



2<sup>ND</sup> MAY 2025 | ISSUE 15

# THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

## LSK PRESS STATEMENT CALLING FOR ACCOUNTABILITY ON THE BRUTAL KILLING OF KENYANS AND INVESTIGATIONS ON HISTORICAL EXTRAJUDICIAL KILLINGS BY OFFICERS OF THE NATIONAL SECURITY ORGANS



The Right to Life is enshrined and safeguarded under Article 26 of the Constitution of Kenya, 2010. The preservation of the right is not only crucial for its enjoyment by individuals, but bears significant impact on our nation and its sovereignty. Invariably, the ramifications of disregard for and violation of the right to life not only indicates injustice and disregard for the rule of law, it equally paints a grueling picture on the state of our democracy, and represents a damning indictment on our national security, and the ability of our security organs to undertake their mandate.

Historically, extrajudicial killings have emerged among the greatest threats to the right to life. To this effect, the Kenyan reality is characterized by a symbolic irony where those whose sworn duty it is to preserve the right to life, have proven to be the greatest threat to its enjoyment. Under the prevailing constitutional order, the people of Kenya sought to end the inveterate abuse of security organs as agents of political repression, through excessive use of force and arbitrary extrajudicial killings. However, the past two years have proven that this relic of old continues to prevail upon Kenya. It is a matter of general consensus that this cannot go on. To access the full statement, click [Here](#).



### FEATURED

News Segment

Notices

Upcoming Events





## SPECIALIZED CPD SEMINAR ON STRENGTHENING LAND MANAGEMENT SYSTEMS AND THE RELEVANT JURISPRUDENCE TO SAFEGUARD SANCTITY OF TITLES IN KENYA



On 30th April 2025, the Law Society of Kenya President, Madam Faith Odhiambo, accompanied by the LSK Vice President, Mwaura Kabata and LSK Deputy CEO Mwathi Kitonga opened the one day specialized CPD seminar on Strengthening Land Management Systems and the Relevant Jurisprudence to Safeguard Sanctity of Titles in Kenya. In her statement, The Law Society of Kenya President, Madam Faith Odhiambo stated “indeed, some of our courts have painfully noted that a title deed in Kenya is equal to a betting slip, full of hope but uncertain of the outcome. Our history with land is what I’d frankly call a complicated love story.”

The Cabinet Secretary for the Ministry of lands, Hon. Alice Wahome was in attendance and proceeded to give her presentation. The event was organised by LSK together with the University of Nairobi Faculty of Law, and the Foa and Agriculture Organisation Kenya of the United Nations under the European Union in Kenya Digital Land Governance Programme



## DPP SECURES 40-YEAR SENTENCE FOR NIGERIAN NATIONAL IN BRUTAL MURDER OF KENYAN ADVOCATE FIANCÉE

A Nigerian National, Christian Baledi Kadima alias Erick Kambaye Katalayi, has been sentenced to forty years imprisonment for the brutal murder of his fiancée, Advocate Elizabeth Koki Musyoki. Hon. Justice Francis Rayola Olel of the Machakos High Court found Kadima guilty of murder contrary to Section 203 as read with Section 204 of the Penal Code (Cap 63) of the Laws of Kenya and sentenced him accordingly. The court heard that on the evening of January 7, 2021, at Ferndale Court in Syokimau, Athi River Sub-County, Machakos County, Kadima visited Elizabeth, who had reportedly been feeling unwell. What began as a seemingly routine visit quickly turned fatal. According to testimony from the house help, loud noises erupted from the couple's bedroom, followed by Kadima leaving in a hurry, breathing heavily and looking troubled.

The next morning, Elizabeth's lifeless body was discovered, her face covered with blood-stained pillows. A post-mortem conducted by Government Pathologist Dr. Johansen Odour concluded that Elizabeth died from asphyxia due to suffocation. The autopsy further revealed bruises on her neck and internal injuries, consistent with a vicious struggle. Kadima had initially pleaded not guilty when arraigned in court on February 9, 2021. The prosecution team, led by Mr. Dennis Mang'are and Ms. Mary Otulo, built a compelling case, presenting fourteen witnesses who helped establish Kadima's culpability beyond reasonable doubt.







