

1 Personal and Professional Particulars

- a) Full Name: **Elisha Zebedee Ongoya**
- b) Year of Admission to the Bar: **2005**
- c) Firm: **Ongoya and Wambola Advocates**
- d) Institutional Affiliation: **Kabarak University, School of Law**
- e) Contact details: eongoya@gmail.com; **+254 722 981 020**

2 Admission and Standing at the Bar

- a) Certificate of Admission dated 15 December 2005 (**Annexure EZO 01**)
- b) Practising Certificate dated 01 January 2025 (**Annexure EZO 02**)
- c) Certificate of Good Standing from the Law Society of Kenya dated 24 September 2025 (**Annexure EZO 03**)

3 Compliance with Statutory Requirements

I have maintained continuous professional practice for twenty (20) years, from 2005 to 2025, as evidenced by my Practising Certificates in **Annexure EZO 04**. This documentation reflects my commitment to the legal practice and my adherence to the required professional standards throughout my career. Additionally, I have a clean professional record, confirmed in **Annexure EZO 03**, the Certificate of Good Conduct, as at 24 September 2025, which shows that no adverse disciplinary actions have been taken against me. This record highlights my unquestionable and irreproachable integrity and professionalism, positioning me as a reliable and competent advocate within the profession.

4 Advocacy Before Superior Courts of Record

Throughout my career, I have made a significant impact on the legal landscape of Kenya through my involvement in landmark cases heard by the Supreme Court, Court of Appeal, and High Court. These cases encompass a wide range of topics, including constitutional law, electoral law, human rights, judicial independence, devolution, and public finance management. In each of these cases, I have represented parties at the heart of constitutional, electoral, and governance disputes, not only resolving immediate legal issues but also influencing the development of our legal system.

My advocacy has shaped Kenyan constitutional practice and contributed to comparative jurisprudence beyond our borders. The judgments resulting from these landmark cases continue to guide courts, practitioners, and scholars in Kenya and beyond, reflecting my dedication to upholding constitutionalism, promoting justice, and defending the rule of law. I have left an indelible mark on the growth of Kenyan jurisprudence, with my work helping to reinforce the principles that underpin our legal framework.

A list of the landmark cases is as below: -

4.1. Supreme Court Cases

- 1) ***Supreme Court Advisory Opinion No. 2 of 2012: In the Matter of the Principle of Gender Representation in the National Assembly and the Senate (Advisory Opinions Application 2 of 2012) KESC 5 (KLR)***

(Annexure EZO 05)

I appeared as learned counsel for the Centre for Rights Education and Awareness (CREAW), an *amicus curiae*. The Supreme Court addressed whether Article 81(b) on the two-thirds gender rule required immediate implementation in the March 2013 general elections or merely progressive realisation. My position, alongside other counsel for CREAW and the Centre for Multi-party Democracy (CMD), was initially jurisdictional; I argued that the gender question concerned national government exclusively and was not a proper matter for an Advisory Opinion, suggesting the Attorney General's motion was an abuse of process since he had bills pending to address the legislative gap. Substantively, my position supported the view of most *amici curiae* that the two-thirds gender principle was a binding constitutional requirement for immediate realisation in elections, arguing that the principle of progressivity was primarily associated only with socio-economic rights, not political rights. Ultimately, the Court's majority opinion held that the gender principle relating to the National Assembly and the Senate had not matured into a fully enforceable right and was amenable only to progressive realisation, directing that legislative measures be taken by August 27, 2015.

This Advisory Opinion is foundational to Kenyan constitutional jurisprudence, as it definitively clarifies several critical areas. First, it provided a detailed understanding of "progressive realisation," defining it as the phased-out attainment of a human rights goal requiring a chain of protracted legislative, policy, or programmatic measures by the State, even where the term "shall" is used. The Court differentiated between specific normative rights, like the gender rule for County Assemblies (immediate realisation), and aspirational principles, like the rule for the National

Assembly and Senate (progressive realisation). Second, on the separate question of Presidential elections, the Court unanimously developed jurisprudence affirming that its exclusive original jurisdiction under Article 140 extends to the whole range of the electoral process, not just disputes arising after a President-elect is declared. Crucially, the Court adopted a purposive approach, reading the 30-day timeline for a second-round election (Article 138(5)) to mean 30 days from the date when disputes regarding the first round are judicially resolved, thus upholding fairness and the legitimacy of the electoral process.

2) *Raila Odinga & 5 Others v Independent Electoral and Boundaries Commission & 3 others [2013] eKLR*

(Annexure EZO 06)

In the 2013 presidential election petition, Raila Odinga, AfriCOG, and others challenged the validity of the presidential results by pointing to failures in biometric voter registration, electronic voter identification, and the results transmission system. The Supreme Court consolidated the petitions and ultimately upheld Uhuru Kenyatta's victory, holding that the election was conducted in "substantial compliance" with the Constitution and electoral law. It also struck out late-filed affidavits and rejected a request for a forensic audit of IEBC's ICT systems, stressing the need for strict adherence to timelines in presidential petitions. While I did not appear on record as counsel in the Supreme Court, I contributed to Raila Odinga's wider advisory and research network. My expertise in electoral law, including co-authoring the *Handbook on Election Disputes in Kenya (2013)*, fed into the strategic framing of issues like the tension between procedural formalism and the pursuit of substantive justice in electoral disputes.

The decision became a cornerstone of Kenyan electoral jurisprudence by clarifying standards of proof in election disputes, settling the question of how rejected votes should be treated in tallying, and entrenching the principle that presidential petitions are bound by uncompromising procedural timelines. My scholarship reinforced jurisprudential themes that the Court eventually engaged with, such as the doctrine of "substantial compliance" (balancing minor irregularities against overall electoral integrity), the evidentiary burden in proving malpractice, and the procedural rigidity of filing deadlines in election petitions. Though my role was indirect, my influence illustrates how legal scholars shape electoral jurisprudence not only by appearing before the bench but also by equipping litigants with arguments and frameworks that define Kenya's evolving approach to democracy, technology, and the rule of law.

3) ***Petition No. 12 of 2021 (consolidated with Petitions 11 & 13 of 2021 – Building Bridges Initiative: The Hon Attorney General and Others Vs David Ndi and Others.***

(Annexure EZO 07)

At the Supreme Court stage, I represented Dr. Ojwang and Dr. Ambani (74th and 75th Respondents), presenting their scholarly critiques as authoritative guidance for the justices. For Dr. Ojwang, my advocacy pressed the argument that constitutional fidelity required rejecting amendments born out of unconstitutional processes. I urged the Court to consider whether implied substantive limits exist to constitutional change in Kenya, echoing Ojwang’s scholarly stance. For Dr. Ambani, I again emphasized that allowing the President to commandeer a popular initiative fundamentally undermined citizen sovereignty, framing Ambani’s research as a key interpretive tool for the Court. My role, therefore, was to distill their academic insights into precise legal arguments that shaped the highest court’s constitutional reasoning.

The Supreme Court’s decision reshaped Kenyan jurisprudence by refining the doctrines first articulated by the High Court and Court of Appeal. While it rejected the wholesale adoption of the “basic structure doctrine,” it affirmed crucial safeguards: that presidential overreach in constitutional amendments is unconstitutional, and that a popular initiative must remain a citizen-driven process. This ruling balanced judicial restraint with robust protection of the people’s sovereignty, embedding into Kenyan law the principle that constitutional change cannot be executive-driven under the guise of popular reform. Through my representation of Ojwang and Ambani, the Court was able to engage deeply with both theoretical and practical dimensions of constitutional amendment, leaving a nuanced yet enduring precedent.

4) ***Kenya Magistrates & Judges Association v Judges & Magistrates Vetting Board & another KEHC 7522 (KLR)***

(Annexure EZO 08)

As counsel for the Kenya Magistrates & Judges Association, I argued successfully that the Judges and Magistrates Vetting Board’s mandate was strictly limited to conduct that occurred on or before the promulgation of the Constitution on 27 August 2010. I contended that the Board, a transitional body, was unconstitutionally encroaching upon the jurisdiction of the Judicial Service Commission (JSC) by investigating complaints arising after this “effective date”. The High Court agreed, affirming that the Board’s temporal jurisdiction was confined to acts and omissions preceding the new constitutional order.

Jurisprudentially, this case is a landmark in Kenyan constitutional law for being among the first, if not the first, to formally adopt the remedy of "reading-in" words into a statute to ensure its conformity with the Constitution. The Court read words into Section 18 of the Vetting of Judges and Magistrates Act to clarify the Board's limited scope, thereby preserving the legislation while curing its unconstitutional application. This established a crucial judicial tool for harmonising statutes with constitutional principles without resorting to outright nullification.

5) Institute for Social Accountability & another v Senate & 5 others (Petition 1 of 2018) [2022] KESC 39 (KLR)

(Annexure EZO 09)

I appeared as counsel for the petitioners in the landmark Supreme Court case that successfully challenged the constitutionality of the Constituencies Development Fund (CDF) Act of 2013. I argued that the CDF Act fundamentally violated Kenya's constitutional architecture established in 2010. My submissions centered on the argument that the Act created a parallel system of government at the constituency level, which is not envisaged in the Constitution as a unit for service delivery. I successfully contended that the Act usurped functions constitutionally assigned to county governments, such as local infrastructure and community projects, thereby undermining the principles of devolution and creating confusion and duplication of roles.

Jurisprudentially, this case has profoundly shaped Kenyan law on the separation of powers, devolution, and public finance management. My arguments led the Supreme Court to declare that involving Members of the National Assembly in the implementation of projects created a conflict of interest, as they could not simultaneously implement executive functions and provide oversight over them. The Court affirmed that the CDF Act improperly allocated a percentage of national revenue before the equitable division between national and county governments, violating core principles of public finance. The final judgment, which declared the CDF Act, 2013 unconstitutional, serves as a cornerstone decision reinforcing the distinct functions of the legislature and the executive, protecting the financial autonomy of county governments, and ensuring that public funds are managed within the structures ordained by the Constitution..

6) Member of Parliament Balambala Constituency v Abdi & 7 others [2023] KESC 35 (KLR)

(Annexure EZO 10)

I appeared as counsel for the appellant, the Member of Parliament for Balambala Constituency, in the Supreme Court case concerning the distinction between administrative and electoral units.

