

Hon. Speaker  
You may approve.  
HTO  
03/12/2020



Approved.  
SNA  
3/12/2020

**REPUBLIC OF KENYA  
TWELFTH PARLIAMENT (FOURTH SESSION)**

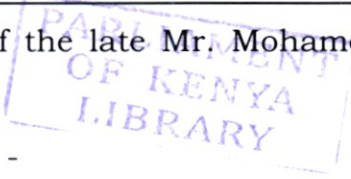
**THE NATIONAL ASSEMBLY**

**PUBLIC PETITION**

(No. 50 of 2020)

**REGARDING REPOSSESSION OF DIANI BEACH COMPLEX LAND**

I, the **UNDERSIGNED**, on behalf of the family of the late Mr. Mohamed Mwinyihaji Bwika;



**DRAW** the attention of the House to the following: -

- 1. THAT**, the family of the late Mr. Mohamed Mwinyihaji Bwika comprising over 100 family members has been the bonafide owner of land registered under parcel numbers KWALE/TIWI/1640 measuring 2.8 hectares, KWALE/TIWI/1660 measuring 1.07 hectares, KWALE/TIWI/463 measuring 0.9 hectares, KWALE/TIWI/1663 measuring 0.8 hectares Ha and LR No. 13444 DIANI BEACH measuring 4.5 hectares;
- 2. THAT**, the family possesses title deeds to four land parcels with the exception of LR No. 13444 DIANI BEACH regarding which efforts for issuance of a title deed has taken over 40 years of applications and unmitigated delays;
- 3. THAT**, in 1972, the Government embarked on an ambitious programme to construct the Diani Complex from Tiwi to Diani locations in the then Kwale District that required 300 acres of land along the beach, and subsequently all plots of land within the identified site were surveyed and their sizes recorded in the names of their respective owners with the Bwika family obtaining L.R. 13444 as the plot number for this property;
- 4. THAT**, in 1979, the then Government publicly announced that it had abandoned the Diani Complex project, with the then President directing that the land that had been acquired for the programme be returned to the original owners;
- 5. THAT**, unfortunately, government officials who seemed bent on defrauding and dispossessing the Coastal natives of their land undertook an elaborate and sustained scheme to frustrate land owners who applied for their respective title deeds;
- 6. THAT**, in an attempt to conceal their activities, these government officials further opted to vary records by for instance compensating some land owners as little as one acre of land far inland instead of compensation for five acres of land along the beach, and further resorted to use of unapproved plans to subdivide the land;

**PUBLIC PETITION**

**REGARDING REPOSSESSION OF DIANI BEACH COMPLEX LAND**

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7. **THAT**, the Bwika family later learnt that their plot had been irregularly subdivided and allocated to a senior government official under a new plot number, and was thereafter included in the title deeds issued by the Government to the adjacent Kongo Mosque plot;
8. **THAT**, despite the Truth, Justice and Reconciliation Commission issuing a Gazette Notice confirming the Bwika family as the rightful owners of plot LR No. 13444 DIANI BEACH, the local administration submitted documents indicating that new plot number had changed to 13665/1-KWALE under the ownership of Gami Properties Limited;
9. **THAT**, the purported developer has already commenced construction of a perime wall around the plot with the aid of police officers who offer 24-hours security at the site despite the plot belonging rightfully to the Bwika family who have paid its annual land rates to the local authority for decades;
10. **THAT**, efforts to have this matter further addressed by the relevant authorities, including the Kwale Land Registry, the then Commissioner of Lands, and multiple government officials, have been futile;
11. **AND THAT**, the matter in respect of which this petition is made is not pending before any Court of Law or Constitutional body.

**NOW THEREFORE**, your humble petitioners pray that the National Assembly through the Departmental Committee on Lands: -

- i. Enquires into the matter with a view to securing, with the assistance of the National Land Commission, the revocation of the current title deed from Gami Properties Limited, and the subsequent issuance of a title deed to the Bwika family and the restoration of land parcels under the Diani Beach Complex to the rightful owners, and
- ii. Makes any other order or direction that it deems fit in the circumstances of the matter.

And your **PETITIONERS** will ever pray.

