

Approved for tabling ~~50~~ SNA

17/11/16



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE CONSIDERATION OF A PETITION BY HON. KIMANI ICHUNG'WAH, MP ON BEHALF OF RESIDENTS OF KIKUYU CONSTITUENCY REGARDING THE ALLEGED RE- EMERGENCE OF MILITIA AND MUNGIKI IN KIAMBU COUNTY

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2016



Table of Contents

1.0 PREFACE.....	7
1.1 Mandate of the Committee.....	7
1.2 Committee subjects.....	7
1.3 Oversight.....	8
1.4 Members of the Committee.....	9
1.5 Recommendations.....	11
2.0 INTRODUCTION.....	12
3.0 EVIDENCE.....	14
3.1 Evidence from Hon. Kimani Ichungwa, MP and the petitioners.....	14
3.2 Evidence from the Cabinet Secretary, Ministry of Interior and Coordination of National Government.....	16
3.3 Submissions by the H.E William Kabogo, Governor, Kiambu County.....	21
3.4 Submissions by the Cabinet Secretary, Ministry of Interior and Coordination of National Government.....	Error! Bookmark not defined.
4.0 COMMITTEE OBSERVATIONS.....	23
5.0 COMMITTEE RECOMMENDATIONS.....	24

APPENDICES

- Adoption List
- Committee minutes
- Submission by the petitioners
- Submission by Cabinet Secretary, Ministry of Interior and Coordination of National Government
- Submission by the Governor, Kiambu County

Chairperson's foreword

The petition by residents of Kikuyu Constituency regarding the alleged re- emergence of militia and Mungiki in Kiambu County was tabled before the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Kimani Ichung'wah, MP on behalf of the petitioners.

In considering the petition, the Committee held meetings with the Hon. Kimani Ichung'wah, MP, the petitioners, the Cabinet Secretary, Ministry of Interior and Coordination of National Government . The Committee also received submissions from the Governor, Kiambu County and the Cabinet Secretary, Ministry of Interior and Coordination of National Government. The meetings and submissions were aimed at responding to the issues raised in the petition.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Cabinet Secretary, Ministry of Interior and Coordination of National Government; the Governor, Kiambu County; Hon. Kimani Ichung'wah, MP and the petitioners for the submissions they made.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my pleasant duty to table in the House the Report of the Departmental Committee on Administration and National Security on its consideration of a petition by residents of Kikuyu Constituency regarding the alleged re- emergence of militia and Mungiki in Kiambu County.

The Hon. Asman Kamama, MGH, OGW, MP
Chairperson Departmental Committee Administration and National Security

EXECUTIVE SUMMARY

The purpose of this report is to consider and respond to the prayers sought by residents of Kikuyu Constituency in a petition regarding the alleged re- emergence of militia and Mungiki in Kiambu County. The Committee found out that the issues relating to the unrest at Madaraka market in Thika town are pending before the High Court in Petition No. 529 of 2015, Petition No. 569 of 2015 and ~~Petition No. 42 of 2015. Further the allegation that a militia group attacked two Members of~~ Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at them in the presence of Administration police officers is also pending in court in criminal case No. 1079/16. Therefore the provisions of Standing Order 89 on the sub judice rule apply. The Committee therefore limited the scope its recommendations to addressing general insecurity in Kiambu County rather than make conclusions on matters that are sub judice.

The report recommends that the Government should urgently establish a police station in Kagwe, Lari Sub County and upgrade Juja farm, Kalamaini, Mungai inn and Theta (Ha Mundia) police posts into police stations. It should also establish police posts in Kimuchu, Athi Zone T and Ma-arce. The report also recommends that the National Police Service should ensure that police officers are engaged in the core function of protecting citizens and maintaining law and order by limiting their engagement in other subsidiary duties such as cash escort and guarding private business premises.

1.0 PREFACE

- On Tuesday 23rd February, 2016, a petition was tabled before the House pursuant to Article 119 (1) of the Constitution and Standing Order No. 225 (2) (a) by Hon. Kimani Ichung'wah, MP on behalf of residents of Kikuyu Constituency regarding the alleged re-emergence of militia and Mungiki in Kiambu County;
- The House, pursuant to Standing Order 227, referred the petition to the Departmental Committee on Administration and National Security for preparation of the Report;
- The Committee received the petition on Tuesday 23rd February, 2016 and set out a procedure for its consideration and to report to the House within 60 days as set out in Standing Order No 227(2).

1.1 Mandate of the Committee

The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ii. to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- iii. to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iv. to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- vi. study and review all legislation referred to it

1.2 Committee subjects

The Committee is mandated to consider the following subjects:-

Report on a petition by Hon. Kimani Ichung'wah, MP on behalf of residents of Kikuyu Constituency regarding the alleged re-emergence of militia and mungiki in Kiambu County

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service
- v. Prisons
- ~~vi. Immigration~~
- vii. Management of natural disasters

1.3 Oversight

In executing its mandate, the Committee oversees the following Government Departments and Agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government
- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

1.4 Members of the Committee

Chairperson Hon. Asman Kamama, MGH, OGW, MP

Vice Chairperson Hon. Alois M. Lentoimaga,MP
Hon. Joseph Lekuton, MP
Hon. Zakayo K. Cheruiyot, MP
Hon. Timothy W. Wetangula, MP
Hon. Patrick Ole Ntutu, MP
Hon. Ali Isaack Shaaban, MP
Hon. Samuel Moroto, MP
Hon. (Dr.) Humphrey Njuguna, MP
Hon. Francis K. Mwangangi, MP
Hon. Rashid J. Bedzimba, MP
Hon. David Gikaria, MP
Hon. Mohamed Shidiye, MP
Hon. Jane Machira, MP
Hon. Ibrahim Abdi Saney, MP
Hon. Joseph O. Ndiege, MP
Hon. Wanjiku Muhia, MP
Hon. Joseph M. Kahangara, MP
Hon. George Theuri, MP
Hon. James Bett, MP
Hon. Benard Shinali, MP
Hon Charles Nyamai, MP
Hon. (Dr.) Makali Mulu,MP

2.0 INTRODUCTION

- 2.1 The petition by residents of Kikuyu Constituency regarding alleged re-emergence of militia and Mungiki in Kiambu County was tabled in the House pursuant to Standing Order 225 (2) (a) by the Hon. Kimani Ichung'wah, MP on Tuesday 23rd February, 2016.
-
- 2.2 Pursuant to the House rules, the petition was referred to the Committee on Tuesday 23rd February, 2016 for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.
-
- 2.3 The petitioners wished to draw the attention of the House to the following, that:-
- i. Residents of Kiambu County existed peacefully with minimal cases of insecurity reported;
 - ii. Groups of armed militia had emerged, comprising of goons for hire and members of the outlawed mungiki group, who were terrorizing residents;
 - iii. The said criminals were allegedly enjoying protection from elected leaders and security arms in Kiambu County;
 - iv. The gangs had continued to reign havoc in many parts of the vast County with unabated impunity;
 - v. The presence of the gangs had led to escalated insecurity and conflict especially in Thika Town, culminating in the closure of Madaraka Market in Thika town in January 2015;
 - vi. Several people were injured and one trader shot by the armed militia group and further attacked and shot at four(4) Members of Parliament;
 - vii. Further, on 22nd November, 2015, the said group allegedly set the Madaraka market on fire and property worth millions was destroyed;
 - viii. The County Government was allegedly using the militia group backed by the Administration Police to evict traders from the said market;
 - ix. On 22nd January 2016, the same militia group attacked two(2) Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at the Members of Parliament in full glare of the Administration Police;
 - x. Efforts to resolve the matter had been futile ; and
 - xi. The matters presented in the petition were not pending before any tribunal or court of law.

2.4 The Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:-

- Recommends immediate deployment of more security personnel to enforce law and order in Kiambu County;
- Ensures that the petitioners' plight is addressed; and
- Makes any other order or direction that it deems fit in the circumstances of the case

3.0 EVIDENCE

3.1 Evidence from Hon. Kimani Ichung'wah, MP and the Petitioners

The Committee held a meeting with Hon. Kimani Ichung'wah, MP and the Petitioners on Tuesday 22nd march, 2016. During the meeting Hon. Kimani Ichung'wah, MP, who was accompanied by fifteen residents of Kiambu County, informed the Committee that

- i. ~~That a blogger by the name Mr. Wamae Mburu was arrested over an article he published on~~ Facebook alleging that a brother to the Governor of Kiambu County and other relatives were misappropriating public funds and were illegally awarded contracts by the county Government.
- ii. While trying to secure the release of the blogger, several Members of Parliament including Hon. Kimani Ichung'wah, MP were confronted and assaulted by hired goons .The confrontation escalated to a point where guns were drawn. Administration police officers present at the scene during the incident did not intervene. The MPs bodyguards drew out their guns and pushed the goons back into the county government offices.
- iii. Many persons in Kiambu County Government are in possession of privately owned guns, some of which would have been acquired illegally.
- iv. Although the office of County inspectorate unit existed only in the three major cities of Nairobi, Kisumu and Mombasa as provided in the by-laws. County law enforcement officers had been deployed by the Kiambu County Government.

Madaraka Open Air Market

- v. The Madaraka Open Air Market is situated on the western side of Thika town off Thika Garissa road, opposite Madaraka post office. Initially the area had been designated as a bus park and was developed by the World Bank. However matatu owners argued that it was located too far from the town centre and declined to occupy it. It was then converted into an open air market.
- vi. The current confrontation has its roots after the 1997 General Election when the then councilor of Komu Ward, Ms. Elizabeth Muthoni, allegedly allocated 319 market stalls to her supporters. ~~The move was resisted by the traders in the market~~

- vii. In 2002, she (Elizabeth Muthoni allegedly tried to assist the same 319 persons occupy the market with the assistance of the then area MP, but the traders resisted the move again. The then Minister of local Government intervened and cancelled the allotment letters and the status quo was maintained.
- viii. On 16th January 2015, a squad of Administration Police, regular police and county government enforcement officers forcefully evicted the traders and closed the market. Two persons were shot and injured. No arrests had been made following the incident. However H.E the President ordered that the market be re-opened on 17th January 2015.
- ix. On 17th June 2015, armed youth took control of a public toilet in the market and started collecting charges for its use. The matter was reported to the Makongeni police station and the Inspector General of Police but no action was taken.
- x. On 22nd November 2015 at about 2:00am the market was set on fire. Since then there have been several attempts to evict the over 2000 traders who are from different communities from the market.

Committee Observations

The Committee observed that:-

- i. Although security is a National Government function, Administration Police officers appear to be receiving instructions from County government officials due to the monetary incentives.
- ii. The submissions by the petitioners would not be clearly linked to the prayers sought in the petition.

3.2 Evidence from the Cabinet Secretary, Ministry of Interior and Coordination of National Government

The Committee held a meeting with the Cabinet Secretary, Ministry of Interior and Coordination of National Government on Tuesday 19th July, 2016. During the meeting the Cabinet Secretary informed the Committee as follows:-

Threats on the life of Hon Kimani Ichung'wah, MP

- i. On Monday 20th May, 2016 at about 2.00 pm, three men in a hired Toyota Corolla vehicle, registration number KAZ 120X were dropped at the residence of Hon Kimani Ichung'wah, MP at Ma-ya-ihii within Kikuyu. They claimed to have an appointment with the Member but were informed that he was not at the residence at the time. The Honorable Member later made a report on the matter at the Directorate of Criminal Investigations Office in Kikuyu and the police commenced investigations. They traced the taxi driver who recorded a statement. Later the Honorable Member informed the police that he knew the taxi driver and that he did not suspect him to be part of a syndicate that had threatened his life.
- ii. Further on Wednesday 22nd June 2016 at about 8.00am a black polythene paper bag was found hanging at the Hon Kimani Ichung'wah MP's gate, by one of his workers, Mr. David Karanja. The paper bag contained a note, written in Kiswahili, threatening the worker, for having recorded a statement regarding a plan to cause harm to the Honorable Member. The said paper bag was taken to the Directorate of Criminal Investigations office Kikuyu by the Honorable Member and was later handed over to the scenes of crime officers for forensic analysis.
- iii. On Wednesday 29th June 2016 at about 3.00 pm, Mr. David Karanja was confronted by eight men on his way to the Hon. Kimani Ichung'wah, MP residence. Four of the men were in two motor cycles while the rest were in a motor vehicle registration number KAK 882L. They attempted to force him into the car in vain. He was however stabbed on both thighs before escaping and was later treated at St. Teresa Nursing Home.

- iv. Although the Hon. Kimani Ichung'wah, MP indicated that the threats to his life were initiated by political rivals no direct evidence had been obtained. However investigations are on-going and action would be taken against anyone found culpable.

Response to the issues raised in the petition

- v. On the specific issues raised in the petition
- a) The Government was not aware of the re-emergence of armed militia groups and that criminal incidences reported in Limuru, Kikuyu and Kabete Sub Counties had no links to outlawed groups;
 - b) The Government was also not aware that the said criminals were enjoying protection from elected leaders;
 - c) Criminal gangs had continued to cause harm in the County. However security agencies continued to work hard to apprehend and prosecute suspects;
 - d) There was no specific relationship between the criminal activities reported in the area and the closure of Madaraka market in Thika town in January,2015;
 - e) The Government was not aware that several people were injured during the closure of Madaraka market and one trader shot by an alleged armed militia group. Further the Government was not aware that four Members of Parliament were shot at as they visited the scene on the second day after the incident;
 - f) It was however true that, hooligans burnt down Madaraka market on 22nd November, 2015 thus destroying goods and property worth millions of shillings, and not the alleged militia group. Investigations were carried out and two suspects were arrested and arraigned in court;
 - g) Further the Government was not aware that the County Government used a militia group to evict traders from the said market, the Government was also not aware that security agencies backed the use of the alleged militia;
 - h) The Government was also not aware that on 22nd January, 2016, a militia group attacked two Members of Parliament who were proceeding to Ndumberi and stoned their cars and attempted to draw their guns in the presence of Administration Police Officers. However it was true that two Administration Police Officers who were present at the County Government premises provided critical information that led to the arrest of two suspects who were later charged in court for the offence of malicious damage; and

- i) All the issues raised in the petition were investigated and the suspects were arraigned in court as stated above.

Committee Observations

The Committee observed that:-

- i. Many officers working in the Kiambu County Government were licensed to carry the Firearms;
- ii. Police officers in Kiambu County appeared to be lax in their duties and lacked coordination, a clear chain of command and were undisciplined.

The Committee resolved that the Cabinet Secretary visits Kiambu County to hold a meeting with local leaders and to assess the situation in relation to the matters raised in the petition and present a report on the same to the Committee.

Consequently the Secretary visited the County on Wednesday 27th July, 2016 and held a meeting with elected leaders, regional and county security officials. The meeting was held at Kiambu High School. Following the visit the Cabinet Secretary submitted a written report to the Committee as follows:-

Summary of the security situation in Kiambu County between January and July, 2016

Statistics of reported crime in Kiambu County between January and July, 2016 were as indicated in table 1 below:-

Table 1 Kiambu County Crime statistics between January and July, 2016

S/N	Crime	Cases reported January - July, 2016
1	Murder	31
2	Robbery	82
3	Carjacking	1
4	Motor vehicle theft	30
5	Rape/ Defilement/Incest	80

Source: Documents submitted by the Cabinet Secretary, Ministry of Interior and Coordination of National Government

Major Security concerns affecting the County

The County Security Committee highlighted security concerns affecting the County as follows:-

- i. Re - emergence of organized criminal gangs such as Mungiki and Gaza some of which had spilled over from Nairobi;
- ii. Land related conflicts as a result of fraud and perennial conflicts in land buying companies such as Githunguru Ranching Company, Mboi Kamiti, New Gatundu Mixed Farmers and Nyakinyua Investment Company; and
- iii. Illicit and second generation brews.

