

3.10 Submission by the KFS Suspended Officers

“BN 5”

29. Six (6) suspended officers at the Kenya Forest Service (KFS) appeared before the Committee on 12th April, 2018 and informed it as follows:

1. Mr. Emilio Mugo, Chief Conservator of Forests

He stated that:

- a) He was suspended on 12th March, 2018 after a tour of Thogoto Forest, Ngong Road Forest, Oloolua Forest and Kibiko Forest.
- b) On the tour he was accompanied by the Cabinet Secretary, the Chairperson of the taskforce inquiring into forest resources management and logging activities in Kenya, Ms. Marion Wakanyi Kamau.
- c) The issues raised included complaints on implementation of the Plantation Establishment Livelihood Improvement Scheme (PELIS) and harvesting of the forests in question.
- d) The Thogoto Forest was harvested in the 1960s but was not replanted until 2017.
- e) The Kibiko Forest was a plantation forest that was harvested in 2017 as per the harvest program at KFS.
- f) There was no Plantation Establishment Livelihood Improvement Scheme (PELIS) being implemented in the Oloolua and Kibiko Forests.
- g) After the tour, a discourteous press statement by the Cabinet Secretary was made at the Wilson airport, in his presence.
- h) After the tour and back in his office in Karura, he could not reach his deputy, Ms. Monica Kalenda, the Chairperson of the KFS Board, Mr. Peter Kinyua and the KFS Commandant Mr. Alex Lemarkoko.
- i) However, he got a call from the Chairperson asking him to step aside to pave way for investigations. On asking about a formal suspension letter, he was told to await consultations on the same before it was drafted.
- j) A special Board meeting was called on 13th March, 2018 to ratify the decisions already made without regard to due procedure. There was no notice issued for the meeting hence the meeting itself was not procedural.
- k) Other officers were either suspended or given 90-day compulsory leave, through letters signed by the KFS Board Chairperson, with no specifics on the issues/ allegations against them. This was not in tandem with the KFS human resource manual and the State

Corporations Act, (Cap. 446) and the Forest Conservation and Management Act, 2016.

2. Mr. Patrick Nyaga, Senior Manager, Finance and Administration
 - a) He was sent on compulsory leave commencing on 26th February, 2018 to pave way for investigations into allegations of non-facilitation of field operations especially with regard to vehicle maintenance and fueling.
 - b) His letter was signed by the Chairman, KFS Board.
 - c) He alleged that the letter was a culmination of a personal feud with the Chairman of the KFS Board.

3. Mr. Dedan Nderitu Gatiki, Assistant Chief Conservator of Forests, North Rift
 - a) He was interdicted for gross misconduct through a letter dated 14th March, 2018.
 - b) The interdiction was on account of allowing a debt of Ksh. 40,500,000 to accrue in Elgeyo Marakwet County without taking any action.
 - c) His letter was signed by the Chairman, KFS Board.
 - d) He contended that he had not allowed any accumulation of debt under his watch and the interdiction was effected without him being given any opportunity to respond to the allegation.

4. Mr. Boniface W. Simiyu, Deputy Chief Conservator of Forests, Plantations and Enterprise.
 - a) He was sent on a 90-day compulsory leave through a letter dated 26th February, 2018. The leave was commencing on 27th February, 2018.
 - b) The compulsory leave was meant to pave way for in depth investigations into complaints of over-logging and under valuation of forest plantations.
 - c) He complained of not being given an opportunity to respond to the allegations, being sent on compulsory leave in a dehumanizing manner. He contended that he worked diligently and professionally in executing the duties of his office.

5. Mr. Francis Kariuki, Assistant Chief Conservator of Forests (Eastern Conservancy, Embu).
 - a) He was sent on a 90-day compulsory leave through a letter dated 27th February, 2018. The leave was commencing on 1st March, 2018.

- b) The leave was meant to pave way for investigations into issues of illegal cultivation in Irangi Forest Station.
 - c) He contended that all Plantation Establishment Livelihood Improvement Scheme (PELIS) activities in his area of jurisdiction were duly authorized.
6. Mr. Cosmas K.P. Ikiugu, Assistant Chief Conservator of Forests (Central Highlands).
- a) He was sent on a 30-day compulsory leave through a letter dated 14th March, 2018.
 - b) The leave was meant to facilitate investigations into the management of the Plantation Establishment Livelihood Improvement Scheme (PELIS) in Wanjerere Forest Station and plantation harvesting in Kabaru Forest Station.
 - c) He contended that all Plantation Establishment Livelihood Improvement Scheme (PELIS) activities and plantation harvesting in his conservancy region were procedurally processed.
 - d) He was accused of not allocating plantations procedurally yet such allocations were done before his tenure at the station. He had been stationed in the areas for 6 months only.
 - e) The drying up of rivers in the region could be attributed to many other factors especially diversion of water into water supply systems and irrigation activities.

3.10 Submissions by Capt. John Miriti, Board Member, KFS

30. Capt. John Miriti, Board Member, KFS (Chairperson, Human Resource Committee) appeared before the Committee on 12th April, 2018 and informed it that:
- 1. By profession, he was a retired Kenya air force pilot.
 - 2. He was the then Chairperson of the Human Resources Committee of the KFS Board.
 - 3. Most of the suspended officers had worked or were working in the Mt. Kenya region or its environs. It was alleged that their suspension was due to conflict of interest between the KFS and two NGOs namely; Mt. Kenya Trust and Rhino Ark Charitable Trust.
 - 4. The then Chairperson of the KFS Board was a close friend of Christian Lambrecht, Executive Director, Rhino Ark Charitable Trust.
 - 5. The then Chairperson of the KFS Board was also a director at the Rhino Ark Charitable Trust.