegible] invites in[illegible]ed members of the public to submit any representations that they may have on [illegible] matte[illegible] by way of memoranda.

The memoranda may be subm[illegible]ed to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of [illegible] Cl[illegible] of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.sena[illegible]@parl[illegible]ent.go.ke and copied to senate.devolution@parliament.go.ke to be received on or before [illegible] **[illegible]th March, 2026 at 5.00 p.m.**

In addition, the [illegible] will hold a public hearing on the afore-mentioned matter on **Friday, 6th March, 2[illegible] at [illegible] a.m.** at **Thika Municipal Chambers**, Thika Town. Members of the public are wel[illegible]e to atte[illegible] this hearing.

J. M. NYE[illegible], CBS,

CLERK OF THE SENATE.

Western sees return of Muliro-Kijana duo

jana in 2003, the Western region has been carved into "political fiefdoms" by leaders who often traded community interests for personal survival within larger national coalitions. In the 1960s through to the 90s, Muliro, and later Wamalwa Kijana, provided a brand of leadership that was intellectual, fearless, and unifying.

Muliro was the grandfather of principled resistance while Wamalwa was the "Grand Vizier" who used eloquence and charm to bring the Mulembe nation into the heart of government in 2002. After Wamalwa, that flame flickered out, replaced by a more timid, reactive form of politics.

But in Natembeya and Sifuna, the region is seeing the resurrection of that specific DNA: The Muliro Bravery and the Wamalwa Articulation. Natembeya has done something no Western leader has dared to do in twenty years. He has called out the "Kings" of the region. His "Tawe" (No) movement is a direct descendant of Muliro's stubborn refusal to bow to oppressive systems.

Natembeya's background as a high-ranking administrator gives him a unique presence. Unlike traditional politicians who meander, Natembeya speaks with a bluntness that resonates with a youth population tired of empty rhetoric. When he says "Tawe," he isn't just saying no to individual leaders. He is saying no to the status quo of poverty and political servitude.

Coming from one of the Luhya's largest subtribes, the Bukusu, Natembeya's message has crossed the border into Vihiga, Kakamega, and Busia. By framing the struggle as a fight against "political poverty" rather than a fight for "Bukusu dominance," he is dismantling the very tribal walls that have kept the region divided.

On his part, Sifuna seemed to have grabbed Kijana's oratory skills. While Natembeya is the "General" on the ground, Edwin Sifuna is the "Orator" in the chambers. Sifuna captures the essence of Wamalwa Kijana's intellectualism: the ability to articulate complex national issues with wit, legal precision, and a touch of defiance.

Sifuna's position as Senator of Nairobi, the most powerful devolved legislative seat, gives him a national platform that he uses to project his vibrance. He represents the "Global Luhya," proving that the community's leadership isn't confined to the village but is capable of commanding the capital city.

Like Wamalwa, Sifuna has redefined the role of the opposition, providing a sharp, ideological contrast to the current administration. This "principled aggression" is what the Western region has lacked. For too long, its leaders were seen as "gentle" to the point of being ignored. Sifuna ensures the Mulembe voice is too loud to overlook.

The reason the Muliro-Wamalwa era was so potent was the combination of elder statesmanship and youthful energy.

Politics

2002

YEAR

WAMALWA Kijana became vice president, having teamed up with Mwai Kibaki and Raila Odinga to trounce the Kanu government out of power.

As Natembeya provides a model for governance by transforming Trans Nzoia, therefore allowing proof that his leadership is about service delivery, not just rallies, Sifuna, at the Senate, has provided legislative prowess, a political cover and a national narrative. He handles the high-stakes chess of Nairobi politics, ensuring the region's interests are protected at the policy level.

For years, the region has revolved around a few aging suns such as Cotu leader Francis Atwoli. Natembeya and Sifuna are offering a graceful exit for the old guard. They aren't necessarily fighting the elders; they are simply outgrowing them. They are moving the conversation from "Who will be the Luhya Kingpin?" to "What is the Luhya Agenda?"

The elusive unity is finally within reach because it is being built on shared grievances rather than shared bloodlines. The youth of Western Kenya, the "Boda Boda" and the "Digital" generations, do not care about the old sub-tribe rivalries. They care about jobs, dignity, and a leader who doesn't tremble when speaking to power.

The "Jinx" of Western Kenya was never a curse from the ancestors; it was a lack of vision from the living. By channeling the spirit of Muliro's defiance and Wamalwa Kijana's brilliance, Natembeya and Sifuna are stitching the fabric of the region back together.

They are the harbingers of a new era where "Luhya Unity" isn't a tool for a few men to negotiate for Cabinet slots, but a unified front to demand economic justice and national respect.

The "Tawe" movement and the "Sifuna Fire" are the two halves of a key that might finally unlock the unmatched potential of the Western region.