Challenges facing security agencies in crime management

- Ease of entry and exit of criminals from and to Nairobi
- Use of motorcycles by criminals as a means of escape
- Use of technology in the commission of crime
- Reluctance by local residents to report criminals to law enforcement agencies due to fear of reprisals
- Ineffective Nyumba Kumi and Community Policing Committees
- Judicial challenges vis a vis court bails and bonds
- Unwillingness of witness to testify in serious criminal cases

Issues raised by Kiambu County elected leaders

During the meeting elected leaders from Kiambu County who included the deputy Governor raised the following issues:-

- i. Good police officers were usually transferred out of the County whenever they are promoted;
- ii. Although the leaders and the community had invested resources in the construction of police stations and posts, police officers were engaged in other subsidiary duties during day time such as cash escort. Thus adversely affecting provision of security to the residents;
- iii. Leaders found culpable of founding illegal gangs should be prosecuted to ensure that peace prevailed in the County particularly during the 2017 general elections;
- iv. Nyumba Kumi initiative was effective in the County and needed to be urgently reactivated;
- v. All boundary and land disputes in the County needed to be resolved;
- vi. There was urgent need to establish a police station in Kagwe, Lari Sub County to address insecurity in the area. The area Member of Parliament was ready to construct the police

station and houses through the National Constituency Development Fund. The Government also needed upgrade Juja farm Kalamaini, Mungai inn and Theta (Ha Mundia) police posts into police stations and establish police posts in Kimuchu, Athi Zone T and Ma-arce;

- vii. The National Police Service should deploy more officers to Nazareth and Redhill Administration Police posts;
- ~~viii. There is need for the Government to protect chiefs who are threatened by land cartels;~~
- ix. There is need for the Government to clear vegetation along major highways since it provided an hideout for criminals;
- x. There is upsurge in the production and consumption of illicit, particularly second generation alcohol in the County; and
- xi. Kibichoi police station in Githunguri Sub – County which also services parts of Juja Sub – County had no vehicle.

The Cabinet Secretary Ministry of Interior and Coordination of National Government informed the Committee that the Government would not entertain the re-emergence of criminal gangs and directed the County Security Committee to be extra vigilant and take action on any person bent on funding or encouraging criminal activities.

The Cabinet Secretary also urged all National Government Officers to be non – partisan in providing services to residents. He further indicated that officers who were biased in the execution of their duties would face disciplinary action. He also acknowledged that the production and consumption of illicit brew was on the increase and warned Chiefs and Assistant Chiefs in whose areas of jurisdiction illicit brew would be found that they would face disciplinary action.

The Cabinet Secretary further indicated that the Government had initiated measures to address insecurity in the County, particularly in Kikuyu, Kabete and Limuru Sub Counties. The Nairobi and Kiambu County Security Committees would meet to map out strategies of curbing crime in the two counties. New police posts and stations would be established as per the request of respective Members of Parliament.

3.3 Submissions by the H.E William Kabogo, Governor, Kiambu County

The Committee received written submissions, dated Tuesday 19th July, 2016 from the Governor, Kiambu County. The Governor stated as follows:-

On the allegations of the existence militia groups in Kiambu County that allegedly enjoyed protection from elected leaders in Kiambu County:-

- i. The County Government of Kiambu had no knowledge of the existence of militia groups and the groups, if in existence, did not enjoy the protection of any officer of the Kiambu County Government.
- ii. The maintenance of law and order is a function of the National Government through the National Police Service as stipulated in section 24 of the National Police Service Act, 2011. Therefore the County Government did not have the machinery to detect, prevent and / or investigate crime. Therefore the petitioners ought to have reported the matter to the relevant state agencies mandated by law to deal with law and order.

On the allegation that the County Government of Kiambu was using militia groups to evict traders from Madaraka Market and that the said militia groups set the market ablaze, shot and injured several people

- iii. The issues relating to the unrest at Madaraka market are pending before the High Court in the following proceedings:-
 - (a) Petition No. 529 of 2015
 - (b) Petition No. 569 of 2015
 - (c) Petition No. 42 of 2015
- iv. The County Government of Kiambu had also filed complaints on the issue of the market at Thika police station and further investigations were ongoing. Therefore all the issues touching on the market were sub judicial.

On the issues that a militia group attacked two Members of Parliament who were proceeding to Ndumberi and attempted to draw guns at them in the presence of Administration police officers

- v. The Governor stated that the matter was an isolated allegation of criminal conduct by individuals which should not be construed to indicate the presence of an organized militia group in the County. Further the Hon Kimani Ichung'wah, MP reported the matter to the police and recorded a statement indicating that the alleged attackers were known to him. The statement did not also make reference to guns being drawn at the two Members of Parliament or indicate the presence of a militia group. Therefore the claim of the existence of militia groups in Kiambu County as stated in the petition would have been an afterthought. He also indicated that the matter is pending in court in criminal case No. 1079/16 and therefore the provisions of Standing Order 89 on the sub judice rule should apply.
- vi. The Governor urged the Committee to summarily dismiss the petition and make a determination that serves the best interests of the public and the unity of the people of Kiambu and respects the institutional integrity of the County Government of Kiambu and other organs of government.

4.0 COMMITTEE OBSERVATIONS

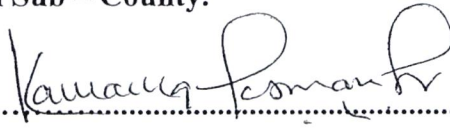
The Committee made the following observations from evidence adduced in the meetings, that:-

1. The issues relating to the unrest at Madaraka market were pending before the High Court in Petition No. 529 of 2015, Petition No. 569 of 2015 and Petition No. 42 of 2015. The issue that a militia group attacked two Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns in the presence of Administration police officers was also pending in court in criminal case No. 1079/16. Therefore provisions of Standing Order 89 on the sub judice rule apply;
2. Although the Government and residents of Kiambu County had invested resources in the construction of police posts and stations, police offices were engaged in other subsidiary duties during day time such as cash escort. Thus adversely affecting provision of security to the residents;
3. The reported re-emergence of militia groups in the County, particularly in Kiambu, Nakuru and Nairobi Counties would compromise security. Therefore there is need for security agencies to contain the situation to ensure that peace prevails; and
4. Kibichoi police station in Githunguri Sub – County which also services parts of Juja Sub – County had no police vehicle.

5.0 COMMITTEE RECOMMENDATIONS

In response to the prayers by the petitioners, the Committee recommends that:-

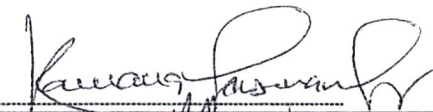
1. The issues relating to the unrest at Madaraka market in Thika town are pending before the High Court in petition No. 529 of 2015, petition No. 569 of 2015 and petition No. 42 of 2015. Therefore the provisions of Standing Order 89 on the sub judice rule apply;
2. The Government should urgently investigate the re-emergence of militia groups in the Country particularly in Kiambu, Nakuru and Nairobi Counties with a view to dealing with the issue firmly and conclusively;
3. The Government should urgently establish a police station in Kagwe, Lari Sub County and upgrade Juja farm, Kalamaini, Mungai inn and Theta (Ha Mundia) police posts into police stations. It should also establish police posts in Kimuchu, Athi Zone T and Ma-arce.;
4. The National Police Service should urgently deploy more officers to Nazareth and Redhill Administration Police posts in Kiambu County;
5. The Directorate of Criminal Investigations should ensure that leaders found culpable of funding illegal gangs are investigated and prosecuted to ensure that peace prevails in the County particularly during the 2017 general elections period;
6. The National Police Service should ensure that police officers are engaged in their core function of protecting citizens and maintaining law and order by limiting engagement in other subsidiary duties such as cash escort and guarding private business; and
7. The Government should allocate a police vehicle to Kibichoi police station in Githunguri Sub – County.

Signed..........Date.....16/11/2016.....

Hon. Asman Kamama, MGH, OGW, MP

Chairman, Departmental Committee on Administration and National Security

We, Members of the Departmental Committee on Administration and National Security have pursuant to Standing Order 227(2) adopted this report on the consideration on the Petition by Hon. Kimani Ichung'wah, MP on behalf of residents of Kikuyu regarding alleged emergence of militia groups in Kiambu County and affix our signatures to confirm our approval and confirm its accuracy, validity and authenticity on as per the attached adoption list.

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson 

2. The Hon. Alois M. Lentoimaga, MP- Vice Chairperson _____

3. The Hon. Ababu Namwamba, EGH, MP _____

4. The Hon. Joseph Lekuton, MP _____

5. The Hon. Alice Wahome, MP _____


6. The Hon. Zakayo K. Cheruiyot, MP 

7. The Hon. Timothy W. Wetangula, MP 

8. The Hon. Patrick Ole Ntutu, MP 

9. The Hon. Ali Isaack Shaaban, MP _____

10. The Hon. Samuel Moroto, MP 

11. The Hon.(Dr.) Humphrey Njuguna, MP 

12. The Hon. Francis K. Mwangangi, MP 

13. The Hon. Rashid J. Bedzimba, MP _____

14. The Hon. David Gikaria, MP 

15. The Hon. Mohamed Shidiye, MP

16. The Hon. Jane Machira, MP

17. The Hon. Ibrahim Abdi Saney, MP

18. The Hon. Joseph O. Ndiege, MP

19. The Hon. (Maj. Rtd.) John K. Waluke, MP

20. The Hon. Wanjiku Muhia, MP

21. The Hon. Akuja Protus Ewesit, MP

22. The Hon. Joseph M. Kahangara, MP

23. The Hon. Charles Nyamai, MP

24. The Hon. Grace Kiptui, MP

25. The Hon. George Theuri, MP

26. The Hon. James Bett, MP

27. The Hon. Benard Shinali, MP

28. The Hon. Fatuma Ibrahim Ali, MP

29. The Hon. (Dr.) Makali Muli MP

**MINUTES OF THE 60TH SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON WEDNESDAY 14TH
SEPTEMBER, 2016 IN THE BAOBAB CONFERENCE ROOM, SERENA BEACH
HOTEL AT 10:00 AM**

PRESENT:

1. The Hon. Asman Kamama, MGH,OGW, MP - **Chairperson**
2. The Hon. Alois M. Lentiomaga, MP - **Vice- Chairperson**
3. The Hon. Alice Wahome, MP
4. The Hon. David Gikaria, MP
5. The Hon. Zakayo K. Cheruiyot, MP

6. The Hon. George Theuri, MP

7. The Hon. Charles Nyamai, MP
8. The Hon. Akuja Protus Ewesit, MP
9. The Hon. James Bett, MP MP
10. The Hon. Timothy W. Wetangula, MP
11. The Hon. (Dr.) Makali Mulu, MP
12. The Hon. Francis K. Mwangangi, MP
13. The Hon.(Dr.) Humphrey Njuguna, MP
14. The Hon. (Maj. Rtd) John K. Waluke, MP
15. The Hon. Grace Kiptui, MP
16. The Hon. Bernard Shinali, MP
17. The Hon. Fatuma Ibrahim Ali, MP
18. The Hon. Joseph Lekuton, MP

APOLOGIES

1. The Hon. Ababu Namwamba, EGH, MP
2. The Hon. Joseph O. Ndiege, MP
3. The Hon. Joseph Kahangara, MP
4. The Hon. Patrick Ole Ntutu, MP
5. The Hon. Wanjiku Muhia, MP
6. The Hon. Mohamed Shidiye, MP
7. The Hon. Shabaan Ali Isaack, MP
8. The Hon. Jane Machira,
9. The Hon. Samuel Moroto, MP
10. The Hon. Rashid J. Bedzimba, MP
11. The Hon. Ibrahim Abdi Saney, MP

IN ATTENDANCE -- NATIONAL ASSEMBLY

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Rose Wanjohi - Clerk Assistant II

3. Ms. Hellen Lokwang - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MIN.NO.277/ANS/2016: PRELIMINARIES

The Chairperson called the meeting to order at half past ten o'clock. A prayer was said.

MIN.NO. /ANS/2016: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN.NO.278 /ANS/2016: ADOPTION OF REPORT ON A PETITION BY HON. SUNJEEV K. BIRDI, MP ON BEHALF OF CONCERNED IMMIGRANTS RESIDING IN KENYA REGARDING THE DELAYED ISSUANCE OF CITIZENSHIP

The Committee unanimously adopted the report on a petition by Hon. Sunjeev K. Birdi, MP on behalf of concerned immigrants residing in Kenya regarding the delayed issuance of citizenship as proposed by Hon. Alice Wahome, MP seconded by Hon. (Dr.) Makali Mulu, MP.

Committee Observation

The Committee observed that the determination of applications for citizenship should be digitized to reduce avenues of corruption and delays.

Committee Recommendations

The Committee recommended that:-

1. The Ministry of Interior and Interior and Coordination of National Government should digitize the processing of acquisition of citizenship applications to enable applicants track the status of their applications and reduce systemic corruption.
2. The Ministry of Interior and Coordination of National Government should amend the Kenya Citizenship and Immigration Regulations, 2012 to provide for transparency, accountability and a timeframe for determination of applications for citizenship.
3. The Ministry of Interior and Coordination of National Government should within sixty days submit a comprehensive response on the status of the applications for Kenyan citizenship of 45 applicants as contained in a list submitted to the Committee by the petitioners and forwarded to the Cabinet Secretary.

MIN. NO.279 ANS/2016: ADOPTION OF A REPORT ON A PETITION BY HON. KIMANI ICHUNG'WAH, MP ON BEHALF OF RESIDENTS OF KIKUYU CONSTITUENCY REGARDING THE ALLEGED RE-EMERGENCE OF MILITIA AND MUNGIKI IN KIAMBU COUNTY

The Committee after reviewing evidence submitted and the report of the security meeting between the Cabinet Secretary for Interior and the elected leaders from Kiambu County held on 27th July, 2016, observed that :-

1. It appears that the matter of insecurity and emergence of militia in the County was not strongly presented or articulated to the Cabinet secretary by the elected leaders;

2. The issues relating to the unrest at Madaraka market were pending before the High Court in Petition No. 529 of 2015, Petition No. 569 of 2015 and Petition No. 42 of 2015. The issue that a militia group attacked two Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at the in the presence of Administration police officers was also pending in court in criminal case No. 1079/16. Therefore provisions of Standing Order 89 on the sub judice rule apply.
3. Although the government and residents of Kiambu County had invested resources in the construction of police stations and posts, police officers were engaged in other subsidiary duties during day time such as cash escort. Thus adversely affecting provision of security to the residents.
4. The reported re - emergence of militia groups in the Country, particularly in Kiambu, Nakuru and Nairobi Counties would compromise security. Therefore there is need for security agencies to contain the situation to ensure public safety.
5. Kibicho police station in Githunguri Sub – County which also services parts of Juja Sub – County had no police vehicle.