**PRESENTED BY**

**HON. KHATIB ABDALLAH MWASHETANI, MP**  
**MEMBER FOR LUNGA LUNGA CONSTITUENCY**

Date..........

Mohamed S. Bwika,

P.O. Box 66- 80400,

Ukunda,

Mob: 0722647855.

17<sup>th</sup> November, 2020.

Hon. Mwashetani,

Dear Sir,

RE: LAND GRIEVANCE: L.R. 13444 (EX-DIANI BEACH COMPLEX).

Assalam alaikum. You will probably remember during your recent sitting, at the English Point in Mombasa, as the Land Committee of the National Assembly of Kenya, you kindly enabled the Bwika family to present their case regarding their beach plot which was grabbed by the late ex-president Daniel Arap Moi. This session was effectively chaired by you, and we were given a very good hearing. We thank you so much and we pray for you.

At the conclusion of our presentation you asked us to prepare a write up to explain the whole issue in detail and hand it to you for further action onwards. Therefore, attached please find a copy of the document, including copies of past correspondences and communication to relevant government officials.

Sir, we shall be very grateful for your kind assistance in this matter.

Thank you,

Yours truly,



Mohamed Salim Bwika.

*Khatibabdallah@yahoo.com*

*Hon Khatib A.M.  
0723922222*

**APPEAL ON LAND INJUSTICE  
PRESENTED TO THE LAND COMMITTEE OF  
THE NATIONAL ASSEMBLY OF KENYA.**

**THROUGH**

**HON. KHATIB A. MWASHETANI**

**BY THE BWIKA FAMILY.**

**November 17, 2020.**

**APPEAL TO THE LAND COMMITTEE OF THE  
NATIONAL ASSEMBLY OF KENYA**

**(L.R. 13444 DIANI BEACH)**

**BRIEF FAMILY BACKGROUND**

The late Mohamed Mwinyihaji Bwika had a family of twelve (12) children, comprising six sons and six daughters and eighty seven (87) grandchildren. He died in 1960. The six sons and their families leaved on the land which they inherited from their late father. Currently all but two of the children of late Mohamed Mwinyihaji Bwika have also passed on. They are survived by some eighty or so grandchildren; most of them leaving on the inherited land.

The land which Mohamed Mwinyihaji Bwika owned at the time of his death and which was inherited by his children and subsequently by his grandchildren consists of:

1. KWALE/TIWI/1640.....2.8 Ha
2. KWALE/TIWI/1660.....1.07Ha
3. KWALE/TIWI/463.....0.9Ha
4. KWALE/TIWI/1663.....0.8Ha
5. **LR No. 13444 DIANI BEACH.....4.5Ha. ( the subject matter of this appeal)**

All title deeds of the stated plots have been obtained except for the plot L.R. 13444 Diani Beach. It has taken us over 40 years now struggling to obtain it.

**The Beginning of the Diani Complex Project**

In 1972 the Government of the late President Jomo Kenyatta came up with a grand proposal to build a modern complex town in the South Coast in Kwale District, now Kwale County. The proposed project was called **Diani Complex**. According to the plan the project required approximately 300 acres of land along the beach. The identified site extended from Tiwi to Diani locations in Kwale County. In order to acquire this land and **in recognition of the rightful ownership of the identified land**, the then

Kwale District Commissioner instructed the residents, through barazas (locational meetings) that all natives who owned land in the designated area should report to their respective plots (shambas) to show their boundaries clearly. This directive was smoothly carried out. Each shamba owner showed the size of his plot and the plantation therein. All plots got surveyed, the acreage was recorded under their respective owners' names, and plot numbers were assigned accordingly. The Bwika Family which was represented by one of the brothers, namely Mwinyihamis Mohamed Mwabwika was assigned plot number **L. R. 13444**. Please refer to the attached copy of the Kwale County Council Register of plot owners, entry number 5153 highlighted. To the best of our knowledge these records were safely kept in the DC's Office, Kwale. Unfortunately, we have never been allowed to access these records. In fact during our long struggle to get the title deed for this plot the so called "green card" was concealed from us.

