

COUNTY GOVERNMENT OF SIAYA



OFFICE OF THE GOVERNOR

All Correspondence should be addressed to:
The Governor,
P.O Box 803 – 40600, Siaya
Email: governor@siaya.go.ke
Email: siayagov2013@gmail.com
Contact 0792631619
In reply please quote:

Executive Department

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12th August, 2026

Mr. Charles Dulo
Chairperson
Commission on Administrative Justice
(Office of the Ombudsman)
West End Towers – 2nd Floor
NAIROBI

Dear

A handwritten signature in black ink, appearing to read 'Mr Dulo'.

**PURPORTED ADVISORY OPINION CONCERNING APPOINTMENTS AND
ADMINISTRATIVE ARRANGEMENTS WITHIN THE COUNTY GOVERNMENT
OF SIAYA**

The County Government of Siaya has taken note, with profound concern, of the purported Advisory Opinion and accompanying public statement issued by the Commission on Administrative Justice (Office of the Ombudsman) concerning appointments and administrative arrangements within the County Government.

At the outset, the County Government places on record that, despite the public release and circulation of the purported Advisory Opinion, it was neither formally furnished with the opinion nor afforded a meaningful opportunity to respond to the allegations, evidence and representations upon which the adverse conclusions appear to have been based.

It is deeply troubling that a constitutional commission established to safeguard administrative justice would publicly issue adverse findings against a public institution before according that institution the basic right to be heard. This is not a mere procedural technicality. It raises serious questions concerning the legality, fairness and constitutional validity of the process.

Article 47 of the Constitution guarantees every person the right to administrative action that is lawful, reasonable and procedurally fair, while Article 50(1) safeguards the right to a fair hearing. These constitutional standards apply to all institutions, including the Commission itself.

The County Government is particularly concerned by the apparent reliance on allegations originating from the County Assembly of Siaya, a political institution, without demonstrable and meaningful engagement with the County Executive. An independent constitutional commission must independently establish facts, hear all sides and apply the law impartially. It must not become an instrument through which allegations by one political actor are amplified and converted into adverse findings against another.

The striking between aspects of the original complaint and the language and conclusions of the purported findings further raises legitimate questions regarding the independence and objectivity of the process. The fundamental question remains: What evidence did the Commission independently obtain from the County Executive before reaching its conclusions?

The County Government rejects, in the strongest terms, any attempt to manufacture an institutional crisis around routine questions of administration and appointments. Administrative decisions lawfully made within the constitutional mandate of the County Executive cannot simply be characterised as unlawful merely because they are politically contested.

To the extent that the purported Advisory Opinion purports to make such binding or determinative findings, the County Government considers the Commission to have acted ultra vires its constitutional and statutory mandate.

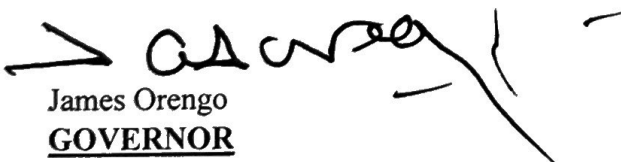
The County Government therefore requires the Commission to formally furnish it with:

- a) The complete Advisory Opinion, including all findings and recommendations;
- b) The complaint or petition, together with all supporting documentation;
- c) All evidence and material relied upon in reaching the findings;
- d) The record of notices and opportunities allegedly afforded to the County Government to respond; and
- e) The legal and jurisdictional basis upon which the Commission proceeded to make determinations extending beyond its advisory mandate.

The Commission must uphold the very principles of administrative justice that it exists to protect. Independence, impartiality, due process and respect for constitutional boundaries cannot be demanded from others while being disregarded by the institution itself.

The County Government of Siaya reserves its right to pursue all appropriate legal remedies in respect of the process, findings, publication and any consequences arising from the purported Advisory Opinion.

Yours faithfully,



James Orengo
GOVERNOR