I successfully argued that the lower courts had erred by conflating the national government's power to create administrative units (like locations and sub-locations) for service delivery with the Independent Electoral and Boundaries Commission's (IEBC) exclusive constitutional mandate to delimit electoral boundaries (constituencies and wards). I also argued that public participation is not a legal requirement for the routine administrative act of recruiting government officers like chiefs and assistant chiefs, and that the courts had misapplied a prior judgment on electoral boundaries to this distinct administrative matter.

Jurisprudentially, this landmark Supreme Court opinion provides a definitive clarification on the separate constitutional and statutory pathways for creating administrative versus electoral units, reinforcing the distinct mandates of the Executive and the IEBC. The judgment is crucial for Kenyan jurisprudence as it clearly defines the scope and limits of public participation under Article 10 of the Constitution, establishing that it is not required for routine administrative acts like recruitment but is mandatory for public policy decisions. This decision sets a vital precedent for future disputes on boundaries and governance, ensuring that the roles of different state organs are not conflated and that the principle of public participation is applied appropriately..

4.2. Court of Appeal

1) *Speaker of the National Assembly v Centre for Rights Education & Awareness & 7 others* [2019] KECA 655 (KLR)

(Annexure EZO 011)

As counsel for the 1st and 2nd Respondents (Centre for Rights Education & Awareness and Community Advocacy & Awareness Trust), my colleagues and I had the privilege of appearing before the Court of Appeal to oppose the appeal lodged by the Speaker of the National Assembly. The fundamental question was whether Parliament had failed to enact legislation to fully implement the two-thirds gender principle and, consequently, whether the constitutional default mechanism under Article 261 should be invoked. We vigorously submitted that the High Court was expressly empowered by Article 261(5) and (7) to make the orders it did, specifically the declaration of failure and the contingent order of *mandamus* directing dissolution if the sixty-day deadline was missed. We rejected the Appellant's claims that the matter was *res judicata* or that the Speakers were improperly joined, affirming that the constitutional breach stemmed from Parliament's demonstrable and deliberate failure to act, despite the passage of the Supreme Court's deadline in 2015.

The Court of Appeal's dismissal of this appeal is a jurisprudential victory for legislative accountability in Kenya. The ruling affirmed that the failure of Parliament to implement the gender principle constitutes a violation of the rights of women and the Constitution itself. Crucially, the Court upheld the mandatory nature of the Article 261 default mechanism, rejecting the Appellant's assertion that implementing this provision would result in a "constitutional crisis". Instead, the Court held that the actual crisis lay in the deliberate legislative refusal to obey the Constitution. By confirming that the provisions of the Constitution must be read holistically to promote human rights and by validating the mechanism leading to parliamentary dissolution, this case establishes a firm deterrent against legislative inertia and ensures that the binding constitutional command for gender equality cannot be frustrated.

**2) Civil Appeal No. E282 of 2021 (Consolidated with Civil Appeal Nos. E287, E288, E289, E290, E292, E293, E294, E295, E296, E297, E298 & E400 of 2021):
*Attorney General & 2 others v. David Ndi & 82 others***

(Annexure EZO 012)

I represented both Dr Duncan Ojwang and Dr John Osogo Ambani, constitutional law scholars who intervened as respondents in the BBI appeals. For Dr Ojwang, my role was to advance arguments that the BBI process violated the Constitution's spirit and structure by bypassing procedural safeguards and allowing state actors to distort amendment pathways. I highlighted Ojwang's warnings that overturning the High Court's judgment would embolden unconstitutional practices in amendment processes. For Dr Ambani, I emphasised the dangers of allowing the President to spearhead a "popular initiative," arguing that such a move undermined citizen sovereignty and distorted Article 257's original intent.

The Court of Appeal litigation made a lasting contribution to Kenyan jurisprudence by cementing, for the first time, the recognition of limits on constitutional amendment powers. It introduced into Kenyan discourse the "basic structure doctrine," borrowed from comparative jurisdictions, and underscored that even popular amendments cannot override the fundamental design of the Constitution. Furthermore, it clarified that the "popular initiative" pathway is strictly a citizen-driven process, not open to presidential manipulation. Although later refined by the Supreme Court, these pronouncements broadened Kenya's constitutional theory and strengthened the judiciary's role as guardian of the people's sovereignty against state overreach.

3) ***Gachagua & 5 others v Maingi & 80 others [2025] KECA 790 (KLR)***

(Annexure EZO 013)

In the case of *Gachagua & 5 others v Maingi & 80 others (Civil Appeal E829 of 2024 & E022 of 2025 (Consolidated)) KECA 790 (KLR)*, I appeared as counsel for the appellant, H.E. Rigathi Gachagua, in a matter of significant constitutional importance following his impeachment as Deputy President. The central issue revolved around whether the Deputy Chief Justice (DCJ) has the constitutional authority to empanel a High Court bench under Article 165(4), a power explicitly granted to the Chief Justice. I argued that this power is exclusively reserved for the Chief Justice and that the Constitution does not permit the DCJ to exercise such functions, even in the Chief Justice's absence, without a formal appointment to act in that capacity and taking the requisite oath of office. I submitted that since no evidence was presented of the Chief Justice's inability to act, the DCJ's empanelment of the three-judge bench that handled the impeachment petitions was unconstitutional and void.

Jurisprudentially, this case provided a landmark clarification on the separation and scope of powers within the Judiciary's leadership. The Court of Appeal agreed with our position, holding that the power to empanel a bench under Article 165(4) is a constitutional administrative mandate exclusively reserved for the Chief Justice. The Court established that the DCJ could only exercise this function in demonstrable exceptional circumstances, which must be clearly communicated to the parties and the public to ensure transparency and accountability. This decision is foundational in delineating the specific, non-delegable constitutional functions of the Chief Justice from the general deputising role of the DCJ, thereby ring-fencing critical judicial administration mandates and reinforcing the principles of constitutional legality and accountability within the Judiciary.

4) ***Kenya Magistrates & Judges Association v Turinga & 2 others [2022] KECA 457 (KLR)***

(Annexure EZO 014)

I appeared as counsel for the Kenya Magistrates & Judges Association in an application before the Court of Appeal seeking an extension of time to file the Memorandum and Record of Appeal. Specifically, I swore the supporting affidavit for the Motion dated February 18, 2021, explaining why my client could not meet the statutory deadline for filing the appeal documents. I deposed that after receiving the certified copies of the judgment and proceedings on October 12, 2020, my home was tragically gutted down by fire on October 30, 2020. This immense personal tragedy forced me to take three months of leave from the office to resettle my family, meaning I did not

resume work until February 2021, by which time the deadline for filing the appeal record had already passed (December 11, 2020). I submitted that the delay was neither inordinate nor inexcusable, arguing that the intended appeal was not frivolous.

Jurisprudentially, the ruling affirmed the application of settled principles governing the Court of Appeal's wide and unfettered discretion to extend time, even when considering procedural breaches. The Court of Appeal, guided by precedents like *Leo Sila Mutiso v. Rose Hellen Wangari Mwangi*, focused on the length and reason for the delay, and the chances of the appeal succeeding. Crucially, the Court accepted the explanation of the delay caused by my personal catastrophe, stating that "in the normal vicissitudes of life, deadlines will be missed," thereby demonstrating that judicial discretion accommodates unique personal circumstances when determining whether a delay is excusable. Since the respondents did not oppose the motion and the intended appeal was deemed not frivolous, the Court allowed my application, directing the filing of the appeal documents within twenty-one days.

**5) *Judicial Service Commission v Mayieka & 22 others*
[2025] KECA 1220 (KLR)**

(Annexure EZO 015)

I appeared as counsel for the 23 respondents, who were legal researchers employed by the Judicial Service Commission (JSC). My clients' central grievance was that the JSC had unilaterally and unlawfully varied their employment contracts by changing them from open-ended to fixed-term, and by reducing or withdrawing certain allowances like the responsibility and risk allowances without consultation. I argued that these actions violated their constitutional rights to fair administrative action, fair labour practices, equal protection of the law, and defeated their legitimate expectation of long-term employment and career progression. The Court of Appeal largely agreed with my submissions, finding that the JSC's actions were indeed unilateral, unfair, and a violation of the respondents' rights under Articles 27, 41, and 47 of the Constitution .

Jurisprudentially, this case makes a significant contribution to Kenyan employment and constitutional law by affirming that an employer, even a constitutional commission like the JSC, cannot unilaterally vary fundamental terms of an employment contract to the detriment of employees without proper consultation, as mandated by section 13 of the Employment Act . The judgment reinforces the doctrine of legitimate expectation in employment, clarifying that an employer's consistent representations of long-term prospects can create enforceable expectations for employees . Furthermore, the court's decision underscores that altering agreed-upon terms, such as reducing allowances specified in appointment letters, constitutes a breach

of contract and a violation of the right to fair labour practices, regardless of internal policies or alleged budgetary constraints.

6) *Erad Supplies & General Contractors Limited v National Cereals and Produce Board & another* [2025] KECA 346 (KLR)

(Annexure EZO 016)

In the case of Erad Supplies & General Contractors Limited v National Cereals and Produce Board & another, I appeared alongside Mr Saende and Mr Kangogo as learned counsel for the applicant, Erad Supplies & General Contractors Limited. My role was to argue for the striking out of an appeal filed by the National Cereals and Produce Board. The core of my argument was that the Court of Appeal lacked jurisdiction to hear the appeal, which stemmed from a High Court decision on an arbitral award under section 35 of the Arbitration Act. I contended that entertaining the appeal would infringe on my client's constitutional rights and undermine the principle of promoting arbitration as a dispute resolution mechanism.

Jurisprudentially, this ruling is important as it addresses the procedural limitations for challenging a Court of Appeal's jurisdiction in arbitration matters. The Court clarified that an application to strike out an appeal because no appeal lies must adhere to the strict thirty-day time limit stipulated in the Court of Appeal Rules (then Rule 84, now Rule 86). The Court held that the argument that jurisdiction can be raised at any time does not override this mandatory procedural requirement for filing a striking-out application, thus reinforcing procedural certainty in appellate practice concerning arbitral awards.