In response to the prayers by the petitioners, the Committee recommended that:-

1. The issues relating to the unrest at Madaraka market in Thika town are pending before the High Court in petition No. 529 of 2015, petition No. 569 of 2015 and petition No. 42 of 2015. Therefore the provisions of Standing Order 89 on the sub judice rule apply.
2. The Government should urgently investigate the re - emergence of militia groups in the Country, particularly in Kiambu, Nakuru and Nairobi Counties with a view to dealing with the issue firmly and conclusively.
3. The Government should urgently establish a police station in Kagwe, Lari Sub County and upgrade Juja farm, Kalamaini, Mungai inn and Theta (Ha Mundia) police posts into police stations. It should also establish police posts in Kimuchu, Athi Zone T and Ma-arce.
4. The National Police Service urgently should deploy more officers to Nazareth and Redhill Administration Police posts in Kiambu County.
5. The Directorate of Criminal Investigations should ensure that leaders found culpable of funding illegal gangs should be investigated and prosecuted to ensure that peace prevailed in the County particularly during the 2017 general elections period.
6. The National Police Service should ensure that police officers are engaged in their core function of protecting citizens and maintaining law and order by limiting engagement in other subsidiary duties such as cash escort and guarding private business.
7. The Government should allocate a police vehicle to Kibicho police station in Githunguri Sub – County.

The Committee unanimously adopted the report as proposed by Hon. Francis Mwangangi, MP and seconded by Hon. Charles Nyamai, MP.

MIN.NO. 280 ANS/2016: CONSIDERATION AND ADOPTION OF A DRAFT REPORT OF THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 4 OF 2014)

The Committee was informed that the Parliamentary Budget Office in its evaluation of the Office of the County Printer Bill (Senate Bill No. 4 of 2014) indicated that both the National and County Governments pay for their documents to be printed by the Government Printer, the proceeds of which are deposited in the Government Printer Fund. Further the Government Printer is allocated funds from the exchequer. Establishment of the Office of the County Printer will lead to loss of business to the Government Printer. Therefore the proposal to establish these offices also involve an additional function to the County Government and since resources follow functions counties may require additional functions which will lead to a charge against nationally raised revenue.

The Committee was also informed that following the assessment of the key provisions of the Bill, the Parliamentary Budget Office considers that the Office of the County Printer (Senate Bill No.4 of 2014) to be a "Money Bill".

Committee Observation

The Committee observed that the Office of the County Printer (Senate Bill No. 4 of 2014) is a "Money Bill" as envisaged by Article 114 of the Constitution and is thus un-procedurally before the Committee for consideration.

Committee Recommendation

The Committee recommends that the National Assembly does not proceed with the process of concurrence on the Bill since constitutional questions may arise if the process continues.

The Committee unanimously adopted the report as proposed by Hon. (Dr.) Humphrey Njuguna, MP and seconded by Hon. Fatuma Ibrahim Ali, MP.

MIN NO.281 ANS/2016: CONSIDERATION OF THE COUNTY HALL OF FAME BILL, 2014(SENATE NO. 33 OF 2014)

The Committee was informed that the Parliamentary Budget Office in its evaluation of the legislative proposal observed that the proposal wishes to establish a County Hall of Fame in each county as an avenue through which the County Governments shall bestow honor on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity.

The Parliamentary Budget Office further observed that the 47 county governments may erect a plaque or collect memorabilia in honour of the honorees. It's also clear in the Bill that the governor may choose to designate a permanent public site or public building or a part of it according to his choice. Either way it may not have a significant implication to the national budget save for marginal allocation to facilitate such arrangements which might be borne or occasioned within the budget of the relevant county departments such as culture and heritage or as may be decided. This could also mean prioritization of activities with planned expenditure, in which the department can accommodate the same within the current budget levels.

Clause 22 (2) and (3) provide for the establishment of a fund which shall consist of monies raised through such gifts, grants or donations as may be given or Such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Bill and such other monies that may lawfully accrue in the discharge of the functions under this Bill, not being monies accruing pursuant to Article 114 of the Constitution.

In this context 'gifts, grants or donations' may be implied to mean gift, grants or donations given to county governments but at the same time it `therefore open to various interpretations because of its silence on the unspecified gifts, grants or donations. Further, the Bill states that the National Assembly shall in future provide for defraying the expenses incurred in the implementation of the Bill. The Bill therefore does constitute a charge on the public fund according to Article 114 of the Constitution.

After evaluation of the key provisions of the amendment Bill, the Parliamentary Budget Office considers that the Bill has 'Money Bill' aspects; however, the committee may make its recommendation to the speaker on how the Bill may proceed.

Committee Observation

The Committee observed that the County Hall Bill, 2014 Fame (Senate Bill No. 33 of 2014) is a "Money Bill" as envisaged by Article 114 of the Constitution and is thus un-procedurally before the Committee for consideration.

Committee Recommendation

The Committee recommends that the County Hall Bill, 2014 Fame (Senate Bill No. 33 of 2014) does not proceed with the process of concurrence since constitutional questions may arise if the process continues.

MIN.NO. 282ANS/2016: ANY OTHER BUSINESS

The Chairman informed the Committee that a sub-committee had been formed to undertake a site visit to Laikipia County from Tuesday 27th September, 2016 to Friday 30th September, 2016 to consider a petition by Hon. Christopher Doye Nakuleu MP on behalf of Laikipia Turkana Council of Elders on alleged discrimination of members of the Turkana community in issuance of National Identification cards in Laikipia County. The following members were nominated to form the sub - committee:-

1. The Hon. (Dr.) Makali Mulu, MP- Delegation Chairman
2. The Hon. Alice Wahome, MP
3. The Hon. Charles Nyamai, MP
4. The Hon. James Bett, MP MP
5. The Hon. Francis K. Mwangangi, MP
6. The Hon.(Dr.) Humphrey Njuguna, MP
7. The Hon. Jane Machira, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. Bernard Shinali, MP
10. The Hon. Fatuma Ibrahim Ali, MP

MIN.NO. 283ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned half past twelve o'clock until Tuesday 20th September, 2016 at 10:00am.

SIGNED: Kavansh Poman
(CHAIRPERSON)

DATE: 16 / 11 / 2016

MINUTES OF THE 58TH SITTING OF DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY 1ST SEPTEMBER, 2016 IN THE BOARD ROOM, 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 11:00 AM.

PRESENT:

1. The Hon. Alois M. Lentiomaga, MP - **Vice- Chairperson**
2. The Hon. Zakayo K. Cheruiyot, MP
3. The Hon. Alice Wahome, MP
4. The Hon. George Theuri, MP
5. The Hon. James Bett, MP MP
6. The Hon. Charles Nyamai, MP
7. The Hon. (Maj. Rtd) John K. Waluke, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. (Dr.) Makali Mulu, MP
10. The Hon. Wanjiku Muhia, MP
11. The Hon. Joseph Lekuton, MP
12. The Hon. Francis K. Mwangangi, MP
13. The Hon. Akuja Protus Ewesit, MP
14. The Hon. Bernard Shinali, MP

APOLOGIES

1. The Hon. Asman Kamama, MGH,OGW,MP - **Chairperson**
2. The Hon. David Gikaria, MP
3. The Hon. Joseph O. Ndiege, MP
4. The Hon. Fatuma Ibrahim Ali, MP
5. The Hon. Timothy W. Wetangula, MP
6. The Hon. Joseph Kahangara, MP
7. The Hon. Ababu Namwamba, EGH, MP
8. The Hon. Patrick Ole Ntutu, MP
9. The Hon. Mohamed Shidiye, MP
10. The Hon. Shabaan Ali Isaack, MP
11. The Hon. Jane Machira, MP
12. The Hon. Samuel Moroto, MP
13. The Hon. Rashid J. Bedzimba, MP
14. The Hon.(Dr.) Humphrey Njuguna, MP
15. The Hon. Ibrahim Abdi Saney, MP

IN ATTENDANCE NATIONAL ASSEMBLY

- | | | |
|---------------------------|---|---------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Ms. Rose Wanjohi | - | Clerk Assistant II |
| 3. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 4. Ms. Christine Odhiambo | - | Legal Counsel II |

MIN.NO.268/ANS/2016 - PRELIMINARIES

The Chairperson called the meeting to order at 11.30 am. A prayer was said.

MIN.NO.269 /ANS/2016 - CONFIRMATION OF MINUTES

The minutes of the 43rd Sitting were confirmed as true proceedings of the meeting having been proposed and seconded by Hon. Dr. Makali Mulu, MP and Hon. Zakayo Cheruiyot, MP respectively.

The minutes of the 44th Sitting were confirmed as true proceedings of the meeting having been proposed and seconded by Hon. Dr. Makali Mulu, MP and Hon. Zakayo Cheruiyot, MP respectively.

The minutes of the 45th Sitting were confirmed as true proceedings of the meeting having been proposed and seconded by Hon. Zakayo Cheruiyot, MP and Seconded by Hon. George Theuri, MP respectively.

There were no matters arising out of the minutes.

MIN.NO. 270/ANS/2016 - CONSIDERATION OF THE REPORT ON INSECURITY IN KIAMBU BY CS INTERIOR AND THE ELECTED LEADERS OF KIAMBU COUNTY ON THE PETITION BY HON. KIMANI ICHUNG'WAH, MP

The agenda was deferred to the next sitting. The Committee resolved that the report from the Cabinet Secretary for Interior and Coordination of National Government on a meeting with Kiambu County leaders on the matter be forwarded to Hon. Kimani Ichung'wah MP.

MIN.NO.271 ANS/2016

- ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes to one o'clock.
The next meeting will be held on notice.

SIGNED: Kanungo Pawan R
(Chairperson)

DATE: 16 / 11 / 2016

MINUTES OF THE 47TH SITTING OF DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY ON TUESDAY 19TH JULY, 2016
IN COMMITTEE ROOM, 2ND FLOOR, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT:

1. The Hon. Asman Kamama, MGH,OGW,MP - **Chairperson**
2. The Hon. Joseph Lekuton, MP
3. The Hon. Zakayo K. Cheruiyot, MP
4. The Hon. Humphrey Njuguna, MP
5. The Hon. Samuel Moroto, MP
6. The Hon. Grace Kiptui, MP

7. The Hon. Akuja Protus Ewesit, MP

8. The Hon. Patrick Ole Ntutu, MP
9. The Hon. Francis K. Mwangangi, MP
10. The Hon. (Dr.) Makali Mulu, MP
11. The Hon. Joseph O. Ndiege, MP
12. The Hon. Rashid J. Bedzimba, MP
13. The Hon. (Maj. Rtd) John Waluke, MP
14. The Hon. Wanjiku Muhia, MP
15. The Hon. Mohamed Shidiye, MP
16. The Hon. Ibrahim Abdi Saney, MP
17. The Hon. Shabaan Ali Isaack, MP
18. The Hon. Fatuma Ibrahim Ali, MP
19. The Hon. Charles Nyamai, MP

APOLOGIES

1. The Hon. Alois M. Lentiomaga, MP - **Vice- Chairperson**
2. The Hon. Alice Wahome, MP
3. The Hon. James Bett, MP

ABSENT

1. The Hon. Ababu Namwamba, EGH, MP
2. The Hon. Joseph Kahangara, MP
3. The Hon. Timothy W. Wetangula, MP
4. The Hon. Bernard Shinali, MP
5. The Hon. Jane Machira, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

The Hon. Anthony Kimani Ichung'wah, MP

MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Hon. Maj. Gen. (Rtd) Joseph Nkaissery, MGH, CBS - Cabinet Secretary

NATIONAL ASSEMBLY- COMMITTEE SECRETARIAT

- | | | |
|---------------------------|---|---------------------|
| 1. Ms. Rose M. Wanjohi | - | Clerk Assistant II |
| 2. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 3. Ms. Christine Odhiambo | - | Legal Counsel II |

MIN.NO.219/ANS/2016: PRELIMINARIES

The Chairperson called the meeting to order at half past ten o'clock. A prayer was said

MIN.NO. 220/ANS/2016: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting

MIN.NO.221/ANS/2016: SUBMISSION BY THE CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT ON A PETITION BY HON. KIMANI ICHUNG'WAH ON BEHALF OF RESIDENTS OF KIKUYU CONSTITUENCY REGARDING THE ALLEGED EMERGENCE OF MILITIA GROUPS IN KIAMBU COUNTY

The Cabinet Secretary informed the Committee that on 20th May, 2016 at about 2.00 pm, three men in a hired Toyota Corolla vehicle, registration number KAZ120X were dropped at the residence of Hon. Kimani Ichung'wah, MP at Ma-ya-ihii within Kikuyu. They claimed to have an appointment with the Member but were informed that he was not at the residence at the time. The Honorable Member later made a report on the matter at the Directorate of Criminal Investigations Office in Kikuyu and the police commenced investigations. The police traced the taxi driver who recorded a statement. Later the Honorable Member informed the police that he knew the taxi driver and that he did not suspect him to be part of a syndicate that had threatened his life

Further on 22nd June 2016 at about 8.00am a black polythene paper bag was found hanging at the Hon. Kimani Ichung'wah's gate, by one of his workers, David Karanja. The paper bag contained a note, written in Kiswahili, threatening the worker, for having recorded a statement regarding a plan to cause harm to the Honorable Member. The said paper bag was taken to the Directorate of Criminal Investigations office Kikuyu by the Honorable Member and was later handed over to scenes of crime officers for forensic analysis.

On 29th June 2016 at about 3.00 pm, Mr. David Karanja was confronted by eight men on his way to the Hon Kimani Ichungwa, MP residence. Four of the men were in two motor cycles while the rest were in a motor vehicle registration number KAK 882L. They attempted to force him into the car in vain. He was however stabbed on both thighs before escaping and was later treated at St. Teresa Nursing Home.

The Cabinet Secretary concluded that although the Honorable Member indicated that the threats to his life were initiated by political rivals, no direct evidence had been obtained. However investigation were on going and action would be taken against anyone found culpable.

Response to the issues raised in the petition

On the specific issues raised in the petition the Cabinet Secretary informed the Committee that:-

- i. The Government was not aware of the re- emergence of armed militia groups and that criminal incidences reported in Limuru, Kikuyu and Kabete Sub Counties had no links to outlawed groups;
- ii. The Government was also not aware that the said criminals were enjoying protection from elected leaders;
- iii. Criminal gangs had however continued to cause harm in the County. However security agencies continued to work hard to apprehend and prosecute suspects;
- iv. There was no specific relationship between the criminal activities reported in the area and the closure of Madaraka market in Thika town in January,2015;
- v. The Government was not aware that several people were injured during the closure of Madaraka market and one trader shot by an alleged armed militia group. Further the Government was not aware that four Members of Parliament were shot at as they visited the scene on the second day after the incident;
- vi. It was however true that, hooligans burned down Madaraka market on 22nd November, 2015 thus destroying goods and property worth millions of shillings, and not the alleged militia group. Investigations were carried out; two suspects were arrested and arraigned in court;
- vii. Further the Government was not aware that the County Government used a militia group to evict traders from the said market, the Government was also not aware that security agencies backed the use of the alleged militia;
- viii. The Government was also not aware that on 22nd January, 2016, a militia group attacked two Members of Parliament who were proceeding to Ndumberi and stoned their cars and attempted to draw their guns in the presence of Administration Police Officers. However it was true that two Administration Police Officers who were present at the County Government premises provided critical information that led to the arrest of two suspects who were later charged in court for the offence of malicious damage.
- ix. All the issues raised in the petition were investigated and the suspects were arraigned in court as stated above.

