

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION – 2011

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

REPORT ON DISQUALIFICATION OF MS. GLADYS JEPKECHEI
TARUS FROM MILITARY TRAINING

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2011

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Mr. KEENA



APPENDICES

DFR 01 – Pregnancy Test results by the Armed Forces

DFR 02 – Corruption cases and action taken

DFR 03 – Case of Victorine Adhiambo

DFR 04 – Service Number issued to Gladys Tarus

DFR 05 – Statement by centre for Human Rights Organisations and
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DFR 06 – Pregnancy Test results by Dr. Njoki Fernandes

DFR 07 – Pregnancy Test results from Medheal Hospital and Moi Teaching
and Referral Hospital

DFR 08 – Pregnancy Test results from Uasin Gichu District Hospital

DFR 09 – Findings by the Kenya Medical Practitioners and Dentists Board

MINUTES

1. PREFACE

Mr. Speaker,

The Departmental Committee on Defence and Foreign Relations is established pursuant to provisions of Standing Order 198 (1). Under the provisions of Standing Order 198 (3) the Committee is mandated to:-

- (a). investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b). study the Programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;*
- (c). study and review all legislation referred to it;*
- (d). study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- (e). 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*
- (f). make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee is also mandated to scrutinise the budget of line Ministries as provided under Standing Order No. 152 states which that:-

- (1) Upon being laid before the National Assembly, the annual estimates shall stand committed to the respective departmental Committees according to their mandates.*
- (2) Each departmental Committee shall consider, discuss and review the estimates committed to it under this standing order and submit its*

report thereon to the House within twenty one days after they were first laid before the House.

The Committee oversees the performance of the following Ministries and Government department:-

- (i) Defence;
- (ii) Foreign Affairs;
- (iii) East African Community; and
- (iv) National Security Intelligence Service.

Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organisations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community Affairs;
- (viii) National Security Intelligence.

MEMBERSHIP

The Committee comprise the following Members of Parliament:-

- The Hon. Adan W. Keynan, MP – Chairperson
The Hon. Benedict F. Gunda, MP – Vice Chairperson
The Hon. Eugene L. Wamalwa, MP
The Hon. Jeremiah N. Kioni, MP
The Hon. Charles M. Kilonzo, MP
The Hon. Peter E. O. Anyanga, MP
The Hon. Wilson M. Litole, MP
The Hon. George O. Nyamweya, MBS, MP
The Hon. Martin Ogindo, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Julius K. Kilonzo, MP

2. THE DISQUALIFICATION OF MS. GLADY'S JEPKECHEI TARUS FROM MILITARY RECRUITMENT

Mr. Speaker,

On Wednesday November 3rd 2010, the Assistant Minister for Defence, Hon. David Musila, MP issued a Ministerial Statement on the alleged unfair disqualification of Ms. Gladys Jepkechei Tarus from military recruitment. The aim of the statement was to dispel allegations that Ms. Gladys Tarus was unfairly disqualified from the recruitment training school and that her position taken by someone who paid Kshs. 300,000.

The Ministry of Defence through the statement issued by the Assistant Minister in the House denied the allegations that Ms. Gladys Jepkechei Tarus was unfairly excluded from recruitment. The Assistant Minister informed the House that Ms. Gladys Jepkechei Tarus was recruited at Kabarnet in Baringo after passing the initial medical exams and other pre-military qualification tests. When reporting at the recruits training school on 25th October, 2010 all female recruits underwent further medical, academic and military qualification tests. She tested for pregnancy and found to be pregnant and was disqualified for military placement.

On allegations that Ms. Gladys was replaced after disqualification and her place taken by someone who paid Kshs. 300,000, the Assistant Minister stated that no recruitment takes place at the recruit's training school and therefore no replacements were done. After interrogation of the Ministerial statement by Member's in the House, the matter was referred to the Committee on Defence and Foreign Relations to inquire into the matter and report to the House.

The Committee embarked on the inquiry and held five sittings in which it deliberated on the matter. The Committee met with the following:-

- (i) Minister of State for Defence.
- (ii) Ms. Gladys Jepkechei Tarus.
- (iii) Representatives of Human Rights Organisations.

- (iv) Medical Doctors from Kenyatta National Hospital, Uasin Gishu District Hospital and Mediheal Hospital and Fertility Centre.
- (v) Members of the Medical Practitioners and Dentists Board.

From the evidence adduced and submission made by the persons who appeared before the Committee, the Committee observed that:-

- (i) The two urine tests administered by the Armed Forces doctors on Ms. Gladys Jepkechei Tarus to determine whether she was pregnant or not were not conclusive. Further tests ought to have been done to conclusively determine whether Ms. Gladys Tarus was pregnant or not particularly after the recruit disputed the pregnancy test results from the recruits training school.
- (ii) Due diligence was not done by the Armed Forces to conclusively determine whether MS. Gladys Jepkechei Tarus was pregnant or not even after she was referred to Mediheal Hospital and Fertility Centre and Fertility Centre by Captain Guyo and examined by Dr. Ezekiel Kimutai.
- (iii) Doctors from Uasin Gishu District Hospital, Mediheal Hospital and Fertility Centre, Moi Teaching and Referral Hospital and Kenyatta National Hospital administered pregnancy tests on Gladys Jepkechei Tarus albeit on different dates and time, established that she was not pregnant at the time of her disqualification from military placement and recommended that she was fit for military training.
- (iv) The Medical Practitioners and Dentists Board, after analysing the records as provided by the doctors from the aforementioned institutions came to the conclusion that there was insufficient evidence to support that Ms. Gladys Jepkechei Tarus was pregnant.

From the evidence adduced by the medical doctors who appeared before the Committee and the analysis by the Medical Practitioners and Dentists Board, the Committee is of the view that Ms. Gladys Jepkechei Tarus was not pregnant at the time she was disqualified from military training at the Eldoret based Recruits Training School and recommends that the Armed Forces considers allowing Ms. Gladys Jepkechei Tarus to undergo military training and serve in the Defence Forces.

3.0 ACKNOWLEDGEMENT

Mr. Speaker,

I wish to express my appreciation to Members of the Committee who sacrificed time from their families and constituents to undertake the inquiry. The Committee is grateful to the Speaker and to the office of the Clerk, for facilitating and providing technical support during the Committee's deliberations on the matter.

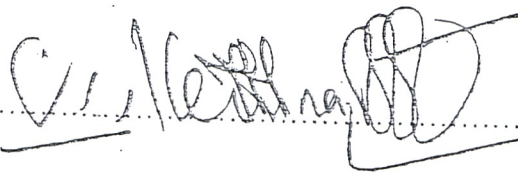
The Committee is grateful to the Ministry of State for Defence, the Medical Practitioners and Dentists Board, the doctors from Kenyatta National Hospital, Moi Teaching and Referral Hospital, Uasin Gichu District Hospital and Mediheal Private Hospital, who appeared before the Committee and adduced evidence and all those who assisted the Committee in one way or the other during its inquiry.

The decisions of the Committee on this report were arrived at after extensive deliberations and were unanimous.

Mr. Speaker,

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations to table this report and commend it to the House for adoption pursuant to provisions of the National Assembly Standing Order 181.

Signed:



THE HON. ADAN W. KEYNAN, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

Date:

27th April 2011

DISQUALIFICATION OF MS. GLADY'S JEPKECHEI TARUS FROM
MILITARY TRAINING

4.0. MEETING WITH THE MINISTER OF STATE FOR DEFENCE

The Minister of State for Defence appeared before the Committee on Monday, 15th November, 2010 and Thursday November 18, 2010 respectively. The Minister was accompanied by Ministry officials and adduced evidence as follows:-

4.1. Evidence by Hon. Yusuf Hajji, EGH, MP

The Minister briefed the Committee as follows:-

(i) Policy in recruitment

The basic requirements for recruitment include no pregnancy for ladies, possession of a Valid ID, original academic Employment to Kenya Defence Forces is guided by the Armed Forces Act. The recruitment is voluntary. The Defence Council advises on recruitment needs of the military. The Kenya Armed Forces is charged with responsibility of defending the country from external aggression.

Each service (Army, Navy and Air Force) Headquarters submits requirements for recruitments and the numbers to be recruited while taking into account the budget of training and the capacity of the service.

The recruitment exercise is conducted in public where the press, KACC, Provincial Administration and the NSIS are invited. The exercise was conducted in 284 districts in the 47 Counties in the country. During recruitment the military addresses past inequalities in recruitment so as to achieve equity.

After recruitment in the districts, further verification of documents and medical tests are conducted at the Recruits Training School (RTS). At RTS the Military has fingerprints experts, doctors and other specialists to assist in verification of documents, identification and medical fitness of recruits.

(ii) Disqualification of Gladys Jepkechei Tarus

Ms. Gladys Tarus was recruited on 8th October, 2010 at Kabarnet recruiting centre after she successfully underwent the military fitness, academic and medical tests. She was requested to report at RTS on October 25, 2010.

At RTS, she underwent further medical and military competency tests like all other female recruits however she was found to be pregnant (*DFR 01*). Ms. Gladys Jepkechei Tarus underwent two pregnancy tests and therefore disqualified from military training.

Upon disqualification, Ms. Gladys Jepkechei Tarus went to Eldoret town and did other tests but no military officer could verify the results. Further tests by the military doctors could not be done as the lady was found to be bleeding from the vaginal canal.

Allegations by human rights groups that she was replaced by an individual who paid Kshs. 300,000 are untrue since no recruitment is done at the recruits' training school in Eldoret.

(iii) Disqualification of Victorine Adhiambo

She was disqualified for presenting a scanned ID instead of the required original ID. On further verification with the Registrar of Persons she was found to possess two ID cards with different districts of origin.

4.2 Evidence by Hon. David Musila, MP – Assistant Minister

The Assistant Minister informed the Committee that:-

- (i) After recruitment in the field, the recruits are further tested to determine their medical and military training fitness. The military also verifies the identities of the recruits. During this exercise cases of forged Identity Cards and academic documents were detected and referred to the civilian authorities for action. The military has collaborated with the Department of Registration of

Persons and examination bodies who assist in the verification of documents submitted by the recruits.

- (ii) Cases of corruption in the recruitment exercise have been reported and action taken on those found culpable (*DFR 02*). The Challenge however is to get those who bribe to come out and report the vice.
- (iii) Recruitment in the field is done based on the district of origin.

4.3 Evidence by Hon. Maj. Gen. (Rtd) Joseph Nkaissey, MP – Assistant Minister

The Assistant Minister informed the Committee that:-

- (i) No replacements are done at RTS for those disqualified due to one reason or the other.
- (ii) Recruitment to the Defence forces is voluntary.
- (iii) There is no appeal for those aggrieved during military recruitment.
- (iv) Every recruiting team presents at the RTS the recruits from their recruiting field.
- (v) Alternative test on Ms. Gladys Jepkechei Tarus showed that she was pregnant.
- (vi) Ms. Gladys Jepkechei Tarus had admitted to a female officer that she had unprotected sex after the recruitment in Kabarnet.
- (vii) Future recruitments should be done in one day as a way of curbing corruption in the recruitment exercise.

4.4 Evidence by Lieutenant General J. Karangi – Vice Chief of the General Staff

Lt. General Karangi informed the Committee that:-

- (i) After recruitment in the field, recruits are vetted on their identity, academic documents, military and medical fitness. Vetting in the Defence Forces is a continuous process through out the career of a soldier.

- (ii) In the last recruitment a total of 451 girls were recruited countrywide. Three girls including Ms Gladys Jepkechei Tarus were disqualified on account of being pregnant. Two of the girls admitted their status and went home but Ms. Gladys Tarus disputed the results.
- (iii) A total of 24 recruits were sent home at RTS due to fake documents, pregnancy, medical problems ranging from deformed fingers, eye problems among others.
- (iv) Some irregularities exist in the military recruitment involving the public and some bad elements in the military who have defrauded the public. The military has been firm in dealing with elements in the military found to engage in corruption during the recruitment exercise. Those found committing such acts have been court martialled. Civilians found have been reported to civil authorities for action.
- (v) The military has in the past been inviting the KACC, the press and the Provincial Administration during the recruitment exercise so as to curb on corruption.

4.5 Evidence by Brigadier Gordon Kihalangwa – Chief of Personnel, Defence Headquarters

Brig. Gordon Kihalangwa informed the Committee that:-

- (i) During verification of recruits identities, the finger prints of three recruits were found not to match with those in their ID's.
- (ii) Other recruits submitted ID's that were not genuine.
- (iii) Victorine Adhiambo whose case was highlighted in Parliament was found to have two ID cards (*DFR03*). Four other recruits were discovered to have more than one identification card.

4.6 Evidence by Brig. Dr. C Arum – Chief of Medical

Brig. Dr. Arum informed the Committee that:-

- (i) Ms. Gladys Jepkechei Tarus underwent medical tests at Kabarnet during recruitment and was found to be medically fit and was issued with a calling letter. On reporting at RTS a second test was conducted on all recruits including Ms. Gladys Jepkechei Tarus and during the tests she was found to be pregnant and declared medically unfit for military training. A repeat test was conducted on Gladys Tarus after one hour and the results showed that she was pregnant.
- (ii) Any other tests done on Ms. Gladys Tarus were done without the consent of the military and were never shared with the military.
- (iii) Medical examination in the military is a continuous process.
- (iv) In the recruiting centres each recruiting team has a doctor and a team of personnel assisting the doctor.
- (v) At RTS a panel of doctors examines recruits to determine their medical fitness.
- (vi) Persons/recruits with medical conditions like colour blindness may pass the medical test at the recruiting centres due to lack of experts/ophthalmologists.

4.7 Evidence by Lt. Col. (Dr.) Edward Osewe –Gynaecologist

Lt. Col. Dr. Osewe informed the Committee that:-

- (i) The pregnancy test administered on Ms. Gladys Jepkechei Tarus and all other female recruits is called dry chemistry and it involves the use of strips which show presence of pregnancy specific hormone in urine.
- (ii) The pregnancy test results were positive for pregnancy and were forwarded to senior officers who made the decision to disqualify Ms. Gladys Jepkechei Tarus on grounds of being pregnant.

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- (ii) The pregnancy test results were positive for pregnancy and were forwarded to senior officers who made the decision to disqualify Ms. Gladys Jepkechei Tarus on grounds of being pregnant.

- (iii) On 26th October, 2010 when a second test was to be done Gladys was found to be bleeding from the birth canal and therefore the test could not be conducted.
- (iv) A varying medical opinion was brought to them by Ms. Gladys Jepkechei Tarus from Uasin Gichu District Hospital. The report was on a piece of paper.