LAW SOCIETY OF KENYA

Lavington, Opp. Valley Arcade  
Gitanga Road  
P. O. Box 72219-00200  
NAIROBI  
Tel. 0111 045 300

## NOTICE FOR COMMENTS ON THE DRAFT GUIDELINES FOR THE LEGAL PROFESSION ON ANTI-MONEY LAUNDERING, COUNTERING THE FINANCING OF TERRORISM & PROLIFERATION FINANCING (AML/CFT/CPF), 2025

The Law Society of Kenya (LSK) Adhoc Committee on AML/CFT convened by Council Member Hezekiah Aseso has developed draft Guidelines for the Legal Profession on Anti-Money Laundering, Countering the Financing of Terrorism & Proliferation Financing (AML/CFT/CPF) in response to recent legislative reforms, including the amendment to Section 2 of the Proceeds of Crime and Anti Money Laundering Act, (POCAML) 2009, Revised Edition 2023 and the amendment under Section 4A of the LSK Act Revised Edition 2023, which designate the LSK as a Self-Regulatory Body. The Society is mandated to regulate, supervise and enforce compliance within the legal profession on matters related to AML/CFT/CPF.

These Guidelines intend to provide practical direction to advocates and law firms on compliance obligations, risk-based approaches and institutional responsibilities among others, under AML/CFT/CPF laws and regulations.

Members are invited to review the draft Guidelines, which can be accessed via the following [link](#) and submit their comments using the provided [Comment Template](#) to aid in refining the document prior to its final adoption.

Members are requested to submit all comments to Ms. Lucy Khanyili Advocate at [lucy.khanyili@lsk.or.ke](mailto:lucy.khanyili@lsk.or.ke) not later than Friday, 9th May, 2025 at 5:00p.m.

Dated 23rd April 2025

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
Tom K'opere, Teresia Wavinya, Hosea Manwa, (General Membership Representatives)  
Gloria Kimani, Irene Otto, Stephen Mbugua (Nairobi Representatives)  
Vincent Githaiga, Linda Kiome, Hezekiah Aseso, Zulfa Roble (Upcountry Representatives)  
Elizabeth Wanjeri (Coast Representative)





## COUNCIL DECISIONS TAKEN ON 17TH APRIL 2025

The Council Decisions on applications taken on 17th April 2025 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link; [Click Here](#)

## MEDICAL APPEAL FOR CHERYL OMIRE, ADVOCATE



### Medical Appeal for Cheryl Omire, Advocate

We urgently appeal for your support for **Ms. Cheryl Omire, Advocate** who is battling a recurrence of **cancer affecting her lungs and trachea**. Cheryl is currently receiving specialized treatment at **Apollo Hospital, Hyderabad – India**.

The total cost of treatment is **Kshs. 6.73 million**, with **additional quarterly injections costing \$4,710 each over the next year**.

You may channel your contribution through either of the **payment details**:

- **USD A/C:** 0100010234071 (Stanbic Bank, Kenyatta Avenue)
- **Mpesa:** 0790888418 (Kenneth Omollo)
- **Paybill:** 8062329 (A/C: Your Name)

Your financial support, prayers, and presence at the fundraiser will bring hope and healing to Cheryl and her family.

*Thank you!*



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## CALL FOR SUBMISSIONS ON POLICE HARASSMENT AND INTIMIDATION OF ADVOCATES WHILE IN THE COURSE OF DUTY

The Council of the Law Society of Kenya, during its meeting held on 17th April, 2025, noted with great concern the increasing cases of harassment, intimidation, obstruction and even physical attacks against advocates by the police, while executing their lawful duties.

These incidents threaten not only the security and independence of the legal profession but also undermine the fundamental right to legal representation and the broader administration of justice.

In order to facilitate ongoing engagement with the relevant authorities, including the Office of the Inspector General of Police, the Society invites all affected members to submit first-hand accounts of police harassment, intimidation or obstruction, by filling out the form on the link <https://forms.gle/uu2y4FsvUlsGtTo56> so as to reach us not later than 9th May, 2025 by 5:00 P.M.

Dated 25th April 2025

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
Tom K'opere, Teresia Wavinya, Hosea Manwa, (General Membership Representatives)  
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## ANNUAL LEAVE OF THE PRESIDENT OF THE COURT OF APPEAL

The Law Society of Kenya (LSK) has received communication from the Office of the President of the Court of Appeal, The Honourable Justice Daniel K. Musinga, indicating that he will be proceeding on annual leave from 22nd April, 2025 to 30th May, 2025, both dates inclusive.

Pursuant to the provisions of Section 13(3) of the Court of Appeal (Organization and Administration) Act, during his absence, The Honourable Lady Justice Wanjiru Karanja, JA, shall exercise the functions of the Office of the President of the Court of Appeal.