The Committee observed that:-

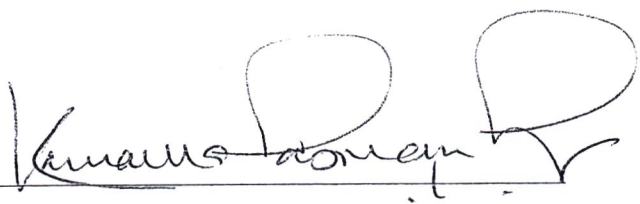
- i. Many officers working in the Kiambu County Government were licensed to carry the firearms
- ii. Police officers in Kiambu County appeared to be lax in their duties and lacked coordination, a clear chain of command and were undisciplined.

The Committee resolved that the Cabinet Secretary:-

- i. Visits Kiambu County to hold a meeting with local leaders and to assess the situation in relation to the matters raised in the petition and present a report on the same to the Committee;
- ii. Reports on allegations of extra judicial killings perpetrated by police officers;
- iii. Reports on the implementation status of the police surveillance system to other major towns apart from Nairobi and Mombasa;

MIN.NO. 222ANS/2016: ADJOURNMENT

There being no other business, the meeting was adjourned at half past one o'clock until Thursday 21st July, 2016 at 10:00am.

SIGNED: 
(CHAIRPERSON)

DATE: 13th October 2016

THE 17TH SITTING OF DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON 22ND MARCH, 2016 IN THE BOARDROOM, 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT:

1. The Hon. Alois M. Lentiomaga, MP - Vice- Chairperson
2. The Hon. Ababu Namwamba, EGH, MP
3. The Hon. Alice Wahome, MP
4. The Hon. Joseph Lekuton, MP
5. The Hon. Mohamed Shidiye, MP
6. The Hon. Joseph Kahangara, MP
7. The Hon. Zakayo K. Cheruiyot, MP
8. The Hon. James Bett, MP
9. The Hon. Patrick Ole Ntutu, MP
10. The Hon. Shabaan Ali Isaack, MP
11. The Hon. Grace Kiptui, MP
12. The Hon. Francis K. Mwangangi, MP
13. The Hon. Joseph O. Ndiege, MP
14. The Hon. Akuja Protus Ewesit, MP
15. The Hon. George Theuri, MP

ABSENT

1. The Hon. Asman Kamama, MGH, OGW, MP - Chairperson
2. The Hon. Bernard Shinali, MP
3. The Hon. Samuel Moroto, MP
4. The Hon. Ibrahim Abdi Saney, MP
5. The Hon. Ahmed Abdikar Ore, MP
6. The Hon. Wanjiku Muhia, MP
7. The Hon. Humphrey Njuguna, MP
8. The Hon. Rashid J. Bedzimba, MP
9. The Hon. Jane Machira, MP
10. The Hon. (Maj. Rtd.) John K. Waluke, MP
11. The Hon. David Gikaria, MP
12. The Hon. Timothy W. Wetangula, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

1. The Hon. Anthony Kimani Ichung'wah, MP
2. The Hon. Alice Ng'ang'a, MP

RESIDENTS OF KIAMBU COUNTY:

1. Mr. Phillip Musee - Madaraka market
2. Mr. Thomas Kasyoka - Madaraka market
3. Ms. Wambui Karugu - Madaraka market

- | | | |
|-----------------------------|---|-----------------------------|
| 4. Mr. Samuel Ndungu | - | Madaraka market |
| 5. Mr. Maxwell Kairu | - | Madaraka market |
| 6. Ms. Jane Ndungu | - | Madaraka market |
| 7. Mr. Charles M. Njau | - | Madaraka market |
| 8. Ms. Jane Nyambura Kimani | - | Madaraka market- petitioner |
| 9. Mr. John Mugwe | - | Limuru |
| 10. Mr. Anthony Konya | - | Kiambu |
| 11. Mr. Antony Mburu | - | Kiambu |
| 12. Mr. Alois Waimae Mburu | - | Kiambu |
| 13. Mr. Davis Ng'ang'a | - | Thika town |
| 14. Ms. Anne Ndegwa | - | Kiambu |
| 15. Mr. Peter Nyoike | - | Thika |

NATIONAL ASSEMBLY

- | | | |
|------------------------|---|----------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Ms. Rose Wanjohi | - | Clerk Assistant II |
| 3. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 4. Ms. Fiona Musili | - | Research Officer III |

MIN.NO.066/ANS/2016: PRELIMINARIES

The ViceChairperson called the meeting to order at half past ten o'clock. The Prayer was said.

MIN.NO. 067/ANS/2016:CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.068 /ANS/2016: SUBMISSION BY THE PETITIONERS

The Hon. Anthony Kimani Ichung'wah, MP, informed the Committee that:

- i. Residents of Kiambu County existed peacefully with minimal cases of insecurity reported;
- ii. Groups of armed militia had emerged, comprising of goons for hire and members of the outlawed mungiki group, who were terrorizing residents;
- iii. The said criminals were allegedly enjoying protection from elected leaders and security arms in Kiambu County;
- iv. The gangs had continued to reign havoc in many parts of the vast County with unabated impunity;
- v. The presence of the gangs had led to escalated insecurity and conflict especially in Thika Town, culminating to the closure of Madaraka Market in Thika town in January 2015;
- vi. Several people were injured and one trader shot by the armed militia group and further attacked and shot at four(4) Members of Parliament;
- vii. Further, on 22nd November, 2015, the said group allegedly set the Madaraka market on fire and property worth millions was destroyed. *

- viii. The County government was allegedly using the militia group backed by the Administration Police to evict traders from the said market;
- ix. On 22nd January 2016, the same militia group attacked two(2) Members of Parliament who were proceedings to Ndumberi, stoning their cars and attempted to draw guns at the Members of Parliament in full glare of the Administration Police;
- x. Efforts to resolve the matter had been futile ; and
- xi. The matters presented in the petition were not pending before any tribunal or court of law.

The Petitioners prayed that the National Assembly, through the Departmental Committee on Administration and National Security:-

- i. Recommends immediate deployment of more security personnel to enforce law and order in Kiambu County;
- ii. Ensures that the Petitioners' plight is addressed; and
- iii. Makes any other order or direction that it deems fit in the circumstances of the case

The Committee was also informed that Wamae Mburu was allegedly arrested over an article he published on face book alleging that Governor of Kiambu's brother and relatives were misappropriating public resources and were illegally awarded contracts by the county government. The Committee was further informed that while trying to secure the release of the blogger, several Members of Parliament including Hon. Kimani Ichung'wah, MP were confronted and assaulted by alleged hired goons .The confrontation had escalated to the point that guns were drawn. The Administration police officers present at the scene did not prevent the hired goons from causing the chaos but only intervened when the MPs bodyguards drew out their guns and pushed the goons back into the county government offices. The Committee was also informed that it was not clear how many persons in Kiambu County Government are in possession of both legal and illegal firearms.

The Committee was informed that public participation in law the making process in Kiambu County Government was inadequate. No laws passed by the county assembly of Kiambu County had been published in the Kenya Law Gazette. Although the office of County inspectorate unit existed only in the three major cities Nairobi, Kisumu and Mombasa as provided in the county by laws. Yet county law enforcement officers are been deployed by the in Kiambu county government.

Madaraka Open Air Market

The Committee was informed that the Madaraka Open Air Market is situated on the western side of Thika town off Thika Garissa road opposite Madaraka post office. Initially the area had been designated as a bus park and was developed by the World Bank. The matutu owners however argued that it was located too far from town centre and declined to occupy it. It was then converted into an open air market. The current confrontation was alleged to have begun after the 1997 general election when the then councilor of Komu Ward, Ms. Elizabeth Muthoni, allegedly allocated 319market stalls to her supporters. The move was resisted by the tradersin the market

In 2002, general election Ms. Elizabeth Muthoni was re-elected as councilor of Komu ward. She tried to assist the same 319 persons occupy the market with the assistance of the then area MP,

but the traders resisted. It took the Minister of local government intervened and cancelled the allotment letters and the status quo was maintained.

On 16th January 2015, a squad of Administration Police, regular police and county government enforcement officers forcefully evicted the traders and closed the market. Two persons were shot and a female injured. No arrests had been made following the incident. However H.E the President ordered that the market be re-opened on 17th January 2015.

On 17th June 2015, armed youth took control of a public toilet the market and started collecting charges for its use. The matter was reported to the Makongeni police station and the Inspector General of Police but no action was taken.

On 22nd November 2015 at about 2:00am the market was torched to the ground. To date there have been several attempts to evict the over 2000 traders who are from different communities and subdivide the stalls.

Committee observations

The Committee made the following observations

1. The submissions by the petitioners would not be clearly linked to the prayers sought.
2. Although security is a National Government function, Administration Police officers appear to be receiving instructions from county governments due to the monetary incentives;

The Committee resolved to hold meeting the following persons to adduce more evidence before compile a report on the petition:-

- i. The Cabinet Secretary, Interior and Coordination of National Government
- ii. The affected Members of Parliaments;
- iii. Governor of Kiambu;
- iv. Inspector General of Police;
- v. The Director of Criminal Investigations
- vi. Director of Public Prosecution;
- vii. Member of County Assembly for Kamenu ward

MIN. NO.069/ANS/ 2016: ADJOURNMENT

There being no other business the meeting was adjourned at nine minutes past one o'clock until Thursday 24th March 2016 at 10:00 am.

SIGNED BY _____

(Chairperson)

DATE _____

PUBLIC PETITION
ON THE PRESENCE OF ARMED MILITIA AND MUNGIKI IN KIAMBU
COUNTY GOVERNMENT

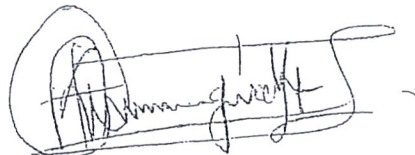
- viii) **THAT**, the County Government is allegedly using this militia group backed by the Administration Police to evict traders from the said market;
- ix) **THAT**, on 22nd January 2016, the same militia group attacked two (2) Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at the Members of Parliament in full glare of the Administration Police;
- x) **THAT**, efforts to resolve this matter have been futile; and
- xi) **THAT**, the matter presented in this petition is not pending before any tribunal or court of law.

THEREFORE your humble Petitioner pray that the National Assembly, through the Departmental Committee on Administration and National Security:-

- i. Recommends immediate deployment of more security personnel to enforce law and order in Kiambu County;
- ii. Ensures that the Petitioners' plight is addressed; and
- iii. Makes any other order or direction that it deems fit in the circumstances of the case.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



HON. KIMANI ICHUNGWA, MP
MEMBER FOR KIKUYU CONSTITUENCY

DATE:..... 22/2/2016.....

**PUBLIC PETITION
ON THE PRESENCE OF ARMED MILITIA AND MUNGIKI IN KIAMBU
COUNTY GOVERNMENT**

No.	Petitioner	ID No.	Signature 0720 24032
1.	Antony Mburu	21673108	
2.	JAMES GICHONKI	10998220	Jung
3.	John Muthiri	25205381	Jr.
4.	Nancy Nyambi	24586328	Jambi
5.	GRANWELL N. KINYANJUI	20731999	gr
6.	Ndungo Kamau	0358947	Ndungo
7.	Pamela Waweru	21418300	Pamela
8.	Jane Kingo	8473327	Jane
9.	MORIS KIUNA	10573165	mc
10.	HANNATH WACERA	25022357	
11.	JOHN NDUNG'UP	246032728	
12.	JOSEPH NGANSA	70051299	At
13.	DAVID GACHOHA	21976003	Gachoha
14.	Bernard Ndunge	0896258	
15.	George Kagucia	13743387	
16.	MARITHA MWINDU	22055222	MA
17.	Virginie Wanjiru	13675305	Wanjiru
18.	RAHAS NJAKI	26256847	Raha
19.	LIZZY Jimmy IRENI	23593363	
20.	Antony Kenya Mwangi	22475880	Antony Kenya Mwangi -0722-387
21.	Peter Karuki Kinga	21862958	
22.	Peter m. Kamau	28017868	Peter
23.	James Waweru	0551035	Waweru
24.	Antony Cihau	22526092	Antony
25.	ALEXANDER C. GITAO	23485627	

0722 387494

ANNEX 4

SUBMISSIONS BY THE CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

PETITION REGARDING ALLEGED EMERGENCE OF MILITIA GROUPS IN KIAMBU COUNTY

Mr. Chairman, the Member for Kikuyu Constituency, Honorable Kimani Ichungwa has petitioned the House regarding alleged emergence of militia groups in Kiambu County.

I therefore wish to state as follows;

Mr. Chairman, on 20th May, 2016 at about 2.00p.m., three men hired a saloon vehicle, registration No. KAZ 120X Toyota Corolla in make, to be ferried to the residence of Honorable Kimani Ichungwa at Ma-ya-ihii within Kikuyu. The taxi operator dropped two of them at the gate and they were to call their colleague once they were through with the M.P. However, the two men were stopped by one of the workers who sought to know their mission. They claimed that they had an appointment with the M.P, but they were informed that he was not in. The taxi driver later informed Honourable Ichungwa's sister of the incident. The MP made a report at the DCI Office, Kikuyu and investigations commenced immediately. Police traced the taxi driver and recorded his statement. The MP informed police that he knew the taxi driver and that he did not suspect him to be part of the syndicate that was threatening his life.

Mr. Chairman, on 22nd June, 2016 at about 8.00a.m, a black polythene paper bag was found hanging at the MP's gate by one of his workers', David Karanja. He found a note with the following message. "*Wewe Karanja ndio uliharibu mpango ya Mheshimiwa, kwa sababu uliandika statement. Sasa ujue tuko na wewe. Tunajua utapeleka Mheshimiwa asome alafu mpeleke polisi. Bando ujue tuko na mpango wa Mheshimiwa and tutaanza na wewe*". The said paper bag was taken to

Mr. Chairman, on 29th June, 2016 at about 3.00p.m., David Kanja was walking to the MP's residence from Kikuyu town when he was confronted by eight men, four of them on two motor cycles and the rest in motor vehicle registration number KAK 882L, a Toyota Saloon. They attempted in vain to force him into the saloon car. However, they stabbed him on both thighs before escaping. He was taken to St. Teresa Nursing Home where he was admitted, treated and later discharged.

DCI's office at Kikuyu by the MP and his workers and was later handed over to Scenes of Crime personnel for forensic analysis.

Mr. Chairman, on 29th June, 2016 at about 3.00p.m., David Kanja was walking to the MP's residence from Kikuyu town when he was confronted by eight men, four of them on two motor cycles and the rest in motor vehicle registration number KAK 882L, a Toyota Saloon. They attempted in vain to force him into the saloon car. However, they stabbed him on both thighs before escaping. He was taken to St. Teresa Nursing Home where he was admitted, treated and later discharged.

According to the MP, the threat to his life is political and is designed by his rivals. He further alleges that he is aligned to Hon. Ferdinand Waititu's group which is receiving opposition from his adversaries. However, no direct evidence has been obtained that is pointing at anyone at the moment. Investigations are at an advanced stage and legal action will be taken against anyone found culpable.