4.3. High Court

- 1) Constitutional Petition No. E282 of 2020 (Consolidated with Petitions No. E397 of 2020; E400 of 2020; E401 of 2020; E402 of 2020; E416 of 2020; E426 of 2020; E433 of 2020; E447 of 2020; E450 of 2020; E454 of 2020 & Judicial Review No. E291 of 2020)**

(Annexure EZO 017)

I appeared for the Petitioners in Petition No. E400 of 2020, namely Khelef Khalifa, Ikal Angelei, and Jerotich Seii. I argued that the Building Bridges Initiative (BBI) process was not a genuine "popular initiative" under Article 257, but an unconstitutional, state-sponsored process driven by the President. My position was that a popular initiative is a power exclusively reserved for the ordinary citizen ("Wanjiku") to exercise sovereign power directly, and cannot be initiated by the President or any other elected representative. I further contended that the BBI process was a

clandestine attempt by the political class to usurp the people's power, evidenced by its origins in a presidential taskforce and the use of public resources to promote it. I also challenged the legality of presenting an omnibus bill with multiple amendments as a single "Yes" or "No" referendum question, arguing that each proposed amendment must be presented as a distinct question to allow voters to exercise their free will.

Jurisprudentially, my arguments in this petition were central to the High Court's landmark determination that a popular initiative under Article 257 is a power reserved exclusively for the ordinary citizen, not for the President or any state organ. The court's finding that the President had contravened the Constitution by initiating the amendment process established a foundational precedent that clearly separates the exercise of direct sovereignty by the people from the indirect, delegated sovereignty exercised by elected representatives. This decision significantly shaped Kenyan constitutional law by creating a powerful safeguard against executive-led constitutional changes masquerading as people-driven initiatives, thereby entrenching the direct power of the citizenry in constitutional reform.

2) ***Zadock Simwa Zebedee v Erick Wapang'ana T/A Magharibi Investment Machinery*** [2015] KEHC 2070 (KLR)

(Annexure EZO 018)

I acted as counsel for the applicant, Zadock Simwa Zebedee, who was appealing a judgment from the Mumias Senior Principal Magistrate's Court. I filed a Notice of Motion seeking to stay the execution of the lower court's judgment and to enlarge the time for filing the appeal. My main argument was that the delay in filing the appeal was caused by the court file going missing after the judgment was delivered, which prevented us from obtaining the necessary documents in time. I also swore an affidavit explaining these circumstances and argued that my client should not be denied his right to appeal due to the conduct of the trial magistrate and the unavailability of the court file.

Jurisprudentially, this ruling clarified the High Court's position on granting a stay of execution, particularly concerning costs and the conditions under Order 42 Rule 6(2) of the Civil Procedure Rules. The court affirmed that a stay order cannot be granted in respect of costs and underscored the necessity for an applicant to demonstrate that they will suffer substantial loss if the stay is not granted. The case also serves as a precedent on the importance of filing an application without unreasonable delay and confirmed that a stay's purpose is to preserve the subject matter of an appeal, which was not the situation in this instance, as the applicant was only challenging the costs.

3) ***Mwangaza v Speaker of the Senate of Kenya; Council of Governors & 6 others (Interested Parties) [2025] KEHC 3069 (KLR)***

(Annexure EZO 019)

In the matter of Governor Kawira Mwangaza's impeachment, I appeared as counsel for the Petitioner, Hon Kawira Mwangaza, in the High Court petition challenging the Senate's resolution to remove her from office. My role involved arguing that the entire impeachment process before the Senate was unconstitutional, procedurally flawed, and a violation of her fundamental rights, including the right to a fair hearing under Article 50 of the Constitution. I contended that the Senate's proceedings were invalid because they were conducted in defiance of a court order, were based on matters that were *sub judice*, and failed to meet the constitutional threshold for impeachment. Despite these arguments, the High Court found the petition to be without merit and dismissed it, affirming the Senate's resolution to remove the Governor from office.

Jurisprudentially, this case contributes to the development of the law on gubernatorial impeachments in Kenya, particularly concerning the High Court's role in reviewing the Senate's decisions. The judgment clarified the court's position on several key issues, finding that while court orders must be obeyed, the Senate could not be faulted in this instance due to a lack of clarity and proper service. It also set a high bar for successfully challenging Senate proceedings on the grounds of *sub judice*, requiring a petitioner to demonstrate a real threat to their rights or the administration of justice. Furthermore, the case highlighted a procedural loophole where a petitioner can split their grievances into two separate petitions in different courts, one against the County Assembly and another against the Senate, a practice the court suggested should be closed in future litigation to allow for a more holistic judicial review.

4) ***Okoiti & 6 others v Cabinet Secretary for the National Treasury and Planning & others; Commissioner-General, Kenya Revenue Authority & 3 others (Interested Parties) [2023] KEHC 25872 (KLR)***

(Annexure EZO 020)

I appeared as counsel for the 25th to 28th petitioners in the consolidated petitions challenging the constitutionality of the Finance Act, 2023. My arguments centered on sections 26 and 84 of the Act, contending that they imposed limitations on employees' rights under the Employment Act that were not reasonable and justifiable in an open and democratic society. Specifically, I argued that the imposition of the housing levy could cause the net pay of some employees to fall below the legally mandated one-third of their wages, and that increasing the individual income tax beyond

30% limited the employees' right to enjoy their income to the greatest extent possible, contrary to Articles 24 and 40 of the Constitution.

Jurisprudentially, this High Court opinion is a significant landmark in public finance and constitutional law, particularly concerning the limits of legislative power in taxation. The court's declaration that Section 84, which introduced the Affordable Housing Levy, was unconstitutional established critical principles. It affirmed that any tax must be supported by a comprehensive legal framework to ensure transparency and accountability, as required by Articles 10, 201, 206, and 210 of the Constitution. Furthermore, the judgment reinforced the principle of fair taxation under Article 201(b)(i), finding that selectively imposing the levy on salaried workers without a rational justification was discriminatory, arbitrary, and unconstitutional. This decision sets a crucial precedent on the procedural and substantive requirements for introducing new levies, protecting taxpayers from arbitrary and inequitable fiscal policies

7) *Gachagua v Speaker of the National Assembly & 3 others* [2024] KEHC 12876 (KLR)

(Annexure EZO 021)

I appeared as counsel for the petitioner, Rigathi Gachagua, the Deputy President of the Republic of Kenya, in the High Court at Nairobi (Milimani Law Courts) in Petition E550 of 2024. My legal team sought urgent conservatory orders to restrain the Senate from proceeding with the impeachment process initiated by the National Assembly. We argued that the resolution passed by the National Assembly on 08 October 2024 was invalid on several grounds, including the violation of the petitioner's non-derogable right to a fair hearing (Article 50(1) and 25(c)) and the failure to conduct proper public participation as required by the Constitution and Supreme Court precedent. I teamed up with Senior Counsel Mr Paul Muite, Mr Macharia, Miss Waigwa, and Mr Njomo to urge the court to grant these conservatory orders. Despite highlighting substantial concerns, including implausible statistics presented in the public participation results (such as 70 people supporting the motion out of 43 attendees in Keiyo South constituency), the High Court declined the prayer for the grant of conservatory orders in its ruling delivered on 15 October 2024.

Jurisprudentially, this ruling makes a significant contribution by clarifying the scope of judicial review over parliamentary processes while adhering to the principle of separation of powers. The Court confirmed that the High Court maintains expansive jurisdiction under Article 165(3)(b), (d), and (6) to investigate whether a constitutional process, such as impeachment, has violated fundamental rights or contravened the Constitution, specifically rejecting the argument that Article 165(3)(c) ousted jurisdiction over impeachment under Article 145/150. However, in line with

binding Supreme Court precedent (such as *Justus Kariuki Mate v Martin Nyaga Wambora*), the Court ruled that it must exercise judicial restraint and allow the legislative arm to complete its constitutionally committed mandate before intervening, thus declining the conservatory orders. Crucially, the ruling firmly entrenched the principle that constitutional processes are not beyond the reach of the law, emphasising that the Constitution is supreme, and any action contravening its fundamental principles (like human rights or public participation) is "incurably bad" and subject to subsequent judicial remedy once the parliamentary process concludes.

8) ***Centre for Rights Education and Awareness & 2 others v Speaker the National Assembly & 6 others [2017] eKLR***

(Annexure EZO 022)

I appeared as counsel for the Centre for Rights Education & Awareness (CREAW), the Petitioner, alongside Mrs Judy Thongori and Ms Wangechi. Our primary contention was that the respondents, the Attorney General (AG) and the Commission on the Implementation of the Constitution (CIC), had failed in their constitutional duty to prepare and table the necessary legislative Bills by the Supreme Court-mandated deadline of 27 August 2015. I presented oral submissions arguing that the AG and CIC had failed the test of "reasonableness and practicability" in exercising their mandate under Article 261(4), thereby, threatening a violation of the two-thirds gender principle enshrined in Articles 27(8) and 81(b) of the Constitution. I successfully convinced the Court that the petition was not premature, as Articles 22 and 258 allow parties to approach the Court for relief if a constitutional contravention is *threatened*, intending to pre-empt the violation. Ultimately, the Court agreed that there was an apparent failure and a clear threat of violation, ruling that the AG and CIC had violated their obligation to prepare the Bills "as soon as reasonably practicable".

Jurisprudentially, this case, decided in June 2015, became a crucial precedent for the judicial enforcement of affirmative action timelines and governmental accountability regarding constitutional implementation. The High Court confirmed that decisions of the Supreme Court, including Advisory Opinions, are authoritative statements of the law and are binding on all state organs. Critically, the judgment affirmed the expansive reach of the High Court's jurisdiction to intervene when a violation of the Constitution is merely threatened, utilising the remedial provisions of the Bill of Rights to ensure the effective implementation of the supreme law. By granting a declaration of violation and issuing an Order of Mandamus, the Court compelled the AG and CIC to prepare the requisite Bills within forty days, thereby enforcing compliance with Article 261(4). This judicial intervention underscored the necessity of realising the constitutional

promise to address historical inequities and ensure the equitable representation of women and other marginalised groups, challenging the "socialisation of patriarchy"

9) **Constitutional Petition Number 182 of 2015: *Centre for Rights, Education and Awareness & Another vs The Hon Attorney General & The Commission for the Implementation of the Constitution***

(Annexure EZO 023)

I served as counsel for the Centre for Rights Education & Awareness (CREAW), the Petitioner, along with Mrs Judy Thongori and Ms Wangechi in this case, which proved to be both foundational and transformative in Kenya's constitutional jurisprudence. The matter arose a few months before the Supreme Court's deadline of 27 August 2015, which had directed the implementation of the gender principle in Parliament. The petition challenged the Attorney General and the defunct Commission for the Implementation of the Constitution (CIC) for failing to take any meaningful steps to prepare legislation that would give effect to this principle, as advised by the Supreme Court in its earlier advisory opinion.

