

Isaac Aluochier

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26th April, 2024

Aluochier Dispute Resolution
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Dear Sir

APPOINTMENT OF ARBITRATORS

CASE NUMBER 002 OF 2024: LEMPAA VINCENT SUYIANKA v KENYA LEGISLATORS **IN THE 2013-2017 AND 2017-2022 TERMS OF OFFICE**

Further to your letter dated 26th April, 2024, attached to this letter of acceptance is my CV, pursuant to rule 8.3.1 of the ADR Arbitration Rules. I also agree to the rates on fees in accordance with the First Schedule of the ADR Arbitration Rules, as per rule 8.3.2.

Pursuant to rule 8.3.3, other than the exceptions herein declared, there are no circumstances known to me that are likely to give rise to any justifiable doubts as to my impartiality or independence:

1. Boni Khalwale, Senator, 2013-2017, Kakamega County, 11th Respondent: I vied for the office of Speaker of the Senate immediately after the 2022 general election. Dr Khalwale was one of the two Senators who formally supported my candidature to facilitate my nomination for the said election. Consequently, to avoid any perception of bias, I should not be arbitrator over the dispute pitting the Claimant against Dr Khalwale.
2. Dalmas Otieno Anyango, MNA, 2013-2017, Rongo Constituency, 134th Respondent: Dr Otieno Anyango is my kinsman and neighbour in my home village of Kangeso, Rongo, and I have had interactions with him pretty much all my life. Consequently, to avoid any perception of lack of independence or impartiality, I should not be arbitrator over the dispute pitting the Claimant against Dr Otieno Anyango.
3. Jared Odhiambo Opiyo, MNA, 2013-2017, Awendo Constituency, 135th Respondent: Hon. Opiyo hails from the constituency that neighbours mine. He is an acquaintance that I have had interactions with from around 2012 to the present. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Opiyo.
4. Joshua Onyango Ouma, MCA, 2013-2017, East Kamagambo Ward, 743rd Respondent: Hon. Ouma is my former MCA, and I have had interactions with him from around 2011 to the present. I also had a dispute with him on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Ouma.
5. Daniel Ookoo Okendo, MCA, 2013-2017, South Kamagambo Ward, 744th Respondent: Hon. Okendo and I have had interactions from around 2011. I also had a dispute with him on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Okendo.

6. John Kennedy Omondi, MCA, 2013-2017, Marginalised, Migori County, 761st Respondent: Hon. Omondi and I have had interactions from around 2012, and we both hail from East Kamagambo Ward. I also had a dispute with him on 2017 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Omondi.
7. Peter Francis Masara, MNA, 2017-2022, Suna West Constituency, 188th Respondent: Hon. Masara and I have had interactions from around 2012 to the present. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Masara.
8. Shadrack Otieno Nyawade, MCA, 2017-2022, East Kamagambo Ward, 991st Respondent: Hon. Nyawade is my former MCA, and I have had interactions with him from around 2017 to the present. I also had a dispute with him on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Nyawade.
9. Otieno Nestory Owiyo, MCA, 2017-2022, West Sakwa Ward, 992nd Respondent: Hon. Owiyo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Owiyo.
10. Albert Odette Amollo, MCA, 2017-2022, Wiga Ward, 993rd Respondent: Hon. Amollo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Amollo.
11. Mallan Ogega Omolo, MCA, 2017-2022, Ragana-Oruba Ward, 994th Respondent: Hon. Omolo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Omolo.
12. Peter Ochieng' Mijungu, MCA, 2017-2022, West Kanyamkago Ward, 995th Respondent: Hon. Mijungu and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Mijungu.
13. Brian Odhiambo Osodo, MCA, 2017-2022, Kachieng' Ward, 996th Respondent: Hon. Osodo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Osodo.
14. Thomas Omondi Akungo, MCA, 2017-2022, Kaler Ward, 997th Respondent: Hon. Akungo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Akungo.
15. Johnson Willys Oyugi Oloo, MCA, 2017-2022, Got Kachola Ward, 998th Respondent: Hon. Oloo and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Oloo.
16. Hevrone Killmess Mairah, MCA, 2017-2022, Muhuru Ward, 999th Respondent: Hon. Mairah and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Mairah.
17. Nyahure Elias Juma, MCA, 2017-2022, Isibania Ward, 1000th Respondent: Hon. Juma and I had a dispute on 2022 electoral matters. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon.

Juma.

18. George Duro, Acting Speaker, 2017-2022, County Assembly of Migori, 1111th Respondent: Hon. Duro and I were both contestants for the office of Speaker of the County Assembly of Migori shortly after the 2022 general election. Consequently, to avoid any perception of lack of impartiality, I should not be arbitrator over the dispute pitting the Claimant against Hon. Duro.

I trust that I have furnished you with all the requisite information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Isaac Aluochier', with a stylized flourish underneath.

Isaac Aluochier, FCI Arb

Isaac Aluoch Polo Aluochier, FCIArb, CPM

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PROFILE AS AT MARCH 2024

A Fellow of the London headquartered Chartered Institute of Arbitrators, the world's most reputable international association of professionals involved in disputes resolution, Aluochier is an effective disputes arbitrator, mediator, party representative, litigator, manager, consultant and incisive analyst producing excellent results in the fields of: disputes resolution – commercial, property, construction, employment, family, politics and governance, competition and co-operatives; construction project management; construction financial management; financial trading and investment fund management. These skills were developed in the disputes resolution, construction, and financial services industries over several years, in both the United Kingdom and Kenya.