Mr. Chairman, on specific issues that were raised by the Member of Parliament, I wish to state as follows;

- i. It is true that security situation in Kiambu County has been stable, with minimal cases of insecurity being reported. Security officers have put in place appropriate measures to enhance security within the County;
- ii. However, the Government is not aware of emergence of armed militia groups in the recent past in the county, allegedly comprising of goons for hire and members of the outlawed mungiki group who are terrorizing residents. However, criminal incidences mostly reported in Limuru, Kikuyu and Kabete sub counties are isolated in nature and have no link to any outlawed group;

- iii. The Government is further not aware that the said criminals are allegedly enjoying protection from elected leaders and the security agencies;
- iv. It is not true that such alleged criminal gangs have continued to cause alarm in the County, as security agencies have continued to work with a lot of dedications and that whenever any criminal suspect has been arrested appropriate action has been taken without fear or favour;
- v. Further, there is no relationship between the criminal cases reported in the County and the closure of Madaraka market in January, 2015;
- vi. The Government is not aware that several people were injured during the closure of Madaraka market and one trader shot by an alleged armed militia group. Further, the Government is equally not aware that any alleged armed militia group shot at four(4) Members of Parliament as the Members of Parliament visited the site on the second day after the incident;
- vii. However, it is true that hooligans burned down the Madaraka market on 22nd November, 2015 thus destroying goods and property worth millions of shillings, and not the alleged group of militia. Investigations were carried out, two suspects arrested and arraigned before court. The case is coming up for hearing on 1st September, 2016;
- viii. The Government is not aware that the County Government is using the militia group to evict traders from the said Market. Further, the Government is not aware that security agencies are backing the use of the alleged militia;
- ix. The Government is not aware that on 22nd January, 2016, the alleged militia group attacked two (2) Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at them in the presence of Administration Police officers. However, it is true that there were two Administration Police officers who were guarding the County Government premises who later provided critical information that led to the

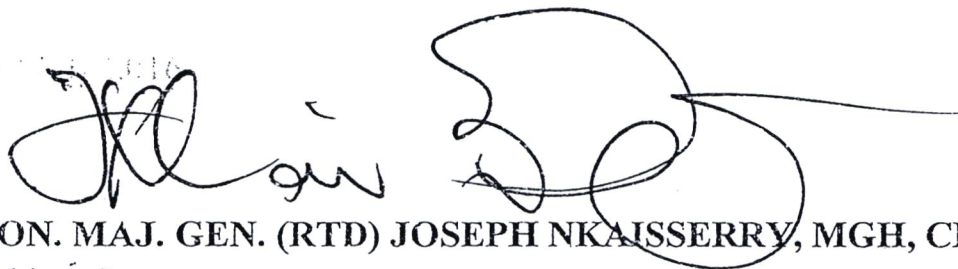
investigations were carried out diligently leading to the arrest of suspects who were arraigned before court.

All the issues raised in this petition were investigated and suspects arrested and arraigned before Court, as stated here above.

x. It is not true that efforts to resolve this matter have been futile as investigations were carried out diligently leading to the arrest of suspects who were arraigned before court.

xi. All the issues raised in this petition were investigated and suspects arrested and arraigned before Court, as stated here above.

Thank you **Mr. Chairman.**



HON. MAJ. GEN. (RTD) JOSEPH NKAISSERRY, MGH, CBS
Cabinet Secretary
Ministry of Interior and
Coordination of National Government

15th July 2016

② MHEHRA
pls deal
FH
08/8

2060



OFFICE OF THE PRESIDENT

MINISTRY OF INTERIOR
AND CO-ORDINATION
OF
NATIONAL GOVERNMENT

Telegraphic address: "Rais"
Telephone: 020-2227411
When replying please quote

P.O. Box 30510- 00100
NAIROBI

Ref. No... OP/PA. 14/26A

5th August, 2016

Clerk of the National Assembly
Parliament Buildings
P.O Box 41842 - 00100
NAIROBI

UD/coordination
place before the national
committee
John
08/8/16

**RE: REPORT OF THE SECURITY MEETING HELD BETWEEN THE
CABINET SECRETARY FOR INTERIOR AND THE ELECTED
LEADERS FROM KIAMBU COUNTY ON 27TH JULY, 2016**

During a meeting held on 19th July, 2016 between the Cabinet Secretary for Interior and the Parliamentary Committee on Administration and National Security to discuss alleged re-emergence of militia groups in Kiambu County, it was resolved that the Cabinet Secretary should visit the county to assess the security situation.

Further to this, the Cabinet Secretary visited the county on 27th July, 2016 where he held a meeting with all elected leaders from Kiambu County. The meeting took place at Kiambu High School where the Cabinet Secretary was accompanied by Regional and County Security Teams together with all chiefs and Assistant Chief form the County.

Forwarded herewith please find a brief report of the meeting's proceedings for your record.

Amos N. Gathecha, MBS, ndc (K)
FOR: PRINCIPAL SECRETARY/INTERIOR

08 AUG 2016

**REPORT OF THE MEETING HELD BETWEEN THE CABINET SECRETARY
MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT,
KIAMBU COUNTY SECURITY TEAMS AND ELECTED LEADERS ON 27TH JULY,
2016 AT KIAMBU HIGH SCHOOL**

INTRODUCTION

During a meeting held on 19th July, 2016 between the Cabinet Secretary for Interior and Coordination of National Government and the Parliamentary Committee on Administration and National Security to discuss alleged emergence of Militia Groups in Kiambu County, it was agreed that the Cabinet Secretary should visit Kiambu County to assess the security situation. Further to this, the Cabinet Secretary visited Kiambu County on 27th July, 2016 where he held a meeting with the Central Region and Kiambu County Security Teams at the County Commissioner's office.

He later on held another meeting with all elected leaders from Kiambu County at Kiambu High School. This meeting was also attended by the Regional and County Security Teams together with all Chiefs and Assistant Chiefs from the County. (The list of participants is attached to this report as Annex I and II). Below is a brief report of the meeting between the Cabinet Secretary and the Kiambu Leaders.

REMARKS BY COUNTY COMMISSIONER, KIAMBU

The County Commissioner, Kiambu welcomed all those present to the County. He noted with gratitude the support the County has been receiving from the Members of Parliament and the County Government in fighting crime. He further observed that the County had not experienced major school arson cases apart from two (2) incidences that occurred at Muhoho and Kijabe High Schools. A further nine (9) cases were stopped by the relevant agencies. He informed the meeting that the County Security Teams were working closely with officers from Ministry of Education in ensuring the safety of the schools.

The County Commissioner summarized the security situation in the County since January 2016 as follows:-

Murder	-	31 cases reported
Robbery	-	82 cases reported
Carjacking	-	1 case reported
Motor vehicle theft	-	30 cases reported
Rape/Defilement / incest	-	80 cases reported

House Breaking / Burglary	-	14 cases reported
Suicide	-	9 cases reported
Firearms recovered	-	15

He further outlined the following as some of the major security concerns affecting the County:-

- (i) Re-emergence of organized criminal gangs such as Mungiki, Gaza some of which are spilling over from Nairobi
- (ii) ~~Land related conflicts as a result of land frauds, perennial conflicts in land buying companies like Githunguri Ranching Company, Mboi Kamiti, New Gatundu Mixed Farmers, Nyakinyua Investment Company among others~~
- (iii) Illicit and second generation alcohol
- (iv) Disunity among elected leaders.

He singled out Kikuyu, Kabete and parts of Limuru Sub-Counties as some of the areas prone to serious crime in the County

He highlighted the following as some of the key challenges they continue to face in fighting crime:

- Ease of entry and exit of criminals from and to Nairobi
- Use of motorcycles by criminals as a means of escape
- Use of technology in the commission of crimes
- Fear to report criminals by locals for fear of reprisals
- Ineffective Nyumba Kumi and Community Policing Committees
- Judicial challenges vis a vis court bails and bounds
- Unwillingness of witnesses to testify in serious criminal cases; among others

ISSUES RAISED BY ELECTED LEADERS IN THE COUNTY

Kiambu County elected members present led by the Deputy Governor welcomed the Cabinet Secretary and his team to the County. They thanked the County Security Teams for a job well done in securing the County. He stressed the need for all stakeholders to get to the root cause of the current wave of school burning incidences to avoid further wastage.

They however raised the following as issues of concern:-

- (i) That they have invested a lot of resources in the construction of police stations and posts but during the day officers are always out engaged in other subsidiary duties such as cash escort for banks etc
- (ii) That when good officers in the County are promoted, they are always transferred out and that was affecting security
- (iii) That those leaders found to be funding illegal gangs should not be spared as this is one way of ensuring peaceful elections in 2017
- (iv) That Nyumba Kumi and Community Policing Committees are ineffective and require urgent reactivation
- (v) That all boundary and land disputes in Kiambu County should be sorted out as a matter of agency to avoid bloodshed
- (vi) That there is need to urgently open up a Police Station in Kagwe, Lari Sub-County to address the issue of insecurity in the area. The area MP is ready to use CDF funds in the construction of the station and police houses.
- (vii) That Nazareth and Redhill AP Lines require to be urgently staffed.
- (viii) That there is need for Chiefs to report when threatened by land cartels in the County
- (ix) That there is need for Government to clear vegetation along the major highways since they act as hideouts for criminals
- (x) That there is an upsurge in the production and consumption of illicit brew and second generation alcohol in the County
- (xi) That the County has been experiencing killing of prominent personalities i.e. Businessmen, a Chief etc in the recent past

- (xii) That there are a number of Deputy County Commissioners offices that are incomplete in the County
- (xiii) That Kibichoi Police Station in Githunguri Sub-County serves parts of Githunguri and Juja Sub-Counties but has no vehicle
- (xiv) That Juja Sub-County being one of the newly gazette Sub-Counties urgently requires the following:-
- Sub-County Headquarter
 - Upgrading of Juja Farm, Kalamaini, Muigai Inn and Theta (Ha Mundia) Police Posts into full Police Stations
 - Establishment of Police Posts in Kimuchu, Athi, Zone T and Ma-acre
- (xv) That the Cabinet Secretary should create time to open some already completed projects in that County that include Police Stations, Sub-County Headquarters etc

RESPONSE BY THE CABINET SECRETARY

In his remarks, the Cabinet Secretary thanked the leadership of Kiambu for warmly welcoming him to the County. He also thanked the National Administration officers in the county for work well done. He stressed that his main reason for visiting the County was to discuss security given the strategic location of Kiambu. He further reiterated that the Government is committed to ensuring all counties are secure as we gear towards the electioneering period.


In response to the issues raised by the leaders, the Cabinet Secretary noted as follows:-

- (i) That the Government shall not entertain the re-emergence of criminal gangs in Kiambu and any other County countrywide. He warned that any leader bent on funding and encouraging the re-emergence of these organized criminal gangs will not be spared. He directed the County Security Teams to be extra vigilant and to take swift action on any person regardless of their social status bent on funding these undesirable groups
- (ii) That all National Government officers who practice bi-partisanship in the execution of their duties shall be dealt with firmly in accordance of the law.

He stressed that all Government officers should be non-partisan in providing services to Kenyans

- (iii) That all those people who have turned to the use of social media to intimidate others, abuse or even peddle lies about Government are on the Ministry's watch list and shall not be entertained
- (iv) That production and consumption of illicit brew in the County is on the increase once again. He warned Chiefs and Assistant Chiefs in whose areas of jurisdiction illicit brew will be found of dire consequences including early retirement or even sacking. This he noted applies to all Counties
- (v) That the Government is doing everything in its powers to address the issue of runaway insecurity particularly in Kikuyu, Kabete and some parts of Limuru Sub-Counties. He further observed that the Security Committees in Nairobi and Kiambu Counties will soon meet to map out strategies to curb the issues of insecurity in both Counties
- (vi) That the Government is looking into the issue of infrastructure and mobility of both the police and the National Administration officers. In particular vehicles for various police stations, accommodation for Deputy County Commissioners and motorcycles for Assistant Chiefs and the Police is an item on the top agenda of the Ministry
- (vii) That the Cabinet Secretary will create time to open the new facilities across Kiambu County soonest possible as per the request of the respective Members of Parliament.

The meeting ended at 2.05pm.


SIMON KARANJA
PA TO CABINET SECRETARY

3rd August, 2016

ANNEX 5

SUBMISSIONS BY THE GOVERNOR, KIAMBU COUNTY

RESPONSE TO THE PETITION BY HON. KIMANI ICHUNG'WA, MP ON BEHALF OF THE RESIDENTS OF KIKUYU CONSTITUENCY ON ALLEGED EMERGENCE OF MILITIA GROUPS IN KIAMBU COUNTY

My office is in receipt of an invitation to appear before the National Assembly Departmental Committee on Administration and National Security on **21st July, 2016** to deliberate on a Petition dated 22nd February, 2016 submitted to the National Assembly by Hon. Kimani Ichung'wa, the Member of Parliament for Kikuyu Constituency on behalf of the residents of Kikuyu Constituency. The Petition makes unsubstantiated allegations on the emergence and presence of militia groups in Kiambu County.

The invitation is made pursuant to the provisions of standing order No. 216(1) and Standing Order No. 227 of the National Assembly standing orders from where the committee draws its mandate.

RESPONSE TO THE ALLEGATIONS

As the Governor of the County Government of Kiambu, I wish to address myself to the allegations in the Petition as follows;

Items (i) and (ii) (iii) and (iv) – On the allegations that there exists militia groups in Kiambu County, enjoying protection from elected leaders in Kiambu County and reigning havoc in many parts of the vast County with unabated impunity;

The County Government of Kiambu has no knowledge or information on the existence or emergence of any militia group within the County. If indeed there exists any criminal groups within the County, those groups are not known to us and neither do they enjoy the protection of any officers of the County Government of Kiambu.

Maintenance of law, peace and order is a function of the National Government undertaken through the National Police Service over which the Committee exercises oversight. Section 24 of the **National Police Service Act**, Chapter 84 vests the Police Service with wide powers to carry out its duties including;

- a) Provision of assistance to the public when needed;
- b) Maintenance of law and order;

- c) Preservation of peace;
- d) Protection of life and property;
- e) Investigation of crimes;
- f) Collection of criminal intelligence;
- g) Prevention and detection of crime;
- h) Apprehension of offenders.

Unlike the National Police Service, the County Government does not have the machinery to detect, prevent and/or investigate crime. If indeed the militia groups exist and have committed any offences of the nature described by the Petitioners, nothing would have been easier than to report to the body and or state agencies mandated by law to deal with the matter with the urgency and seriousness that it deserves.

Standing Order 223(f) requires a Petitioner to indicate whether any efforts have been made to have the matter addressed by a relevant body and; whether there has been any response from that body or whether the response has been unsatisfactory. The Petitioners have not addressed themselves to this requirement. Allegations of threats against the security of the residents of Kiambu County are not matters to be taken lightly. Not only are the allegations likely to cause public anxiety, but they are by implication, an accusation of failure by the National Police Service to discharge its functions as contemplated under the law. If there is any seriousness on the part of the Petitioner, then the matter ought to be reported to the police for investigation and action as required by law.

Items (v) (vi) (vii) (viii) – that the presence of these gangs has led to escalated insecurity and conflict especially in Thika Town, culminating to the closure of Madaraka Market; that several people were shot at and injured; that the said group allegedly set the Madaraka Market on fire and property worth millions destroyed; that the County Government is using the Militia group to evict traders from the said market.

Standing Order 223(g) requires the Petitioners to indicate whether the issues in respect of which the Petition is made are pending before any Court of Law or other Constitutional body. The Petitioners have again failed to address this requirement. The requirement of disclosure as read with Standing Order 89(1) is meant to safeguard parties who are before a judicial body on either criminal or civil proceedings from being subjected to parallel proceedings by the Committee.