We sought declarations that both respondents had breached their constitutional obligations under Article 261(4) and had failed to act on the Supreme Court's guidance. We also prayed for an order of mandamus compelling them to prepare and table the necessary Bills before Parliament.

Justice Mumbi Ngugi delivered a landmark judgment on 26 June 2015, declaring that the respondents had indeed violated their constitutional duty by failing to prepare the relevant legislation. The court further held that this failure posed a real threat to the realisation of Articles 27(8) and 81(b), which safeguard gender equity in public representation. Most significantly, the court issued an order of mandamus directing the respondents to prepare and table the Bills within 40 days.

This case was a turning point in enforcing constitutional accountability and affirming the judiciary's role in compelling legislative action. It laid a firm foundation for future litigation on gender equity and constitutional implementation, and I am proud to have been part of this transformative moment in Kenya's legal history.

7) ***National Transport and Safety Authority v Elisha Z. Ongoya & 2 others* [2019] KEHC 5171 (KLR)**

(Annexure EZO 024)

I was the 1st Respondent in this case at the High Court, where I successfully opposed an application by the National Transport and Safety Authority (NTSA) for a stay of execution pending

their appeal. Having been awarded Ksh 3,500,000 in general damages and Ksh 1,500,000 in exemplary damages in the lower court, I argued that the NTSA had not met the legal requirements for a stay, such as demonstrating substantial loss or providing security for the amount awarded. I countered their claim that I might be unable to refund the money by asserting that I am not a "man of straw" and have a steady income as a reputable advocate and a senior law lecturer, along with multiple properties.

Jurisprudentially, this ruling clarified that government parastatals established as body corporates, capable of suing and being sued, cannot hide behind the veil of being a "government institution" to avoid their legal obligations, specifically the requirement to furnish security for costs when seeking a stay of execution. The court found that the NTSA's argument that it was exempt under Order 42, Rule 8 of the Civil Procedure Rules was invalid, as its establishing act gives it a separate corporate identity. This decision reinforced the principle that public bodies are accountable and must adhere to the same procedural rules as other litigants, and that citing the protection of public funds is not a sufficient reason to shirk legal responsibilities or deny a successful litigant the fruits of their judgment.

8) *Okoti & 6 others v Cabinet Secretary for the National Treasury and Planning & 3 others; Commissioner-General, Kenya Revenue Authority & 3 others (Interested Parties)* [2023] KEHC 25872 (KLR)

(Annexure EZO 025)

In the significant constitutional challenge against the Finance Act of 2023, I appeared as counsel for the 25th to 28th petitioners. My arguments focused on the unconstitutionality of sections 26 and 84 of the Act, which introduced a new top income tax band and the Affordable Housing Levy, respectively. I contended that these provisions unfairly limited employees' rights under the Employment Act beyond what is reasonable and justifiable in an open and democratic society based on human dignity. Specifically, I argued that the imposition of the housing levy could cause some employees' net pay to fall below the statutory one-third of their wages, violating Article 24 of the Constitution, and that increasing the individual income tax rate beyond 30% contravened the right to property under Article 40 by limiting employees' ability to enjoy their income to the greatest possible extent.

Jurisprudentially, this case made a landmark contribution by striking down the Affordable Housing Levy as unconstitutional. The High Court found that the levy, as introduced by Section 84 of the Finance Act, lacked a comprehensive legal framework, violating principles of good governance, transparency, and accountability under Articles 10, 201, 206, and 210 of the Constitution. The

court also declared the levy discriminatory as it unfairly targeted persons in formal employment while excluding other income earners without a rational justification, which was deemed arbitrary and a violation of Articles 27 and 201(b)(i) of the Constitution. This judgment reinforces the principle that the state's power to tax is not absolute and must adhere to constitutional standards of fairness, equity, and non-discrimination, thereby setting a crucial precedent for future public finance litigation in Kenya.

**9) *Cooperative Bank of Kenya v Ongoya & another* [2023] KEHC 22460 (KLR)
(Annexure EZO E026)**

I was involved as the 1st Respondent (and formerly a Plaintiff before the trial court) in the High Court matter of *Cooperative Bank of Kenya v Ongoya & another* (Civil Appeal E048 of 2017). My co-respondent and I sued the Appellant after I received an erroneous SMS alert on 23 December 2010, detailing a debit card transaction of Kshs 5,994, despite the fact that I had not used my Visa card. This erroneous message caused me significant mental anguish and stress, forcing me to divert my route to Nakuru to investigate the transaction's source at Nakumatt, Ngong Road. The Bank ultimately attributed the entire mix-up to its IT department, which had relayed the message to the wrong phone number, leading us to commence a suit alleging negligence and seeking general damages. The trial court awarded both of us Kshs 500,000/= each for stress and mental anguish, a decision the Bank appealed. However, after re-evaluating the evidence, the High Court agreed with the lower court's finding that the Bank was negligent, confirming that the institution must be held accountable for the 'IT mix-up' because the system is under its exclusive control, thus breaching its duty to exercise reasonable care and skill toward its customers.

Jurisprudentially, this High Court judgment, delivered on 21 September 2023, is significant for clarifying the scope of accountability for negligence within the banking sector, particularly concerning IT failures and erroneous electronic alerts. The opinion firmly established that a bank owes its customer a duty "to exercise reasonable care and skill" in its operations, and the failure to do so, such as relaying the wrong message, constitutes a breach of this duty. Crucially, the court reinforced the strict ingredients required to prove defamation by setting aside the damages awarded to the 2nd Respondent, noting that the text message did not refer to me personally and, therefore, the test for defamation was not met. Furthermore, the court applied principles for appellate review of damages, finding the initial award "inordinately high," and consequently reduced the general damages for stress and mental anguish for each of us from Kshs 500,000/= to Kshs 300,000/=. Nonetheless, this decision has subsequently been cited in future civil and

commercial judgments, affirming its role in shaping standards of banking liability and the assessment of damages.

10) *Kitany v Tripple A Law LLP & another* [2024] KEHC 2685 (KLR)

(Annexure EZO 027)

The case revolves around an affidavit made by a Member of the National Assembly, falsely claiming that she paid Kshs 517,567/- to a client of Ongoya & Wambola Advocates through the firm, which was untrue. To protect the firm's reputation, I swore an affidavit to compel Credit Bank to clarify the status of the cheques and to urge the Director of Criminal Investigations to investigate potential perjury.

From a jurisprudential perspective, the ruling clarifies the purpose of sections 22 and 23 of the Civil Procedure Act, emphasising that these provisions are designed to gather evidence related to the primary dispute, rather than to address collateral issues like reputational harm. Although the court dismissed the application, noting the judgment debtor's mistake was "honest and inadvertent," the case highlights the necessity of aligning judicial remedies for discovery with the substantive matters at hand. This contributes to legal precedent regarding the threshold required for invoking the court's powers in cases involving discovery and perjury within civil litigation.

11) *Republic v Obado & 2 others* [2023] KEHC 20849 (KLR)

(Annexure EZO 028)

In the case of *Republic v Obado & 2 others* (Criminal Case 46 of 2018), I represented the 3rd accused, Casper Ojwang Obiero. My primary argument centered on an objection to the scope of participation by the victim's counsel during the cross-examination of the 28th prosecution witness (PW 28). I contended that the victim's counsel was overstepping the pre-trial directions issued by the court by intending to show the witness a part of his recorded statement, which could be viewed as infringing on the limitations placed on the victim's representative. This argument was supported by the counsel for the 1st and 2nd accused, who raised concerns that the victim's counsel's actions created the appearance of two prosecutors in the trial. The court ultimately found my objection to be premature, suggesting that speculation about the victim's counsel's intentions was unwarranted. My objection, along with a subsequent application for a review of pre-trial directions, was dismissed.

However, from a jurisprudential perspective, this ruling has significant implications for Kenyan criminal law. It clarifies the distinct roles of the victim's counsel within the trial process, particularly regarding cross-examination of prosecution witnesses. The High Court's decision highlighted the

balance established by Article 50(9) of the Constitution of Kenya 2010 and the Victims Protection Act (VPA) of 2014, which emphasises and protects victims' rights. The ruling reinforced that while a victim's counsel cannot act as a co-prosecutor, they can refer to a witness's statement when it pertains to the victim's views and concerns, as long as it adheres to pre-trial limitations. This case thus stresses the statutory requirement to consider victims' views without compromising the rights of the accused, enhancing the integrity of the criminal justice process in Kenya.

12) *Republic v Mulaya* [2023] KEHC 19540 (KLR)

(Annexure EZO 029)

I appeared as counsel for the Respondent, Emily Kivali Mulaya, in the High Court at Kitale on a Miscellaneous Criminal Application filed by the Republic. The State was seeking leave to file an appeal out of time, challenging my client's 2019 acquittal on 12 counts, which included stealing and conspiracy to defraud. I filed a replying affidavit and submissions on my client's behalf, detailing the procedural history and vehemently opposing the application. I highlighted numerous procedural flaws in the State's application, including that it was filed long after the initial appeal window closed, and that allowing the appeal to continue hanging over my client's head was inherently prejudicial, infringing upon her constitutional rights under Articles 50(2) and 159(2)(b). While I urged the Court to dismiss the application due to the unexplained delays on the part of the Applicant, the Court ultimately found that the operative delay was minimal (only 3 days) and the subsequent protracted lapse of time was primarily caused by the disappearance of the court file, for which neither party could be blamed. The High Court subsequently granted the Applicant leave to appeal out of time.