Members are kindly requested to take note.

Dated 24th April 2025

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
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## CALL FOR PAPERS FOR THE LAW SOCIETY OF KENYA JOURNAL 2025

The Law Society of Kenya Journal is a peer-reviewed publication of the Law Society of Kenya prepared by the Editorial Committee. The Committee invites members to submit papers for consideration for publication in the 2025 Edition.

The papers should be in line with either of the below themes;

1. *Digital Rights & Data Protection – Navigating privacy laws, cybersecurity, and the impact of big data.*
2. *Human Rights in a Changing World– Addressing issues such as digital surveillance, migration, and equality.*
3. *International Law & Geopolitical Conflicts – The role of legal frameworks in maintaining global order.*

And only submissions written in accordance with the Law Society of Kenya Journal (LSKJ)- Instructions to Authors will be considered. The Instructions can be accessed via the link, [LSKJ Instructions to Authors 2025](#).

Please ensure that submissions are sent to [journal@lsk.or.ke](mailto:journal@lsk.or.ke). All submissions should include reliable telephone numbers and email addresses for ease of communication with the Editorial Committee. The papers should be received on or before 30th June 2025.

Plagiarism is unacceptable and will lead to automatic rejection of the submitted paper.

Dated 15th April 2025

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
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**NOTICE FOR COMMENTS ON THE DRAFT CAPITAL MARKETS  
(CORPORATE GOVERNANCE) (MARKET INTERMEDIARIES)  
REGULATIONS, 2025**

The Capital Markets Authority of Kenya is mandated to regulate and develop Kenya's capital markets. In line with this mandate, the Authority has developed Capital Markets (Corporate Governance) (Market Intermediaries) Regulations, 2025 to review the Capital Markets (Corporate Governance) (Market Intermediaries) Regulations, 2011. The revised regulations aim to enhance responsiveness to evolving market needs and address emerging issues within the capital markets landscape.

In accordance with Article 10 (2) (b) of the Constitution members are hereby invited to submit their comments on the Capital Markets (Corporate Governance) (Market Intermediaries) Regulations, 2025 which can be accessed through [Link](#). The comments template can be accessed through the [Link](#).

Members are requested to submit their comments to the Parliamentary Affairs and Legislation email at [parliamentaryaffairs@lsk.or.ke](mailto:parliamentaryaffairs@lsk.or.ke) and copy Ms. Sarah Agong at [sarah.agong@lsk.or.ke](mailto:sarah.agong@lsk.or.ke) and Cherotich Maryleen at [cherotich.maryleen@lsk.or.ke](mailto:cherotich.maryleen@lsk.or.ke) not later than Wednesday 14th May, 2025 at 5.00 pm.

Dated 23rd April 2025

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
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## THE LSK e-ADVOCATE MAGAZINE, MARCH EDITION, 2025

Following a call for members to submit their articles for consideration for publication in the LSK e-Advocate Magazine, members are hereby notified that the e-Advocate Magazine, March Edition 2025 has been published under the theme, – **The Human Rights Lens (" Social Media and Activism: The Double-Edged Sword ")**.

Members can access the e-Magazine via this link, [The LSK e-Advocate Magazine, March Edition 2025](#)

Dated 15th April 2025

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NOTICE

## LSK ANNUAL CONFERENCE 2025



LAW SOCIETY OF KENYA

# ANNUAL CONFERENCE 2025

12TH - 16TH AUGUST

*Diamonds Leisure Beach & Golf Resort,  
Kwale County.*

[www.lsk.or.ke](http://www.lsk.or.ke)



## VACANCY

A medium sized law firm based in Nairobi is looking for an Advocate of 2 years post qualification experience. Graduated from a public university with a bias towards conveyancing and civil litigation. Apply by 9th May 2025 to [info@kmandco.co.ke](mailto:info@kmandco.co.ke)

## Inventor Assistance Program in Kenya: Protecting Your Invention Seamlessly

Learn more about what qualifies and how seamlessly you can file your patent or utility model in Kenya with the Inventor Assistance Program (IAP)

Date: May 7, 2025  
Time: 10:00 – 11:30

To register, scan the QR code



*Win a free consultation with a patent attorney*







## Ngige Aluvale

— ADVOCATES LLP —

Suite No. 3, 1<sup>st</sup> Floor  
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[www.ngigealuvale.com](http://www.ngigealuvale.com)

29<sup>th</sup> April 2025

### Re: OFFICE RELOCATION

We are pleased to inform our esteemed clients, colleagues, and partners that Ngige Aluvale Advocates LLP has relocated to new offices.