4.8 Committee concerns and observations

The Committee raised the following concerns, that:-

- (i) No blood/serum test was conducted by the military to determine whether Gladys Tarus was pregnant or not and only relied on the urine test.
- (ii) The Ministry did not carry the pregnancy test results yet they knew that they had been invited to address the issue of Gladys Tarus.
- (iii) The Ministry should in future ensure that blood test for pregnancy specific hormone is conducted on all female candidates to reduce any doubts as to whether a recruit is pregnant or not.
- (iv) The Defence forces should strive for Equity in military recruitment. The recruitment should reflect the face of Kenya.
- (v) The Ministry should reconsider issue of recruiting on basis of tribe and populations as this can marginalize less populous communities.

5.0. MEETING WITH Ms. GLADYS JEPKECHEI TARUS

5.1 Ms. Gladys Jepkechei Tarus

Ms. Gladys Jepkechei Tarus appeared before the Committee on Tuesday, 9th November, 2010 to adduce evidence on the circumstances surrounding her disqualification from military training. She adduced evidence as follows:-

- (i) Recruitment took place on 8th October, 2010 at Kabarnet stadium.
- (ii) During the recruitment exercise academic certificates and national identification documents were scrutinized and potential recruits

under went medical test and physical fitness tests which included a 7 Kilometres race. She passed all the tests and emerged the best after which she was given a calling order/letter with service number 109524 (DFR 04) and told to report on 25th October, 2010 to join the Air Force.

- (iii) She reported at Eldoret on 25th October, 2010 where further medical and military fitness test were done at the Recruits Training School. She was informed by the recruiting officer for team five, CO Stephen Radina that she was pregnant and upon doubting the results she was told that the doctor could not repeat the test and was thereafter directed to leave the institution and given Kshs. 1,000 for transport. On further consultation with CO Stephen Radina she was advised to go to the district hospital for further tests.
- (iv) While on her way to the hospital she experienced menses and reported this to CO Stephen Radina and explained that she couldn't be pregnant since she was on her monthly period. At Uasin Gichu District Hospital she explained her condition to the doctor. The doctor tested her and was found not to be pregnant. Dr. Nabila from the Uasin Gichu District Hospital wrote a note to RTS indicating her results and fitness to continue with military training which she took to RTS.
- (v) At the RTS she was told to join the Air Force recruits and on 27th October, 2010 she was told that she will be taken for further pregnancy test at Mediheal Hospital and Fertility Centre. At the private hospital she underwent urine, blood and ultra sound scan, the results of which were negative. A further pregnancy test at RTS did not materialize and she was instead directed to leave RTS premises and promised to be recruited in the next recruitment exercise.
- (vi) In Nairobi she sought an alternative medical opinion and was tested at Kenyatta National Hospital. At KNH she underwent urine test, blood test and ultra sound and the results showed that she was not pregnant.
- (vii) She sought the assistance of human rights organizations and the press when the military denied her the chance to serve in the Defence Forces of the Republic of Kenya even after all the pregnancy tests turned negative.

6.0. MEETING WITH REPRESENTATIVES OF HUMAN RIGHTS ORGANISATIONS

Representatives of Human rights organizations from the Rift Valley appeared before the Committee to shed light on the issues surrounding the disqualification of Ms. Gladys Jepkechei Tarus from military training.

Pursuant to provisions of section 16 of the National Assembly (Powers and Privileges) Act, Cap 6 Laws of Kenya the following representatives of human rights organizations were sworn in:-

- (i) Mr. Ken Wafula – Executive Director, Centre for Human Rights and Democracy
- (ii) Mr. Kipruto Kimosop – Coordinator, Baringo Human Rights Consortium
- (iii) Mr. Ben Gathogo – Executive Director, Faidi Kenya

6.1 Evidence by Mr. Ken Wafula – Executive Director, Centre for Human Rights and Democracy

Mr. Ken Wafula appeared before the Committee on Tuesday, 9th December, 2010 and adduced the following evidence (*DFR 05*):-

- (i) Ms. Gladys Jepkechei Tarus was recruited to the military following a recruitment exercise that was held in Kabarnet Town on 8th October, 2010.
- (ii) During the recruitment exercise men were not allowed to participate in the exercise and were informed that only one lady from Kabarnet division would be recruited. Local leaders and the young men who had anticipated to be recruited complained but followed the recruitment exercise with disquiet.
- (iii) Ms. Gladys Jepkechei Tarus emerged the best recruit at the Kabarnet recruitment centre after passing the medical fitness and other military tests and was recruited to join the Armed Forces and given Service Number 109524. The lady was told to report at

- the Recruit's Training School (RTS) in Eldoret on 25th October, 2010.
- (iv) Upon receiving reports on 26th October, 2010 to the effect that Ms. Gladys Jepkechei Tarus had been disqualified from military training on grounds that she was pregnant, the Centre for Human Rights and Democracy and other human rights organizations issued a 5 day ultimatum to the military to reinstate Ms. Gladys Jepkechei Tarus or face litigation.
 - (v) The disqualification of Ms. Gladys Jepkechei Tarus from joining the military on allegation of being pregnant is discriminatory and a violation of her human rights which is in contravention of Article 27 (4) of the Constitution of Kenya.
 - (vi) Pregnancy tests were conducted by Medical Doctors at the Uasin Gichu District Hospital, Moi Teaching and Referral Hospital, Kenyatta National Hospital, Mediheal Hospital and Fertility Centre and Fertility Centre in Eldoret. The tests revealed that Ms. Gladys Jepkechei Tarus was not pregnant as alleged by the Military.
 - (vii) Many other youths have been victimized on other medical grounds just like Ms. Gladys Jepkechei Tarus among them a Mr. Legem from Baringo Central.
 - (viii) He was told by a Mr. Busienei who works for Nation Media Group that a Mr. Kurgat Sang admitted having paid Kshs. 300,000 to have his daughter recruited in the Army. The daughter of Mr. Kurgat Sang might have replaced Ms. Gladys Jepkechei Tarus.

6.2 Evidence by Mr. Kipruto Kimosop – Coordinator, Baringo Human Rights Consortium

He informed the Committee that:-

- (i) During recruitment at Kabarnet, young men were denied the opportunity and informed that the military was only recruiting a lady who should hail from Kabarnet division. The public and leaders were dismayed but accepted the decision.
- (ii) Ms. Gladys Jepkechei Tarus emerged the best recruit and was given a call letter to report to RTS.

- (iii) Leaders in Baringo County are concerned that their only recruit to the military this year (2010), was disqualified on allegations of being pregnant even after alternative pregnancy tests by doctors from both Government and private hospitals turned negative.

6.3 Evidence by Mr. Ben Gathogo – Executive Director, Faidi Kenya

He informed the Committee that Ms. Gladys Jepkechei Tarus was dismissed without due consideration and reason. The allegations that she was pregnant were dismissed by the negative pregnancy test and the menstruation that Ms. Gladys Jepkechei Tarus was experiencing then. Her disqualification on claims of pregnancy is in contravention of Section 27 of the Constitution of Kenya.

7.0. MEETING WITH MEDICAL DOCTORS

The Committee embarked on a mission of ascertaining whether Ms. Gladys Jepkechei Tarus was pregnant or not pregnant at the time she was disqualified from the Armed Forces Recruits Training School. To achieve this, the Committee invited three doctors who had done pregnancy tests on Ms. Gladys Jepkechei Tarus. The Doctors from both public and private medical institutions appeared before the Committee on Tuesday, November 23rd, 2010. The doctors adduced evidence as follows:-

7.1 Evidence by Dr. Njoki Fernandez - Obstetrician Gynaecologist – Kenyatta National Hospital

Dr. Njoki Fernandez appeared before the Committee on November 23rd, 2010 and adduced evidence as follows:-

- Ms. Gladys Jepkechei Tarus visited her on November 2, 2010 and requested for a pregnancy test after she was disqualified from military training.
- A Urine, Serum (blood) test and pelvic ultra sound scan were done to determine if Ms. Gladys J. Tarus was expectant. The urine test was negative but the Serum tests turned out positive thus necessitating a further test to determine the quantity of the

hormone and if it is within the accepted international standards for a female. The quantitative analysis HCG hormone is a pregnancy specific hormone that is found in blood. During the test the BHCh was found to be 27 Miu/ML-N. This is within the internationally accepted standards and therefore indicating no pregnancy. The pelvic ultra sound was normal. From the results she concluded that Ms. Gladys Jepkechei Tarus was not pregnant.

- The test result report was prepared on November 3, 2010 and the conclusion based on the three tests was that Ms. Gladys Tarus is not pregnant and therefore fit to join the Armed Forces (DFR 06).

7.2 Evidence by Dr. Ezekiel C. Kimutai – consultant radiologist – Mediheal Hospital and Fertility Centre and Fertility Centre, Eldoret

Dr. Ezekiel Kimutai while appearing before the Committee on November 23rd, 2010 adduced the following evidence with regard to the pregnancy tests done for Ms. Gladys Jepkechei Tarus:-

- Ms. Gladys Jepkechei Tarus was brought to Mediheal Hospital and Fertility Centre in Eldoret on October 27, 2010 in the company of a uniformed military nurse from the Recruit's Training School (RTS), Eldoret. The request form referring Ms. Gladys Tarus from RTS was by Captain Guyo.
- A pregnancy test was requested for Ms. Gladys Jepkechei Tarus. Two different tests were done at the hospital vis ultra sound and blood test (Beta XCG) to determine pregnancy. Both tests were negative (DFR 07).
- The pelvic scan (ultra sound) turned negative meaning that there was no pregnancy. During the ultra sound scan there was no free pelvic fluid and the uterus cavity was non gravid with normal size measuring 0.92 cm thick. The irregular shape of the endometrium can be attributed to bleeding which may have been from normal menses which the lady was experiencing.
- Since ultra sound is not a final test he recommended for a repeat ultra sound and a Human Chorionic Gonadotropin (HCG) test to

be done. The patient never returned for a repeat Ultra Sound Scan.

- Blood test that was conducted showed results of 3.16 mIU. This is within the normal range and therefore no pregnancy.
- The military officer accompanying, Ms. Gladys Tarus went back with the pregnancy test reports together with ultra sound images.
- If the lady was pregnant and the bleeding was as a result of termination of pregnancy it would have been detected by the tests done at Kenyatta National Hospital given the period between the two tests done on 25th October and 2nd November, 2010.

7.3 Evidence by Dr. Miima Miriam – Medical Superintendent – Uasin Gichu District hospital, Eldoret

Dr Miima appeared before the Committee on November 23rd, 2010 and adduced evidence as follows:-

- Ms. Gladys Tarus requested for a pregnancy test at Uasin Gichu District Hospital on October 26th, 2010 after she had been disqualified from military training. She wanted an alternative pregnancy test to confirm her status, whether pregnant or not.
- On her request the Hospital prescribed a pregnancy test which was a urine test which turned negative for pregnancy. The test done is very sensitive and picks 5 - 20 mIU.
- The medical doctor wrote an accompanying note (**DFR 08**) to the Recruit's Training School indicating that Gladys Tarus was not pregnant and that she be accorded necessary support.
- During the pregnancy test, red blood cells were noted in the urine which could have been from the genital tract or the reproductive tract. This could have been caused by menstruation or terminating pregnancy which could be determined by conducting a serum PPT test which the hospital could not undertake due to lack of equipment.
- No further tests on the lady were done at the hospital. The kit provided by the Ministry of Health is very sensitive and as such the conclusion from the negative test was that the lady was not pregnant.

7.4 Committee Observations

The Committee observed that:-

- (i) All the Pregnancy tests (Urine test, Ultra Sound Scan and Serum Test) done on Gladys by Government and private hospitals were negative.
- (ii) All the tests done by the three doctors who adduced evidence before the Committee showed that Gladys Jepkechei was not pregnant by the time that she was disqualified from military training.

8.0. MEETING WITH THE MEDICAL PRACTITIONERS AND DENTISTS BOARD

The Medical Practitioners and Dentists Board appeared before the Committee on Thursday, 3rd February, 2011 to brief it on the varied medical opinions on whether Ms. Gladys Tarus was pregnant or not based on reports presented by doctors who examined Ms. Gladys Tarus at the Armed Forces Recruits Training School and after her disqualification from military training. The Board was represented by:-

- Mr. Daniel M. Yumbyo - Chief Executive Officer,
- Dr. Stephen Ochiel - Member
- Dr. Fatmah Abdallah - Member
- Dr. Samson Wanjala - Member

The Members representing the Medical Practitioners and Dentists Board adduced evidence as follows:-

8.1 Evidence by Dr. Fatmah Abdallah

Dr. Fatmah Abdallah, a member of the Medical Board, informed the Committee that:-

- (i) Pregnancy tests are normally done on urine unless there is a problem. While conducting the test experts look for a

molecule/hormone (HCG) – Human Chorionic Gonadotropin) that is specific to pregnancy. The test is known as PDT and can be detected starting from the second week of pregnancy. There is a certain normal level of the hormone that is allowed. Levels under 50 mIU/ml can also be considered as normal. The levels of the hormone increase with advancement in the pregnancy.

- (ii) The test is direct and is done on urine. A further test is important so as to measure the amount of the molecule/hormone in the urine. The urine test conducted by the military on 8th October, 2010 was negative for pregnancy but on 25th October, 2010 the two pregnancy test results turned positive for pregnancy.
- (iii) On 26th October 2010 another urine test was done at the Uasin Gichu district hospital and the results were negative for pregnancy.
- (iv) On 27th October, 2010 a urine test and ultra sound were conducted at the Mediheal Hospital and Fertility Centre. The results indicated that the lady was not pregnant. The HCG levels conducted using an automated VIDAS instrument recorded 3.60 Miu/ml. The pelvic ultra sound showed a normal pelvic with no evidence of pregnancy.
- (v) On 28th October, 2010 a urine test was conducted at the Moi Teaching and Referral Hospital which indicated that there was no HCG detected in the urine and therefore Ms. Gladys Jepkechei Tarus was not pregnant.
- (vi) Endocrinology test and pelvic ultra sound was conducted on 3rd November, 2011 at Kenyatta National Hospital by Dr. Njoki Fernandez. The results for the two tests showed that the lady was not pregnant at the time of the tests. The endocrinology results were 27 Miu/mi. The pelvic ultra sound showed normal parous genitalia. The uterus was gravid and slightly enlarged with PV bleeding probably due to menses. The endocrinological test is more informative and measures the amount of the hormone /molecule.
- (vii) In certain incidences there can be false positive pregnancy tests normally after delivery, miscarriage or abnormal pregnancy. Varying results by doctors can be attributed to the method used, the machine used and the way in which the machine quality is set. The varying results can also be attributed to the different times frames that the test were done.