WORK EXPERIENCE

DISPUTES RESOLUTION AND CONSTRUCTION INDUSTRY CONSULTANT

(Arbitration, Mediation, Litigation, Claims, Project Management and Construction Financial Management), *Kenya and United Kingdom*, from February 2003 to the present. Undertaken a broad range of activities spanning the entire spectrum of quantity surveying, commercial management, construction finance, claims and litigation consulting, and alternative disputes resolution for a number of clients, including the following highlights:

1. September 2018 to the present: *Alternative dispute resolution proceedings*. Predominantly succession – probate and inheritance, property, and co-operatives disputes in Migori County, Kenya, and competition abuses in the refrigerated and controlled atmosphere containers industry in Kenya, involving the world's major international shipping lines.
2. June 2012 to the present: *Litigation proceedings*. Parties: Kenya state organs and officers, Kenya. Notable cases include, in the High Court, Court of Appeal and Supreme Court: successfully stopping the unconstitutional Building Bridges Initiative (BBI) constitutional change process championed by the President of Kenya and the former Prime Minister of Kenya – 2020 to 2022; successfully securing court orders affirming contravention of Chapter 6 of the Constitution of Kenya by a sitting President and Deputy President; contributing richly to Kenya's legal jurisprudence in presidential election petitions, constitutional conduct of State officers and public assets recovery arising from illegal conduct by public officers.
3. February 2012 to July 2012: *Project programming and quantity surveying*. Client: Gilbi Construction Co. Limited, Kenya. Project: Chania Gardens Housing Scheme, Kiboko, Thika, Kenya (New build residential development of about 136 semi-detached houses; USD 8.36 million).
4. November 2007 to May 2010: *Claims management and all aspects of quantity surveying*. Client: John Laing Partnership Limited, United Kingdom. Project: Chalkhill Combined Facilities Building, Wembley, Middlesex, United Kingdom (Mixed development including multi-storey residential flats, health centre, offices and a community centre; GBP 12.5 million).
5. August 2009 to September 2010: *Public private partnership (PPP) / private finance initiative (PFI) bidding, project finance arrangements and pre-construction set-up*. Client: Kenya Diaspora Limited, United Kingdom. Projects: mixed real estate developments

including mass housing, commercial offices, educational, social and leisure facilities, and supporting road, water, drainage and electricity infrastructure, for 4 different projects in Nairobi, Kenya (Pangani: USD 70 million; Starehe: USD 70 million; Park Road: USD 35 million; and Kibera: USD 87 million).

6. June 2008 to October 2008: *Claims management and all aspects of quantity surveying*. Client: Stent Foundations Limited, United Kingdom. Project: Riverbank House, City of London (Offices; GBP 5 million).
7. May 2005 to October 2007: *Quantity surveying – all aspects*. Client: Cubitt Building & Interiors Limited, United Kingdom. Projects: (a) Colchester Garrison, Colchester, Essex, United Kingdom (3 packages totalling GBP 10 million, part of a GBP 550 million PFI (private finance initiative) contract, new build; profitability improvement over target – about 4%); (b) 200 Aldersgate Street, London, United Kingdom (Toilet fit-out package, GBP 2.9 million, multi-storey office block refurbishment; estimated profitability improvement over target – about 3%); (c) 240 Regent Street, London, United Kingdom (Builderswork package, GBP 2.4 million, mixed retail and office block refurbishment; estimated profitability improvement over target – about 11%).
8. May 2003 to June 2004: *Quantity surveying – all aspects*. Client: Conamar Building Services, United Kingdom. Projects: numerous projects ranging in value between GBP 5,000 and GBP 1 million.
9. February 2003 to May 2003: *Quantity surveying – all aspects*. Client: McCabe Builders (UK) Limited, United Kingdom. Project: 15 Kean Street, WC2 (GBP 2.6 million; new build mixed offices and residential development, commercial client for offices and developer for residential apartments).

EMPLOYMENT

1. October 2001 to February 2003: *Contracts Manager/Quantity Surveyor/Estimator*. Company: T H Kenyon & Sons Plc, *England*.
2. June 2001 to September 2001: *Estimator*. Company: Michael Brady Limited, *England*.
3. December 1995 to September 2000: *Managing Director*. Company: Piedmont Limited, *England*, financial trading.
4. June 1994 to December 1995: *Chief Executive*. Companies: Fedha Multi-Purpose Co-operative Society Limited, *Kenya*, micro-finance; Polo Money Services Limited, *Kenya*, investment management.
5. 1993 to 1995: *Chief Executive*. Company: Polo Financial Reports, *Kenya*, financial analysis.
6. 1988 to 1991: *Assistant Quantity Surveyor*. Company: WT Partnership, *England*.

EDUCATION, TRAINING AND QUALIFICATIONS GAINED

1. Peace & Mediation Africa, Nairobi, *Kenya*; CPM
2. Chartered Institute of Arbitrators, London, *England*; FCI Arb.
3. Cranfield School of Management, Cranfield University, Bedford, *England*. MSc in Project Management.
4. Royal Institution of Chartered Surveyors, *England*. Test of Professional Competence.
5. Reading University, *England*. BSc (Hons) in Quantity Surveying.

ADDITIONAL INFORMATION

Highly computer literate in spreadsheets, word processing and project scheduling, in addition to a good working knowledge of most Windows and Android based programs.

SIGNATURE

Isaac Aluochier