Standing Order 89(1) states as follows;

- (1) Subject to paragraph (5) no member shall refer to any particular matter which is *subjudice*, or which, by operation of any written law is secret.
- (2) A matter shall be considered to be *subjudice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

The Hon. Member of Parliament for Kikuyu Constituency is well aware that the issues relating to the unrest at Madaraka Market are all matters pending before the High Court in the following proceedings;

(a) Petition No. 529 of 2015

(b) Petition No. 569 of 2015

(c) Petition No. 42 of 2016

Please see copies of the pleadings attached.

Similarly, Thika Police Station is ceased of several complaints filed by County Government Officers and users of the market and; to the best of my knowledge; they are in the process of investigating the complaints. It is my respectful view therefore; that all the issues touching on the claims regarding Madaraka Market are subjudice and the other complaints will be addressed adequately once the investigations by the Police have been concluded.

Item ix)- that on 22nd January, 2016, the same Militia group attacked two (2) Members of Parliament who were proceeding to Ndumberi, stoning their cars and attempted to draw guns at the Members of Parliament in full glare of the Administration Police.

The complaint referred to by the Hon. Member in the incidence alluded to above was made against particular individuals known to the Hon. Member of Parliament. To the best of my knowledge, the Hon. Member voluntarily reported and recorded a statement with the police. It is interesting to note that from the statement made to the police, there is no allegation of the existence of a militia group or of guns being drawn to the MP.

I wish to state to the Committee that an isolated allegation of criminal conduct by an individual or individuals cannot by any standard be construed to mean that there exists a militia group in Kiambu

County unless the same is substantiated by a report of the police. The glaring absence of any mention of militia in the statement of Hon. Ichung'wa can only lead to the conclusion that the claim of the existence of a militia is an afterthought and now being raised by the Hon. Member to malign the County government and for other ulterior motives.

Nevertheless, the matter is now pending before Court in Criminal case No. 1079/16. **Please find attached a copy of the charge sheet in Criminal Case No. 1079/16 and the statement recorded by Hon. Kimani Ichung'wa.** The provisions of standing Order 89 on the subjudice rule referred to above therefore apply.

MANDATE OF THE COMMITTEE

The mandate of the Committee to hear any matter committed to it is drawn from the Articles 94 and 95 of the Constitution as read with the National Assembly Standing Orders. Standing Order No. 216(4) prescribes the Scope within which a Committee may operate as follows;

*"216(4) the mandate of Departmental Committee in respect of the subject matter under the Second Schedule of these Standing Orders shall only be exercised **within the limits contemplated under Part 1 of the Fourth Schedule to the Constitution**".*

"216(5)(a) the functions of the Departmental Committee shall be to – investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and department."

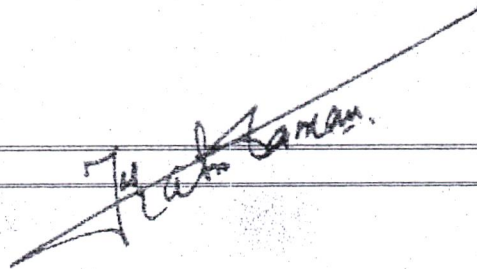
Whereas the Constitution gives the Committee the powers to invite any person to appear before it give information on any matter under consideration by the Committee, the exercise of such powers must be within the confines of the authority of the National Assembly in terms of Article 95 of the Constitution.

In conclusion, it is curious to note that whereas the Petition is purported to be submitted to the Committee by and on behalf of the residents of Kikuyu Constituency, not a single incidence alluding to the presence of the Militia Group in the Constituency has been referred to in the Petition.

From the above, it is my considered view that the Petition is devoid of merit and is calculated to advance the political interests of the Hon. Member of Parliament. It is unfortunate that matters of national security

are being used to advance political gains. I urge the Committee to summarily reject the Petition in the best interests of the public and make a determination/recommendations that serves to uphold the dignity of Parliament, to unite rather than divide the people of Kiambu County and respects the institutional integrity of the County Government and other organs of government.

SIGNED BY:



.....
H.E WILLIAM KABOGO

GOVERNOR OF THE COUNTY GOVERNMENT OF KIAMBU

DATED: 19th July, 2016

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL & HUMAN RIGHTS DIVISION

17 DEC 2015

PETITION NO. 569 OF 2015

(CONSTITUTIONAL PETITION)

IN THE MATTER OF AN APPLICATION UNDER ARTICLE 2, 10(2)(a), (b) and (c), 19, 21, 22(1), 22(2)(b) & (c) and (d), 23(1) & (3), 41, 43, 47, 48, & 184, OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE CONTRAVENTION, AND FURTHER THREATENED CONTRAVENTION OF ARTICLE 2, 10(2)(a), (b) and (c), 19, 21, 22(1), 22(2)(b) & (c) and (d), 23(1) & (3), 41, 43, 47, 48, 196(1)(b), 190(5), 201(a), 209(3)(c), 210(1), OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE KIAMBU COUNTY GOVERNMENT

AND

IN THE MATTER OF THE NATIONAL POLICE SERVICE ACT

AND

IN THE MATTER OF THE COUNTY GOVERNMENT ACT, ACT NO. 17 OF 2012

AND

IN THE MATTER OF A CONSTITUTIONAL PETITION

BY

HON. ALICE NG'ANG'A	1 ST PETITIONER
HON. FERDINAND NDUNG'U WAITITU	2 ND PETITIONER
EPHANTUS NJERU NGARI	3 RD PETITIONER

VERSUS

GOVERNOR WILLIAM KABOGO	1 ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU	2 ND RESPONDENT
THE KIAMBU COUNTY SECRETARY	3 RD RESPONDENT
THE OCPD, THIKA POLICE STATION	4 TH RESPONDENT

CERTIFICATE OF URGENCY

I, JOHN HARRISON KINYANJUI an Advocate of the Supreme Court of Kenya and of this Honorable Court and with instructions from the Petitioners/ Applicants herein, do hereby certify that the annexed application is extremely urgent and ought to be heard at the earliest instance on the grounds that:

Certificate of Urgency

1. The 3rd Petitioner who is the Chairman of the Madaraka Market Traders Welfare Association, which is an association (in formation) of about 5,000 traders, situate at Thika municipality (designated as such under the Urban Areas and Cities Act), within Kiambu County is apprehensive that the 1st Respondent as the CEO of the 2nd Respondent may order the unlawful eviction of the said traders from the said market.
2. Upon the razing of the said traders' wares on the night of 22nd November 2015, the 1st Respondent on 25th November 2015 called members of the press and stated publicly:
 - (a) That the fire gutting the Madaraka Market was an act of arson, meaning that he KNEW that this was unequivocally a crime of arson, yet he failed to report the crime to the police;
 - (b) That the said fire was deliberately set by a cartel keen on taking over the said market, meaning that he knew of a fact who the cartel was, its members, and that they had actually orchestrated the fire;
 - (c) That the said cartel had attempted to extort money from the 2nd Respondent to "lease" the market from it, yet he had done nothing about the crime of extortion;
 - (d) That the said "cartel" had attempted to extort from the 2nd Respondent money yet he had failed to expose the faces behind these extortionists, which is a crime.
 - (e) That the 2nd Respondent had received a loan of Ksh. 100 million from the World Bank to "develop" the market, yet there was no public participation in regard to the said "development" put forth to the traders or sanctioned by the Kiambu County Assembly;
3. As a consequence of the fire all the traders incurred a loss of Ksh. 64,377,559, as verified in the 3rd Petitioner's Supporting Affidavit herewith filed.
4. A sum of Ksh. 35 million was approved and set aside by the County Assembly of the 2nd Respondent Kiambu County Government for disaster management and such emergency as accosted the arson attack of the Madaraka Market in Thika Sub County of Kiambu County as herein sought.

Certificate of Urgency

2

5. This sum ought to be drawn from to compensate the affected traders of Madaraka Market.
6. Immediately the arson took place and the traders suffered losses, all efforts to contact the relevant Executive Committee Member of the 2nd Respondent on phone were unsuccessful.
7. *Direct office consideration*
The 2nd Respondent has failed to specify the location of its offices, and the telephone numbers that the members of the Public, including the Petitioners and their members, may lodge their complaints of, and concerning the impugned arbitrary decisions relating to Madaraka Market in Thika Sub County.
8. All the telephone numbers listed on the "official" website of the 2nd Respondent are out of service and yet the 1st Respondent is supposed to be contacted by such of the said traders as wish to register their interest in the decisions of the Kiambu County Government.
9. In spite of maintaining a web site for official communication, the 2nd Respondent's stated public access phone numbers (0722 - 121 877 and 067 - 222 0374; 067 - 222 0394 or 067 -5858118 or 067 - 5858167 were ALL out of service.
10. Not even a visit to the site of the arson attack was made by the 1st Respondent herein, the Governor, nor did the 3rd Respondent as the accounting officer of the 2nd Respondent Kiambu County Government bother to initiate any form of investigations to establish the cause of the fire.
11. Section 20(1)(e) of the Urban Areas and Cities Act, (Act No. 13 of 2011) mandates the 2nd Respondent to "promote and undertake infrastructural development and services within the city or municipality" in the Thika Sub County, which directly implicates the affairs and businesses of the Madaraka Market traders the Welfare Association led by the 3rd Petitioner and their specific members, and such of the developments therein in consultation with the members.
12. This was not the 1st incident of such a nature as on the 17th June 2015 at around 5am, some youths came to the Madaraka market armed with pangas, rungas, and crude weapons and harassed the market and toilet attendant, hence the threat of unlawful eviction from the said market of the bona fide traders looms large.

13. The unlawful invasion and attempted eviction of the traders was reported to the Thika OCS and the 3rd Petitioner was given OB No.12/17/6/15 as a record of the crime, and to date no action has been taken.
14. All along the invasion on that fateful night, Administration Police including the Makongeni OCS who is known to the traders was standing outside the market ensuring that no one came into the market to stop the carnage.
15. One of the police men told the traders who attempted to use their cell phones not to contact anyone, failure to which they would burn the cell-phones. This ensured that no outside help was summoned by the traders at the Madaraka Market as it was scorched.
16. There were about 7 vehicles parked at different strategic places around the Madaraka market. The doors of the market were open. Shops around the market were being broken into and goods looted and taken into the waiting police cars. All vehicles had their number plates concealed, but it was clear they were 2nd Respondent - Kiambu County Government cars as well as police cars.
17. It is imperative that the orders sought in exercise of the said Statutory Power and to the end that Justice will be met as sought are granted, otherwise the said traders stand to suffer grave prejudice and loss.

On this account the matter is of great urgency.

DATED AT NAIROBI THIS 17TH DAY OF DECEMBER 2015



JOHN HARRISON KINYANJUI
ADVOCATE FOR THE PETITIONERS/APPLICANTS

DRAWN & FILED BY:
J. HARRISON KINYANJUI & CO. ADVOCATES
ST. ELLIS HOUSE
(FORMERLY KNOWN AS MITCHELL COTTES HOUSE) 4TH FLOOR
SUITE 416
WABERA STREET, P.O. BOX 10024-00100 (G.P.O.)
NAIROBI

Certificate of Urgency

4

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL & HUMAN RIGHTS DIVISION

17 DEC 2015

PETITION NO. OF 2015

(CONSTITUTIONAL PETITION)

IN THE MATTER OF AN APPLICATION UNDER ARTICLE 2, 10(2)(a), (b) and (c), 19, 21, 22(1), 22(2)(b) & (c) and (d), 23(1) & (3), 41, 43, 47, 48, & 184, OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE CONTRAVENTION, AND FURTHER THREATENED CONTRAVENTION OF ARTICLE 2, 10(2)(a), (b) and (c), 19, 21, 22(1), 22(2)(b) & (c) and (d), 23(1) & (3), 41, 43, 47, 48, 196(1)(b), 190(5), 201(a), 209(3)(c), 210(1), OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE KIAMBU COUNTY GOVERNMENT

AND

IN THE MATTER OF THE NATIONAL POLICE SERVICE ACT

AND

IN THE MATTER OF THE COUNTY GOVERNMENT ACT, ACT NO. 17 OF 2012

AND

IN THE MATTER OF A CONSTITUTIONAL PETITION

BY

HON. ALICE NG'ANG'A 1ST PETITIONER
HON. FERDINAND NDUNG'U WAITITU 2ND PETITIONER
EPHANTUS NJERU NGARI 3RD PETITIONER

VERSUS

GOVERNOR WILLIAM KABOGO 1ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU 2ND RESPONDENT
THE KIAMBU COUNTY SECRETARY 3RD RESPONDENT
THE OCPD, THIKA POLICE STATION 4TH RESPONDENT

NOTICE OF MOTION

(UNDER ARTICLES 19(1), (2); 20(1), (2), 3(b), 4(a), (b); 21(1); 22(i); 23(1), (3)(a), (b), (c), (d), (e),

OF THE CONSTITUTION OF KENYA, 2010

AND

Constitutional Notice of Motion

5

RULE 3, 4, 5(a), 8(1), 9(1), 10, 21, & 23 OF THE CONSTITUTION OF
KENYA (PROTECTION OF RIGHTS AND FUNDAMENTAL
FREEDOMS) PRACTICE AND PROCEDURE RULES, 2013,
LEGAL NOTICE NO. 117 OF 2013

&

THE INHERENT POWER OF THE COURT)

TAKE NOTICE that this Honourable court shall be moved on the _____ day
of December 2015 at 9.00 a.m. or as may otherwise be directed, on the hearing of
this Motion as Counsel for the Petitioners/ Applicants herein may be heard on an
application for **ORDERS THAT:**

1. This Motion be certified as urgent and heard *ex parte* in the first instance owing to its extreme and demonstrated urgency.
2. Pending the hearing and determination of this Notice of Motion, a Conservatory Order do issue, by way of an injunction to forthwith restrain the 1st Respondent, 2nd Respondent, and 3rd Respondent by themselves, their officials, or any person, servant, and/or agent howsoever of the 1st and 2nd Respondents, acting under or at their behest, from evicting the Madaraka Market Traders, in Thika Sub-county and that no such evictions are conducted of the Madaraka Market Traders at night, during public holidays, before any County or National elections, and as this Honourable Court may direct.
3. Pending the hearing and determination of the Petition herein, a Conservatory Order do issue, by way of an injunction to forthwith restrain the 1st Respondent, 2nd Respondent, and 3rd Respondent by themselves, their officials, or any person, servant, and/or agent howsoever of the 1st and 2nd Respondents, acting under or at their behest, from evicting the Madaraka Market Traders, in Thika Sub-county and that no such evictions are conducted of the Madaraka Market Traders at night, during public holidays, before any County or National elections, and as this Honourable Court may direct.
4. Leave be granted to the Petitioners/ Applicants to advertise in a local daily newspapers with national circulation the pendency of these proceedings and such Orders herein made and in the public interest, such members of the public as may elect to be enjoined herein as Interested Parties do so within 14 days of the making of this Order.