### **The Scraping of the Diani Complex Project**

As it turned out the Diani Complex Project failed to take off by the time President Jomo Kenyatta died in 1978. **When ex-president Daniel Arap Moi came to power he publicly announced the abandonment of the Diani Complex Project.** It was apparently a fraud. He also ordered that the land which had been acquired for that purpose be returned to the original (native) owners. The Weekly Review of January 12, 1979 carried this presidential directive. Hence, overjoyed by this directive, we wasted no time in applying for our title deed to repossess our land.

To our surprise President Moi's decree was **NOT** implemented. It was deliberately ignored by a clique of ill-motivated government officials who apparently had plans to grab the land. Following this unfortunate and criminal act by the powerful officials, the aggrieved natives made frantic efforts to seek assistance from ministry officials and politicians to redress the situation. All in vain!! Many more attempts were made year after year to seek assistance from successive government ministers of lands, permanent secretaries, and top senior civil servants. **Again these desperate cries for justice were tactfully ignored and frustrated by the very government officials.** The indigenous rightful owners failed miserably to get back their land.

## The Scramble for the Diani Complex Plots.

As cited above the decree by ex-president, Daniel Arap Moi, to abandon the Diani Complex Project and to restore the land in question to its original and rightful owners was deliberately ignored. **Some greedy officers in the ministry of land seized the opportunity to hatch out a plan to grab the land to enrich themselves at the expense of the poor native land owners.** They came up with a falsified scheme whereby a few natives were allocated as little as one acre plots, further inland from the beach, in compensation for as much five acres along the beach. Yet other natives received no compensation whatsoever for their plots.

Thus the plots were illegally and fraudulently reallocated to some “big men” and well-connected politicians in the government during Moi’s regime. **The Commissioner of Lands confirmed to us through his letter, reference number ADM/350/V/11 dated 26<sup>th</sup> November 2009, that there was an unapproved plan to subdivide the land in question.** He made it clear that this was **unauthorized and illegal.** He promised to investigate the matter and inform us accordingly. We have not heard from him ever since.

In a nutshell, this is how our precious ancestral piece of land plot number L. R. 13444 slipped out of our hands. We had no idea as to who it was allocated at that time. What we learnt was that the plot was further subdivided and consequently the plot number changed. However, we learnt much later that it had been allocated to the ex-president Daniel Arap Moi; probably to silence him from making any further public announcement about the cancellation of the Diani Complex Project.

In October 2011 we were approached by an agent purportedly from the former President Daniel Arap Moi, namely Mr. Mohamed Salim Bahlewa. He brought a message from the ex-president Daniel Arap Moi. His mission was twofold:

1. To ascertain the original ownership of the said parcel of land. Interestingly he produced a copy of a title deed for the said parcel of land in the name of Daniel Toroitich Arap Moi, dated 1<sup>st</sup> July 2010. The number had been changed from the original one.

2. To persuade us to accept a “reasonable compensation” for the plot so that he could embark on his development plans on the site.

After long discussions with Mr. Bahlewa the family decided to write a letter to the ex-president giving our terms of sale; a copy of the letter is attachment. This was followed by further discussions which subsequently involved Mr. Moi’s lawyer, Mr. Kiplenge. These discussions, however, bore no fruit as we did not strike any deal; the sale never took place. Messrs. Bahlewa and Kiplenge went silent to date.

### **Our struggle to restore ownership of our plot**

Our effort to get back our land started way back in 1995 (see copy of the letter to the Commissioner of Lands on October 18, 1995). We have made numerous visits to Land offices in Kwale, Mombasa and Nairobi. We have written letters and memoranda to Ministers of lands, Land Commissioners of all successive governments of presidents Jomo Kenyatta, Moi, Kibaki, and Uhuru Kenyatta. All this effort was miserably unsuccessful.

During the **NARC government**, under former president Mwai Kibaki, we came to learn that ex-president Moi had, as a result of some political noise and pressure, released two Title Deeds to the Kongo Mosque Committee; The Sunday Standard of June 20, 2004 carried the news (see the highlighted part on the copy). This was after a long agitation by the Committee to get back their grabbed land. Their fights had appeared in the local papers time and time again those days. At long last, Hon. James Orengo, the then Minister for Lands, intervened and managed to have the title deeds surrendered to the Kongo Mosque Committee.