Jurisprudentially, the ruling makes a vital contribution by interpreting the requirements for appeals filed out of time under Section 349 of the Criminal Procedure Code through the necessary lens of constitutional principles, specifically Articles 10(2) and 159(2) regarding the achievement of substantive justice. The Court confirmed that while Section 349 outlines specific grounds for granting leave, namely, the inability to obtain a copy of the judgment or the record, the failure of court processes may satisfy these grounds. Crucially, the High Court established that where the proceedings in the criminal case are yet to be typed and certified, this fact fulfils the requirements of Section 349, allowing the appeal to be admitted out of time. Moreover, the Court utilised Section 60 of the Evidence Act to take judicial notice of the factual status of the court record (whether proceedings were typed and certified), confirming that such a fact need not necessarily be deposed to an oath. This precedent ensures that administrative or systemic delays within the Judiciary do not unfairly deny a party the right to appeal.

13) ***Republic v Simiyu & 2 others* [2022] KEHC 16935 (KLR)**

(Annexure EZO 030)

I appeared as counsel for the 2nd accused person, Jane Nekesa Mbundo, in the High Court at Kakamega in the criminal matter of *Republic v Simiyu & 2 others*. We were defending the three accused persons against charges of murder contrary to Section 203 of the Penal Code, following the tragic death of a minor. At the close of the prosecution's case, I filed written submissions on behalf of the accused, arguing that a *prima facie* case had not been established to require my client or her co-accused to answer to the charge. My central argument was that the entire case against the accused persons was built upon circumstantial facts and mere suspicion, which is insufficient in law. Specifically, regarding the 2nd accused, I contended that the claims against her were based on the inconsistent statements of a non-testifying witness (Calistus) and the investigating officer's misrepresentation that the 3rd accused had implicated her. The court agreed with these submissions and recognised that the prosecution had relied on an unproven connection, finding that the key statements were neither authenticated nor subjected to scrutiny.

The court accepted my submissions and delivered a ruling that ultimately found the accused persons not guilty, acquitting them under Section 306(1) of the Criminal Procedure Code because a *prima facie* case had not been established. This case serves as an important judicial reminder, reinforcing fundamental pillars of Kenyan criminal law. The ruling reaffirmed the strict requirement that the standard of proof in criminal cases is beyond a reasonable doubt. Crucially, the court emphasised that suspicion alone, however strong, cannot be the basis for a conviction. The opinion provides clarity by confirming that the prosecution cannot rely on inconsistent statements from individuals who are not called to the witness stand for cross-examination, thereby protecting the fundamental right of the accused to fair trial procedures. By requiring the prosecution to establish a proper evidentiary connection, rather than relying on weak investigative assumptions, this ruling fortifies the legal threshold that must be met before an accused person can be called upon to offer a defence.

14) ***Community Advocacy and Awareness Trust & 8 others v Attorney General & 6 others* KEHC 5589**

(Annexure EZO 031)

Ms Thongori and I appeared as counsel for the Petitioners in this landmark case concerning appointments to the National Gender and Equality Commission. My submissions centred on the principle of constitutionalism, arguing that the President and Prime Minister violated the

fundamental principles of leadership, integrity, and non-discrimination by rejecting the top three candidates based on arbitrary and erroneous assignments of ethnicity and regional affiliation. I contended that this decision disregarded the principle of selection based on competence and suitability (merit) in favour of the fourth-ranked candidate, Ms Winfred Osimbo Lichuma, arguing that the discretion used to achieve ethnic balance was limited and could not defeat equal opportunity.

The court's decision significantly contributed to jurisprudence by clarifying the hierarchy of values under Article 232 of the Constitution, holding that the value of fair competition and merit is explicitly made subject to the principles of representation of diverse communities and ethnic balance. While the court upheld the appointment as rational, this case is foundational for future litigation as it affirmed that appointing authorities possess a necessary margin of discretion, provided the exercise of that power relates to a defensible public purpose. Furthermore, the ruling highlighted the critical lack of clarity in constitutional and statutory provisions regarding how ethnicity and regional affiliation should be determined, particularly for women in cross-ethnic marriages, necessitating policy guidelines in this complex area of public appointments.

15) *Federation of Women Lawyers Kenya (FIDA-K) & 5 others v Attorney General & another [2011] KEHC 2099 (KLR)*

(Annexure EZO 032)

I appeared as counsel for the Petitioners in this critical constitutional challenge, asserting that the Judicial Service Commission (JSC) had violated the two-thirds gender principle (Article 27(8)) by recommending only one woman out of five nominees for the Supreme Court. My argument was that the word 'shall' used in Article 27(6) and (8) made the requirement for affirmative action and gender balancing mandatory and immediately enforceable, setting a definitive minimum floor and maximum ceiling for gender representation that the JSC had failed to meet mathematically. I contended that the Constitution was not merely a collection of aspirations but a "toothless bulldog" with binding obligations.

This case became a cornerstone in defining the nature of certain constitutional rights, as the Court explicitly held that the rights under Articles 27(6), (7), and (8) are aspirational in nature. The court ruled that Article 27(8) does not originate a specific and immediate substantive right that could be enforced against the JSC. Instead, it imposed a duty upon the State to take progressive legislative, policy, and other measures to implement the principle within the timeline set by the Fifth Schedule. The judgment cautioned against judicial activism, stating that courts cannot usurp the legislative role by inventing a formula or prescribing policy where Parliament has not yet acted.

16) *Waluke & 2 others v Republic [2022] KEHC 13795 (KLR)*

(Annexure EZO 033)

I appeared as counsel for the 1st Appellant, Hon. John Koyi Waluke, in the High Court appeal against his conviction and sentence on corruption charges. My core argument was that the payments forming the basis of the charges were made pursuant to a valid arbitration award, which was subsequently confirmed and enforced through garnishee orders by the High Court. I contended that a subordinate court could not declare these payments fraudulent without a superior court order setting aside the initial award. I further argued that my client, having been acquitted of uttering a false document, could not be held criminally liable for the acts of the company, as he was a passive director who did not participate in the tender process or the arbitration proceedings.

Jurisprudentially, this case tested the finality of High Court civil orders in the face of subsequent criminal proceedings in a subordinate court. It explored the boundary between civil remedies derived from arbitration and High Court enforcement, and the potential for criminal liability arising from the evidence used to obtain those remedies. The High Court's decision affirmed that civil judgments, while admissible as evidence, are not conclusive proof and do not bar a criminal court from investigating allegations of fraud used to obtain them, thereby preventing judicial orders from being used as a shield against criminal culpability. The case also clarified the application of criminal liability to corporate directors, asserting that the corporate veil can be lifted to hold directors accountable for fraudulent acquisition of public funds.

17) *Musa Mohammed Dagane & 25 others v Attorney General & another [2011] KEHC 4307 (KLR)*

(Annexure EZO 034)

I appeared as learned counsel for the petitioners in the High Court case of *Musa Mohammed Dagane & 25 others v Attorney General & another*. My clients, who identified as ordinary, local, and historical indigenous inhabitants of Garissa District, sought constitutional declarations after enduring repeated, forceful evictions from the land where they claimed a customary interest. We argued that the evictions, which occurred as early as 1981 and culminated in the demolition of houses in 2003 to facilitate the expansion of institutions like Umu Salama Girls Secondary School were carried out without any or adequate compensation, thereby, violating my clients' fundamental rights to property, life, security of the person, and freedom from inhuman and degrading treatment under the Constitution. The court acknowledged the evidence demonstrating

that my clients were left "hapless, without food, shelter, clothing, water and any life support system," having been subsequently dumped six kilometres away in an area lacking access to basic amenities. The Honourable Court considered the documents filed by the petitioners, alongside the "able and well-reasoned submissions" that I presented on their behalf. I successfully demonstrated that the State had failed in its constitutional obligation to respect, protect, promote, and fulfil basic rights. The High Court agreed that the eviction was executed in a manner contrary to the Constitution and International Conventions against forceful eviction. Critically, the court determined that the term "forceful eviction" conveys a sense of arbitrariness, unreasonableness, and unlawfulness, finding that my clients were denied essential safeguards, including genuine consultation, adequate notice, alternative land/housing provision, and access to legal remedies or compensation.

This case holds immense significance as it solidified the procedural rights related to evictions within Kenyan law by delineating a minimum set of standards that the State must adhere to in order to avoid infringing upon constitutional rights. Moreover, this ruling marked a landmark moment in the context of evictions under the 2010 Constitution, establishing that victims of unlawful and forcible evictions are unequivocally entitled to compensation and redress for their losses and suffering. The court further directed that oral evidence be presented to ascertain the precise amount owed to each of the applicants, ensuring a thorough and just evaluation of their claims.

4.4. Representation of Clients before the Houses of Parliament

I have participated actively in proceedings before both the National Assembly and the Senate, particularly focusing on impeachment matters. My involvement has included representations in significant cases, such as the proposed removals from office of various notable public officials. This experience has provided me with a comprehensive understanding of the legislative processes and the intricacies involved in such critical proceedings, and an opportunity to contribute to jurisprudence in furnishing the process.

The matters I have represented clients before the Houses of Parliament are as below, supported by an extract of the respective Hansard: -

1) The Senate

- a) In the matter of the proposed removal from office by impeachment of Hon. Kawira Mwangaza as Governor for Meru County, 2023.

(Annexure EZO 035)

- b) In the matter of the proposed removal from office by impeachment of Hon. Kawira Mwangaza as Governor for Meru County, 2024.

(Annexure EZO 036)

- c) In the matter of the proposed removal from office by impeachment of Hon Rigathi Gachagua from office as Deputy President of the Republic of Kenya.

(Annexure EZO 037)

- d) In the matter of the proposed removal from office by impeachment of Mohammed Ibrahim (Guyo) as the Governor of Isiolo County.

(Annexure EZO 038)

- e) In the matter of the proposed removal from office by impeachment of Hon Patrick Mutai, the Governor of Kericho County.

(Annexure EZO 039)

2) **The National Assembly**

- a) In the matter of the proposed removal from office by impeachment of Hon Rigathi Gachagua from office as Deputy President of the Republic of Kenya.

(Annexure EZO 040)

5 Appearances Before International and Regional Courts and Tribunals

I have argued multiple substantive matters before regional and international courts and tribunals, each of which has contributed meaningfully to the development of jurisprudence and the protection of constitutional and human rights across borders.

These appearances have involved complex legal questions, including the interpretation of treaty obligations, the enforcement of fundamental rights, and the accountability of state actors under regional instruments. The matters I have handled were not routine—they addressed structural injustices, challenged entrenched norms, and advanced progressive legal thought.