8.2 Evidence by Dr. Samson Wanjala

Dr. Samson Wanjala informed the Committee that:-

- (i) The pregnancy test results by the military were solely based on urine test which is not conclusive. To conclusively confirm pregnancy a physical examination can be done together with an ultra sound.
- (ii) The ultra sound and PDT tests conducted at Mediheal Hospital and Fertility Centre showed no evidence of pregnancy. In case of an early pregnancy the ultra sound could have detected it in the form of a small cyst in the uterus.
- (iii) The pregnancy tests by Dr. Fernandez were done a week after the last pregnancy test done by the military. The test result were that the uterus was normal and in good condition with a normal genitalia. The doctor concluded that Ms. Gladys Jepkechei Tarus was not pregnant at the time.
- (iv) In cases of suspected pregnancy it is important to undertake a physical test including a vaginal test.
- (v) The bleeding experienced by the lady could have been precipitated by stress as a result of her dismissal from joining the military. Stress can precipitate a miscarriage or early menstruation.

8.3 Summary of the findings by the Medical Practitioners and Dentists Board

The findings (*DFR 09*) of the Medical Practitioners and Dentists Board were presented by Dr. Stephen Ochiel. The findings were as following:-

- (i) The Medical Board is disadvantaged by the fact that they did not examine the patient but will only rely on the information/tests done by the Doctors who had seen Ms. Gladys Jepkechei Tarus.
- (ii) In instances where there is suspected pregnancy it is important that further corroborative tests be conducted to conclusively determine the pregnancy. The military did not go beyond the normal pregnancy test. Further tests needed to have been done to determine conclusively

whether the Ms. Gladys Jepkechei Tarus was pregnant or not and if there was interference in pregnancy as alleged.

- (iii) The urine test and ultra sound scans conducted by different doctors in public and private hospitals showed that Ms. Gladys Jepkechei Tarus was not pregnant except for the urine test by the military doctors conducted on 25th October, 2010.
- (iv) There is no conclusive evidence to show, beyond reasonable doubt, that the lady was pregnant.

9.0 GENERAL OBSERVATIONS AND CONCLUSIONS

The Committee made the following observations:-

1. The Armed Forces medical team did three (urine tests) pregnancy tests on Ms. Gladys Jepkechei Tarus. One test on 8th and two tests on 25th October at Kabarnet recruitment centre and Eldoret training school respectively. The pregnancy test at Kabarnet was negative but the two tests conducted at the Eldoret Recruits Training School turned positive for pregnancy.
 2. Reliance by the Armed Forces on urine test can not give conclusive results on whether a female recruit is pregnant or not.
 3. Further independent tests at Uasin Gichu district hospital, Moi Teaching and Referral Hospital, Mediheal Hospital and Fertility Centre and Kenyatta National Hospital were all negative for pregnancy. The test were however done within different time frames.
 4. During the period when Ms. Gladys Tarus was being tested for pregnancy by the Armed Forces and other doctors, she was experiencing menstrual period which was detected as vaginal bleeding.
 5. That there is no conclusive and corroborative evidence to indicate beyond reasonable doubt that Ms. Gladys Jepkechei Tarus was pregnant at the time of her reporting to the Eldoret Recruits Training School on 25th October, 2010.
-

10.0. RECOMMENDATIONS

Arising from the evidence adduced, the Committee concludes and recommends that:-

1. There is no conclusive evidence to show that Ms. Gladys Jepkechei Tarus was pregnant during the time of her reporting to the Eldoret Recruits Training School.
2. The Ministry of State for Defence through the Department of Defence should consider Ms. Gladys Jepkechei Tarus for military training at Eldoret Recruits Training School and eventually join the military to serve her country.
3. The Armed Forces should in future use conclusive methods in determining whether female recruits are pregnant or not. The tests should include and not limited to physical examination, urine test and ultrasonography.

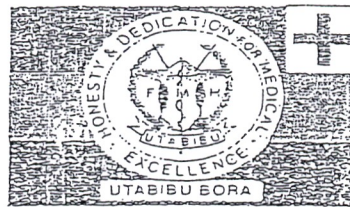
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3. The Armed Forces should in future use conclusive methods in determining whether female recruits are pregnant or not. The tests should include and not limited to physical examination, urine test and ultrasonography.

DFR 01

Tel: 254 20 2727610
254 20 2718579
254 20 2712145
Fax: 254 20 2717047
When replying please quote:
Ref No: AFMH/MED/1/A



Armed Forces Memorial Hospital
P.O. BOX 62938-00200
Nairobi, City Square
Kenya.

16 November, 2010

DHQ

MEDICAL REPORT
GLADYS CHEPKECHEI TARUS

1. Enclosed herein please find reports of medical examinations of the above mentioned potential recruit done at Kabarnet recruitment centre and Recruit Training School, Eldoret.
2. The candidate had normal medical report at Kabarnet by the recruitment team.
3. The medical examination report at RTS Eldoret on 25/10/2010 at 0900 hrs posted a positive pregnancy test. Repeat test at 1000 hrs confirmed the positive pregnancy test hence disqualification on medical grounds.
4. The candidate on leaving RTS on morning of 26/10/2010 returned in the afternoon with examination result of a negative pregnancy test result done elsewhere which was not verified by any of the military medical personnel.
5. A repeat medical examination was deferred as the candidate claimed she was witnessing her menstrual bleeding.
6. Please acknowledge receipt.

CERTIFIED

R O OPONDO

Col (Dr)

Medical Team Leader Recruiting

MEDICAL EXAMINATION FORM

TEAM E

SURNAME TARUS ID NO

FORENAMES QUAY'S CHEPWECHI AGE 19 yrs

SEX: MALE

FEMALE

SER NO	EXAMINATION	NORMAL VALUES	UNIT OF MEASURE	CANDIDATES RESULTS	REMARKS
	(a)	(b)	(c)	(d)	(e)
1.	URINALYSIS:	CLEAR			
	a APPEARANCE			TRUBID	
	b. Ph	5-7		7.0	
	c ALBUMIN	NIL		NIL	
	d SUGAR	NIL		NIL	
	e KETONES	NIL		NIL	
	f. BLOOD	NIL		NIL	
2	BLOOD PRESURE	120/80	MMHg	100/60 mmHg	
3	VISION:	6/6			
	a) RIGHT EYE			6/6	
	b) LEFT EYE	6/6		6/6	
4	WEIGHT:				
	a) MEN	54 55	KG (120lb)		
	b) WOMEN	50	KG (110lb)	50KG	
5.	HEIGHT	1.62 and Above	METRES (5ft 3inch)	5'3"	
6.	PREGNANGY TEST	NEGATIVE		NEGATIVE	
7.	HIV I & II	NEGATIVE		NEGATIVE	

8 HEARING:

a) RIGHT EAR NORMAL ABNORMAL

b) LEFT EAR NORMAL ABNORMAL

9 FINDINGS ON PHYSICAL EXAMINATION... NORMAL

PHYSICAL EXAM

CERTIFIED

10. CONCLUSION: MEDICALLY FIT MEDICALLY UNFIT

11. EXAMINING CLINICIAN. NAME MAJ. DR. S.W. MIBACABA

MEDICAL EXAMINATION FORM

Team 5

SURNAME TARUS ID NO. 44

FORENAMES GLADYS CHOPKRECH 19 yrs.

SEX: MALE

FEMALE

SER NO	EXAMINATION	NORMAL VALUES	UNIT OF MEASURE	CANDIDATES RESULTS	REMARKS
	(a)	(i)	(c)	(d)	(e)
1.	URINALYSIS:	CLEAR			
	a. APPEARANCE			AMISER	
	b. Ph	5-7		7-0	
	c. ALBUMIN	NIL		NIL	
	d. SUGAR	NIL		NIL	
	e. KETONES	NIL		NIL	
	f. BLOOD	NIL		NIL	
2.	BLOOD PRESURE	120/80	MMHg	100/60 mmHg	
3.	VISION:	6/6			
	a) RIGHT EYE			6/6	
	b) LEFT EYE	6/6		6/6	
4.	WEIGHT:				
	a) MEN	54.55	KG (120lb)		
	b) WOMEN	50	KG (110lb)	50kg	
5.	HEIGHT	1.62 and Above	METRES (5ft 3inch)	5' 3"	
6.	PREGNANCY TEST	NEGATIVE		POSITIVE	
7.	HIV I & II	NEGATIVE		NEGATIVE	

8. HEARING:

a) RIGHT EAR NORMAL ABNORMAL

b) LEFT EAR NORMAL ABNORMAL

9. FINDINGS ON PHYSICAL EXAMINATION Normal

physical exam

CERTIFIED

[Signature]

10. CONCLUSION: MEDICALLY FIT MEDICALLY UNFIT

11. EXAMINING CLINICIAN: NAME Capt (Dr) Ivaya A.M.

QUALIFICATION, SIGNATURE [Signature]

MEDICAL EXAMINATION FORM

Team 5-

SURNAME TARUS ID NO

44

FORENAMES GLADYS CHEPKECHE AGE 19

SEX: MALE

FEMALE

SER NO	EXAMINATION	NORMAL VALUES	UNIT OF MEASURE	CANDIDATES RESULTS	REMARKS
	(a)	(b)	(c)	(d)	(e)
1.	URINALYSIS	CLEAR			
	a. APPEARANCE			AmBER	
	b. Ph	5-7		7.0	
	c. ALBUMIN	NIL		NIL	
	d. SUGAR	NIL		NIL	
	e. KETONES	NIL		NIL	
	f. BLOOD	NIL		NIL	
2.	BLOOD PRESURE	120/80	MMHg	NIL	
3	VISION:	6/6		100/60 mly	
	a) RIGHT EYE			6/6	
	b) LEFT EYE	6/6		6/6	
4.	WEIGHT:				
	a) MEN	54 55	KG (120lb)		
	b) WOMEN	50	KG (110lb)	50 kg	
5	HEIGHT	1 62 and Above	METRES (5ft 3inch)	5' 3"	
6	PREGNANCY TEST	NEGATIVE		POSITIVE	Refer to 100%
7	HIV I & II	NEGATIVE		NEGATIVE	

8 HEARING:

a) RIGHT EAR NORMAL ABNORMAL

b) LEFT EAR NORMAL ABNORMAL

9. FINDINGS ON PHYSICAL EXAMINATION... Normal

PHYSICAL EXAM

CERTIFIED

[Signature]

10. CONCLUSION: MEDICALLY FIT

MEDICALLY UNFIT

11. EXAMINING CLINICIAN: NAME CDL DR. ...

QUALIFICATION ...

[Signature]



Df-202

OFFICE OF THE PRESIDENT

OFFICE OF THE PERMANENT SECRETARY

Telegrams: "DEFENCE", Nairobi
Telephone: Nairobi 254 - 2 - 2721100
When replying please quote

MINISTRY OF STATE FOR DEFENCE

ULINZI HOUSE

P.O. Box 40668,

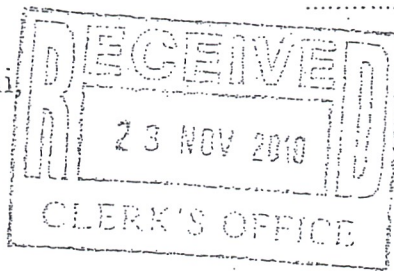
NAIROBI, KENYA

22nd November, 2010

MOSD 12/1A VOL.VII (161)

Ref: No.

Mr. Patrick G. Gichohi,
Clerk
National Assembly
Parliament Building
NAIROBI.



Dear *Mr. Gichohi*,

CASES OF CONNING FOR RECRUITMENT

Cases of conning by individuals posing as members of the Kenya Defence Forces during recruitment periods have been on the increase in the recent past. The outcome of investigations on specific cases reveals that conmen/women have taken advantage of the unsuspecting and desperate innocent members of the public to fleece them of colossal amounts of money on the pretext that they are in a position to secure them employment in the Defence Forces.

Despite our persistent reminders to members of the public through print and electronic media that Military employment is free and the youth do not need to pay to serve their country, cases of conning continue to be reported. In many cases, members of the public have been reported to lose between Kshs.30,000. – 350,000. to fraudsters. The money is either paid through M-Pesa, bank accounts or directly in cash. It is observed that fraudsters arrange meetings with their victims in the comfort of bars and restaurants where money changes hands. Exam ... seen in annex B, column (e) of the

attached data on conning cases Annex 'A shows the summary of reported cases and amounts involved.

Prior to the recent recruitment, MOSD took an early initiative on 14 September, 2010 to invite all media houses to inform the public that Military recruitment and employment is free. This was followed by periodic TV announcements on the same. Besides this, we also invited other observers like KACC, NSIS and Transparency International and the media to team with us during the recruitment in our efforts to fight corruption.

It is, however, noted that the vice continues unabated. Unfortunately, criminals out there continue to fleece members of the public and the perception created reflects badly on the image of the Defence Forces, as the public is certainly oblivious of the fact that conning is being perpetrated by individual conmen who do not belong to the Defence Forces but are driven by greed for quick money.

Here below please find a summary of recruitment conning cases for the period January 2009 – November, 2010 together with action taken on all the 92 cases so far reported where a total of Kshs.26,424,710/- has changed hands.

Total cases – Jan 09 - 2010

PERIOD	PERS INVOLVED	AMOUNT
JAN 09 – NOV 10 (Total conning cases 92)	27 Service Personnel	4,189,000.00
	58 Civilian Personnel	20,788,370.00
	07 EX- Service Personnel	1,497,340.00
Total Amount		26,424,710.00
RECENT RECRUITMENT 2010 (Total conning cases 35)	04 Service Personnel	70,000.00
	24 Civilian Personnel	6,912,370.00
	07 EX- Service Personnel	1,097,340.00
Total Amount		8,079,710.00

Action taken

Svc Personnel

- 16 - Dismissed from the Service.
- 09 - Discharged as Service No Longer Required.
- 05 - Fine and other punishments.

- 02 – Absent/Pending
- Out of 27 Cases, 25 (93%) have been fully dealt with.

Civilian Personnel (Handed over to Civil Police)

- 04 - Fined or imprisoned
- 12 - Out on Bond
- 01 - Released without charges
- 48 - Pending cases
- Out of 65 cases, only 4 (6%) have been dealt with.

