

## Hon. Justice Emmanuel O’Kubasu



The Hon. Justice Emmanuel O’Kubasu was born on 4th August, 1945 in Kakamega District. He was brought up in Nairobi and in 1954 joined D.E.B Bahati (now Heshima Road Primary School) in Nairobi. At Standard Four he sat what was then known as Common Entrance Examination in November, 1957 and passed this Examination and was admitted to Government African School Pumwani in Standard Five in January, 1958.

In 1961 he sat what was then Kenya Preliminary Examination and passed very well and was admitted to Thika High School in February, 1962 in Form One. In 1965 sat for Cambridge School Certificate and passed with Division One. He joined Form Five at Thika High School in January, 1966 majoring in English, History and Geography and two subsidiaries i.e. General Paper and Religious Knowledge. In November 1967 Okubasu sat for “A” Levels and passed in all the subjects he had taken-English, History, Geography and the two subsidiaries – General Paper and Religious Knowledge, he was then attached to the Voice of Kenya where he worked as a script writer presenter and occasionally as an announcer and news reader. In his last year in school he was the School Captain (Head Prefect).

In December, 1967 he was employed as an Assistant Manager by African Highlands Produce Company Ltd and posted to Kericho later to be sponsored by the Company for a short course in management at the University of Nairobi at Kikuyu Campus and then to another course in leadership at Outward Bound School Loitoktok.

In July 1968, he was admitted to the then University of East Africa at the Dar-es-salaam College where he enrolled for LL.B. (London). In March, 1971 the Hon Justice graduated from the University College Dar-es-salaam with LL.B. degree.

On coming back to Kenya he joined the Law Firm of Hamilton Harrison & Mathews Advocates in April, 1971 and also enrolled at the Kenya School of Law for pupillage.

In April, 1972 he was appointed a State Counsel in the Attorney General’s Chambers and also admitted to the Roll of Advocates of the High Court of Kenya.

In February, 1974 he was appointed a Resident magistrate in Nairobi and then transferred to Kiambu District in May, 1974 as the Resident Magistrate in charge of the district. In October, 1977 Judge Okubasu was promoted to the position of Senior Resident Magistrate but remained in Kiambu District.

On 4th June, 1981 he was appointed a judge of the High Court of Kenya, worked in Nairobi until October, 1981 when he was posted to Nyeri as the Resident Judge in charge of Central and Eastern provinces. In January, 1983 he was transferred back to Nairobi.

In 1985 he was assigned the responsibility of establishing a High Court at Machakos, a task he completed on 4th March. He worked in Machakos in March and April, 1985 and then came back to Nairobi.

In August, 1985 he was appointed a Commissioner at the Kenya Law Reform Commission. In August, 1988 he was re-appointed a Commissioner and in October, 1989 he was appointed Chairman of the Kenya Law Reform Commission.

In 1992 he came back to the High Court where he presided over numerous Election Petitions arising from the 1992 General Elections. In 1991 he was appointed chairman of the Community Service Orders Committee with a view to coming up with appropriate legislation for community service as an alternative to imprisonment. As a committee we traveled widely to study the operation of such a scheme. In the end we drafted the community service orders bill culminating in the Community Service Orders Act No. 10 of 1998 which became operational on 23rd July, 1999.

In 1996 he was also appointed the chairman of a commission of Inquiry to investigate the disappearance of a small ship "Tag Harrier" which had disappeared in the Indian Ocean. The inquiry was conducted by way of public hearing at the P.C.'s Board room in Mombasa and at the end of public hearing he prepared a report which was handed over to the Minister of Transport and Communication.

In 1998 he was appointed a member of the Tribunal that investigated the suitability or otherwise of the then Director of the then Anti-Corruption Authority. In 1999 the Tribunal's final findings were compiled in a Report which was then presented to the president for his final decision.

In December, 1999 he was appointed a judge of the Court of Appeal.

In December, 2003 he was appointed a member of the Counsel of Legal Education. In 2004 he was appointed the Chairman of Counsel of Legal Education as from 10th August, 2004 where he has had the privilege of overseeing the growth of Kenya School of Law from its former site along Ralph Bunche road near Nairobi Hospital into a fully fledged institution of legal training as to be the centre of excellence of legal training in East and Central Africa.

He has presented a number of papers on various topics e.g. "Environmental Law in Kenya Law of Succession in Kenya" Law Reform Commission and its objectives etc. He has been involved in training Magistrates in Kenya (induction Trainings) each African judge conference and judgment writing in Kampala. He has widely travelled attending conferences, especially Commonwealth Law Conferences and workshops in various cities of the world.

He is a member of various clubs such as Muthaiga Golf Club, United Kenya Club, Kiambu Golf Club, Nyeri Golf Club, Kitale Golf Club, Kakamega Golf Club etc. Occasionally he plays golf but he prefers working in the gym at Safari Park Hotel Fitness Club.

Although he holds the position of a Judge of Appeal and Chairman of Counsel of Legal Education, he still thinks that there is a lot that he does not know. Hence in his spare time he reads widely in search of

knowledge since learning has no end. He has attended many international conferences including Commonwealth Law Conference in Jamaica in 1986, New Zealand in 1990 and in India in 2011.

Source: Judiciary, Republic of Kenya