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Violation Courts said Constitution does not give president discretion in appointment of judges

Former President Uhuru Kenyatta during the funeral mass for the late Cyrus Jirongo in Lumakanda, Kakamega County, on December 30, 2025. JARED NYATAYA I NATION

Politics, espionage and Sh175m bill for Uhuru's blunder

Former President Kenyatta refused to appoint judges to various courts, citing intelligence reports on their suitability

BY SAM KIPLAGAT

President Uhuru Kenyatta's refusal in 2020 to appoint 41 judges – even with court orders directing that he does – was a potent mix of politics, espionage and Executive hardball that taxpayers are paying for years later.

At the time, Mr Kenyatta cited an intelligence report that indicated some of the 41 nominees were not fit for the positions. To date, that intelligence report, and its contents, remain a secret that only a handful of people know about.

One of the nominees, Harrison Okeche, died in October, 2020, three months after the Judicial Service Commission's (JSC) sent his name to Mr Kenyatta for appointment to the Environment and Land Court (ELC).

The refusal has now proven to be an expensive blunder, as taxpayers bear the financial brunt of Mr Kenyatta's decision.

Last week, petitions by 22 judges who were nominated to the JSC sailed through, bringing the total awards stemming from the former president's 2020 decision to Sh175 million.

That amount does not include legal bills that taxpayers will also have to refund to the successful petitioners.

The 22 judges were awarded a total of Sh55 million for violation of their rights after waiting for 21 months to be sworn in.

In October, 2024, another six judges, four recommended for the Court of Appeal and two for the ELC, sued the Attorney-General and were awarded Sh120 million after being kept waiting for about three years.

The petitions have been successful for a number of reasons, the main one being the doctrine of legitimate expectation. The law does not give the president discretion in appointing those nominated by JSC. On the part of the judges, it was not far-fetched for them to expect their appointment to be confirmed and then sworn in. Therefore, their 21-month wait, in the eyes of the law, was a violation of their rights.

> They suffered mental and psychological anguish, a serious violation of rights and fundamental freedoms by the person holding the highest office in Kenya
>
> Court

In its judgment last week, the High Court ruled that Mr Kenyatta's unproven assertions, coupled with his prolonged refusal to appoint the judges, gravely damaged their self-worth and professional standing by portraying them as unethical and unworthy of office.

"The unwarranted stigmatisation by the Respondent exposed them to public ridicule, with phrases being coined such as the one described by Justice Lilian Gathoni referring to the whole cohort of 41 nominees as 'Ali Baba and the forty thieves'," said the court.

In an earlier decision, the court highlighted that judges Aggrey Muchelule, Weldon Korir, Prof Joel Ngugi and George Odunga of the appellate court, along with Evans Makori and Judy Omange of the ELC, had their appointments gazetted on September 13, 2022 and sworn in the following day after a three-year wait.

They had argued that the president's inaction violated their constitutional rights and fundamental freedoms. They stated that the issue was not an employer-employee dispute but a constitutional violation since the Constitution did not give the president an option or discretion in appointing judges.

Their exclusion, they said, left them in an awkward position and anxious, unsure of what was happening and when they would be appointed.

The court agreed with them, noting that once the process of nomination of persons to be appointed as judges was complete, the president's mandate was limited to putting in place mechanisms to appoint them.

The president, the court said, could not purport to process, vet, approve or disapprove the nominees.

The court further noted that the AG failed to explain why the president did not appoint the judges, despite the Constitution limiting the president's mandate to appointing judges in line with JSC recommendations.

"The President's refusal, inaction or omission to appoint the petitioners as judges of the Court of Appeal and the ELC was not based on any law and it thus violated the Constitution and the petitioners' rights and fundamental freedoms," said the court.

According to the judgment, in a country where citizens often believe whatever the president says, the judges endured a difficult period. The four appellate judges continued serving in the High Court, while the two others remained as a magistrate and Registrar of the High Court.

"They suffered mental and psychological anguish, a serious violation of rights and fundamental freedoms by the person holding the highest office in Kenya," said the court.

The court said that there can be no worse violation than when the president of a democratic country makes public statements and innuendos casting aspersions on the suitability of officers recommended by the constitutionally mandated body.

"It is even more critical and a grave matter in situations where the persons have been recommended for appointment to serve in positions as sensitive as those of judges of superior courts where holders of those offices are expected to be the custodians of the constitution, justice and the rule of law," added the court.

In the recent decision, the judges said they suffered public humiliation and prolonged uncertainty due to the president's conduct. They explained that they had resigned from their previous organisations following the JSC's recommendation, only to endure 21 months of hardship and uncertainty.

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Sh55m

Amount recently awarded to 22 judges who were kept waiting for 21 months after JSC recommended their appointment