It is therefore, the recommendation of this Ministry that the public be sensitized and advised to refrain from giving money for this National service which is absolutely voluntary and free. Lastly you will note from Annex A that 93% out of the 27 cases involving our own serving personnel between Jan 2009 to date have been dealt with conclusively using the military disciplinary law (Cap 199). However, over the same period, only 6% out of the cases involving non-military personnel (civilians) have been dealt with even as the vice continues to rise. Please bring the contents of this letter to the attention of the Chairman of the Parliamentary Committee on Defence and Foreign Relations.

Yours *sincerely*


AMB. NANCY KIRUI, CBS
PERMANENT SECRETARY

Enc.



DFR 03

OFFICE OF THE VICE PRESIDENT
MINISTRY OF STATE FOR IMMIGRATION &

REGISTRATION OF PERSONS

Telegrams: "IDENTITY", Nairobi
Telephone: 2722526, 2720142, 2722446, 2722558
When replying please quote
Ref. No. NRB/CON/ADM/FP/1/13/2/VOL.VI/384

NATIONAL REGISTRATION
BUREAU
Headquarters
NSSF Complex, Block B
Bishops Road
P O Box 57007-00200
NAIROBI.

DATE: Monday 8 Nov, 2010

The chief of General Staff,
Kenya Armed Forces,
P.O. Box 40668,
NAIROBI.
(Attn. G.O. KIHALANGWA)

RE: VERIFICATION OF NATIONAL IDENTITY CARDS

Reference is made to your letter DHQ/PERS/300/140/2 dated 5th November 2010, regarding the above subject.

A search was conducted on our automated database using the Under listed Identity card numbers enlisted on your letter and the results retrieved Extracts of the registers listed below in full details as per the Identification reports (print outs) enclosed herein for your further necessary action. Further to my letter NRB/CON/ADM/FP/1/13/2/VOL VI/384, enclosed is analysis based on the photocopies of ID cards attached.

- 1 **ID card No. 26240649** -Dickson Mokuia Ombura -The particulars of the copy of the ID Card indicates that this person Hails from Nairobi, while the records indicates that he Hails from Gucha District.
- 2 **ID Card No. 25572349** -Dennis Barongo Obara, indicates that the particulars of the photocopy of the ID shows that he hails from Nairobi District while the records indicates that he hails from Gucha district.
- 3 **ID Card No. 28451769** -Victorine Adhiambo Ouko, Photocopy of ID Indicates that she hails from Nairobi District while the records show that she comes from Nyando District.
- 4 **ID Card No. 25218671** -Fred Moses Nyandieka, the particulars of the copy of the ID indicates that he hails from Nairobi while the records indicates that he hails from Gucha District.
- 5 **ID Card No. 24712066** -Mercy Wanja Nyambura, the particulars of the ID indicates that she hails from Nairobi District while the records indicates that she hails from Nyeri District, and the serial no on the photocopied ID was used to issue ID Card No. 6663069 to Finora Kabaga Kagoni. Confirming that the photocopy of the ID is not genuine.
- 6 **ID Card No. 28484929** -Levis Simiyu Sitati, the particulars of the ID indicates that he hails from Kakamega North District while the records indicates that he hails from Bungoma District.

EVANS M. OYORI
[Signature]
FOR: DIRECTOR NATIONAL REGISTRATION

DFR04

service no..JPG

SERVICE NO.

109524

Image 6 of 6 « previous | next »

DFROS

RIFT VALLEY HUMAN RIGHTS
ORGANIZATIONS

WRITTEN SUBMISSION TO THE PARLIAMENTARY SELECT
COMMITTEE (PSC) ON DEFENCE AND FOREIGN AFFAIRS

SUBJECT MATTER: 2010 MILITARY RECRUITMENT AND THE
ILLEGAL DISMISSAL OF GLAGYS
JEPKECHEI TARUS SERVICE NO. 109524

OVERVIEW

As human rights organizations from different parts of the Rift Valley exercising our civilian watchdog mandate and having keenly followed the ongoing debate on the 2010 military recruitment and specifically on the alleged dismissal of Glady's Jepkechei Tarus and having engaged and sought intervention on this matter at different levels, do hereby submit our appeal to the Parliamentary Select Committee (PSC).

The matter at hand is a weighty and emotional issue and it has been evidenced by the manner in which it has generated national outrage and it raises with it fundamental human rights and it serves as a mirror into the Armed Forces and the secrecy that has traditionally characterised it. Hence, Parliament through the Select Committee is requested to look into the core of this issue so as to solve it and set a precedent for future reference.

The organizations that are jointly presenting this petition are:-

Centre for Human Rights and Democracy (CHRD), Midrift Human Rights Network (MHRN) and Baringo Human Rights Consortium (BHRC). These organizations interacted with the complaints from Glady's Jepkechei Tarus at different levels and stages and each organization had an intervention approach, that was communicated to other partners and finally a joint ultimatum of five (5) days before resorting to court intervention was issued on 31st October, 2010.

Hence, the appeal carries the basic principles and joint recommendations but otherwise we are also ready to submit an oral/verbal presentation to the committee.

CHRONOLOGY OF EVENTS

- Gladys's Jepkechei Tarus comes from Kabarbarma Village, Tiriony Sub-location, Ng'etmoi location in Kabarnet Division, Baringo County. She completed her secondary school in 2008 at Timboiwo Day Secondary School and she scored a mean grade of C Minus (C-). She comes from a humble background and she has been together with her other siblings raised up by a single parent (mother). She had always expressed interest in joining the military owing to her interest and performance in athletics.
- On 8th October 2010, the national military recruitment exercise was taking place at Kabarnet Town at the stadium.
- At around 10am or thereabouts the Co-ordinator Baringo Human Rights Consortium (BHRC) received a call from leaders of Kabarnet Division led by Kabarnet Municipality Mayor Mr. Julius Kiprop and Deputy Mayor Mr. Joshua Matetai who complained that of the four (4) divisions of Baringo Central District, Kabarnet Division's men had been barred from participating in the drive without any explanation.
- The Co-ordinator inquired in liaison with the journalists and the explanation given was that they would pick a lady from Kabarnet Division and they would pick men from the other Divisions. Questions arose as to why the decision was not communicated earlier and the criteria used to settle on the lady from Kabarnet Division.
- Hence, the leaders and community members followed keenly the recruitment process with a lot of curiosity and suspicion.
- Gladys's completed the marathon exercise almost twenty minutes ahead of the second person. She impressed the leaders and the community alike and after the entire process, she was picked and all that were present left satisfied that fairness had been done and the right and the needy person had been picked. Hence, they withdrew the earlier complaints that they had made to Baringo Human Rights Consortium (BHRC).

- On 26th October 2010, at around 12pm the Co-ordinator BHRC received several calls from the family members and community leaders that Gladys had been sent away on claims of pregnancy. He communicated to several other colleagues at Kenya National Commission on Human Rights (KNCHR), Centre for Human Rights and Democracy (CHRD), Midrift Human Rights Network among others.
- The organizations jointly followed keenly the independent tests that turned negative and liaised with the media for coverage.
- Between 27th oct and 30th oct, we pleaded with the military through media addresses to re-instate the lady but our pleas fell on deaf ears.
- On 31st October, 2010 we issued an ultimatum of five (5) days for the lady to be reinstated or we move to court, an ultimatum that we later suspended when Parliament discussed and referred it to its PSC and hence we accepted to await the findings of Parliament. Meanwhile as human right organizations we continued with our own independent investigations and inquiries.

FUNDAMENTAL RIGHTS

- This matter comes at a backdrop of new constitutional dispensation that was overwhelmingly ratified by Kenyans that carries with it very progressive Bill of Rights and other fundamental freedoms.
- That Gladys had been allotted Service No.109524, in effect means she had been absorbed in the military and is a confirmation that, she had passed all the tests and hence was entitled to employment rights and in any case, she was entitled to a fair administrative action according to article 47 of the New Constitution and any issues arising ought to have been handled fairly and she was entitled to written reasons of any action.
- Article 27 (4) of the New Constitution outlaws discrimination on any ground including pregnancy.
- Article 241 (4) requires that the defence forces should reflect the regional and Ethnic diversity of the people of Kenya and so the questions arises,

since it is clear that Gladys represented Kabarnet Division of Baringo Central, who replaced her? and on what criteria?

- The guiding principles of leadership and integrity which also applies to the Armed Forces includes objectivity and impartiality in decision making and ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practise.

RECOMMENDATIONS

Hence, in light of the foregoing, we do make the following recommendations:-

- a). Gladys Jepkechei Tarus Service No.109524 should be reinstated unconditionally and forthwith.
- b). The person who replaced Gladys and the circumstances surrounding her replacement should form the basis of further investigations into the possibility of corruption, malpractice and irregularity.
- c). The officers involved thereof should face disciplinary action and should be deemed to be in contravention of leadership and integrity principles of our laws.
- d). Military recruitment should be transparent and accountable to Kenyans; a mechanism of ranking should be introduced at the recruitment centre, so that if an anomaly is detected at some stage, then the next in the rank should be picked. The current practise where individuals who even never attended the recruitment process are picked actually opens a loophole that breeds corruption, care should also be taken so as not to disadvantage some Divisions or Districts during replacement in the spirit of regional balancing.
- e). The Armed Forces Act and the military rules and regulations should be reviewed and brought into conformity with the New Constitutional Dispensation and International Human Rights Practice.

CONCLUSION

The credibility of the Defence forces of Kenya is now at stake and unless and until this matter and other related matters are conclusively resolved, the net effect of the credibility dent will soon come to bear; patriotism, sycophancy and indiscipline in the forces, withdrawal of international support and other such vices. The implications might be too severe as a country to bear. The matter is urgent and subsequently this country risks ~~and~~ local enemies ^{is} our defence forces ~~and~~ ^{are} staffed by individuals who are admitted through the backdoor without the right qualification due to corruption.

Hence, the National Assembly of Kenya is seriously petitioned to leave no stone unturned until these matters are dealt with. This will save the image of the forces and restore confidence once again both locally and internationally.

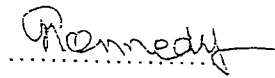
We have confidence in the National Assembly especially in light of the New Constitution and the new impetus and the muscle the assembly was exhibited.

As civil society organizations whose mandate on civilian oversight is critical we pledge to work closely with the National Assembly on these and other matters for a positive transformation of our country Kenya. And hence we look forward for complementarity.

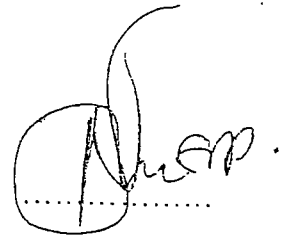
God bless you and God bless Kenya

Signed by:-

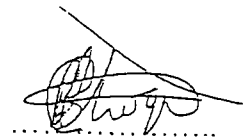
Ken Wafula Executive Director Centre
for Human Rights & Democracy


.....

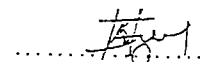
Kipruto Kimosop Co-ordinator
Baringo Human Rights
Consortium (BHRC)


.....

Ben Gathogo Faidi Kenya


.....

Joseph Omondi Midrift Human Rights Network


.....

APR 06


Plaza One Ultrasound Services
KENYATTA NATIONAL HOSPITAL
PRIVATE DOCTORS' PLAZA
SUITE NO. 1

ULTRASOUND SCANS AND REPORT

PATIENT'S NAME:

GLADYS

TARU

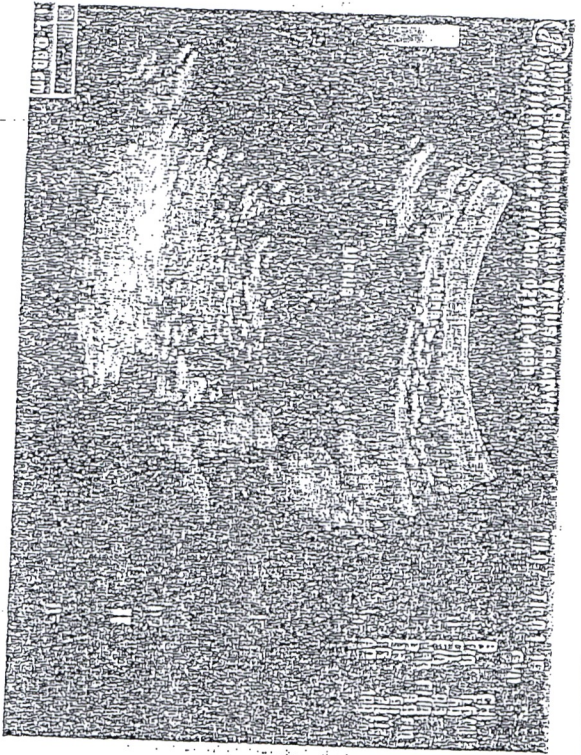

23/11/10

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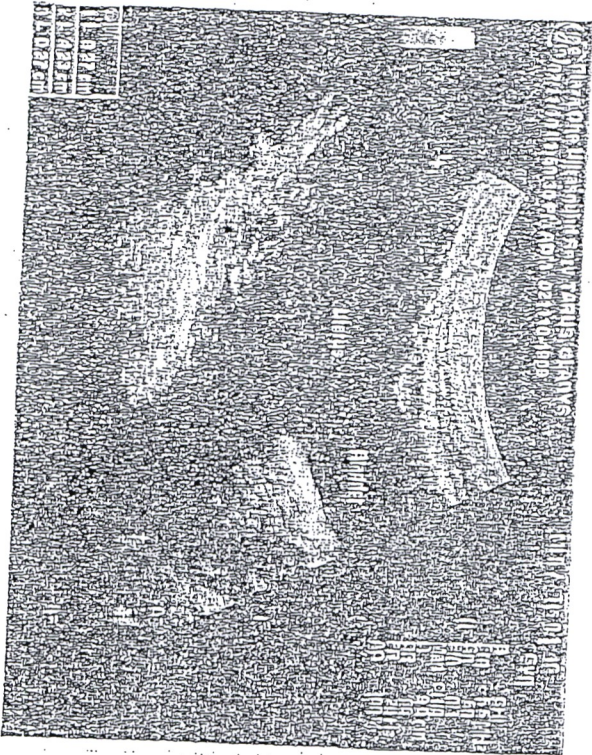
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DATE

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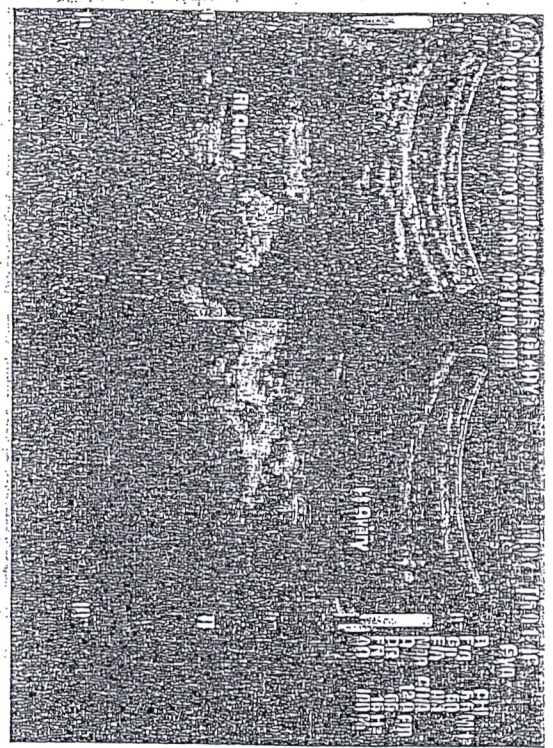
2

Done
23/11/20



4

Rayson
23/1/10



3

Dr. Njoki Fernandes

M.B.Ch.B, MMed (OBS/GYN)

Consultant Obstetrician / Gynaecologist

Kenyatta National Hospital

Doctors' Plaza Suite No. 12

P.O. Box 44780-00100,

Nairobi - Kenya

Cell: +254 722 248 942,

+254 733 741 141.

