Commission Affidavit Identifying Vetting Decisions and Review Records

Educational sample 102 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

AFFIDAVIT

1. I am [records custodian] of the Appellant and am authorised to identify the commission records referred to below. I do not depose to the truth of every allegation made during the vetting hearings.

2. The Respondents served as magistrates when the transitional board examined their suitability. I annex the individual determinations as V1, identifying each by a bracketed participant reference.

3. The internal review decisions are annexed as V2. The dates of initial determination, request for review and review disposition appear in the attached chronology; no missing date has been supplied from assumption.

4. The commission’s implementation notices appear at V3. I distinguish implementation of a vetting determination from an ordinary disciplinary hearing convened independently by the commission.

5. V4 contains the High Court decrees and the Court of Appeal judgment. These are already part of the appellate record. This affidavit identifies the record and does not introduce new allegations of misconduct.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

This is an illustrative affidavit identifying existing records, not permission to add fresh appellate evidence. State the deponent’s authority, personal knowledge and source of information. Verify each exhibit and page reference. Obtain leave or directions where an additional affidavit is required; new evidence requires the applicable admission procedure. Complete the jurat before a competent Commissioner for Oaths. The public sample is unsworn and contains no exhibits. An affidavit is not legal submissions.

Exhibit schedule: [label]; [document date]; [description]; [existing record pages or basis of admission]. Do not append invented or missing records.

Source and procedural limits

Four magistrates were found unsuitable by the transitional vetting board. Their internal review attempts failed. The commission implemented removal. The High Court dismissed the subsequent challenges, but the Court of Appeal allowed them. The Supreme Court appeal addressed whether the Sixth Schedule jurisdictional bar extended to magistrates.

The Supreme Court allowed the commission’s appeal, set aside the Court of Appeal judgment and restored the High Court result. Each party bore its own costs. This concerns the special transitional vetting regime, not an automatic immunity for ordinary modern employment decisions.

Read Sixth Schedule section 23(1) and (2) together, and distinguish review of suitability from any legally recognised complaint that the board exceeded its temporal mandate. Constitution Article 163(4)(a) supplies the appellate gateway. The board is now defunct; this is a historical reconstruction.

[2023] KESC 32 (KLR) — 21 April 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=186

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.