In these forums, I have represented petitioners and stakeholders in cases that have shaped discourse on democratic governance, gender equity, electoral justice, and the rule of law. My advocacy has contributed to landmark decisions that continue to influence legal reform and institutional practice within the East African region and beyond.

These engagements reflect not only my litigation capacity but also my commitment to transnational justice and the elevation of constitutional values in regional jurisprudence. They are as follows: -

5.1. The East African Court of Justice (EACJ)

- 1) ***Christopher Ayieko & Another vs Attorney General of the Republic of Kenya & Another - EACJ Ref No 5 of 2020***

(Annexure EZO 041)

In this significant matter, I represented the Applicants who challenged the free trade agreement between the United States of America and Kenya, asserting that it contravened key provisions of the EAC Treaty, the EAC Customs Union Protocol, and the EAC Common Market Protocol. The First Instance Division delivered a landmark judgment on 02 December 2022, ruling in favour of the Applicants and confirming that Kenya had indeed violated these essential legal frameworks.

Following this fundamental decision, the Attorney General of the Republic of Kenya filed an appeal in the EACJ's Appellate Division. In this capacity, I proudly serve as counsel for the 1st and 2nd respondents in the appeal, continuing to advocate for compliance with regional legal standards and the protection of the rule of law within the East African Community.

- 2) ***Applications No. 4 and 5 of 2024 arising from EACJ Reference No. 33 of 2023- Attorney General of the Republic of Rwanda vs Minister of Justice of the Democratic Republic of Congo; Applications No. 6 and 7 of 2024 arising from EACJ Reference No. 33 of 2023- Minister of Justice of the Democratic Republic of Congo vs Attorney General of the Republic of Rwanda.***

(Annexure EZO 042)

In this case, the Applications request temporary measures to ensure adherence to court procedure rules. I am representing the Minister of Justice of the Democratic Republic of Congo (DRC) in both the Application and the Reference, highlighting the importance of upholding legal standards in this significant case.

- 3) ***Application No. 8 of 2024 arising from EACJ Reference No. 43 of 2023- Atlas Logistics Ltd vs. L'Office De Gestation Du Freet Multimodal (OGEFREM) & Minister of Justice for the Democratic Republic of Congo.***

(Annexure EZO 043)

In this matter, I am representing the Minister of Justice of the Democratic Republic of Congo in challenging the legality of the cancellation of the contract between the Applicant and the 1st Respondent. The challenge is based on alleged violations of the EAC Treaty. I am actively engaged in both the Application and the Reference, ensuring that the principles of the EAC Treaty are upheld and that the rights of my client are protected.

4) EACJ Reference No. 49 of 2023 - *Hope for Humanity African (H4HA) vs. The Attorney General of the Democratic Republic of Congo*

(Annexure EZO 044)

The Applicants submitted a reference claiming that the Respondent violated the EAC Treaty by not supporting the EAC election observers during the general election in the Democratic Republic of Congo. I am representing the Respondent in this matter.

5) Application No. 7 of 2024 arising from EACJ Reference No. 10 of 2024 - *Center for Law, Economic Policy of East African Integration) CLEP East Africa vs. Attorney General of the Republic of Kenya & Another*

(Annexure EZO 045)

I represent the Applicant in this significant case challenging the Economic Partnership Agreement between Kenya and the European Union for contravening the EAC Treaty, the EAC Customs Union Protocol, and the EAC Common Market Protocol. The applicant has sought interim orders pending the hearing and determination of the Reference.

6) Application No. 18 of 2024 arising from EACJ Reference No. 21 of 2024 *Victoire Ingabire Umuhoza vs. The Attorney General of the Republic of Rwanda*

(Annexure EZO 046)

The application seeks interim orders while awaiting the hearing and final determination of the main suit. This reference challenges the actions of the Respondent for allegedly violating the EAC Treaty by failing to restore the Applicant's civic rights. I represent the Applicant in both the Application and the Reference, emphasising the urgent need for intervention to uphold these rights until the matter is resolved.

5.2. Common Market for Eastern and Southern Africa (COMESA) Court of Justice

- 7) ***Common Market for Eastern and Southern Africa (COMESA) Court of Justice CCJ Reference No. 1 of 2025 - Tewodros Getachew Tutu vs. The Secretariat & Secretary General of COMESA & 2 others & the East Africa Law Society as Intervener***

(Annexure EZO 047)

The case concerns the purported unlawful actions taken by the Respondents regarding the nomination process of Judges for the COMESA Court of Justice. I represent the East Africa Law Society, which is intervening in this matter to ensure that the nomination process adheres to legal standards and principles.

6 Mentorship, Nurturing of Young Advocates and Contribution to the Community

6.1. Training and supervision of pupil advocates

I have consistently mentored and supervised young advocates through structured pupillage and ongoing professional guidance, contributing meaningfully to the growth and resourcefulness of the legal profession. Over the years, I have trained a number of pupils who have gone on to establish themselves as competent practitioners and leaders in various spheres. These include Arnold Magina and Julie Matoke, both of whom are practicing advocates and now serve as law lecturers at Kabarak University; Sharon Keter, who currently holds public office as a nominated Member of the County Assembly in Baringo; and Sylvia Amamu Chitechi, among others listed below. My mentorship has focused not only on technical legal training but also on instilling ethical practice, courtroom confidence, and a commitment to public service. Through this continuous engagement, I have helped shape a generation of advocates who are now contributing to legal education, governance, and justice delivery across Kenya.

Some of the other pupils I have trained over time: -

- 1) Antony Mudanya
- 2) Peter Gachiri
- 3) Lewinsky Imuhira
- 4) Noble Wandera

6.2. Mentorship through lectures and guest lectures in institutions

I have lectured and delivered training sessions across a range of institutions, covering diverse legal subjects both within and beyond the traditional classroom setting. My engagements include serving as a full-time lecturer at Kabarak University School of Law and previously as a part-time lecturer at the Kenya School of Law. I have also been invited as a guest lecturer and speaker at several other institutions, including Moi University, Kisii University, the Catholic University of Eastern Africa, Africa Nazarene University, and the University of Nairobi. These platforms have allowed me to contribute to legal education through formal instruction, public lectures, thematic workshops, and mentorship forums, enriching the academic and professional development of law students and young advocates across the country.

6.3. Structured mentorship programmes

I have actively mentored advocates, legal scholars, and professionals through formal programmes designed to foster excellence, ethical practice, and jurisprudential depth. These include: -

- a) **Tribe of Mentors** – A high-impact initiative where I guide students, early-career advocates, lawyers and other professionals in social and professional life. Many mentees have gone on to contribute meaningfully to society and the legal profession as well, immensely.
- b) **Ys Men Movement** – As an ardent member and within this values-driven leadership network, I continue to mentor legal professionals and civic actors on leadership, constitutional literacy, public interest litigation, and strategic advocacy.
- c) **Avid Readers' Forum** – As a founding member, I mentor young professionals and law students to a culture of reading and articulating ideas. This Forum has grown from circulating ideas internally to sharing them on the global stage.

Beyond structured programmes, I have sustained ongoing mentorship relationships with a diverse range of legal practitioners. These engagements have been tailored to individual needs and professional contexts, ensuring meaningful growth and development.

Through case-based coaching, I have supported mentees in navigating live litigation files, offering strategic input and doctrinal clarity. I have also provided career development guidance, advising on specialisation pathways, professional ethics, and leadership in legal practice. Additionally, I have mentored junior faculty and legal officers in curriculum design, legal writing, and academic advancement, contributing to institutional capacity-building and pedagogical excellence.

7 Contributions through Community Service

Beyond my professional and academic engagements, I have consistently dedicated time and resources to community service, recognising that leadership within the legal profession must extend to service of society at large. My involvement in community initiatives reflects a deliberate commitment to nurturing young people, strengthening institutions, and supporting grassroots projects that promote discipline, mentorship, and social responsibility. These contributions demonstrate that the privilege of legal practice carries with it a broader duty to uplift communities and to inspire values of integrity, leadership, and service. Some of the major roles I play include:-

- 1) Charter President and Immediate Past Club President – Y Service Club of Kakamega
- 2) Member of the Board of Management – Musingu High School
- 3) Sponsor – Umoja Football Club

8 Leadership Roles within the Legal Profession

8.1. Position as Dean of Law School and Senior Lecturer

Between 2015 and 2017, I served as the Dean of Kabarak Law School, a role that entrusted me with both academic and administrative leadership. I guided a team of twenty faculty members, providing strategic direction, mentorship, and oversight. Under my stewardship, the Law School attained its first full accreditation from the Council of Legal Education—a landmark achievement that firmly established its legitimacy and academic standing. I spearheaded the School's inaugural faculty and student publications, institutionalised mentorship and professional development initiatives such as the *Governance and Expert Lecture Series*, and oversaw the review and modernisation of curricula. These efforts positioned Kabarak Law School as a centre of excellence in governance, constitutionalism, and the rule of law, while cultivating a tradition of rigorous research, ethical leadership, and professional integrity among faculty and students.

Alongside this administrative leadership, I continue to serve as a Senior Lecturer at Kabarak University Law School, where I remain committed to shaping the next generation of legal professionals. My teaching has covered and continues to cover core and specialised modules, including Legal Systems and Methods, Evidence, Election Law, Jurisprudence, Constitutional Law, Administrative Law, Judicial Review, Trial Advocacy, and East African and Regional Integration Law. Through this wide scope of teaching, I not only impart knowledge but also instill professional values, sharpen analytical reasoning, and nurture leadership qualities in students.

Equally, I mentor both students and junior faculty, supervising research projects, guiding career development, and offering professional support that strengthens the legal academic community. This dual role - as academic leader and educator - demonstrates my enduring commitment to legal scholarship, mentorship, and the cultivation of an ethical, competent, and socially conscious bar. These contributions, in turn, reflect the values of service, leadership, and nation-building that lie at the heart of the rank of Senior Counsel.

8.2. Roles within the Law Society of Kenya

I have not held any elective position within the leadership structure of the Law Society of Kenya. However, I have served the society as a resource person as evidenced by the commendation letter from LSK dated 22 September 2025 – **Annexure EZO 048**.