However, it happened that one of the title deeds given to the Kongo Mosque Committee by Hon. James Orengo actually covered part of our beach plot the LR. 13444 Diani Beach. The Kongo Mosque stands adjacent to our plot; separated by a sea creek. Thus the plot could easily be mistaken for or inadvertently included to the Kongo Mosque plot. Evidently it was erroneously included into the plots belonging to the Kongo Mosque Committee.



When we realized the error we, as a family, approached the Kongo Mosque Committee to explain the situation. This necessitated a number of meetings with them, trying to convince them about the error. They finally agreed and surrender the title deed to us amicably. This transaction was accomplished through their lawyer, Swaleh & Co. Advocates. The title deed is still with their lawyer. So far we have not yet been able to change the names on the title deed.

In January 2012, we wrote a memorandum to the **Truth, Justice and Reconciliation Commission (TJRC); copy attached. We also** made a presentation during its sitting in Mombasa. We were given a good hearing and were asked pertinent questions about our claim. The Commission requested for more documents which we later submitted; including copies of payment of land rates, clearance certificate, and a list of plot owners of the Kwale County Register.

A member of the Commission, a land officer well acquainted with the land issues in the area, was sent to visit the site and to ascertain some details which the Commission needed to know. He was taken round the plot physically by a member of the Bwika Family. Then we were assured that the Commission was going to deliberate on our issue and that we shall be informed in due course about the outcome.

To our joy and relief on 1<sup>st</sup> March 2019 **the Commission issued a gazette notice restoring ownership of the plot L.R. 13444 to the Bwika Family (copy attached).** This gave us good hope. We instructed our lawyer to take it up through the legal process to its finality. We have not received any tangible results yet. There seems to be more obstacles and hindrances coming in our way every time we make a step forward; very frustrating.

We again got bitterly disappointed early this year when we were invited to the chief's office, Tiwi to hear what the Matuga Assistant County Commissioner (former District Officer) had to say with regard to plot L. R. 13444. He had been instructed (from above) to inform the chief that a developer by the name **GAMI PROPERTIES LIMITED** was going to start

a major construction project on the plot. We learnt later that the company, GAMI PROPERTIES LIMITED belonged to Mr. Gideon Moi, the son of the late ex-president Daniel Arap Moi. The Assistant County Commissioner brought some documents from the developer, one of which was “a Certificate of Postal Search” dated 3<sup>rd</sup> October, 2019 (copy attached). This dubious search showed that:

- The plot number had changed to No. 13665/1-KWALE.
- The title number was CR. 63979.
- Tenure was Freehold
- Registered owner was GAMI PROPERTIES LIMITED.

Then in October this year (2020) we got yet another shock when the so called developer started erecting a perimeter wall around the plot. The construction process was guarded by armed Police Officers deployed from a newly established Police Post in the neighborhood. There was a 24- hour guard to ensure that no native dared to interfere with the construction. To us this amounted to a clear display of **POWER AND MIGHTY** from Mr. Gideon Moi. It was a manifestation of his shameless determination to increase his wealth, even if it meant oppressing the poor and the voiceless; extremely depressing.

### **CONCLUSION/REQUEST.**

In conclusion we would like to state categorically that the plot in question belongs to us. It is our birthright as it belonged to our ancestors; originating from Mwinyihaji Mwabwika in late 1800, inherited by Mohamed Bin Haj Bwika in the early 1900, and subsequently inherited by Mwinyihamisi Mohamed Mwabwika and Brothers in 1960.

It is very important to note that:

1. The former County Council of Kwale did recognize our ownership of the plot as the name of Mwinyihamisi Mohamed Mwabwika and Brothers appeared in the official list of plot owners in the county. We

did pay annual rates to the former Kwale County Council as invoiced annually and we were duly issued with clearance certificates; see attached copy.

2. The Truth, Justice and Reconciliation Commission (TJRC) strongly recommended the restoration of ownership of plot L.R. 13444 to the Bwika Family as contained in the Kenya Gazette Vol. CXXI No. 27 of 1<sup>st</sup> March, 2019; see copy attached. This is further proof of our undoubted ownership of the plot.
3. **It is extremely unfair and absolutely unjust for the late Daniel Arap Moi, and now his son, Gideon Moi (a multibillionaire) to be granted ownership of our plot, driving the large Bwika family into poverty.**

Hence, it is our profound hope and prayer that justice prevails so that we get back our land. We remain in anticipation of justice and fairness.