5. This Honourable Court do issue such directions on the hearing of the Petitioners' Petition herein filed.

6. The costs of this Motion be to the Petitioners/Applicants in any event.

THIS NOTICE OF MOTION IS BASED ON THE UNDERLISTED GROUNDS AND ON THE ANNEXED AFFIDAVITS OF THE APPLICANTS' ALSO ADDUCED IN SUPPORT OF THE PETITION, AND UPON SUCH ORAL EXPOSITIONS THEREON AS MAY BE PROFFERED AT THE HEARING HEREOF

- a. Jurisdiction is conferred upon this Honourable Court to make a determination of Constitutional issues raised in the Petition and in order to hold the subject alive pending the determination of those issues, to issue Conservatory orders as sought, under Article 23 of the Constitution.
- b. The Public has a sufficiently great interest in the outcome of these proceedings as to necessitate the Orders sought in respect of the advertisement in the press of the pendency of the Petition under the relevant Constitutional rules, so that in the result as broad as possible a representation on the issues before the Court is made.
- c. The nature and ramification of the orders sought implicates a wider public than the Applicants before the Court. Prayer 4 of the Motion herein is thus warranted. The public ought therefore be alerted as to the currency of these proceedings so that in arriving at its final decision, this Court will gain from their respective contributions and will have had the benefit of all stakeholders and parties affected by its decision on the matter.
- d. Pending the hearing and determination of the Petition, which raises weighty Constitutional issues, it is imperative that there be an injunction issued against the 1st, 2nd and 3rd Respondents to restrain them from evicting the Madaraka Market traders in Thika Sub County, and which therefore implicates and gravely prejudices these proceedings.
- e. Unless the Court intervenes, and the restraining Conservatory Order issued, the Petition will be a mere academic exercise and the proceedings rendered nugatory yet the Petitioners have sought the court's intervention prior to the taking up a loan of Ksh. 100 million in the name of "developing" their market. No prejudice will thus be visited on the Respondents.

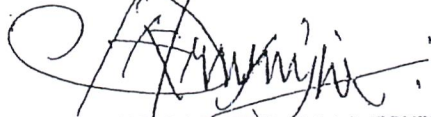
- f. The grant of the conservatory orders sought is expedient pending the determination of the issues and orders herein sought so that the Administration of Justice and the Just determination of the matters arising in these proceedings is not negated.
- g. Should the conservatory orders herein sought not be issued and the threatened unlawful eviction proceeds, Judicial Time will have been expended on a futile exercise.
- h. It is expedient to save Judicial Time and expense by issuing the conservatory order to stop the execution of that paragraph of the impugned legal instrument so that there is Judicial Order and uniformity of direction.
- i. Jurisdiction is provided under Legal Notice No. 6 of 2006 and under the Constitution.
- j. The 3rd Petitioner who is the Chairman of the Madaraka Market Traders Welfare Association, which is an association (in formation) of about 5,000 traders, situate at Thika municipality (designated as such under the Urban Areas and Cities Act), within Kiambu County is apprehensive that the 1st Respondent as the CEO of the 2nd Respondent may order the unlawful eviction of the said traders from the said market.
- k. Upon the razing of the said traders' wares on the night of 22nd November 2015, the 1st Respondent on 25th November 2015 called members of the press and stated publicly:
1. That the fire gutting the Madaraka Market was an act of arson, meaning that he KNEW that this was unequivocally a crime of arson, yet he failed to report the crime to the police;
 2. That the said fire was deliberately set by a cartel keen on taking over the said market, meaning that he knew of a fact who the cartel was, its members, and that they had actually orchestrated the fire;
 3. That the said cartel had attempted to extort money from the 2nd Respondent to "lease" the market from it, yet he had done nothing about the crime of extortion;
 4. That the said "cartel" had attempted to extort from the 2nd Respondent money yet he had failed to expose the faces behind these extortionists, which is a crime.

5. That the 2nd Respondent had received a loan of Ksh. 100 million from the World Bank to "develop" the market, yet there was no public participation in regard to the said "development" put forth to the traders or sanctioned by the Kiambu County Assembly;
- (l) As a consequence of the fire all the traders incurred a loss of Ksh. 64,377,559, as verified in the 3rd Petitioner's Supporting Affidavit herewith filed.
- (m) A sum of Ksh. 35 million was approved and set aside by the County Assembly of the 2nd Respondent Kiambu County Government for disaster management and such emergency as accosted the arson attack of the Madaraka Market in Thika Sub County of Kiambu County as herein sought.
- (n) This sum ought to be drawn from to compensate the affected traders of Madaraka Market.
- (o) Immediately the arson took place and the traders suffered losses, all efforts to contact the relevant Executive Committee Member of the 2nd Respondent on phone were unsuccessful.
- (p) The 2nd Respondent has failed to specify the location of its offices, and the telephone numbers that the members of the Public, including the Petitioners and their members, may lodge their complaints of, and concerning the impugned arbitrary decisions relating to Madaraka Market in Thika Sub County.
- (q) All the telephone numbers listed on the "official" website of the 2nd Respondent are out of service and yet the 1st Respondent is supposed to be contacted by such of the said traders as wish to register their interest in the decisions of the Kiambu County Government.
- (r) In spite of maintaining a web site for official communication, the 2nd Respondent's stated public access phone numbers (0722 - 121 877 and 067 -222 0374; 067 - 222 0394 or 067 -5858118 or 067 - 5858167 were ALL out of service.
- (s) Not even a visit to the site of the arson attack was made by the 1st Respondent herein, the Governor, nor did the 3rd Respondent as the accounting officer of the 2nd Respondent Kiambu County Government bother to initiate any form of investigations to establish the cause of the fire.

- (t) Section 20(1)(e) of the Urban Areas and Cities Act, (Act No. 13 of 2011) mandates the 2nd Respondent to "promote and undertake infrastructural development and services within the city or municipality" in the Thika Sub County, which directly implicates the affairs and businesses of the Madaraka Market traders the Welfare Association led by the 3rd Petitioner and their specific members, and such of the developments therein in consultation with the members.
- (u) This was not the 1st incident of such a nature as on the 17th June 2015 at around 5am, some youths came to the Madaraka market armed with pangas, rungas, and crude weapons and harassed the market and toilet attendant, hence the threat of unlawful eviction from the said market of the bona fide traders looms large.
- (v) The unlawful invasion and attempted eviction of the traders was reported to the Thika OCS and the 3rd Petitioner was given OB No.12/17/6/15 as a record of the crime, and to date no action has been taken.
- (w) All along the invasion on that fateful night, Administration Police including the Makongeni OCS who is known to the traders was standing outside the market ensuring that no one came into the market to stop the carnage.
- (x) One of the police men told the traders who attempted to use their cell phones not to contact anyone, failure to which they would burn the cell-phones. This ensured that no outside help was summoned by the traders at the Madaraka Market as it was scorched.
- (y) There were about 7 vehicles parked at different strategic places around the Madaraka market. The doors of the market were open. Shops around the market were being broken into and goods looted and taken into the waiting police cars. All vehicles had their number plates concealed, but it was clear they were 2nd Respondent - Kiambu County Government cars as well as police cars.
- (z) It is imperative that the orders sought in exercise of the Court's Inherent Power and to the end that Justice will be met as sought are granted, otherwise the said traders stand to suffer grave prejudice and loss.
- (aa) Merits of Petition Warranting Court's Intervention are stated in the Grounds in Support of the Petition

(bb) The Petitioners stand to suffer the infringement of their Constitutional Rights as stated in the Petition and their respective depositions, entitling this Court to intervene and grant the Conservatory Orders.

DATED AT NAIROBI THIS 17th DAY OF DECEMBER 2015



J. HARRISON KINYANJUI & CO.
ADVOCATES OF THE PETITIONERS/APPLICANTS

DRAWN & FILED BY:

J. HARRISON KINYANJUI & CO. ADVOCATES
ST. ELLIS HOUSE, 4TH FLOOR, SUITE 416
WABERA STREET
P.O. BOX 10024 GPO
NAIROBI

TO BE SERVED UPON

GOVERNOR WILLIAM KABOGO,
THIKA

COUNTY GOVERNMENT OF KIAMBU,
KIAMBU

THE KIAMBU COUNTY SECRETARY,
THIKA

THE OCPD, THIKA POLICE STATION,
THIKA

N.B. If the Respondents do not attend within the time and at the place herein above mentioned, the Court may make such orders and take proceedings as may be just and expedient.

**Constitutional Notice of Motion*

1

1

7

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 529 OF 2015
(CONSOLIDATED WITH PETITION NO. 569 OF 2015)

IN THE MATTER OF AN APPLICATION UNDER ARTICLES 1, 10(2)(a), (b) AND (c), 19,
21, 22(1), 22(2)(i) & (c) AND (D), 23(1) & (3), 41, 43, 47, 48 & 184 OF THE CONSTITUTION
OF KENYA

AND

IN THE MATTER OF THE CONTRAVENTION, AND FURTHER THREATENED
CONTRAVENTION OF ARTICLE 2, 10(2)(a), (b) AND (c), 19, 21, 22(1), 22(2), (b) & (c)
AND (d), 23(1) & (3), 41, 43, 47, 48, 196(1)(b), 190(5), 201(a), 209(3)(c), 210 (1) OF THE
CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE KIAMBU COUNTY GOVERNMENT

AND

IN THE MATTER OF THE NATIONAL POLICE SERVICE ACT

AND

IN THE MATTER OF COUNTY GOVERNMENT ACT, ACT NO. 17 OF 2012

AND

IN THE MATTER OF A CONSTITUTIONAL PETITION

BY

HON. ALICE NG'ANG'A.....1ST PETITIONER
HON. FERDINARD NGUNG'U WITITU.....2ND PETITIONER
EPHANTUS NJERU GARI.....3RD PETITIONER

VERSUS

GOVERNOR WILLIAM KABOGO.....1ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU.....2ND RESPONDENT
THE KIAMBU COUNTY SECRETARY.....3RD RESPONDENT
THE OCPD, THIKA POLICE STATION.....4TH RESPONDENT

(CONSOLIDATED WITH 529 OF 2015)

IN THE MATTER OF ARTICLE 22 OF THE CONSTITUTION OF THE REPUBLIC OF
KENYA

IN THE MATTER OF ARTICLES 2, 3, 10, 19, 21, 22, 23, 27, 28, 29, 48, 165 AND 186 OF
THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF ALLEGED CONTRAVENTION OF RIGHTS UNDER ARTICLES
27(1) (2), 28, 29, (c), (d) OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF DISRUPTION AND SUBSEQUENT EVICTION OF THE TRADERS
AT MADARAKA MARKET THIKA

BETWEEN

MARTIN NJOROGE WANJIKU.....1ST PETITIONER
PAUL MURIGI NYAMBURA.....2ND PETITIONER
JOHN KAMUHU GITHINJI.....3RD PETITIONER
(Suing on their own behalf and as Chairperson and Committee Members respectively of Madaraka
Market Youth Group Association and in a representative capacity on behalf of Madaraka Traders)

VERSUS

ALICE NG'ANG'A.....1ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU.....2ND RESPONDENT

AND

EPHANTUS NGARI.....INTERESTED PARTY
(Suing on his own behalf and as Chairperson of Madaraka Market Traders Welfare Association in a representative capacity on behalf of Madaraka Market Traders)

IN COURT ON 8TH DECEMBER, 2015
BEFORE THE HON. MR. JUSTICE I. LENAOLA

ORDER

THIS MATTER coming up for interpartes hearing of the Notice of Motion dated 30th November, 2015 on 8th December, 2015 before the Hon. Mr. Justice I. Lenaola, **AND UPON READING** the application presented to this by Counsel for the Petitioners under Article 2(1), 22, 23(1), 27, 28, 29, 47, 48, 94, 95, 186 of the Constitution and Rules 20 and 21 of the Constitution, Section 4 of the County Government's Act No. 17 of 2012, High Court of Kenya (Supervisory) Jurisdiction and Protection of Fundamental Rights of the Individual) High Court Practice and Procedure Rules 2013) and all other enabling provisions of the Law, **AND UPON READING** the Supporting Affidavit of **MARTIN NJOROGE WANJIRU** sworn on 30th November, 2015 together with annexures thereto, **AND UPON HEARING** Counsel for the Petitioners, counsel for the 1st Respondent, counsel for the 2nd Respondent and Counsel for the intended Interested Party;

IT IS HEREBY ORDERED BY CONSENT: -

1. **THAT** the application dated 7th December, 2015 be and is hereby granted as prayed and M/s Madaraka Market Traders Welfare Association is enjoined as an Interested Party.
2. **THAT** the Respondents and Interested Party to file responses to the application dated 30th November, 2015 within 7 days and directions to be taken on 18th December, 2015.
3. **THAT** Pray no. 2 of the application dated 30th November, 2015 is granted in the following terms only: -

“That the Respondents be and are hereby restrained from sub-dividing or reallocating Madaraka Market in Thika until further orders of this Court.”

GIVEN under my Hand and Seal of this Honourable Court this 8th day of December, 2015.
I CERTIFY THIS IS A TRUE COPY OF THE ORIGINAL
ISSUED at Nairobi this day of 2016.
DATED: 13/12/15

to
DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI


DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 569 OF 2015

IN THE MATTER OF AN APPLICATION UNDER ARTICLES 2, 10(2)(a), (b) AND (c), 19,
21, 22(1), 22(2)(b) & (c) AND (d), 23(1) & (3), 41, 43, 47, 48 & 184 OF THE CONSTITUTION
OF KENYA

AND

IN THE MATTER OF THE CONTRAVENTION, AND FURTHER THREATENED
CONTRAVENTION OF ARTICLE 2, 10(2)(a), (b) AND (c), 19, 21, 22(1), 22(2), (b) & (c)
AND (d), 23(1) & (3), 41, 43, 47, 48, 196(1)(b), 190(5), 201(a), 209(3)(e), 210 (1) OF THE
CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE KIAMBU COUNTY GOVERNMENT

AND

IN THE MATTER OF THE NATIONAL POLICE SERVICE ACT

AND

IN THE MATTER OF COUNTY GOVERNMENT ACT, ACT NO. 17 OF 2012

AND

IN THE MATTER OF A CONSTITUTIONAL PETITION

BY

HON. ALICE NG'ANG'A.....	1 ST PETITIONER
HON. FERDINAND NGUNG'U WITITU.....	2 ND PETITIONER
EPHANTUS NJERU GARI.....	3 RD PETITIONER

VERSUS

GOVERNOR WILLIAM KABOGO.....	1 ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU.....	2 ND RESPONDENT
THE KIAMBU COUNTY SECRETARY.....	3 RD RESPONDENT
THE OCPD, THIKA POLICE STATION.....	4 TH RESPONDENT

IN COURT ON 21ST DECEMBER, 2015
BEFORE THE HON. MR. JUSTICE W. KORIR

ORDER

AND UPON READING the Notice of Motion application dated 17th December, 2016 and presented to this by Counsel for the Petitioners/Applicants under Articles 19(1), (2), 20(1), (2), 3(b), 4(a), (b), 21(1), 22(1), 23(1), (3) (a), (b), (c), (d), (e), of the Constitution of Kenya, 2010 and Rule 3, 4, 5(a), 8(1), 9(1), 10, 21, & 23 of the Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013, Legal Notice No. 117 of 2013 and the inherent power of the Court, AND UPON READING the Supporting Affidavit of FERDINAND NDUNG'U WAITITU sworn on 17th December, 2015 together with annexures thereto, AND UPON HEARING Counsel for the Petitioners/Applicants, Counsel for the 1st - 3rd Respondents in the absence of Counsel for the 4th Respondent and Counsel for the intended Interested Parties;

IT IS HEREBY ORDERED BY CONSENT: -

1. THAT pending the hearing and determination of the Notice of Motion a conservatory Order be and is hereby issued by way of an injunction to forthwith restrain the 1st Respondent, 2nd Respondent and 3rd Respondent by themselves, their officials, or any person, servant, and/or agent howsoever of the 1st and 2nd Respondents, acting under or at their behest, from evicting the Madaraka market traders, in Thika Sub-County and that no such evictions are conducted of the Madaraka Market Traders at night, during public holidays, before any County or National Elections.
2. ~~THAT the matter be mentioned on 28th December, 2015 for purposes of recording a consolidation of this Petition with Petition No. 529 of 2015 for purposes of hearing.~~
3. THAT costs abide the cause.


