

**SPEECH BY THE HON. ATTORNEY GENERAL DURING THE LAUNCH OF THE ELECTRONIC PETITION MANAGEMENT INFORMATION SYSTEM (EPMIS) ON WEDNESDAY 13<sup>th</sup> APRIL 2022, AT TSAVO BALLROOM , KICC, NAIROBI.**

Distinguished Ladies and Gentlemen,

It is my distinct honour and privilege to join you on this auspicious occasion of the launch of the Electronic Petitions Management Information System (EPMIS). This launch ushers in a new dispensation in the administration of Power of Mercy in Kenya. I acknowledge with appreciation that the said EPMIS has been developed in response to the views expressed by the citizenry during the Public Participation Exercise. I also note with appreciation that this is the first deliverable arising from the recommendations of the Task-force. This launch affirms the commitment to our governance ideals and our national value as the system will not only enhance openness, transparency and accountability but it will also facilitate participation and collaboration between the major stakeholders in the petitions process.

Ladies and Gentlemen

As you are aware The Power of Mercy is a prerogative power conferred to the president by article 133 and entails granting of mercy to eligible convicted offenders through: granting a free or conditional pardon; postponing the carrying out of a punishment for a specified or indefinite period; substituting a less severe form of punishment: or remitting all or part of a punishment. While the processing of petitions remains the cornerstone of the Committee's role, this has been done albeit with some challenges. These challenges emanate from certain gaps, overlaps and inconsistencies that have been identified

between Article 133 of the Constitution and the Acts that existed prior to its passing.

Ladies and Gentlemen

It is against the background of these challenges that the Office of the Attorney General established the Task-force on the Review of the Laws Relating to the Exercise of the Power of Mercy in September 2020. The Taskforce's mandate is to review the all the laws related to the said Article 133 in order to provide a Policy and Legislative framework to fully operationalize the reliefs provided under the said Article 133. It is worth noting that the Taskforce has worked tirelessly against the backdrop of the very challenging period of the Covid-19 Pandemic with this Ceremony heralding the implementation of their recommendations. I congratulate the Power of Mercy Advisory Committee for taking the decisive action to fully embrace the new normal of leveraging on technology and embracing automation and digitization of the petition management process.

Ladies and Gentlemen,

You will agree with me that the adoption of modern technological systems and practices by the Power of Mercy Advisory Committee is a major milestone. I am pleased to note that the Committee in collaboration with the ICT Authority has developed a system that will automate the entire petition process. Further, as part of its effort to leverage on technology the Committee proposes to integrate the system with other relevant systems in the petition process. These include, the Kenya Prisons Service, Directorate of Criminal Investigations, Judiciary, Probation and Aftercare among others. I also note

with gladness that the system has been thoroughly tested in readiness for the system changeover.

Ladies and Gentlemen

In my younger days at Law School we read many the works of such notables as Shakespeare in *The Merchant of Venice IV, 1, (as spoken by Portia)* observed that:

*"The quality of mercy is not strained; It dropped as the gentle rain from heaven; Upon the plain beneath. It is twice blest...And earthly power doth then show likest God's. When mercy seasons justice. Therefore, Jew, though justice be thy plea, consider this, that, in the course of justice, none of us should see salvation: we do pray for mercy; And that same prayer doth teach us all to render, the deeds of mercy. "*

As I conclude, I wish to my colleagues in the the Advisory Committee as we fulfill our mandate may we bear in mind that when asking whether to grant mercy, we should remind ourselves that, but for the grace of God, we could be the one in the seat of the person to be judged.

It is now my pleasure to the launch of the POMAC Electronic Petition Management Information System (EPMIS). It is important to mention that the said EPMIS will enhance collaboration, openness and inclusivity while supporting the Committee to discharge its core mandate. This, together with the other recommendations once implemented will usher a new dawn for the administration of the Power of Mercy.

**Thank you and God bless you all!**