Email: njokifern@yahoo.com

MEDICAL REPORT

NAME : GLADYS JEPKECHEI TARUS
AGE : 20 YEARS
SEX : FEMALE
Date : 03.11.10

History

Para 1+0 last delivery 8 months ago. Admitted to training for the Armed Force but suspected to be pregnant L.M.P 26/10/10.

Examination

Young lady in good general condition not pale and febrile Normal systemic examination

Pelvic examination

Normal parous genitalia. Uterus bulky size, Has some FV bleeding? menses.

Investigations

- BHCh- 27 Minu/ML-N
- Range -5-0 MW /ML
- HIV- Negative
- Pelvic U/sound -Normal parous pelvic scan.

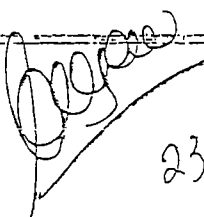
Conclusion

The patient is currently not pregnant and is fit to join the Armed Forces.

Thank you,

DR. NJOKI FERNANDES
M.B.Ch.B MMed (Obs/Gyn)
OBSTETRICIAN / GYNAECOLOGIST
P.O. Box 44780-00100 NBI
TEL NO /0722248942

Dr. Njoki Fernandes
Obstetrician / Gynaecologist


23/11/10

Plaza One Ultrasound Services Ltd.

Kenyatta National Hospital
Private Doctors Plaza
Suite No. 1

P.O. Box 99199 - 00100 NAIROBI
Tel: 020-2726672
Cell: 0724-731892 / 0735-394179

Patient Reg. No: 5003/11/2010

Date: 02/11/2010

ULTRASOUND REPORT

PATIENT NAME: GLADYS TARUS

AGE: 20 YEARS, FEMALE

REFERRING DOCTOR: NJOKI

HISTORY: LMP: ? /26/10/2010. Has an enlarged uterus with PV bleeding ?
menses ? miscarriage.

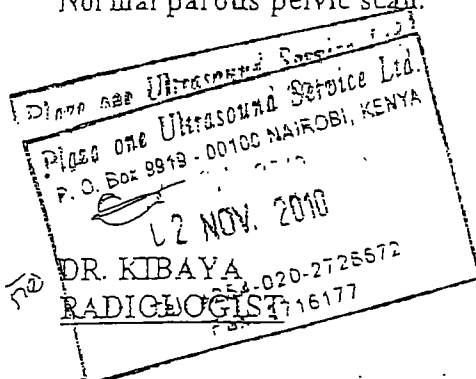
PELVIC ULTRASOUND SCAN REPORT

The uterus is anteverted non-gravid and slightly enlarged in size measuring 9.27 cm x 4.23 cm in dimension. No myometrial mass lesion is demonstrated. Endometrial stripe is normal in thickness measuring 0.3 cm in width.

Both ovaries are normal in size and echogenicity. The pouch of Douglas is free.

CONCLUSION:

Normal parous pelvic scan.



[Handwritten Signature]
23/11/10

Name: GLADYS JEPKECHEI TARUS

L2b No: 13453

Age: A

Sex: F

Date: 03/11/2010

Requested :QHCG

ENDOCRINOLOGY

Test	Result
S-QUANTATIVE bHCG	27m IU/Ml
WEEKS OF GESTATION	B-HCG VALUE{mIU/mL}
</=1	5—50

DR. ANZALA
VIROLOGIST/IMMUNOLOGIST

Handwritten signature
23/11/10

Handwritten signature
IMMUNO-MOLECULAR DIAGNOSTIC LABORATORY
Kenya National Hospital
Palms & Doctors Plaza
P.O. Box 49541 Nairobi, Tel: No. 42500, 25300 Ext. 4425



UNIVERSITY OF NAIROBI
 IMMUNOLOGY LABORATORY
 P.O. BOX 19676, 00202, NAIROBI
 TEL: 2726300 EXT. 43302

Requesting Doctor _____

Patient Name: _____ Patient OP/ IP No. _____ Date Taken ___/___/___

Date Received ___/___/___ Lab. Ref. No. _____ Date Reported ___/___/___

Investigation(s) Required:

TUMOR MARKERS

hcG mIU/ml

Normal values: <50mIU/ml

Normal serum hcG levels during pregnancy are estimated to be:

<u>p.m.</u>	<u>mIU</u>	<u>p.m.</u>	<u>mIU/ml</u>
2-3 weeks	10 - 50	13 weeks	12,500 - 95,000
4 weeks	40 - 1000	14 weeks	10,500 - 80,000
5 weeks	404 - 20,700	15 weeks	9,000 - 70,000
6 weeks	2,200 - 74,200	16 weeks	7,000 - 64,000
7 weeks	6,000 - 130,000	17 weeks	5,500 - 56,000
8 weeks	12,900 - 190,000	18 weeks	4,500 - 50,000
9 weeks	18,500 - 205,000	19 weeks	3,300 - 40,000
10 weeks	18,000 - 200,000	20 weeks	2,500 - 32,000
11 weeks	16,500 - 180,000	21 weeks	1,800 - 25,000
12 weeks	14,500 - 125,000		

During the first six weeks of pregnancy, serum hcG concentrations have a doubling time of approximately two days. After delivery, hcG levels rapidly decrease and disappear completely after a few days. Very low levels of hcG can be present in ectopic pregnancies, while conditions like choriocarcinoma, trophoblastic or nontrophoblastic neoplasms or hydatiform moles may result in very high hcG concentrations.

Technologist's Signature Date:.....

IMMUNO-MOLECULAR DIAGNOSTIC LABORATORY
Zimbabwe National Hospital
Private Doctors Plaza
P.O. Box 1964, Harare, Tel. No. 742500, 742530, Fax 742525

NAME: GLADYS JEPKECHEI TARUS

AGE: A

SEX: F.

LAB NO: 13453

DATE: 2/11/2010

HIV TEST I AND II.....NEGATIVE

DR ANZALA

VIROLOGIST IMMUNOLOGIST

IMMUNO-MOLECULAR DIAGNOSTIC LABORATORY
Private Doctors Plaza
P.O. Box 1964, Harare, Tel. No. 742500, 742530, Fax 742525
[Signature]
23/11/10

DFR07

NAME: GLADYS TARUS
REF BY: Dr. KUYO (D.O.D)
EXAMINATION: PELVIC ULTRASOUND

SEX: FEMALE
DATE: 27 / 10 / 2010

FINDINGS:

The uterus is non gravid with normal size and echopattern.

Endometrium is irregular and measures 0.92cm thick.

Ovaries are normal.

No adnexal mass.

No free pelvic fluid.

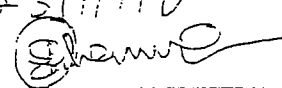
Bladder is clear.

CONCLUSION:

- Normal pelvic scan.
- No evidence of pregnancy, however correlate with repeat of pregnancy test and lets follow up if reactive.


Dr. KIMUTAI

CONSULTANT RADIOLOGIST

23/11/10


*Paper land by Dr. Kian
before the committee on
defense and foreign rels
on 23.11.10*





mediheal

MEDIHEAL HOSPITAL & FERTILITY CENTRE

NANDI ROAD, P.O BOX NO 7905, ELDORET, KENYA.

Tel: +254- 53 -2060071/2 Fax: +254 - 53206144

Cell: 0723 - 578895 / 0735 - 864149

Email: Mediheal@africaonline.co.ke

DEPARTMENT OF PATHOLOGY

FULL NAME: GLADYS JEPKECHEI TARUS DOCTOR: DOD

DATE RECIVED: 27/10/10 WARD: OUTPATIENT:OPD

DATE REPORTED: 27/10/10 LABORATORY REFERENCE: 8437/10

β - HCG REPORT
(Human chorionic Gonadotropin)

B- HCG Level : 3.60 .mIU/ml

Normal ranges:

Men	.....	Less than 3 mIU/ml
Women	.....	Less than 4 mIU/ml
Post menopausal	.....	Less than 13 mIU/ml

Pregnancy:

Week of amenorrhea

Range(mIU/ml)

4-5 weeks	.....	1,500	-	23,000
5-6 weeks	.....	3,400	-	135,300
6-7 weeks	.....	10,500	-	161,000
7-8 weeks	.....	18,000	-	209,000
8-9 weeks	.....	37,500	-	219,000
9-10 weeks	.....	42,800	-	218,000
10-11 weeks	.....	33,700	-	218,700
11-12 weeks	.....	218,000	-	193,200
12-13 weeks	.....	203,000	-	166,100
13-14 weeks	.....	15,400	-	190,000
2 nd trimester (14-23)	.....	2,800	-	176,100
3 rd trimester (26-39)	.....	2,800	-	144,400

(Test done on an automated VIDAS instrument)

LAB TECHNOLOGIST (Name/signature) :

*per Land by Dr Kimani
re:tes committee on defec and
on 23.11.10*

(Signature)
D. Kimani



DEPARTMENT OF PATHOLOGY
MEDIHEAL HOSPITAL AND FERTILITY CENTRE
NANDI ROAD, ELDORET
P. O. BOX 7905, Eldoret, Kenya. Tel: 053-2060071/2 Fax: 053-2060144

FULL NAME GLADYS JERECHEI TARU DOCTOR DDD

ADDRESS _____

DATE RECEIVED 27/10/10 WARD _____ OUT/PATIENT OPD

DATE TAKEN _____ LABORATORY REFERENCE 8437/10

DATE REPORTED 27/10/10

SEROLOGY AND MISCELLANEOUS

HIV I & II (ELISA) Screening Test _____

HB_sAg (ELISA) Screening test _____

Antinuclear Factor (ANA) _____

Infectious Mononucleosis (Monotest) _____

HCV (ELISA) Screening test _____

C - Reactive Protein _____

Rheumatoid Arthritis Latex Test _____

A.S.O.T. _____

V.D.R.L. _____ Titre _____ Kahn _____

FTA - ABS _____

Schistosomiasis Haemagglutination test _____

Seramoeba Haemagglutination test _____

Urine Human Chorionic Gonadotrophine (PDT) NEGATIVE

Serum hcG _____

Miscellaneous _____

TECHNOLOGIST SIGNATURE 

PATHOLOGIST SIGNATURE _____



15072

An ISO 9001 2008 CERTIFIED HOSPITAL

MCI TEACHING & REFERRAL HOSPITAL, ELDORET

LABORATORY REQUEST REPORT FORM

Mark box "X"

Pathology Bacteriology

Haematology Biochemistry

Others Plac

Previous Reports:

Previous Lab No.

Specimen of:

Collection (Date) 28/1/11 (Time) 11:30

Hospital No. (private)

Name Glady's Tom

Age 25 yr Sex female

Address/ Residence:

Occupation:

Report to be sent to: (ofc)

Investigation required:

Diagnosis: (Duration and site of lesion) (PT)

History: (Therapy including antibiotics)

DOCTOR'S NAME (PRINTED)

Signature

REPORT

PT - NO HCG detected

Reviewed by M. M. M. 1236480

L-7220

Investigator's Name

200

Date

28/1/11

Laboratory No

MEMBER

SECRETARY

EXHIBIT

INSTITUTIONAL

EXHIBIT

UNIT

PROVISIONAL

CLINICAL

MEASUREMENT

YANGON

SECRETARY

CONSULTANT

PROOF

SECRETARY

SECRETARY

*Paper laid by Dr Kimutai
before Committee on Defense and Foreign
Relations on 23.11.60*

*(Signature)
A. K. M. M.
23/11/60*

DRUGS

REPUBLIC OF UGANDA

MINISTRY OF HEALTH

Unit No 34222

UASIN GISHU District Hospital

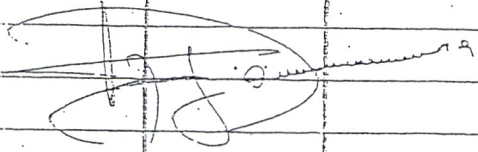
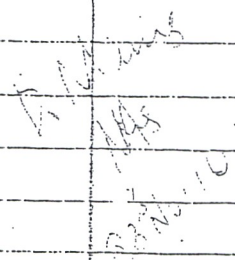
Name: GLADYS JEPKHECH TARU

Age: 20 Yrs Sex: F

Address: KABARNET

P.O. Box 542
ELDORET 30100

Treatment Sheet

Date Started	Treatment	M.O. Signature	Date Stopped	M.O. Initials
6/10/2010 12:00 noon	Patient came to the hospital requesting for a pregnancy test			
	<u>Plan:</u>			
	1) PST → Negative			
		D. NABILA M.D.		
		DISTRICT MEDICAL OFFICER & HEAD OF DISTRICT LABORATORY		
				
6/10/2010 2:35 pm	Pregnancy test done at RUS Elchet yesterday evening and was positive			
	Patient request registration of the our information to the superiors - Done			
		D. NABILA M.D.		
				

26/10/2008

GLADYS JEPKECHEI TARUS
20725.

Pt. came to our hospital (UGDH) today to request for pregnancy test. This is after being told she is pregnant at RTS yesterday.

A pregnancy test - was repeated today at WASIN GITHU DISTRICT HOSPITAL and she was found to be negative.

We are kindly requesting the Training School to accord her the necessary assistance.