Our new physical address is:

**Suite 3, 1<sup>st</sup> Floor**

**Devsons Court**

**Argwings Kodhek Close, Off Argwings Kodhek Road, Hurlingham**

Kindly update your records accordingly.

For any enquiries, please do not hesitate to contact us on telephone number +254 746 621 277 or via email at [info@ngigealuvale.com](mailto:info@ngigealuvale.com).



# ADVOCATES DISCIPLINARY TRIBUNAL



## ADVOCATES DISCIPLINARY TRIBUNAL

### KNOW YOUR TRIBUNAL



#### ESTABLISHMENT

The Advocates Disciplinary Tribunal (ADT) plays a crucial role in upholding the standards of the legal profession in Kenya. The ADT is established under Section 57 of the Advocates Act, Cap 16.



#### MANDATE

The ADT is mandated to hear and determine complaints lodged against Advocates. The LSK Secretariat through the Compliance & Ethics Directorate, serves as the administrative arm of the Tribunal. It receives the affidavits of complaint from the Advocates Complaints Commission (ACC) and forwards them to the Tribunal members for prima facie determination. Once a case to answer is established, the Secretariat allocates the matters case numbers, sets them down for plea taking and undertakes service upon advocates. The Secretariat through the Compliance & Ethics Directorate also ensures advocates comply with orders of the Tribunal.

#### CONSTITUTION

The ADT is comprised of the Attorney-General, Solicitor-General or a person deputed by the Attorney-General, six advocates, the Chairman, Vice-chairman and the Secretary of the Law Society. The Secretary of the Society is the Secretary to the Tribunal.



#### KEY STAKEHOLDER

The Advocates Complaints Commission (ACC) operates in close coordination with the LSK and the Tribunal. The ACC is established under Section 53(1) of the Advocates Act. It is mandated to receive complaints of professional misconduct against advocates. The ACC works to promote reconciliation, provide amicable settlement through Alternative Dispute Resolution (ADR) and conduct investigations with regard to complaints lodged against advocates. Additionally, the ACC may refer and prosecute complaints of professional misconduct before the Tribunal, at no cost to the complainants.



#### WHO CAN INSTITUTE A COMPLAINT AGAINST AN ADVOCATE?

- Any member of the public aggrieved can lodge a complaint against an Advocate.
- An advocate can lodge a complaint against a fellow advocate.

#### WHERE DO I LODGE MY COMPLAINT AGAINST AN ADVOCATE?

- An aggrieved party can either lodge a complaint directly with the Advocates Disciplinary Tribunal or with the Law Society of Kenya or with the Advocates Complaints Commission.

#### HOW DO I LODGE A COMPLAINT AGAINST AN ADVOCATE?

1. Write a letter to the Law Society of Kenya lodging a formal complaint against the advocate. Ensure to include the full names of the advocate and have the complaint signed.
2. Alternatively, you may lodge a complaint through the Advocates Complaints Commission. You will be required to fill in the provided help form. Subsequently, the Advocates Complaints Commission will carry out investigations into the matter and lodge a complaint on your behalf, with the Advocates Disciplinary Tribunal.
3. You may also prepare six sets of Affidavit of Complaint under section 60 of the Advocates Act to be forwarded to the Tribunal for determination.





CONTD



## ADVOCATES DISCIPLINARY TRIBUNAL KNOW YOUR TRIBUNAL

### HOW DO I LODGE A COMPLAINT BEFORE THE ADVOCATES DISCIPLINARY TRIBUNAL?

Prepare six (6) sets of Affidavits of Complaint (Under Section 60 of the Advocates Act)

File the Affidavits at LSK

Service by the LSK to the accused Advocate (private prosecution)

Prima Facie Stage

Plea taking Stage

Hearing Stage (by affidavit evidence)

Judgement stage

Mitigation and Sentencing Stage

Enforcement of Tribunal Orders

### ADVOCATES DISCIPLINARY TRIBUNAL SANCTIONS

Where a case of professional misconduct has been made against an advocate the Tribunal may order the following: the advocate be admonished; the advocate be suspended from practice for a specified period not exceeding five years; the name of the advocate be struck off the Roll of advocates; the advocate to pay a fine not exceeding one million shillings; or the advocate to pay to the aggrieved person compensation or reimbursement not exceeding five million shillings.

