



Continued appointment of individuals not fully cleared of corruption charges is a mockery of the Constitution.

February 9, 2024, Nairobi, Kenya—The Public Service Commission (PSC) has appointed former Treasury Cabinet Secretary Henry Rotich as Senior Advisor on Fiscal Affairs and Budget Policy in the office of President William Ruto.

In December 2023, an anti-corruption court cleared Rotich and eight others of fraud-related charges in the botched construction of two KSh63 billion dams, Aror and Kimwarer. It was the Court's considered view that the prosecutors aided Rotich and his co-accused to walk free by not effectively prosecuting the matter.

This formed the basis of our statement in December demanding that Rotich and the other co-accused be barred from public office appointments as their acquittal was suspect and required a comprehensive, independent investigation to thoroughly examine the circumstances surrounding the case's collapse.

However, the appointing authorities have essentially sent Chapter 6 of the Constitution on leadership and integrity to Coventry, by appointing Rotich to a role in the President's office, hinting that Kenyans can lose up to KSh63 billion without consequences.

This appointment however poses a great risk to taxpayers' funds. Entrusting Rotich with the responsibility of advising the President on financial matters is a concerning irony, given his previous role as CS, where he failed to safeguard Kenyans finances, resulting in the significant loss of KSh63 billion.

Regrettably, the current regime has normalised rewarding incompetence, corruption, and reckless misuse of public funds. In the last one and a half years, Kenyans have witnessed the withdrawal of corruption cases and acquittals. The cases include; (Geoffrey Mwangi former CEO, NHIF and 17 others – Ksh 1.1 billion; Rigathi Gachagua - Deputy President & 9 others – Ksh 7.3 billion; Wambui Mary - Communications Authority of Kenya chairperson – Tax evasion case - Ksh 2.2 billion; Aisha Jumwa - CS Ministry of Public Service, Gender and Affirmative Action – graft case - Ksh 19 million; R. V Ben Chumo & others –Ksh 400

million; R v Dr Ken Tarus & 8 others - Ksh 159 million and recently the acquittal of Rotich and eight others. A number of these individuals have since been appointed to public office, it is no wonder it took just 56 days for Rotich to find a new home inside the Office of the President. We ask President Ruto to promptly revoke this appointment in respect of the Constitution.

Rotich, like others who have benefited from the withdrawal of cases and prosecution-abetted acquittals, should be fully processed through the criminal justice system to ensure accountability for public funds. Failure to do so undermines the trust of Kenyan citizens and jeopardizes the country's future prosperity.

Signed

1. Kenya Human Rights Commission (KHRC)
2. Transparency International Kenya (TI-Kenya)