Thank you.

Attached please find a list of some of the aggrieved members of the Bwika family.

	NAME	I.D. No.	SIGNATURE
1	RASHID C.K. BWIKA	1881447	
2	SULEIMAN. K. BWIKA	0248264	
3	SHAN BAIMBA BWIKA	5415492	
4	SXALEH SALIM BWIKA	2194528	
5	SALIMU BAIMBA BWIKA	8435028	
6	MAKINI KHAMISI BWIKA	10955482	
7	HAMISI ALI MWABETHA	1169645	
8	HALIMA SALIM BWIKA	2195566	
9	MISHA SALIM BWIKA	5415032	
10	FATUMA KASSIM TSOPA	0765779	
11	OMAZI JUMA BWIKA	1169912	
12	MOHAMED BAIMBA BWIKA	2203532	
13	BAKARI BAIMBA BWIKA	18102894	
14	MWINYI JUMA BWIKA	6731096	
15	MWINTI KOMBO MBATIA Bwika	5414602	
16	MOHAMED SALIM BWIKA	4882755	
17	M'BWANA SALIM BWIKA		
18	HAMIS SALIM BWIKA		
19	ALI JUMA BWIKA		
20	MASUDI JUMA BWIKA		
21	MOHAMED JUMA BWIKA		
22	MASUDI JUMA BWIKA		
23	BAKARI KHAMIS BWIKA		
24	MOHAMED MWINYIHASI BWTIKA		
25	ATITMAN JUMA BWIKA		
26	FATUMA KHAMIS BWIKA		
27	MWANAMWINYI KHAMIS BWTIKA		
28	MARIAM KHAMIS BWTIKA		
29	MEBAKARI KHAMIS BWTIKA		
30	SWAUDA KHAMIS BWTIKA		
31	FATUMA BAIMBA BWIKA		
32	ESHA BAIMBA BWIKA		
33	ASHA SALIM BWIKA		
34	FATUMA JUMA BWTIKA		

No.							Other	G.K.	K.R.	Other	Lo
											Ar
5150.	DIANI BEACH	L.R. 13441	Dhangal Investments Limited	LAND	LEASE	4.048	4,048,000=				
5151.	DIANI BEACH	L.R. 13442	Dhangal Investments Limited	LAND	LEASE	4.042	4,042,000=				
5152.	DIANI BEACH	L.R. 13443	Dhanjal Investment Limited	LAND	LEASE	4.424	4,424,000=				
5153.	DIANI BEACH	L.R. 13444	Mwinyi Hamisi Mohamed Mwabika & Brothers	LAND	LEASE	4.5	4,500,000=				
5154.	DIANI BEACH	L.R. 13447	Kijiji Boutique Limited	LAND	LEASE	4.437	4,437,000=				
5155.	DIANI BEACH	L.R. 13448	Jacaranda Hotel	LAND	LEASE	7.367	7,367,000=				
5156.	DIANI BEACH	L.R. 13449	Vicros Holding	LAND	LEASE	4.048	4,048,000=				
5157.	DIANI BEACH	L.R. 13450	Sea Shore Enterprises Ltd	LAND	LEASE	4.048	4,048,000=				
5158.	DIANI BEACH	L.R. 13451	Sea Shore Enterprises Limited P.O. Box 99024, Mombasa	LAND	LEASE	4.047	4,047,000=				
5159.	DIANI BEACH	L.R. 14886	Gideon T. Moi	LAND	LEASE	2.0	2,000,000=				
5160.	DIANI BEACH	B1	P.O. Box 51990, Nairobi	LAND	LEASE	13.34	13,340,000=				
5161.	DIANI BEACH	B2	Kenya National Assurance Co. (Hotel)	LAND	LEASE	12.73	12,730,000=				
5162.	DIANI BEACH	B3	Industrial Development Bank (Diani Reef Grand Hotel)	LAND	LEASE	10.7	10,700,000=				
5163.	Diani Complex	1	Golden Beach Hotel	LAND	LEASE	0.40	200,000=				
5164.	Diani Complex	3	Kawaljeet Singh Rekhi	LAND	F/HOLD	0.40	200,000=				
5165.	Diani Complex	4	Beatrice Kariuki	LAND	F/HOLD	0.40	200,000=				
5166.	Diani Complex	5	Beatrice Wanja Kiboi	LAND	F/HOLD	0.40	200,000=				
5167.	Diani Complex	6	Urban Estates	LAND	F/HOLD	0.40	200,000=				
5168.	Diani Complex	7	Peter Adams Ludaava	LAND	F/HOLD	0.40	200,000=				
5169.	Diani Complex	8	Ho Kwong Sam & Sam Ho Quen	LAND	F/HOLD	0.40	200,000=				
5170.	Diani Complex	9	Ho Ropp Sam & Sam Ho Quen	LAND	F/HOLD	0.40	200,000=				
5171.	Diani Complex	10	Munawar Noordin Adamjee	LAND	F/HOLD	0.40	200,000=				
5172.	Diani Complex	11	Pankaj Rugnath Nimavat & Others	LAND	F/HOLD	0.40	200,000=				
5173.	Diani Complex	12	Sadrudin Hassamali Jiva Dossani	LAND	F/HOLD	0.40	200,000=				
			George Ngure Kariuki	LAND	F/HOLD	0.40	200,000=				
							81,931,000=				