[Signature]
Dr. [Name]

WASIN GITHU DISTRICT HOSPITAL
P.O. BOX 30100
Nairobi
K.N. ROAD
UGDH

[Signature]
[Name]
[Title]

[Handwritten notes]
D. [Name]
[Initials]
26/10/2008

REPUBLIC OF KENYA

D.F.R.G.

Tel: +254 020 2724994 / 2711478 / 2728752
Fax: +254 020 2724938
E-mail Address: medicalboard@wananchi.com
Website: www.medicalboard.co.ke
When replying please quote

MEDICAL PRACTITIONERS
AND DENTISTS BOARD
MP & DB HOUSE,
WOODLANDS RD. OFF LENANA RD.
P.O. BOX 44839-00100
NAIROBI.

Ref No. MPDB/PIC 564/07...



Date 7th February 2011

Patrick G. Gichohi, CBS
Clerk of the National Assembly
P. O. Box 41842 - 00100
Nairobi

Dear Mr. Gichohi,

RE: SUBMISSION OF REPORT TO COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS ON GLADYS TARUS

Reference is made to your letter dated 27th January 2011 on the above.

Further to the appearance of select Board members to the above committee on Thursday,
3rd February 2011, it was agreed to submit a written report on our findings.

Forwarded herewith is a duly signed report for your further action

Yours, *Sincerely*

DANIEL M. YUMBYA
EXECUTIVE OFFICER
MEDICAL PRACTITIONERS AND DENTISTS BOARD

Copy to: W. M. Ngari (Ms.), CBS
Permanent Secretary
Ministry of Medical Services

Prof. George A. O. Magoha, EBS.MBS
Chairman
Medical Practitioners and Dentists Board

MEDICAL REPORT ON GLADYS CHEPKECHEI TARUS TO PARLIMENTARY
COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

INTRODUCTION

Gladys Chepkechei Tarus was rejected by Armed Forces Recruit Training School, Eldoret because she was pregnant. Gladys disagreed with the result. The matter is now being inquired into by Parliamentary Defence and Foreign Relations Committee. The committee asked the Medical Practitioners and Dentists Board to assist them find out the truth. Was Gladys pregnant or not at the time she was rejected by Armed Recruitment Team?

Medical Practitioners and Dentists Board nominated three members to participate in the inquiry.

The Board members were given records detailed below. They did not see Gladys Chepkechei Tarus.

Method and Materials

The subject matter is about one Gladys Chepkechei Tarus about 20 years old female whose records are referred herein below: -

Materials available to Medical Practitioners and Dentists Board were: -

1. A letter Ref. No. AFMH/MED/1/A from Armed Forces Memorial Hospital signed by Col. (Dr.) R. O. Opondo.
2. Three Medical Examination Forms; one dated 8th October 2010, the other two dated 25th October, 2010.
Pelvic Ultrasoundgraphy and Urine Human Chronic Gonadotrophine (PDT) reports.
3. Mediheal Hospital & Fertility Centre reports dated 27th October 2010.
4. Dr. Njoki Fernandes Report dated 3rd November, 2010: medical report, Ultrasound of pelvic results and Molecular Diagnostic Laboratory report.

5. Members of the Board separately and individually examined the documents aforesaid listed.

FINDINGS

The evidence is summarized in the Annex I. On 25th October 2010, two pregnancy tests done a few hours apart, were positive. There is no other corroborative evidence.

On 27th October 2010, pregnancy test is negative on urine sample. B-HCG level is 3.60 MIU/ML.

On the same day pelvic scan was normal.

On 3rd November 2010, her last menstrual period is recorded to be on 26th October 2010. She is noted to have vaginal bleeding and uterus is enlarged. Pelvic scan found no pregnancy inside, with slightly enlarged uterus. Both ovaries were normal Endometrium had normal thickness.

Discussion

Clinicians look for the following evidence to conclude that a woman is pregnant. Some evidence are presumptive while others are conclusive.

- The woman's age is within reproductive age group.
- Delay or missing menstrual period when it was previously regular.
- Exclude use of contraceptives or breastfeeding.
- May have vomiting or nausea especially in the morning.
- Breast enlargement.
- Changes in bowel movement and/ or urination.
- Positive urine pregnancy test
- Rapidly rising B-HCG levels.
- Pelvic scan reveals gestational sac within or outside the enlarged uterus.
- There may be enlargement of one ovary – corpus Inteum.
- Increased pigmentation round the breast nipple.
- Increased pigmentation in the midline below the umbilicus

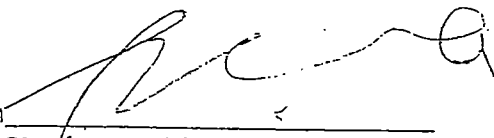
Gladys Tarus had not missed her menstrual period. Gladys had two positive pregnancy tests on the same day on 25th October 2010. There was no other positive pregnancy test.

B-HCG done on 27th October 2010 and 3rd November 2010 are contradictory.

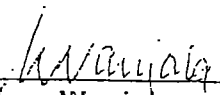
Pelvic scan done twice agree that there is no pregnancy in the uterus.

CONCLUSION

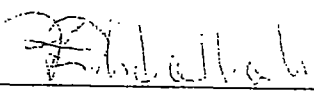
From the records available to us, there is insufficient evidence to support that Gladys Tarus was pregnant.

Sign 
Dr. Stephen Ochiel
Member
Medical Practitioners and Dentists Board

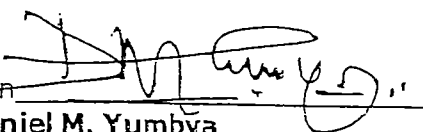
Dated: 09 February

Sign 
Dr. Samson Wanjala
Member
Medical Practitioners and Dentists Board

Dated: 09 / 02 / 2011

Sign 
Dr. Fatmah Abdallah
Member
Medical Practitioners and Dentists Board

Dated: 9-2-11

Sign 
Daniel M. Yumbya
Executive Officer/Secretary
Medical Practitioners and Dentists Board

Dated: 9/2/2011

ANNEX I: EVIDENCE AT A GLANCE
 NAME: GLADYS CHEPKECHEI TARUS

Date	Facility	Doctors physical examination findings	Laboratory results	Ultrasonography findings
8 th October, 2010	Team 5	Normal physical examination	Pregnancy test negative	-
25 th October 2010	Team 5	Normal	Pregnancy test positive	-
25 th October 2010 1000hrs repeat	Team 5 44	Normal	Pregnancy test positive	-
27 th October 2010	Mediheal Hospital		Pregnancy test in urine negative B-HCG – 3.6 MIU/ML (within normal range of women)	Uterus – non-gravid with normal size and echo pattern. Endometrium is irregular measures – 92cm thick. Ovaries are normal
3 rd November 2010	Dr. Njoki Fernandes – KNH	LMP 26 th October 2010 uterus bulky. Bleeding from vagina noted	B-HCG 27 MIU/ML Weeks of gestation <1 = 1 -5-50 mIu/L	Uterus non gravid Slightly enlarged 9.27cm x 4.25cm. Endometrial stripe normal.

MINUTES OF THE 91ST SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, 18TH APRIL, 2011 IN COMMITTEE ROOM, 5TH FLOOR, PARLIAMENT BUILDINGS AT 2.00 P.M.

PRESENT

The Hon. Adan Keynan, MP – Chairperson
The Hon. Benedict Gunda, MP – Vice Chair
The Hon. George Omari Nyamweya, MBS, MP
The Hon. Martin Ogindo, MP
The Hon. Peter E. O. Anyanga, MP
The Hon. Wilson Litole, MP
The Hon. Kiema Kilonzo, MP

ABSENT WITH APOLOGY

The Hon. Hussein Mohamed Ali, MP
The Hon. Charles Kilonzo, MP
The Hon. Eugene Wamalwa, MP
The Hon. Jeremiah Kioni, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Emejan Nicholas – Clerk Assistant II
Salad Guyo – Clerk Assistant III
Jackline Wairimu – Parliamentary Intern

MINISTRY FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS

Hon. Mutula Kilonzo, EGH, MP - Minister
Mr. Allan Meso - Senior State Counsel

PRELIMINARIES

Meeting started with a word of prayer and followed by brief introductions.

MINUTE NO. 376/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Minutes of previous sittings were confirmed as follows:-

- Minutes of the 57th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 58th sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.

- Minutes of the 60th sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 61st sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 62nd sitting - proposed and seconded by Hons. Wilson Litole, MP and Peter E.O. Anyanga, MP respectively.

- Minutes of the 63rd sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 64th sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 66th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Wilson Litole, MP respectively.

- Minutes of the 67th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 68th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Wilson Litole, MP respectively.
- Minutes of the 69th sitting - proposed and seconded by Hons. Benedict Gunda, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 71st sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 72nd sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.

- Minutes of the 73rd sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 74th sitting - proposed and seconded by Hons. Martin Uginoo, MP and Wilson Litole, MP respectively.
- Minutes of the 75th sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 76th sitting - proposed and seconded by Hons. Benedict Gunda, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 77th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.

- Minutes of the 78th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 79th sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 80th sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.
- Minutes of the 81st sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.

- Minutes of the 82nd sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 83rd sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 84th sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.
- Minutes of the 85th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 86th sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 87th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 88th sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.

Confirmation of Minutes of the 59th, 65th and 70th sittings was postponed to the next meeting.

MINUTE NO. 377/2011: MATTERS ARISING

Study Visit to United States Congress

The Chairperson informed the Committee that the State University of New York and the United States Congress were willing to sponsor the Committee for a capacity building visit in the US Congress. The Chairperson undertook to revisit the matter with SUNY Kenya with the aim of fastracking the study visit.

Kenya Turkish Friendship group

Members raised concern that the Kenya Turkish friendship group was dormant in spite the fact that it had been established. The members resolved to revitalize the friendship groups. The members further underlined the importance of establishing a fully fledged diplomatic Mission in Turkey due to the economic gains that will be realized.

Inspection of modernization programmes

The Committee directed that the inspection visit to military modernization programmes be expedited. The Committee resolved that the inspections should include the following projects:-

- (i) Air Force – inspect the 15 Fighter Jets purchased from Jordan

- (ii) Army – inspect AML's and construction works at Lanet, Isiolo, Eldoret and Mariakani
- (iii) Navy – inspection of Naval ships

The Committee further resolved to visit the British Army military training grounds in Isiolo and parts of Samburu and hold public hearings on the alleged atrocities as a result of British military training in Samburu East.

MIN. NO. 378 /2011: BRIEF BY THE MINISTER FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS

The Hon. Mutula Kilonzo, EGH, MP informed the Committee that:-

- (i) The Ministry of Justice, National Cohesion and Constitutional Affairs is not aware of any policy of the Government of the Republic of Kenya permitting or allowing renditions. Neither the current nor the former Constitution allowed rendition of Kenyan nationals to stand trial in foreign countries.
- (ii) The Ministry of Justice, National Cohesion and Constitutional Affairs was neither involved nor consulted before the said Kenyans were transferred to Uganda to stand trial. He personally read about the rendition in the newspapers just like most Kenyans. Had his Ministry been consulted by other Government agencies they could have advised appropriately, that the Government follows procedures as stipulated in the in Cap 77 and Cap 76 Laws of Kenya. The matter however does not fall under the mandate of his Ministry.
- (iii) The Extradition (Contiguous and foreign countries) Chapter 76 and the Extradition (Commonwealth Countries) Chapter 77 Laws of Kenya guide and provide elaborate mechanisms for the extradition of fugitive criminals:-
 - The Minister must Gazette the order for extradition
 - The extradition order must be laid before the National Assembly.
 - The order has to cite the treaties or agreements that provide for extradition.
- (iv) Rendition is a violation of the Constitution of Kenya, Article 2 of which requires that international law in the form of treaties or agreements must follow the Laws of Kenya. The manner in which the renditions were done violates Cap 77 Laws of Kenya and was unconstitutional.
- (v) Those who facilitated the rendition should be arrested for violating the Constitution and Laws of Kenya. The Kenyans detained in Uganda should be returned to Kenya to face the due process of Law. The Ministries of Foreign Affairs, East African Community, Provincial Administration and Internal Security and the Attorney General should liaise to ensure the return of Kenyans to face justice in the country.
- (vi) The matter of rendition was raised in the Cabinet by the Minister for Provincial Administration and Internal Security but the subject was adjourned to await the Attorney General who was then out of the country.

- (vii) He was surprised by the arrest and deportation of Kenya National Human Rights Commissioner, Mr. Hassan Omar, by Ugandan authorities while on a mission to visit Kenyans detained in Uganda.
- (viii) The Kenyans arrested and detained in Uganda can seek legal redress through the East African Court of Justice.

MINUTE NO. 380/2011: ADOPTION OF REPORTS

The Committee adopted the following reports:-

- (i) Report on the disqualification of Ms. Gladys Jepkechei Tarus from Military training.
- (ii) Report on the familiarization visit to Kenya Embassy to Somalia.
- (iii) Report on the familiarization visit to Kenya Mission to United Nations Offices in Nairobi (UNON).
- (iv) Report on Diplomatic Appointments.

MINUTE NO: 381/2011: ANY OTHER BUSINESS

Diplomatic passports

The Committee deliberated on the matter of issuance of diplomatic passports to members of the Committee. The members noted that the in other democracies members of the foreign relations committee are issued with diplomatic passports to facilitate and ease their performance of duties while overseeing Diplomatic Missions abroad.

The Committee resolved that the Chair takes up the matter with the Secretary to the Cabinet requesting that the members of the Committee be issued with diplomatic passports.

Delegations to international trips

The Hon. Kiema Kilonzo, MP expressed concern that the delegation that travelled to South Africa and Brazil did not reflect political party and regional interests. The Chairperson informed the Committee that the delegation was nominated on the basis of attendance and that some of the members originally nominated opted out due to party and Constituency engagements. They were thus replaced with those who undertook the visit as follows:-

- (i) The Hon. Charles Kilonzo, MP was replaced by the Hon. Peter E.O. Anyanga, MP
- (ii) The Hon. George O. Nyamweya, MP was replaced by Hon. Martin Ogindo, MP.

The Committee deliberated further on the matter and resolved that nomination for foreign travel will be determined by:-

- (i) Attendance

- (ii) Participation in Committee meetings
- (iii) Competence/expertise in relevant field

The Chairman requested members to attend all meetings of the Committee in order to effectively contribute to issues before the Committee.

MINUTE. NO. 382/2011: ADJOURNMENT

There being no other business the meeting adjourned at Twenty Minutes past five O'clock.

Sign: C. J. Williams
(Chairperson)

Date: 18/4/2011

MINUTES OF THE 72ND SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 3RD FEBRUARY, 2011 IN COMMITTEE 7, MAIN PARLIAMENT BUILDINGS AT 10.30 A.M.

