



## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

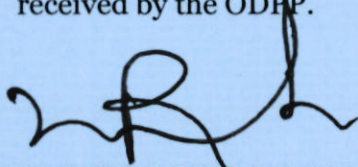
### PRESS STATEMENT

#### UNQUALIFIED PERSONS ACTING AS ADVOCATES IN KENYA

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1. My attention has been drawn to increased cases of unqualified persons acting as, or pretending to be Advocates of the High Court of Kenya, contrary to the provisions of the **Advocates Act, Cap 16 Laws of Kenya** (*hereinafter*, the Advocates Act). Further, there have been widespread instances of identity theft, and or, impersonation of advocates contrary to **section 29** of the **Computer Misuse and Cyber-Crimes Act, No. 5 of 2018**.
2. The most recent case is the highly publicized suspected theft of the identity of **BRIAN MWENDA NTWIGA - P.105/21249/22**.
3. Lately, there have been reports, investigations and arrests in the following cases of similar nature:
  - a) **MS. JACINTA WAIRURE KARIUKI** who was allegedly operating a law firm in Thika T/A **NGURE MBUGUA ADVOCATES**;
  - b) **MR. PETER KIBUGI WAIRIMU** who allegedly pretended to be an advocate and operated under the firm **KENNETH KIRAGU GICHOHI ADVOCATES**;
  - c) **MS. FAITH YVONNE SHAKILA** who was allegedly impersonating **MIRIAM BIKEYO**, a researcher at the Judiciary; and
  - d) **MR. BONIFACE MURAGE KIRANI** *alias* **MR. MWANIKI** who was allegedly fraudulently running a law firm in the name of **NGUGI MWANIKI & CO. ADVOCATES**.

4. It is noteworthy that the legal profession is key to the fair administration of justice and peaceful settlement of disputes in our judicial and quasi-judicial institutions. Kenyans therefore expect nothing less than utmost integrity within legal practice.
5. In this respect, it is incumbent upon all actors in the justice system to protect the sanctity of the legal profession. Accordingly, the Office of the Director of Public Prosecutions, being an institution served mainly by Advocates, undertakes to play its rightful role in the protection of legal practice and the sanctity thereof in the exercise of its mandate under **Article 157 of the Constitution of Kenya, 2010** (hereinafter the Constitution), and the **ODPP Act, No. 2 of 2013**.
6. Impersonators threaten not only the legal practice, but the larger access to justice. Indeed, they pose a serious threat to the practice of law and are likely to have committed various offences under the laws of Kenya, including but not limited to:
  - a) **An unqualified person acting as an advocate** contrary to **section 31(1)** as read with **section 31(2)(c)** of the **Advocates Act**.
  - b) **Pretending to be an Advocate** contrary to **section 33** as read with **section 85(1)** of the **Advocates Act**.
  - c) **Identity Theft of Advocates** contrary to **section 29** of the **Computer Misuse and Cyber Crimes Act, No. 5 of 2018**.
7. In response to the increased cases of this nature, I have directed the Inspector General of the National Police Service (NPS) to undertake expedited comprehensive investigations in respect of the suspected case of identity theft of the said **BRIAN MWENDA NTWIGA**, among others, with the view to possible prosecution, upon criminal culpability being established.
8. Upon receipt of the inquiry file, the ODPP shall undertake an independent review of the evidence, guided by the provisions of the Constitution, the relevant statutory provisions and the *ODPP Decision to Charge Guidelines, 2019* and give appropriate directions.
9. We shall give an update on this matter as and when the resultant inquiry file is received by the ODPP.



**RENSON MULELE INGONGA, OGW**  
**DIRECTOR OF PUBLIC PROSECUTIONS**

**14<sup>th</sup> October 2023**