

5. Pending complaints or other relevant information received from any person or body, including the –

- i. Law Society of Kenya;
- ii. Kenya Anti-Corruption Commission;
- iii. Advocates Disciplinary Committee;
- iv. Advocates Complaints Commission;
- v. Attorney-General;
- vi. Public Complaints Standing Committee;
- vii. Kenya National Human Rights and Equality Commission;
- viii. National Intelligence Service;
- ix. Police; or
- x. Judicial Service Commission.

## **XI. VETTING CRITERIA.**

In considering the relevant considerations the Panels shall specifically look into a criteria which involves the following aspects:-

- i. Professional competence,
- ii. Written and oral communication skills
- iii. Integrity,
- iv. Fairness,
- v. Temperament,
- vi. Good judgment
- vii. Legal and life experience,
- viii. Demonstrable commitment to public and community service,



## **XII. VETTING PROCEDURE.**

1. The judges are to be vetted in the following order of priority starting from Court of Appeal judges, High Court judges, Chief Court Administrator, Chief Magistrates and other Magistrates.
2. Panels to undertake Information Gathering through Interviews with vetting candidates and scrutinizing their Employment records.

3. Judges and magistrates to be given notice including being furnished with a summary of all complaints against them.
4. Hearings to be in camera unless the specific judge or magistrate requests for a public hearing.

## **XIII. DETERMINATION.**

1. If the Board upon making a determination that any Judge or magistrate is unsuitable to continue serving then those persons shall be informed within thirty (30) days of making that decision.
2. This information shall be in writing specifying the reasons for that determination.
3. Once such a judge or magistrate is informed he/she shall be deemed to have been removed from service.
4. The decision to remove a judge or magistrate shall be made public.

## **XIV. REVIEW/APPEALS.**

1. Any judge or magistrate dissatisfied with the decision of the board may request for a review by the same panel within seven days of being informed of that determination.
2. The board has discretion to accept or refuse review based on whether there is new or compelling evidence which was not previously available.
3. The decision of the Board to accept or refuse a review (hence affirming unsuitability) shall be final.

## **XV. VETTING TIME FRAME.**

1. Preparatory period of two months before commence

ment for the Board to strengthen its administrative structures.

2. The vetting exercise once started is to take place for a period of one year extendable by Parliament for a further duration of not more than one year.
3. The vetting of judges of the Supreme Court ( who were by 27<sup>th</sup> August 2010 serving in the court of appeal, other court of appeal judges and high court judges shall be vetted within the first three (3) months.
4. The rest of the magistrates shall be vetted within six months.
5. The requests for reviews if granted shall be considered only after conclusion of the entire vetting exercise and shall be determined within a period of one month.

## **XVI. VOLUNTARY RETIREMENT AND TERMINAL BENEFITS.**

1. A judge or magistrate shall, within three months of the commencement of the Act, choose whether to be subjected to the vetting process or to leave the judicial service voluntarily.
2. A judge or magistrate who chooses to leave the judicial service voluntarily or is found unsuitable after vetting shall be entitled to terminal benefits for early retirement.



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