No. 0246

COUNTY COUNCIL OF KWALE

P.O BOX 4, KWALE

TEL: 040 2104068 / 4069

KWALE



DATE: 30/06/08

Name: MUMIRI HAMISI

Mo HAMED MUSAELIKWA

Box 77205

P.O. Box 344 VDI

CLEARANCE CERTIFICATE

This is to certify that all sums due at the date of this certificate or

estimated to become due on or before the date of expiry hereof to

the County Council of Kwalé in respect of premises known as

LRNo. 13444 DIMI BENCH

Registered in the name of MUMIRI HAMISI MUSAELIKWA

MUSAELIKWA & BOS 77205

has been cleared.

This certificate is valid until 31st December 20

given under my hand at COUNTY COUNCIL OF KWALE

this day of 30th June 2008

MR. No. 140265

Signed

County Clerk / Treasurer.

KWALE COUNTY COUNCIL



# THE KENYA GAZETTE

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S/No.	Case No. and County	Parties	Recommendation
9.	NLC/HLI/485/2018 Kilifi County	Wellington M. Pazia & Hezron Mwango vs Kipyegon Arap Rotich	The claim is Dismissed. The claimants are advised to seek redress from the County Surveyor (Director of Surveys).
10.	NLC/HLI/487/2018 Kilifi County	Kassim Swaleh Kassim (claimants) -v- The Government of Kenya (respondent)	The claim is dismissed. The claim does not meet Historical Land Injustices claim.
11.	NLC/HLI/490/2018 Kwale County	Juma Bakari Mwandzumu (claimant) -v- Rachel Wanjala Kileta (respondent)	The claim is dismissed. Claimant could not link himself to the claimed Land.
12.	NLC/HLI/493/2018 Taita Taveta	Mwanake Mlagelaghe (claimant) -V- Land Adjudication Officer (respondent)	The Claim is dismissed. The claimant benefitted from allocation in a settlement scheme.
13.	NLC/HLI/494/2018 Kilifi County	Kibaoni Residents CBO -V- Innock Trading Limited (Respondents)	The claim is dismissed. The parties to proceed with the matter in court.
14.	NLC/HLI/001/2017 Mombasa County	Utange Lamkani Vs African University Trust	The claim is allowed The Commission recommend ADR between African University Trust and the claimants led by National Land Commission.
15.	NLC/HLI/435/2018 Kwale County	Mwatende Hamisi Vs James Gakuunja Kahi Daniel Kibuka Gikonyo, Frank Gitau Njenga, Lawrence Kinyanjui Gita, Betty Muthoni	The claim is allowed. The land reverts back to the claimant (Mwatende Hamisi) and the Chief Land Registrar to prepare the necessary ownership documents.
16.	NLC/HLI/522/2018 Kwale County	Wasini Island (Sagaff family)	The Commission upholds the decision of Court and orders that the land be issued to family of the claimants after a survey. The Chief Land Registrar to revoke any titles on land as per the court order and restore ownership to Sagaff Family and issue appropriate ownership documents to the family. ADR encouraged between the family and the squatters. NLC to facilitate negotiation between family and squatters.
17.	NLC/HLI/024/2017 Mombasa County	Utange Lamkani Village Squatters Estate of Jonathan Kagiri	The claim fails. The claimants could not link themselves to the subject land. Respondent (Estate of Jonathan Kagiri) bought land through an auction from Government. Claimants can seek alternative redress from Government.
18.	NLC/HLI/489/2017 Kilifi County	Tsuma Ndaro Mbaruku -Vs- Director Land Adjudication and Settlement & Kalama Jefwa Chai	The claim is allowed. The Director Land Adjudication and Settlement to regularize Parcel Kijipwa/31 to the claimant Tsuma Ndaro Mbaruku who have lived on the land for the past 50 years.
19.	NLC/HLI/486/2018 Kwale County	Tiwi Aggrieved Land Claimants Claim	The claim is allowed. The Commission, recommends that the Chief Land Registrar ensures that land Tiwi beach block13444 be restituted to the Bwika family of Tiwi and the title to this land revoked so that the land is transferred to Mwinyi Mohammed Bwika And Rashid Khamisi Bwika and family.