9 Public Service and Contributions to Legal Reform, Governance, and the Rule of Law

I have been extensively engaged in legal reforms, advisory roles in governance, and the strengthening of civil society, reflecting my commitment to advancing justice and public interest beyond private practice. My contribution spans policy development, pro bono representation, and advisory work with national and regional institutions.

Notably, I was retained by the International Organisation for Migration (IOM) to develop the National Migration Policy for Kenya, a landmark assignment with far-reaching implications for governance, security, and human rights. I also served as an Assistant Program Officer in the Constitution Review Commission of Kenya (see **Annexure EZO 049**).

I have also been variously engaged by the High Court of Kakamega to offer *pro bono* defence in capital offences, ensuring access to justice for vulnerable and indigent litigants. Additionally, I have served as a *pro bono* lawyer and advisor for several institutions at the heart of legal reform and human rights advocacy, including: -

- a) Kituo cha Sheria
- b) Children's Legal Action Network (CLAN)
- c) Cradle – The Children's Foundation
- d) Law Society of Kenya (LSK)
- e) International Commission of Jurists (ICJ–Kenya)
- f) Kenya Magistrates and Judges Association (KMJA)

- g) Kenya Judges Association
- h) East African Law Society (EALS)

Through these engagements, I have consistently demonstrated a commitment to access to justice, institutional strengthening, and the advancement of constitutionalism and rule of law. These contributions underscore my service to both the profession and society at large—values that resonate with the honour and responsibility of the rank of Senior Counsel.

10 Publications and Scholarly Works

10.1. List of published articles, book chapters, reports, and commentaries.

I have produced an extensive and influential body of scholarly work that has significantly enriched Kenyan and comparative jurisprudence. My writings traverse constitutional law, electoral justice, human rights, decentralisation, and judicial independence, offering both theoretical insights and practical guidance. Several of my contributions have become definitive authorities in their respective areas, frequently cited by scholars, practitioners, and even judicial fora.

What distinguishes my scholarship is its clarity, analytical depth, and practical utility - qualities that ensure my works are not only academically rigorous but also indispensable to the everyday work of legal practitioners and policymakers. My published articles, book chapters, and reports continue to shape the interpretation and application of the law in Kenya, holding enduring relevance for debates on governance, rights, and the rule of law.

Below is the list of published scholarly work: -

10.1.1. Books, Book Chapters and Edited Volumes

1. Elisha Z Ongoya, 'Decentralisation of Power in Kenya in Historical Perspective' in J Osogo Ambani and Caroline Kioko (eds), *Decentralisation and Inclusion in Kenya* (Kabarak University Press 2022) 69. **(Annexure EZO 050)**
2. Clare McEvoy, Judy Thongori and Elisha Z Ongoya, *Electoral Gender-Based Violence in Kenya* (UN Women 2013). **(Annexure EZO 051)**
3. Elisha Z Ongoya, 'Legal Framework on Resolution of Electoral Disputes in Kenya' in *Handbook on Election Disputes in Kenya* (Law Society of Kenya & Judiciary, October 2013) 96. **(Annexure EZO 052)**

4. Elisha Z Ongoya, 'The Role of Institutions in Resolution of Electoral Disputes in Kenya' in *Handbook on Election Disputes in Kenya* (Law Society of Kenya & Judiciary, October 2013) 151. **(Annexure EZO 053)**
5. Ongoya Z Elisha and Willis E Otieno, *Handbook on Kenya's Electoral Laws and System* (Electoral Institute for Sustainable Democracy in Africa 2012). **(Annexure EZO 054)**
6. Elisha Z Ongoya, 'Separation of Powers' in PLO Lumumba and others, *The Constitution of Kenya: Contemporary Readings* (Law Africa 2011) 181. **(Annexure EZO 055)**
7. Ongoya Z Elisha and Eunice W Kiumi, *The Moot Court Formula* (Law Africa Publishing Limited 2009). **(Annexure EZO 056)**
8. Elisha Z Ongoya (ed), *Jurisprudence on Regional and International Tribunal's Digest* (Law Africa & East African Law Society, undated). **(Annexure EZO 057)**
9. Elisha Z Ongoya (ed), *The Law on Children: A Case Digest* (Children Legal Action Network 2007). **(Annexure EZO 058)**
10. Elisha Z Ongoya et al (eds), *The African Nazarene Law Journal* (various years). **(Annexure EZO 059)**
11. Elisha Z Ongoya et al (eds), *The University of Nairobi Law Journal* (various years). **(Annexure EZO 060)**

10.1.2. Journal Articles

1. Elisha Z Ongoya, 'The Two-Thirds Gender Rule "Mirage": Unlocking the Stalemate' (2021) 5(1) *Strathmore Law Journal* 253. **(Annexure EZO 061)**
2. Elisha Z Ongoya, 'Developing Jurisprudence or Creating Chaos? Reflections on the Decisions of the Court of Appeal of Kenya on Selected Topical Areas of Law' (2020) 4(1) *Strathmore Law Journal* 169. **(Annexure EZO 062)**
3. Elisha Z Ongoya, 'Protecting the Integrity of the Electoral Process, or, Obfuscating the Electoral Process? A Response to Walter Khobe Ochieng's "The Promise of the Maina Kiai Judgement" in Light of the Subsequent Supreme Court Jurisprudence in *Raila Amolo Odinga & another v IEBC Chairman & Others*' (2019) 3(1) *Kabarak Journal of Law and Ethics* 12. **(Annexure EZO 063)**

4. Elisha Z Ongoya and Ibrahim K Alubala, 'Revisiting the Principle of the Best Interests of the Child in the Law on Children: Its History, Meaning, Legal Prescriptions and Minimum Operational Standards' (2013) 1(2) *Africa Nazarene University Law Journal* 62.
(Annexure EZO 064)
5. Elisha Z Ongoya, 'The Law, the Procedures and the Trends in Jurisprudence in Constitutional and Fundamental Rights Litigation in Kenya' (2011) 2 *Kenya Law Review* 14.
(Annexure EZO 065)
6. Ongoya Z Elisha, 'The Emerging Jurisprudence on Provisions of Act No 8 of 2001, Laws of Kenya: The Children Act' (2007) 1 *Kenya Law Review* 214. **(Annexure EZO 066)**
7. Muigai G and Elisha Z Ongoya, 'The Law of Contempt of Court in Kenya' (2005) 1(2) *Law Society of Kenya Journal* 56.
(Annexure EZO 067)
8. E Z Ongoya, 'Evaluating the Competence of Investigative and Prosecutorial Agencies for Capital Offences in Kenya' (2005) 13 *Amicus Journal* 22. **(Annexure EZO 068)**
9. E Okello Odhiambo, E Wanjiru Mwangi and Elisha Z Ongoya, 'Operation Iraq Freedom: Some Humanitarian Reflections' (2004) 2(1) *University of Nairobi Law Journal* 46.
(Annexure EZO 069)
10. Elisha Z Ongoya, 'Book Review: International Law and World Order Problems' (2004) 1 *East African Law Journal* 151.
(Annexure EZO 070)
11. 'When an Injunction can Issue Against the Government: *Marie Elizabeth De Brouwer v Attorney General* – A Case Review' (2004) *University of Nairobi Law Journal*.
(Annexure EZO 071)

10.1.3. Online Publications

1. Ongoya Z Elisha and Eunice Lumallas, 'A Critical Appraisal of the Constituency Development Fund Act' (Kenya Law, November 2005) <www.kenyalaw.org>.
2. Ongoya Z Elisha and Wasia S Masitsa, 'The Law of Politics or the Politics of the Law: An Evaluation of the "Mwai v Moi" Rule as to Personal Service of Election Petitions in Kenya' (Kenya Law, May 2005) <www.kenyalaw.org>.
3. Joy K Asiema and Ongoya Z Elisha, 'The Application of the Death Penalty in Kenya: A Case of Torturous De Facto Abstinence' (British Institute of International and Comparative Law) <www.biicl.org>.

4. Ongoya Z Elisha and Wetangula S Emmanuel, 'From *David Onyango Oloo v Attorney General* to *Charles Kanyingi Karina v Transport Licensing Board*: Step in the Reverse?' (Kenya Law, 2000) <www.kenyalaw.org>.
5. Ongoya Z Elisha, 'Importation of Voters in Kenya's Electoral Process: A Case of Laws that Can Defy an Angel's Attempt to Enforce in the Absence of the Vigilant Electorate' (Kenya Law, 2000) <www.kenyalaw.org>.

10.1.4. Other Publications

1. Kenya Country Report in Beattie, Christou, Raymond & Starmer (eds), *Human Rights Manual and Sourcebook for Africa* (British Institute of International and Comparative Law & Bar Human Rights Committee of England and Wales 2005).
2. Elisha Z Ongoya, 'Pupillage on Trial: A Learning Experience or an Orgy of Torture, Abuse and Neglect?' (2005) *The Lawyer* <www.kenyalaw.org>.
3. Elisha Z Ongoya, 'Legal Education Reformers in Kenya Are Not Yet Born' (2004) *The Lawyer*.
4. Elisha Z Ongoya, *Election Violence in Post Multi-Party Kenya: Interrogating the Rule of Law and Free and Fair Elections* (LLM Thesis, University of Nairobi, Unpublished).
5. Elisha Z Ongoya, *Enforcement Mechanisms under the African Human Rights System: A Comparative Appraisal* (LLB Dissertation, University of Nairobi, Unpublished).
6. Ongoya ZE and Okello Odhiambo, 'Much Ground Covered yet Much Ground Unbroken: The Human Rights Situation and Protection Initiatives in Kenya Since the Dawn of Multipartyism' (Unpublished).
7. Elisha Z Ongoya, 'The Youth and Human Rights Awareness' (Paper, CAAA & CIDA Youth Workshop, Kakamega, 28 December 2001) (Unpublished).

11 Contributions to constitutionalism and rule of law scholarship through trainings, seminars, and conferences.

Over the years, I have made notable and impactful contributions to constitutionalism and the rule of law through various platforms, including participation in the Law Society of Kenya's (LSK) Continuing Professional Development (CPD) training, conference presentations, and engagements with the East Africa Law Society (EALS). These experiences have not only enriched my understanding of legal principles but have also allowed me to share knowledge, foster

dialogue, and promote best practices within the legal community. My commitment to advancing our legal framework is reflected in these contributions, which aim to strengthen the rule of law and enhance access to justice for all.