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. George Omari Nyamweya, MBS, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Mohamed Hussein Ali, MP
The Hon. Martin Ogindo, MP
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Charles Kilonzo, M.P.
The Hon. Kiema Kilonzo, MP

ABSENT WITH APOLOGY

The Hon. Eugene Wamalwa, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant
Mr. Salad Guyo – Third Clerk Assistant

MEDICAL PRACTITIONERS AND DENTISTS BOARD

Mr. Daniel M. Yumbya – Chief Executive Officer
Dr. Stephen Ochiel – Member
Dr. Samson Wanjala – Member
Dr. Fatmah Abdalla - Member

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer.

MINUTE NO. 304/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

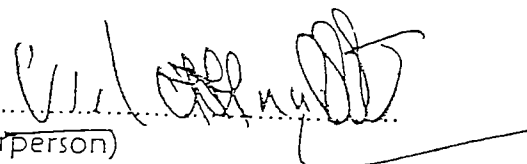
2011. The Committee having considered the request resolved to reschedule the meeting to Tuesday, February 15, 2011.

The Committee further resolved that the Hons. Polyns Ochieng , MP and Raphael Letimalo, MP be invited to the next Committee meeting on February 04, 2011 to brief it on the issues referred to the Committee arising out of questions that the aforementioned Members had raised in the House.

Members were further informed by the Chairperson that Amb. Sio was desirous of briefing the Committee on issues relating to the Mission in Madrid and recall of diplomatic appointees.

MINUTE NO. 307/2011: ADJOURNMENT

The meeting was adjourned at twelve O'clock. Next meeting will be held on Friday, February 04, 2011 at 10.00 am.

Sign: 
(Chairperson)

Date: 18/4/2011

MINUTES OF THE 68TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 23RD NOVEMBER, 2010 IN THE MAIN CONFERENCE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 11.00 A.M.

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. George Omari Nyamweya, MBS, M.P.
The Hon. Eugene Wamalwa, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Wilson Mwotiny Litole, M.P.

ABSENT WITH APOLOGY

The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Charles Kilonzo, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emején – Second Clerk, Assistant

WITNESSES

Dr. Njoki Fernandes - Obstetrician Gynaecologist – Kenyatta National Hospital
Mr. Charles Kanjama – Advocate to Dr. Njoki Fernandez
Dr. Ezekiel C. Kimutai – Consultant Radiologist – Mediheal Hospital and Fertility Centre, Eldoret
Dr. Miima Miriam – Medical Superintendent – Uasin Gichu District Hospital, Eldoret

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer. The witnesses were sworn in and informed of their rights and responsibilities pursuant to provisions of the National Assembly (Powers and Privileges) Act, Cap 6 Laws of Kenya.

MINUTE NO. 286/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

MINUTE NO: 287/2010: EVIDENCE ON PREGNANCY TEST DONE ON GLADYS J. TARUS

The doctors requested the Committee to adduce evidence in camera. They cited Hippocratic Oath which requires that doctors conduct the practice of medicine with utmost confidentiality with their patients.

Evidence on the pregnancy test done on Gladys Jepkechei Tarus was adduced as follows:-

(i) Dr. Njoki Fernandes - Obstetrician Gynaecologist – Kenyatta National Hospital

Dr. Njoki Fernandez adduced evidence as follows:-

- Gladys Jepkechei Tarus visited her on November 2, 2010 and requested for a pregnancy test after she was disqualified from military training.
- A Urine, Serum (blood) test and pelvic ultra sound scan were done to determine if Gladys Tarus was pregnant. The urine and Serum tests turned out negative. The quantitative analysis HCG hormone is a pregnancy specific hormone that is found in blood. During the test the BHCh was found to be 27 Miu/ML-N. This is within the internationally accepted standards and therefore no pregnancy. The pelvic ultra sound was normal.
- The test result report was prepared on November 3, 2010 and the conclusion based on the three tests was that Gladys Tarus is not pregnant and therefore fit to join the Armed Forces.

(ii) Dr. Ezekiel C. Kimutai – Consultant Radiologist – Mediheal Hospital and Fertility Centre, Eldoret

He informed the Committee that:-

- Gladys Jepkechei Tarus was brought to Mediheal Hospital in Eldoret on October 27, 2010 in the company of a uniformed military nurse from the recruit's training school, Eldoret.
- A pregnancy test was requested for Gladys Jepkechei Tarus.
- Two different tests were done at the hospital Vis ultra sound and blood test to determine pregnancy. Both tests were negative.
- The pelvic scan (ultra sound) – the results were negative ultra sound therefore no pregnancy. Since ultra sound is not a final test he recommended for a repeat ultra sound and a Human Chorionic Gonadotropin (HCG) test to be done. The patient never returned for a repeat Ultra Sound Scan. During the ultra sound scan there was no free pelvic fluid and the uterus cavity was irregular and measures 0.92 cm thick. The irregular shape of the uterus can be attributed to bleeding which may be from normal menses which the lady was experiencing.

- Blood test was conducted and showed results of 3.16 mIU. This is within the normal range and therefore no pregnancy.

The doctor tabled the following documents:-

- a copy of the transfer and pregnancy test request form from RTS;
- HCG Report; and
- Pelvic Ultra Sound Scan Report.

(iii) Dr. Miima Miriam – Medical Superintendent – Uasin Gichu District Hospital, Eldoret

Dr Miima informed the Committee that:-

- Gladys Tarus requested for a pregnancy test at Uasin Gichu District Hospital on October 26, 2010 after she was disqualified from military training. She wanted an alternative pregnancy test to confirm her status.
- On her request the hospital did a urine test which turned negative for pregnancy. The test done is very sensitive and picks 5 -20 mIU.
- The medical doctor wrote an accompanying note to the Recruit's Training School indicating that Gladys Tarus was not pregnant and that she be accorded necessary support.
- During the test red blood cells were noted in the urine.
- No further tests on the lady were done at the hospital. The hospital does not have equipment for conducting serum test which is the most accurate method, as it measure pregnancy specific hormone in the blood.

Dr. Miima tabled the following documents:-

- Treatment sheet from Uasin Gichu district hospital
- A Note to Recruits Training School, Eldoret, indicating that Gladys was not pregnant.

MINUTE NO. 288/2010: COMMITTEE OBSERVATIONS

The Committee observed that:-

- (i) All the Pregnancy tests (Urine test, Ultra Sound Scan and Serum Test) done on Gladys by Government and private hospitals were negative.
- (ii) All the tests done by the three doctors who adduced evidence before the Committee showed that Gladys Jepkechei was not pregnant by the time that she was disqualified from military training.

MINUTE NO. 289/2010: ADJOURNMENT

The meeting was adjourned at Forty Five Minutes past one O'clock.

Sign:
(Chairperson)

Date: 10/4/2011

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 18TH NOVEMBER, 2010 IN COMMITTEE ROOM, 5TH FLOOR, PARLIAMENT BUILDINGS AT 12.00 PM.

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. Eugene Wamalwa, M.P.
The Hon. George Nyamweya, MBS, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Charles Kilonzo, M.P.

Hon. Kiema Kilonzo, MP

ABSENT WITH APOLOGY

The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Peter Edick O. Anyanga, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant
Mr. Salad Guyo – Third Clerk Assistant

MINISTRY OF STATE FOR DEFENCE

Hon. Yusuf Hajji, EGH, MP - Minister of State for Defence
Maj. General (RTD) J. Nkaissey, MP – Assistant Minister
Amb. Nancy Kirui, CBS – Permanent Secretary
LT. Gen. J. W. Karangi – Vice Chief of the General Staff
Brigadier (Dr) C. Arrum – Chief of Medical, Defence, Headquarters
Brig. K. Dindi - Chief of Legal Services
Brig. J. Bukhalā – Chief of Systems
Col. (Dr) Opondo – Medical Team Leader, RTS- Eldoret
LT. CN. (Dr) E. Odoyo Osewe – Head of Obstetrics and Gynecology

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer.

MINUTE NO. 277/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

MINUTE NO: 278 /2010: CONCERN OVER MISREPORTING OF COMMITTEE PROCEEDINGS

The Hon. Yusuf Hajji, EGH MP, Minister of State for Defence raised concern over the misreporting of proceedings between the Committee and the Ministry by the media. The Minister noted that misreporting was not factual and could damage the image of the defence forces and national security. The Minister requested the Committee to exclude the media from covering its proceedings with the Committee.

Members also raised concern over misreporting by the media and cautioned members of the fourth estate to be fair and objective in their reporting particularly on matters touching on national security.

Members deliberated on the matter and resolved to exclude the media and the public from the days' sitting pursuant to provisions of section 118 (2) of the Constitution and Standing Order 180. Members noted that the matters under consideration by the Committee were secret in nature and touched on national security and therefore merit to be deliberated in camera.

The media was further requested to report objectively while covering the Committee proceedings.

MIN. NO: 279/2010: EVIDENCE ON DISQUALIFICATION OF GLADYS JEPKECHEI TARUS FROM MILITARY RECRUITMENT

Brigadier (Dr) C. Arrum tabled medical reports of test done on Gladys J. Tarus on 8th October 2010 at Kabarnet recruitment centre and on 25th October 2010 at the Recruit's Training School (RTS), Eldoret as requested by the Committee on Monday, November 15, 2010.

Evidence was adduced as follows:-

- (i) Hon. Yusuf Hajji , EGH, MP – Minister of State for Defence

The Minister informed the Committee that the military is ready to change in line with the new constitutional dispensation and was willing to closely interact with the Committee. The Minister further undertook to ensure that blood test for pregnancy is done on ladies in addition to the other test.

(ii) Maj. General (RTD) J. Nkaissero, MP – Assistant Minister

He informed the Committee that the lady had confessed to have had unprotected sex prior to reporting to the recruits training school.

(iii) LT. Gen. J. W. Karangi – Vice Chief of the General Staff

He informed the Committee that:-

- (i) During the recruitment exercise 451 girls were recruited national wide and all were subjected to pregnancy test. Three girls who included Gladys Tarus were found to be pregnant and therefore medically unfit for military training. Two of the girls admitted being pregnant.
- (ii) Some irregularities exist in military recruitment involving the public and some bad elements in the military who have defrauded the public. The military has been firm in dealing with elements in the military found to engage in corruption during the recruitment exercise. Those found committing such acts have been court martialled. Civilians found have been reported to civil authorities.
- (iii) The military has in the past been inviting the KACC, the press and the Provincial Administration during the recruitment exercise so as to curb on corruption.

(iv) Brigadier (Dr) C. Arrum – Chief of Medical, Defence, Headquarters

He informed the Committee that:-

- (i) Gladys J. Tarus was underwent medical tests at Kabarnet during recruitment and was found to be medically fit and was issued with a calling letter. On reporting at RTS a second test was conducted on all recruits including Gladys and during the tests she was found to be pregnant and declared medically unfit for military training.
- (ii) A repeat test was conducted on Gladys Tarus after one hour and the results showed that she was pregnant.
- (iii) Any other tests done on Gladys Tarus were undertaken without the consent of the military and were never shared with the military.
- (iv) No further and other test was carried out on Gladys Tarus by the military.

MIN. NO. 280 / 2010: ANY OTHER BUSINESS

The Hon. Kiema Kilonzo informed the Committee that he was informed that he had lost the membership to the Committee on account of failing to attend four consecutive sittings. He further confirmed that he had not attended four consecutive sittings of the Committee but had not been alerted of the imminent loss of the membership nor had he

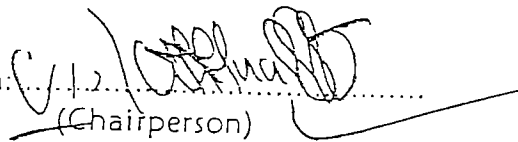
been informed of the loss of membership when the decision was arrived at by the Liaison Committee.

The Chairperson informed the Committee that the matter was discussed by the Liaison Committee and as per the deliberations of the Liaison Committee the Hon. Kiema Kilonzo, MP had lost Committee Membership.

Members deliberated on the matter and took cognizance of the fact that member's belonged to more than one Committee and resolved that the issue be revisited by the Liaison Committee in view of the fact that the member was desirous to rejoin the Committee. The Chairperson was requested to take up the matter with the Liaison Committee.

MIN. NO. 281/2010: ADJOURNMENT

The meeting was adjourned at Fifty Minutes past one O'clock.

Sign: 
(Chairperson)

Date: 18/4/2011

MINUTES OF THE 64TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, 15TH NOVEMBER, 2010 IN
COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS
AT 2.30 PM

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Eugene Wamalwa, M.P.
The Hon. George Nyamweya, MBS, M.P.

The Hon. Fred Kapondi, MP
The Hon. Peris Simam, MP
The Hon. Sammy Mwaita, MP

ABSENT WITH APOLOGY

The Hon. Charles Kilonzo, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant

MINISTRY OF STATE FOR DEFENCE

Hon. Yusuf Hajji, EGH, MP – Minister of State for Defence
Hon. David Musila, MP – Assistant Minister
Hon. Maj. Gen (Rtd) Joseph Nkaissery, MP – Assistant Minister
Amb. Nancy Kirui – Permanent Secretary
Lt. Gen. J.W. Karangi – Vice Chief of the General Staff
Brigadier (Dr) C. Arrum – Chief of Medical, Defence Headquarters
Brigadier Gordon Kihalangwa – Chief of Personnel, Defence Headquarters
Brigadier Kenneth Dindi – Chief of Legal Services
Col. Dr. Opondo – Team Leader, Medical Recruiting Team, RTS
Lt. Col. (Dr) E. Osewe – Head of Department, Obstetrics and Gynaecology, Armed
Forces Memorial Hospital

examination bodies who assist in the verification of documents submitted by the recruits.

(ii) Cases of corruption in the recruitment exercise have been reported and action taken on those found culpable. The Challenge however is to get those who bribe to come out and report the vice.

(iii) Recruitment in the field is done based on the district of origin.