TABLE 4 NAROK AND KISH COUNTIES

S/No	Case No. and County	Parties	Recommendation
1.	NLC/HLI/318/2018 Narok County	Sudoi ole Nankoris (Claimant) and County Government of Narok (Respondent)	The claim is allowed. Mr. Sudoi Ole Nankoris be issued with title for plot No. 77 measuring 18 acres. The Claimant must be compensated for all the land taken against his will by the County Government of Narok namely land allocated to the dispensary (L.R. No. 79) approximately 8 acres, L.R. 77 approximately 20 acres irregularly allocated to the market and 4 acres occupied by the cattle dip (L.R. 81). The Catholic Church, and Women's group to compensate the claimant for the land they occupy at the current market rate. The National government (Cabinet Secretary for Interior & Coordination) to compensate the claimant for the land allocated to the Chief's camp (L.R. No. 80) at the current market rate. The National Government (Cabinet Secretary Ministry of Education) to compensate the claimant for L.R. No. 78 occupied by the school taken against his will. However the claimant will not be compensated for the 5 acres for the school and the 2 acres for the cattle dip, which he consented and gave voluntarily.
2.	NLC/HLI/038/2017	Ikarekeshe Group Trust (Claimants) and Oolololo Game Ranch Ltd (Respondent)	The claim is allowed Title(s) (if any) resulting from the adjudication process of



# MEMORANDUM TO THE TRUTH, JUSTICE AND RECONCILIATION COMMISSION

SUBMITTED BY: THE FAMILY OF BWIKA – GRANDCHILDREN OF  
THE LATE MOHAMED BIN HAJJ BWIKA ON JANUARY 23, 2012.

## I. THE FAMILY PROFILE

The late Mohamed Hajj Bwika who passed on in May 1960 had a family of twelve (12) children; six (6) men and six (6) women and eighty seven (87) grandchildren. The six sons and their families leave on the inherited land of the late Mohamed Hajj Bwika. Subsequently the grandsons and their families also leave on the same inherited land.

The land Mohamed Bin Hajj Bwika owned at the time of his death and which was inherited by his children consists of:

1. KWALE/TIWI/1640.....2.8 Ha
2. KWALE/TIWI/1660.....1.07Ha
3. KWALE/TIWI/463.....0.9Ha
4. KWALE/TIWI/1663.....0.8Ha
5. LR No. 13444 DIANI BEACH.....4.5Ha. (which is the subject matter of this memorandum)

Evidently the land presently owned by the Bwika families is lamentably diminishing in relation to the expanding population of the families. Hence the loss of LR NO. 13444 mentioned above in no. 5 causes serious socioeconomic stress in the family.