### FOR ANY FURTHER INQUIRES, CONTACT US AT

**LAW SOCIETY OF KENYA**  
Lavington, opp, Valley Arcade Gitanga Road  
P.O. BOX 72219-00200, Nairobi, Kenya  
Phone: +254 111-045-300/ 0111-045-555  
Email: [lsk@lsk.or.ke](mailto:lsk@lsk.or.ke)

**ADVOCATES COMPLAINTS COMMISSION**  
Co-operative Bank House, 20th Floor, Haile Selassie Avenue  
P.O. BOX 48048- 00100, Nairobi, Kenya  
Phone: +254- 2- 2224029/ 2224082  
Mobile: +254- 733- 241111 Email: [acc@ag.go.ke](mailto:acc@ag.go.ke)




# The Lift


Season One, Episode Seven




## PROFESSIONALS : CORRUPT BY CHOICE OR DESIGN?

Sponsors

  
Crown Paints Kenya

In Attendance

  
Law Society of Kenya

 May 15 th |  from 4PM |  Crown Paints Showroom, Mustek Building  
Parklands Road, opp MP Shah Hospital

The Architects Alliance is an association whose membership is open to all architects. We are dedicated to creating a better society for all by promoting excellence in architecture, town, and urban planning.

Is corruption a personal failure or just the cost of surviving a broken system? In this episode, we dive into the messy middle—where individual responsibility meets institutional rot. Are professionals knowingly playing dirty, or are they trapped in a setup that rewards the corrupt and punishes the honest? We talk to insiders, whistleblowers, and ethics experts to unpack whether the system is producing the problem—or just revealing it.

Register via  
<https://forms.gle/7PKEAEC19ySnUQz67>





NOTICES

# STATISTICAL QUESTIONNAIRE: ASSESSING MONEY LAUNDERING AND TERRORISM FINANCING RISK - LEGAL PROFESSIONALS



Scan the QR code to access The statistical questionnaire



## ASSESSING MONEY LAUNDERING AND TERRORISM FINANCING RISKS FOR LEGAL PROFESSIONALS

The Society is conducting a sectoral risk assessment to gather information to enable it analyze the structure, inherent risks and controls present within law firms which is vital for assessing money laundering and terrorism financing risks within the legal sector.

<https://forms.gle/sErhujGJfcIJYLkz5>





## UPCOMING EVENTS

# INVITATION TO THE PAN AFRICAN LAWYERS UNION'S 15TH ANNUAL CONFERENCE AND TRIENNIAL GENERAL ASSEMBLY FROM 25 TO 27 JUNE 2025, IN ABIDJAN, CÔTE D'IVOIRE

+255 (68) 507- 8794    events@lawyersofafrica.org



HOME

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FRANÇAIS



Dear Members of the PALU Council

Greetings from the Pan African Lawyers Union (PALU), the premier continental membership forum of and for lawyers and lawyers' associations in Africa.

We are pleased to invite you to the PALU Annual Conference and Triennial General Assembly, which will be held in Abidjan, Côte d'Ivoire, from 25 - 27 June 2025, under the theme "Justice through Reparations".

As we have done in the past, we encourage the leadership and Secretariat of national lawyers' associations to organize group travel for their members. This can be done through your usual Travel Agent, or, even better, you can do a small tender amongst a few Travel Agents so that they can compete to give you the best deal for your members.

We also encourage you to consider the importance of the CLE points for your participating members.

For More Information regarding the conference and the registration rates, please visit our event portal at: <https://events.lawyersofafrica.org/>.

We acknowledge receipt once again of your Bar Association membership payment of the Year 2025 and we thank you.

We look forward to welcoming you and your members to Abidjan for what promises to be an engaging and impactful gathering.





UPCOMING EVENTS

## INTERNATIONAL BAR ASSOCIATION (IBA) 2025



**IBA 2025 TORONTO**  
2-7 NOVEMBER  
ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



OFFICIAL CORPORATE SUPPORTER





UPCOMING EVENTS

## 38TH LAWASIA CONFERENCE 2025



### 38<sup>th</sup> LAWASIA Conference 2025

11 - 13 October 2025 | Hanoi, Vietnam



**SAVE THE DATE!**  
**38th LAWASIA Conference 2025** 📢

**LAWASIA & the Vietnam Bar Federation** are proud to present the  
**38th LAWASIA Conference 2025 in Hanoi, Vietnam!**





LAW SOCIETY OF KENYA

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**[www.lsk.or.ke](http://www.lsk.or.ke)**

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