Hon. Maj. Gen. (Rtd) Joseph Nkaisery, MP – Assistant Minister

He informed the Committee that:-

- (i) No replacements are done at RTS for those disqualified due to one reason or the other.
- (ii) Recruitment to the Defence forces is voluntary
- (iii) There is no appeal for those aggrieved during military recruitment. Recruits are only given money to cater for their transport back home.
- (iv) Every recruiting team presents at RTS the recruits from their recruiting field
- (v) Alternative test on Gladys Tarus showed that she was pregnant.
- (vi) She had admitted to female officers that she had unprotected sex with her boyfriend after the recruitment.
- (vii) Future recruitments should be done in one day as a way of curbing corruption in the recruitment exercise

Lieutenant General J. Karangi – Vice Chief of the General Staff

He informed the Committee that:-

- (i) After recruitment in the field, recruits are vetted on their identity, academic documents, military and medical fitness. Vetting in the Defence Forces is a continuous process through out the career of a soldier.
- (ii) In the last recruitment, a total of 451 girls were recruited country wide. Three girls were disqualified on account of being pregnant. Two of the girls admitted their status and went home but Gladys Tarus disputed the results.
- (iii) 24 recruits were sent home at RTS due to fake documents, pregnancy, medical problems ranging from deformed fingers, eye problems among others.

Brigadier Gordon Kihalangwa -- Chief of Personnel, Defence Headquarters

He informed the Committee that:-

- (i) During verification of recruit's identities, three recruit's finger prints were found not to match with those in their ID's.
- (ii) Other recruits submitted ID's that were not genuine.
- (iii) Victorine Adhiambo whose case was highlighted in Parliament was found to have two ID cards. This was the case with four other recruits.

Brig. Dr. C Arum – Chief of Medical

He informed the Committee that:-

- (i) Medical examination is a continuous process
- (ii) In the recruiting centers each recruiting team has a doctor and a team of personnel assisting the doctor.
- (iii) At RTS a panel of doctors examines recruits for a second time to determine their medical fitness.
- (iv) Those with medical conditions like colour blindness may pass the medical test at the recruiting centers because it requires more tests and there are few ophthalmologists.

Lt. Col. (Dr.) Edward Osewe –Gynaecologist

He informed the Committee that:-

- Tests on Gladys – dry chemistry. They used strips which show presence of pregnancy specific hormone in her urine.
- The pregnancy test was administered on all girls that were recruited in the field and three girls including Gladys and tested positive for pregnancy.
- The pregnancy test results were forwarded to senior officers who made the decision to disqualify Gladys on grounds of being pregnant.
- On 26th October, 2010 when a second test was to be done Gladys was found to be bleeding from the birth canal and therefore the test could not be conducted.
- A varying medical opinion was brought to them from Uasin Gichu District Hospital. The report was on a piece of paper.
- The pregnancy specific hormone can only be detected in the blood within two weeks of termination of a pregnancy.

MIN. NO. 272/2010: COMMITTEE CONCERNS AND OBSERVATIONS

The Committee raised the following concerns, that:-

- (i) No blood/serum test was conducted by the military to determine whether Gladys Tarus was pregnant or not and only relied on the urine test.
- (ii) The Ministry did not carry the pregnancy test results yet they knew that they had been invited to address the issue of Gladys Tarus. The Committee directed that the Ministry submits the medical reports in the next meeting on Thursday 18, 2010.

The Committee made the following observations:-

- The defence forces should strive for Equity in military recruitment. The recruitment should reflect the face of Kenya.
- Blood test be used as a test for pregnancy so as to remove any doubts on other pregnancy testing methods.
- Reconsider issue of recruiting on basis of tribe and populations as this can marginalize less populous communities.
- Holding a familiarization meeting with the Ministry will be beneficial for the working relationship between Parliament represented by the Committee and the military.

MIN. NO. 273 /2010: ADJOURNMENT

There being no other business for consideration the meeting was adjourned at Thirty Minutes past Five O'clock.

Sign:
(Chairperson)

Date: 18/11/2010

MINUTES OF THE 62ND SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 11TH NOVEMBER, 2010
IN AMBASSADOR'S OFFICE, KENYA EMBASSY TO SOMALIA, NSSF BUILDING AT 11.00
AM

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.

ABSENT WITH APOLOGY

The Hon. Charles Kilonzo, M.P.
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Eugene Wamalwa, M.P.
The Hon. George Nyamweya, MBS, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant

KENYA EMBASSY TO SOMALIA

H.E. Maj. Gen. (Rtd) James M. Mulinge, CBS - Ambassador
Alex Oyiolo, EBS – Deputy Head of Mission
James Gicharu – First Secretary (Political)
Shadrack Muchemi – First Secretary (Consular)
Cornelia Nabwana – Immigration Attaché
Leocadia Owegi – Financial Attaché
Sally J. Tanui – Administrative Attaché
Bernadette M. Mumo – Confidential Secretary
Alex Mutisya W. Kyatha – Administrative Attaché

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer.

MINUTE NO. 262/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

MINUTE NO. 263 /2010: MEETING WITH AMBASSADOR AND MISSION STAFF

The Ambassador briefed the Committee as follows:-

The Mission was opened in February 2004 and is based in Nairobi due to the volatile environment in Mogadishu. The Committee was further briefed on the mandate, vision and Mission of the Embassy.

Kenya Somalia Relationship

The relations are guided by the need to protect Kenya's sovereignty and territorial integrity, security and political stability and enhancement of peaceful coexistence and good neighborliness.

The Mission plays an important role in seeking lasting peace, security and stability in Somalia.

Core functions of the Mission

- (i) Promoting Kenya's political, economic and national interest in Somalia.
- (ii) Collate, analyze and record political, security and economic reports on Somalia and advise the Government accordingly.
- (iii) Promote and encourage dialogue and reconciliation amongst political entities in Somalia
- (iv) Participate in IGAD, AU, international contact group (ICG) and meetings on Somalia
- (v) Represent Kenya in regional and international initiatives on Somalia
- (vi) Organize consultative meetings with Missions accredited to Somalia
- (vii) Provide consular services to Kenyans with issues in Somalia and Somalis requiring visas to come to Kenya.
- (viii) Actively co-ordinate and participate in the Kenya/Somalia Joint Co-operation Commission.

Agreements/Memorandum of Understanding

After the formation of the Transitional Federal Government (TFG), five agreements/MOU have been signed:-

- Agreement on Technical and Economic Co-operation that established the Joint Commission – 6th September, 2005.
- Memorandum of Understanding on training of Somali policemen in Kenya – 3rd May, 2006
- Agreement on natural disasters prevention, management and humanitarian relief aid delivery co-operation – 8th March, 2006.
- Memorandum of Understanding on technical assistance and capacity building – 18th March, 2009.

- Memorandum of Understanding to grant to each other no-objection in respect of submissions on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the limits of the Continental shelf.

Concerns

- The transition period ends in August 2011 with many tasks unaccomplished.
- The draft Constitution, Chapter 7 Article 71 encourages secession of Somali's to join the Federal Republic of Somalia.
- Differences between the Speaker and the President may complicate the Transitional Federal Government.
- The TFG has limited control in Somalia and only aided by AMISOM.

Challenges

- Effective representation is hampered by the insecurity and political instability in Somalia
- Absence of a functioning Government in Somalia and constant political conflicts and changes is a serious obstacle to cooperation.
- Kenya has no specific budget item to promote her interest in Somalia unlike Ethiopia. Kenya only facilitates.
- The Mission entirely depends on the Ministry Headquarters in its daily operation thus limiting its operations.

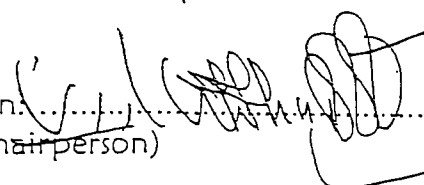
MINUTE NO. 264 /2010: COMMITTEE OBSERVATIONS

The Committee made the following observations:-

- (i) The Somali peace process should be Somalia led so as to generate legitimacy and ownership.
- (ii) Competing regional agendas have to be adequately addressed to enable sufficient space for reconciliation and the emergence of a broad based transitional Government.
- (iii) The TFG Government should be prevailed upon to remove the offending Article (Article 71) in the draft Constitution.
- (iv) The problem of piracy in Indian Ocean should be tackled by stabilizing Somalia.
- (v) Competing regional agendas should be addressed urgently to allow broad based reconciliation and formation of stable Government.

MINUTE NO. 265/2010: ADJOURNMENT

There being no other business for consideration the meeting was adjourned at Forty Three Minutes past Twelve O'clock.

Sign:  Date: 18/4/2011
 (Chairperson)

MINUTES OF THE 61ST SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 9TH NOVEMBER, 2010 IN COMMITTEE ROOM, 5TH FLOOR, PARLIAMENT BUILDINGS AT 2.30 PM.

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Eugene Wamalwa, M.P.
The Hon. George Nyamweya, MBS, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Peter Edick O. Anyanga, M.P.

Hon. Sammy Mwaita, MP
Hon. Isaac Ruto, MP

ABSENT WITH APOLOGY

The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Charles Kilonzo, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant

WITNESSES

Mr. Ken W. Wafula - Executive Director, Centre for Human Rights and Democracy
Mr. Ben Gathogo – Executive Director, Faidi Kenya
Mr. Joseph Omondi – Programme Officer, Midrift Human Rights Network
Mr. Kipruto Kimosop – Coordinator, Baringo Human Rights Consortium
Mr. Alferous Daudi Kiprop – Public Relations Officer, Baringo Central Constituency
Ms. Gladys Jepkechei Tarus
Mr. Augustine K. Kiptarus - Brother to Gladys J. Tarus

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer.

Messrs. Ken W. Wafula, Ben Gathogo, Joseph Omondi and Kipruto Kimosop were sworn in together with Ms. Gladys Jepkechei Tarus and briefed of their rights and responsibilities as provided for by the National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya.

MINUTE NO: 258/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

MINUTE NO: 259/2010: EVIDENCE ON THE DISQUALIFICATION OF GLADYS JEPKECHEI TARUS FROM MILITARY RECRUITMENT.

The following adduced evidence before the Committee on the matter of dismissal of Gladys Jepkechei Tarus Service No. 109524 from military recruitment.

Mr. Ken Wafula – Executive Director, Centre for Human Rights and Democracy

He adduced the evidence as follows.-

- (i) Gladys Jepkechei Tarus was recruited to the military following a recruitment exercise that was held in Baringo County, Kabarnet Town on 8th October, 2010.
- (ii) During the recruitment exercise men were not allowed to participate in the exercise and were informed that only one lady from Kabarnet division would be recruited. Local leaders and young men who had anticipated to be recruited complained but followed the recruitment exercise with disquiet.
- (iii) Gladys J. Tarus emerged the best recruit at the recruiting centre after passing the medical, fitness and other military tests and was recruited to join the Army and given Service Number 109524 and told report at the recruit's training school (RTS) in Eldoret.
- (iv) On 26th October, 2010 they received reports that Gladys Jepkechei had been disqualified from the military on grounds that she was pregnant.
- (v) On 31st October, 2010 they issued a 5 day ultimatum for Gladys to be reinstated failure to which they would sue the military.
- (vi) The disqualification of Gladys J. Tarus from joining the military on the allegations of being pregnant is discriminatory and a violation of her human rights and is in contravention of article 27 (4) of the Constitution of Kenya.
- (vii) Pregnancy tests conducted by Doctors at the Uasin Gichu District Hospital, Moi Teaching and Referral Hospital, Kenyatta National Hospital, Medheal Hospital and fertility centre in Eldoret revealed that Gladys J. Tarus was not pregnant as alleged by the Military.
- (viii) Many other youths have been victimized just like Gladys Tarus among them a Mr. Legem from Baringo Central.

Ms. Gladys Jepkechei Tarus

She adduced evidence as follows:-

- (i) Recruitment took place on 8th October, 2010 at Kabarnet stadium.
- (ii) During the recruitment exercise certificates and national identification documents were scrutinized and potential recruits underwent medical and physical fitness tests. The recruits were also required to run for 7 Kilometres. She passed all the tests and emerged the best after which she was given a calling order/letter with service number 109524 and told to report on October 25th, 2010 to join the Air Force.
- (iii) She reported at Eldoret on October 25, 2010 where further medical and military fitness test were done. She was informed by the team five recruiting officer, CO Stephen Radina that she was pregnant. She was told that the doctor could not repeat the test and was thereafter directed to leave the institution and given Kshs. 1, 000 for transport. On further consultation with CO Stephen Radina she was told to go to the district hospital for further tests.
- (iv) While on her way to the hospital she experienced menses and reported this to CO Stephen Radina and explained that she couldn't be pregnant since she was on her monthly period. At Uasin Gichu district hospital she explained to the doctor her situation and was tested and found not to be pregnant. Dr. Nabila from the Uasin Gichu district hospital wrote a note to RTS indicating her results and fitness to continue with military training which she took to RTS.
- (v) At the RTS she was told to join the other Air Force recruits and on October 27, 2010 she was told that she will be taken for further pregnancy test at Medheal hospital. At the private hospital she underwent urine, blood and ultra sound scan, the results of which were negative. A further pregnancy test at RTS did not materialize and she was instead directed to leave RTS premises and promised to be recruited in the next recruitment exercise.
- (vi) In Nairobi she sought an alternative medical opinion and was tested at Kenyatta national Hospital (KNH) where she underwent urine test, blood test and ultra sound. The results showed that she was not pregnant.
- (vii) She sought the assistance of human rights organizations and the press when the military denied her the chance to serve in the Armed Forces even after all the independent pregnancy tests turned negative.

Mr. Kipruto Kimosop – Coordinator, Baringo Human Rights Consortium

He informed the Committee that:-

- (i) During military recruitment at Kabarnet, young men were denied the opportunity and instead informed that the military was only recruiting a lady who should hail from Kabarnet division. The public and leaders were dismayed but accepted the decision.

- (ii) Gladys Jepkechei Tarus emerged the best recruit and was given a call letter to report to RTS. Leaders in Baringo County are concerned that their only recruit to the military was disqualified on allegations of being pregnant even after the pregnancy tests turned negative.

Mr. Ben Gathogo – Executive Director, Faidi Kenya

He informed the Committee that Ms. Gladys Tarus was dismissed without reason since the allegations that she was pregnant were dismissed by the negative pregnancy test and the monthly period that she was experiencing then. Her disqualification on claims of pregnancy is in contravention of Section 27 of the New Constitution.

MIN. NO. 260/2010: COMMITTEE OBSERVATIONS

The Committee observed that while all the other medical results from the public hospitals and private hospital showed that Gladys Jepkechei Tarus was not pregnant, the military doctors found her to be pregnant. The Committee resolved to invite all the doctors who tested Gladys Tarus for pregnancy. Further the Committee resolved to invite the Minister for Defence to brief the Committee on the disqualification of Gladys Tarus.

MINUTE 261/2010: ADJOURNMENT

There being no other business for consideration the meeting was adjourned at Forty Three Minutes past five O'clock.

Sign: _____

(Chairperson)

Date: _____

18/4/2011