A list of some of the contributions is below: -

11.1. LSK CPDs (2013 to 2025)

(Annexure EZO 072)

- 1) **Trial Advocacy: Judicial Precedence on the Doctrine of Separation of Powers in Kenya**
Role: Seminar Presenter
Date: 19 September 2025
- 2) **Trial Advocacy: Evolving Legal Landscape – Integrating Jurisprudence into Legislative Business**
Role: Seminar Presenter
Date: 09 September 2025
- 3) **Law Reform and the Proliferation of Bills: Safeguards Against Unconstitutional Legislation**
Role: Seminar Presenter
Date: 04 July 2025
- 4) **Litigation on Administrative Law: Judicial Review in Perspective**
Role: Seminar Presenter
Date: 26 February 2025
- 5) **Trial Advocacy: Effective Lawyering**
Role: Seminar Presenter
Date: 18 November 2024
- 6) **The Supreme Court on Presidential Elections: A Tower of Babel or Tapestry of Legal Theory?**
Role: Seminar Presenter
Date: 17 July 2024
- 7) **Induction Course (Prepare to Fly): Inducing for a Strong Professional Take-Off**
Role: Seminar Presenter
Date: 11 July 2024

- 8) **Devolution and the Law**
Role: Seminar Presenter
Date: 06 December 2023
- 9) **Trial Advocacy (KKG): Writing and Oral Skills for Effective Lawyering in a Trial Process**
Role: Seminar Presenter
Date: 29 June 2023
- 10) **Supreme Court Jurisprudence: A Case of Kenyan Sagacity**
Role: Seminar Presenter
Date: 03 February 2023
- 11) **Kenya–UK Legal Symposium**
Role: Seminar Presenter
Date: 14 November 2022
- 12) **Constitutional Law: Constitutional Review Process and Procedures**
Role: Seminar Presenter
Date: 21 September 2022
- 13) **LSK Annual Conference**
Role: Seminar Presenter
Date: 06 July 2022
- 14) **Electoral Laws**
Role: Seminar Presenter
Date: 27 May 2022
- 15) **Electoral Laws**
Role: Seminar Presenter
Date: 13 May 2022
- 16) **Criminal Law (Enhance Your Skills): Practice Challenges in the Trial Process**
Role: Seminar Presenter
Date: 28 January 2022
- 17) **Colloquium on Electoral Laws and Practice**
Role: Seminar Presenter
Date: 09 December 2021

- 18) **Criminal Justice: Fair Administrative Action in the Criminal Justice System**
Role: Seminar Presenter
Date: 08 September 2021
- 19) **Webinar: Criminal Justice – The Resentencing Program (Implication of the Muruatetu Decision and a Case for Law Reform)**
Role: Seminar Presenter
Date: 30 July 2021
- 20) **Webinar: Constitutional Law – Public Participation in Constitutional Review and Amendment Process in Kenya**
Role: Seminar Presenter
Date: 27 January 2021
- 21) **Constitutional Review Process and Public Participation**
Role: Seminar Presenter
Date: 10 June 2020
- 22) **Lessons on Trial Advocacy**
Role: Seminar Presenter
Date: 06 March 2020
- 23) **Combating Economic Crimes**
Role: Seminar Presenter
Date: 07 February 2020
- 24) **Criminal Justice Legislations and Practices**
Role: Seminar Presenter
Date: 14 November 2019
- 25) **Criminal Justice Legislations and Practices**
Role: Seminar Presenter
Date: 11 October 2019
- 26) **Criminal Justice Legislations and Practices**
Role: Seminar Presenter
Date: 06 September 2019
- 27) **Criminal Justice Legislations and Practices**
Role: Seminar Presenter
Date: 21 June 2019

- 28) Criminal Justice Legislations and Practices**
Role: Seminar Presenter
Date: 10 May 2019
- 29) Insights and Lessons in Constitutional Law and Practice**
Role: Seminar Presenter
Date: 06 December 2018
- 30) Contemporary Criminal Justice**
Role: Seminar Presenter
Date: 09 November 2018
- 31) Keep Updating on Law Reform**
Role: Seminar Presenter
Date: 18 October 2018
- 32) The Devolution Phenomenon in Kenya**
Role: Seminar Presenter
Date: 12 October 2018
- 33) Insights and Lessons in Constitutional Law and Practice**
Role: Seminar Presenter
Date: 13 September 2018
- 34) Insights and Lessons in Constitutional Law and Practice**
Role: Seminar Presenter
Date: 04 May 2018
- 35) Insights and Lessons in Constitutional Law and Practice**
Role: Seminar Presenter
Date: 12 January 2018
- 36) Colloquium on the 2017 Presidential Election**
Role: Seminar Presenter
Date: 22 January 2018
- 37) Trial Advocacy, Panari Hotel, Nairobi**
Role: Seminar Presenter
Date: 01 December 2017

- 38) **Public Law, Hilton Hotel, Nairobi**
Role: Seminar Presenter
Date: 10 November 2017
- 39) **Electoral Laws, Nyakoe Hotel, Kisii**
Role: Seminar Presenter
Date: 09 June 2017
- 40) **Annual General Meeting, Hilton Hotel, Nairobi**
Role: Seminar Presenter
Date: 11 March 2017
- 41) **Electoral Laws, Gelian Hotel, Machakos**
Role: Seminar Presenter
Date: 03 March 2017
- 42) **Electoral Laws, Boma Inn, Eldoret**
Role: Seminar Presenter
Date: 03 February 2017
- 43) **Electoral Laws, Nyali Beach Hotel, Mombasa**
Role: Seminar Presenter
Date: 27 January 2017
- 44) **Electoral Laws, Panari Hotel, Nairobi**
Role: Seminar Presenter
Date: 13 January 2017
- 45) **Public Law Practice, Green Hills Hotel, Nyeri**
Role: Seminar Presenter
Date: 15 September 2016
- 46) **Electoral Laws, Three Steers Hotel, Meru**
Role: Seminar Presenter
Date: 22 April 2016
- 47) **Public Law Practice, Grabo Hotel, Migori**
Role: Seminar Presenter
Date: 15 April 2016

- 48) **Public Law Practice, Panari Hotel, Nairobi**
Role: Seminar Presenter
Date: 26 February 2016
- 49) **Public Law Practice, Boma Hotel, Eldoret**
Role: Seminar Presenter
Date: 05 February 2016
- 50) **Electoral Laws and Political Parties Act, Acacia Premier Hotel, Kisumu**
Role: Seminar Presenter
Date: 22 January 2016
- 51) **Public Law, Imperial Hotel, Kisumu**
Role: Seminar Presenter
Date: 25 November 2016
- 52) **Trial Advocacy, Ocean Beach Resort, Malindi**
Role: Seminar Presenter
Date: 03 December 2015
- 53) **Constitutional Law, Cathay Hotel, Nakuru**
Role: Seminar Presenter
Date: 06 March 2015
- 54) **Constitutional Law and Human Rights Practice and Enforcement**
Role: Seminar Presenter
Date: 04 December 2014
- 55) **Constitutional Law and Human Rights Practice and Enforcement**
Role: Seminar Presenter
Date: 12 September 2014
- 56) **Gains and Losses in Kenya's Road Towards African Integration – University of Nairobi**
Role: Guest Lecture
Date: 07 August 2014
- 57) **Constitutional Law and Human Rights Practice and Enforcement**
Role: Seminar Presenter
Date: 18 July 2014

58) Land Law Seminar, Seaview Resort, Malindi

Role: Seminar

Date: 05 December 2013

59) Election Petition Bar–Bench Debriefing Session

Role: Seminar

Date: 29 November 2013

60) Devolution and its Implementation, Garden Hotel, Machakos

Role: Seminar

Date: 25 October 2013

61) Devolution and its Implementation, Golf Hotel, Kakamega

Role: Seminar Presenter

Date: 05 July 2013

62) Devolution and its Implementation, Izaak Walton, Embu

Role: Seminar

Date: 07 June 2013

63) Seminar on Electoral Process Laws and Practices, Merica Hotel, Nakuru

Role: Seminar Presenter

Date: 08 February 2013

64) Seminar on Electoral Process Laws and Practices, Imperial Hotel, Kisumu

Role: Seminar Presenter

Date: 01 February 2013

11.2. Conference Presentations, Debates and Discussions on matters of law and legal education (2025-2013)

1) Continuous Professional Development Seminar for Legal Counsel in the Senate: Public Participation and Jurisprudence on Legislative Processes – Designing Inclusive Legislative Consultation Mechanisms

Role: Presenter

Date: 10 September 2025

2) Continuous Professional Development Seminar for Legal Counsel in the Senate: Legislative Process Defects – Learning from Recent Constitutional Invalidations

Role: Presenter

Date: 10 September 2025

- 3) **Kitui County Assembly and Executive Joint Retreat: Cultivating a Harmonious Working Relationship between the County Executive and the County Assembly**
Role: Presenter/Facilitator
Date: 03 September 2025
- 4) **Tanganyika Law Society: Elisha Ongoya – Law and Politics in Africa**
Type: Keynote Speech
Date: May 2025
- 5) **Council of Legal Education: Security Protocols and Ethics in the Examination Process**
Type: Lecture
Date: 20 August 2025
- 6) **LSK Annual Conference 2024: “Our Role as Kenyan Advocates in Re-entering the Rule of Law for Sustainable Development”**
Type: Keynote Speech at the Law Society of Kenya Conference
Date: 13 August 2024
- 7) **Avid Readers’ Forum: Accountability in Public Finance in Kenya – Analysing the Supreme Court of Kenya’s decision in Institute for Social Accountability & Another v National Assembly & Others (The Constituency Development Fund Case)**
Role: Discussant
Date: 19 June 2024
- 8) **Empowerment through the Law – USIU-Africa Legal Awareness Workshop**
Role: Guest Speaker
Date: 8–9 May 2024
- 9) **Avid Readers’ Forum: Migai Aketch – ‘The Basic Structure Doctrine and the Politics of Constitutional Change in Kenya: A Case of Judicial Adventurism?’**
Role: Contributor
Date: 08 February 2023
- 10) **Avid Readers’ Forum: Amy L. Chua – ‘Markets, Democracy, and Ethnicity: Towards a New Paradigm for Law and Development’**
Role: Discussant
Date: 23 October 2023