

**MEMORANDUM OF COMPLAINT AGAINST THE ACTING INSPECTOR GENERAL OF POLICE GILBERT  
MASENGELI**

**TO:**

Clerk of the National Assembly,  
The National Assembly Departmental  
Committee on Administration and Internal Affairs,  
Parliament Buildings  
P.O BOX 41842 – 00100 **Nairobi.**  
Email: **cna@parliament.go.ke**

**FROM:** .....

**DATE:** 15/09/2024.

**CC:**

The Senate,  
Senate Standing Committee on National Security,  
Defense, and Foreign Affairs,  
Email: **clerk.senate@parliament.go.ke**

Dear Honorable Chair and Committee members,

**RE: VIOLATION OF CHAPTER SIX OF THE CONSTITUTION BY THE ACTING INSPECTOR GENERAL OF POLICE GILBERT MASENGELI.**

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1. As a Kenyan citizen who advocates for accountability, good governance, development, and strong democracy, recognizing that **Article 1 of the Constitution** grants all sovereign power to the people of Kenya, sovereign power may be exercised directly or indirectly through representatives and the same shall be exercised in accordance with the constitution. In light of **Article 3 of the Constitution which provides that every person has the obligation to uphold, respect and defend this Constitution** I wish to address you as follows;
2. That the national values and principles of governance enshrined in **Article 10 of the Constitution** binds all persons and all state organs. That **Article 75 of the Constitution** provides for conduct of state officers where it states that if a person contravenes the same shall be subject to applicable disciplinary procedure and be dismissed or otherwise removed from office.
3. That **Article 95 of the Constitution** provides that the role of the National Assembly includes reviewing conduct of state officers and initiating the process of removing them from office. **Article 96 of the Constitution** provides for the **Role of the Senate** to exercise **oversight of state Officers**.
4. That the Inspector General of Police is a State Officer whose office is established under **Article 245 (1) of the Constitution**. He is appointed under **Article 245(2)** and bestowed with a mandate

to exercise independent command of National Police Service any other functions prescribed by National Legislation. **Article 245 (7) (a) of the Constitution provides that the Inspector General may be removed from office by the President only on the grounds of serious violation of the Constitution or any other law, including a contravention of chapter six and or gross misconduct.**

5. That In **Law Society of Kenya & 3 others v Inspector General of Police & 4 others (Petition E436 of 2024) [2024]** , the court had directed the **Acting Inspector General of Police Gilbert Masengeli** to attend the court, however he snubbed the court summons for more than **SIX 6 times**. The Acting Inspector General displayed the attitude that he is too busy to be bothered by court orders even when they are matters affecting life and safety of persons he is required to protect. The willful disobedience undermined not only the authority of the court but the supremacy of the law and administration of justice in the Republic of Kenya. The Learned Justice **L N Mugambi found the Acting Inspector General of Police guilty of contempt of court and sentenced him to 6 months imprisonment.**
  
6. The bold impunity, open defiance and cynical disregard for the authority of the court and the integrity of the Judicial System by the **Acting Inspector General of Police Gilbert Masengeli** through deliberate refusal to abide by the court orders/summons over six (6) times undermines the principle of rule of law under **Article 10 (b)**. **This conduct threatens the very foundation of the rule of law, is unbecoming, a total betrayal of the constitution, is unreasonable and not justified in an open democratic state like Kenya. Such an attitude affects the rule of law and makes the citizens vulnerable knowing that the law cannot protect them. WE CANNOT CONDONE THIS.**
  
7. It is on these **GROUND**S that I pray, request that you exercise your mandate as hereinabove of oversight/review conduct of state officers and **investigate, probe and take disciplinary action against the Acting Inspector General of Police Gilbert Masengeli** and make the following findings;
  - i. **He is Unfit to hold Public Office as the Head of the Primary Law Enforcement Agency in Kenya.**
  - ii. **Declare his office Vacant and offer Invitation for new Applicants.**
  
  - iii. **Vet and under due procedure appoint qualified applicants.**

Honorable members, I thank you for considering this Memo, looking forward to your competent and swift action.

Yours Faithfully,

\_\_Richard Ngugi\_\_

Kenyan Citizen.