GIVEN under my Hand and Seal of this Honourable Court this 21st day of December, 2015.

ISSUED at Nairobi this

15th

day of November 2016.

I CERTIFY THIS IS A TRUE
COPY OF THE ORIGINAL
DATED 15/12
Jo
DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI

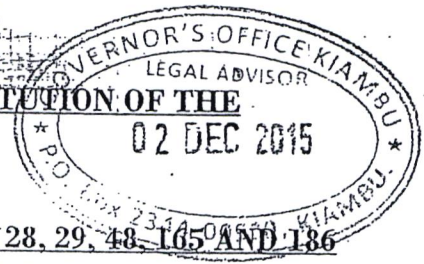

DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI

167
2

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION, AND, HUMAN RIGHTS
PETITION NO. 529 OF 2015

DEC 2015

IN THE MATTER OF: ARTICLE 22 OF THE CONSTITUTION OF THE
REPUBLIC OF KENYA



IN THE MATTER OF: ARTICLES 2, 3, 10, 19, 21, 22, 23, 27, 28, 29, 48, 105 AND 186
OF THE CONSTITUTION OF THE REPUBLIC OF KENYA

AND

IN THE MATTER OF: ALLEGED CONTRAVENTION OF RIGHTS UNDER
ARTICLES 27(1) (2), 28, 29(c), (d) OF THE CONSTITUTION
OF KENYA

AND

IN THE MATTER OF: DISRUPTION AND SUBSEQUENT EVICTION OF THE
TRADERS AT MAKADARA MARKET, THIKA

BETWEEN

MARTIN NJOROGE WANJIRU1ST PETITIONER
PAUL MURIGI NYAMBURA2ND PETITIONER
JOHN KAMUJU GITHINJI3RD PETITIONER

(Suing on their own behalf and as Chairperson and Committee members respectively of Makadara Market Youth Group Association and in a representative capacity on behalf of Makadara Traders)

AND

ALICE NG'ANG'A1ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU2ND RESPONDENT

CERTIFICATE OF URGENCY

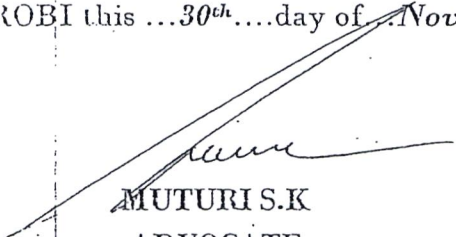
I, Muturi S.K an Advocate of the High Court of Kenya do hereby certify this application to be of utmost urgency by its very nature and ought to be brought before the duty Judge for hearing and determination forthwith on the following grounds:

- a) Madaraka market is a public market that was placed under the care and management of the 2nd Respondent by virtue of the functions assigned to it under Section 7 of Part 2 of the Fourth Schedule to the Constitution.
- b) The last one year has seen consistent chaos and disruption of business at the Makadara market in Thika. Rowdy youths acting under instructions and on being incited by the arca Member of Parliament, one Alice Ng'ang'a have consistently gained forceful access into the market =, disrupted market operations and destroyed the businesses of the Petitioners and other market traders.
- c) The 1st Respondent incited the youths to take up and allocate themselves market spaces against the interests of the Petitioners and other traders. The ungoverned subdivision of market space led to the formation of market cartels whose members have been harassing , intimidating and extorting money from the Petitioners' members and other traders thereby perpetrating consistent chaos, disruption of business and massive losses on the Petitioners and other traders who are members of the Association.
- d) On or about the 21st November, 2015 and subsequently. rowdy youths gained access to the market in the night and violently set up stores on fire thereby destroying structures in the market and damaging the Petitioners wares.
- e) In pretended exercise of the powers conferred by the Fourth Schedule Part 2(7a, b& c) under Article 136 of the Constitution, the 1st Respondent together with her political supporters have, in total disregard of the 2nd Petitioners mandate with respect to county markets, entered the said market and began subdividing and reallocating the market space to the detriment of the Petitioners and other genuine market traders.
- f) The 2nd Respondent who is in charge of allocating business spaces in the market has failed to take over control and management of the market thereby exposing

the Petitioners to the arbitrary and illegal actions of the 1st Respondent and her supporters.

- g) That there is a real and present danger of the petition by the Applicants herein being rendered moot and if the Honourable court does not intervene at this stage.
- h) That unless this Application is heard as a matter of extreme urgency and the orders sought herein granted there is a likelihood of the Plaintiff suffering loss, damage and total collapse of their economic livelihood which cannot be compensated by the way of damages.
- i) That in the circumstances, it is in the best interests of administration of Justice that the prayers sought in the notice of motion herein be allowed or granted.

DATED at NAIROBI this ...30th....day of ...November... 2015.


MUTURI S.K
ADVOCATE

01 DEC 2015
CONSTITUTIONAL AND HUMAN RIGHTS

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 529 OF 2015

IN THE MATTER OF: ARTICLE 22 OF THE CONSTITUTION OF THE
REPUBLIC OF KENYA

IN THE MATTER OF: ARTICLES 2, 3, 10, 19, 21, 22, 23, 27, 28, 29, 48, 165 AND 186
OF THE CONSTITUTION OF THE REPUBLIC OF KENYA

AND

IN THE MATTER OF: ALLEGED CONTRAVENTION OF RIGHTS UNDER
ARTICLES 27(1) (2), 28, 29(c), (d) OF THE CONSTITUTION
OF KENYA

AND

IN THE MATTER OF: DISRUPTION AND SUBSEQUENT EVICTION OF THE
TRADERS AT MAKADARA MARKET, THIKA

BETWEEN

MARTIN NJOROGE WANJIRU.....1ST PETITIONER
JOHN KAMUHU GITHENJI.....2ND PETITIONER
PAUL MURIGI NYAMBURA.....3RD PETITIONER
(Suing on their own behalf and as Chairperson and Committee members respectively of
Makadara Market Youth Group Association and in a representative capacity on behalf of
Makadara Traders)

AND

ALICE NG'ANG'A.....1ST RESPONDENT
COUNTY GOVERNMENT OF KIAMBU.....2ND RESPONDENT

NOTICE OF MOTION

(Under Article 2(2) 22, 23(1), 27, 28, 29, 47, 48, 94, 95, 186 of the Constitution, and rules 20 and 21 of the Constitution, section 4 of the County Governments Act No. 17 of 2012, High Court of Kenya (supervisory) jurisdiction and protection of Fundamental Rights of the individual) High Court Practice and Procedure rules 2013.) and all other enabling provisions of the law).

TAKE NOTICE THAT this Honourable Court will be moved on the.....day of.....2015 at 9.00 O'clock in the forenoon or so soon thereafter as Counsel for the Plaintiff may be heard on application of orders:-

- 1) THAT this application be certified as urgent and service thereof be dispensed with in the first instance.
- 2) THAT pending hearing and determination of the Application herein, the 1st Respondent whosoever be restrained from entering into, subdividing, reallocating or in any other manner interfering with the operations or excising any of the mandates of the 2nd Respondent with respect to madaraka market.
- 3) THAT pending hearing and determination of the Petition herein, the 1st Respondent whosoever be restrained from entering into, subdividing, reallocating or in any other manner interfering with the operations or excising any of the mandates of the 2nd Respondent with respect to madaraka market.
- 4) THAT costs of this application be provided for.

GROUNDS:

- a. That this is the clearest and exceptional of cases whereby a temporary injunction/ and or a conservatory orders ought to be granted without any delay.
- b) Madaraka market is a public market that was placed under the care and management of the 2nd Respondent by virtue of the functions assigned to it under Section 7 of Part 2 of the Fourth Schedule to the Constitution.
- c) The last one year has seen consistent chaos and disruption of business at the Makadara market in Thika. Rowdy youths acting under instructions and on being

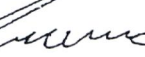
incited by the area Member of Parliament, one Alice Ng'ang'a have consistently gained forceful access into the market, disrupted market operations and destroyed the businesses of the Petitioners and other market traders.

- d) The 1st Respondent incited the youths to take up and allocate themselves market spaces against the interests of the Petitioners and other traders. The ungoverned subdivision of market space led to the formation of market cartels whose members have been harassing, intimidating and extorting money from the Petitioners members and other traders thereby perpetrating consistent chaos, disruption of ~~business and massive losses on the Petitioners and other traders who are members~~ of the Association.
- e) On or about the 21st November, 2015 and subsequently, rowdy youths gained access to the market in the night and violently set up stores on fire thereby destroying structures in the market and damaging the Petitioners wares.
- j) In pretended exercise of the powers conferred by the Fourth Schedule Part 2(7a, b& c) under Article 186 of the Constitution, the 1st Respondent together with her political supporters have, in total disregard of the 2nd Petitioners mandate with respect to county markets, entered the said market and began subdividing and reallocating the market space to the detriment of the Petitioners and other genuine market traders.
- f) The 2nd Respondent who is in charge of allocating business spaces in the market has failed to take over control and management of the market thereby exposing the Petitioners to the arbitrary and illegal actions of the 1st Respondent and her supporters.
- a. That there is a real risk that if the Application is not heard and the orders sought herein granted, the Defendant herein may move the proceeds which are the subject matter of this suit away from the reach of this Honourable court, thereby frustrating the ends of justice.
- b. That the Defendant herein stands to suffer no loss should the Application herein and the orders sought herein be granted.

- c. That unless this Application is heard as a matter of extreme urgency and the orders sought herein granted there is a likelihood of the Plaintiff suffering loss, damage and business reputation risk which cannot be compensated by the way of damages.
- d. In the circumstances, it is in the best interests of the rule of law and administration of Justice that the prayers sought in the notice of motion herein be allowed or granted.

AND WHICH APPLICATION is further supported by the affidavit of MARTIN NJIROGE WANJIKI and on such other and further grounds as may be adduced at the hearing thereof.

DATED at NAIROBI this ...30th ...day of... November...2015.


MUTURI S.K ADVOCATES
ADVOCATES FOR THE PETITIONERS

Drawn and filed by:

MUTURI S. K. & CO. ADVOCATES
Utalii House, 2nd floor, Utalii/Uhuru Highway
P.o Box 17874-00100
NAIROBI

POLICE 5

THE KENYA POLICE

POLICE CASE CR 211/ 216 /2016

DATE TO COURT: 9/05/2016

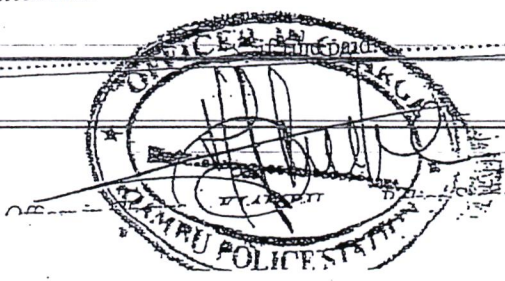
CHARGE SHEET

COURT FILES NO..... 1079/16

OB No 52/27/1/2016

<p>CHRISTIAN NAMES IN FULL OR NAME</p> <p>1. JOSIAH AMBETSA</p> <p>2. JOSEPH KANGETHE</p>	<p>SURNAME OF FATHER'S NAME</p> <p>KHATILI</p> <p>NUNGARI</p>	<p>Identity Certificate No.</p> <p>NIL</p>	<p>Sex</p> <p>MALE</p>	<p>Nationality or Tribe</p> <p>1. LUHYA</p> <p>2. KIKUYU</p>	<p>Apparent Age</p> <p>ADULTS</p>	<p>ADDRESS (Incl District and Local where applicable)</p> <p>C/o KIAMBU</p>
<p>CHARGE</p> <p>MALICIOUS DAMAGE TO PROPERTY CONTRARY TO SECTION 339(1) OF THE PENAL CODE</p>						
<p>PARTICULARS OF OFFENCE (See Second Schedule of C.P.C)</p> <p>1. JOSIAH AMBETSA KHATILI 2. JOSEPH KANGETHE NUNGARI: On the 27th of January 2016 at Kiambu Township within Kiambu County, with others before the court, willfully and unlawfully destroyed roof spoiler, rear screen, roof gutter and a part near the passenger's door on the left side motor vehicle Registration Number KBW 222W Toyota Land Cruiser Damages valued at Kshs. 605,288/= the property of HON. ANTHONY KIMANI ICHUNGWA.</p> <p style="text-align: right;">SEE OVERLEAF FOR COUNT II</p>						
<p>If Accused Arrested</p> <p>YES</p>	<p>Date of Arrested</p> <p>09/05/2016</p>	<p>Without or with Warrant</p> <p>W/O</p>	<p>Date Apprehension Report to Court</p> <p>09/05/2016</p>	<p>Bond or Bail and Amount</p> <p>IN CUSTODY</p>	<p>Is Application for summons to:</p> <p>//// //</p>	
<p>Remanded or Adjudged to</p>						
<p>Complainant and HON. ANTHONY KIMANI ICHUGWA</p>						
<p>Address</p> <p>Witnesses</p> <p>1. COMPLAINANT.....</p> <p>2. HON. JUDE NJOMO.....</p> <p>3. NICHOLAS NGUGI WAMBUI.....</p> <p>4. WILLIE KARANJA KAMAU.....</p> <p>5. PAUL MUIRURI KAMARU.....</p> <p>6. IP CHARLES JUMA.....</p> <p>7. C.I. SEBASTIAN LEKUPE.....</p> <p>8.....</p>						
<p>Sentence ...</p> <p>Court and Date</p>						

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION
KIAMBU COUNTY
9 MAY 2016



(D1)

ID No. 14402602

HON. ANTHONY KIMANI ICHUNGWA

MP KIKUYU

TEL. No. 072299846

27/1/2016

AT 2001HRS

KIAMBU P/STATION.

STATES AS FOLLOWS:

That today 27th January 2016 at around 6:30PM as we drove in a convoy towards Ndumberi shopping centre taking home one WAIME MBURU who had brought home from Mombasa, we got to the county offices where a group of people emerged behind the administration police officers who were at the gate.

The group that emerged from the county offices picked up stones and one JOSEPH KANGETHE NUNGARI called me by name as I was standing on my car sunroof telling me to get back in or they stone me. I dared him to do so and at that point he dropped a huge stone he was holding as one JOSIAH KHATILI urged him to throw the stone. Kangethe picked another stone, a smaller one and was the first person to throw and hit the rear corner as JOSIAH KHATILI and some other youth who were being coordinated by SAMMY ONYANGO joined in the stone throwing.

On realizing the group was increasing and they were targeting me, my bodyguard pulled me inside the car and we sped off under hail of stones. The same incident was captured on video and will avail them. My vehicle registration number is KBW 222W.

Damages caused on the vehicle that are visible are dent on the rear left hand side behind the door, rear left hand side corner at the rear spoiler and the right hand driver's side rail at the top.

SIGNED: HON ANTHONY KIMANI.

(Self recorded)