## II. HISTORICAL BACKGROUND

It is believed that in 1936 the Colonial government undertook to settle some of her white citizens on the prime beach plots in the South Coast, particularly along Tiwi and Diani beaches in Kwale District. While the white foreigners occupied the beaches, the land where the natives (Adigo) were living was placed under trusteeship of the then African District Council.

However, as the population of the natives grew they gradually moved inland where the Colonial Government developed a relatively modern infrastructure. They built roads, hospitals, market places, schools, etc. etc. This economic development naturally attracted the population inland. However, they retained their ancestral shambas near the beach which they continued to cultivate and to grow subsistence as well as cash crops, such as cashew nuts, coconuts, mangoes, etc.

### **Post- independence events**

In 1972 the Diani Complex Project was proposed by the Government of the late President Jomo Kenyatta. This project required approximately 300 acres of beach land along the seashore, extending from Tiwi location to Diani location, South Coast, Kwale District. To acquire this land the then Kwale District Commissioner, in recognition of the rightful ownership of the identified land, instructed through a location baraza meeting that all natives who owned a piece of land in the designated area to report to their respective sites (shambas) in order to show their boundaries clearly. This directive was smoothly carried out. Each shamba owner showed the size of his plot and the plantation therein. Each plot was surveyed and the acreage recorded under their respective names. The total acreage extending from Tiwi to Diani was 250 acres. To the best of our knowledge these records were safely kept in the DC's office Kwale. Unfortunately, we have never been allowed access to these records whenever we made reference to them during our effort to get back our land.

### **The Scraping of the Diani Complex Project**

The Diani Complex Project had failed to take off by the time President Jomo Kenyatta died. When ex-president Daniel arap Moi took over leadership he announced in public the abandonment of the Diani Complex Project. He also ordered that the land which had been acquired for that purpose be returned to their original owners. The Weekly Review of January 12, 1979 carried this presidential directive. Hence the affected plot owners, overjoyed by this directive, wasted no time in applying for their title deeds to repossess their land.

Alas! As it turned out, the presidential decree was never implemented. It was deliberately ignored by a clique of ill- motivated government officials who seized the opportunity to hatch out a scheme to grab the land in order to

enrich themselves, at the expense of the original owners. Following this unfortunate and criminal act by the powerful officials, the aggrieved wananchi made frantic efforts to get the relevant ministry officials and politicians to redress the situation. Attempts were made to seek assistance from successive ministers of lands, permanent secretaries of lands, and appropriate senior civil servants. Again their desperate cries for justice were tactfully ignored and frustrated by the very government officials. They have never succeeded to this very day. Consequently, all wananchi affected became very bitter and disappointed.

### III. GRIEVANCES ON PLOT NO. 13444 (DIANI COMPLEX).

#### Background information on the plot

1. The said plot was first inherited by the late Mohamed Bin Hajj Bwika as far back as the last century. It was inherited by his children as stated above in 1960 upon his death.
2. At independence, the Kenya Government, through Land Adjudication exercise, pledged to provide us with a Title Deed as the legitimate owners of the plot.
3. In 1972, the Kenya Government initiated the Diani Complex Project as stated on page 2 paragraph 2.
4. When the former President Daniel arap Moi came to power in 1978, he revoked the Diani Complex Project and ordered the return of all parcels of land which had been earmarked for the project (which included our plot 13444) to their original rightful owners. However, the decree was not obeyed. We learnt that some well placed politicians and top civil servants maliciously frustrated the efforts to implement the directive because they had personal interests.
5. On 26 November 2009, the Commissioner of Lands vide his letter reference no. ADM/350/V/11 confirmed that there was intention to subdivide the said land which was unauthorized and therefore illegal. He promised to investigate and take appropriate action. However, to date no action has been taken.

6. When we went to enquire about our title deed at Aridhi House in Nairobi, we established that on 23/3/2010 the File no. 171512 for our plot no. 13444 was in the Deputy Commissioner's office supposedly with a letter of allotment. On 6/4/2010, the file had reached the office of the Deputy Commissioner, Mr. Kimiti. It was at this point that the file could not be traced anymore. It never left Mr. Kimiti's office and our further effort to trace the file bore no fruit.

#### **IV. ACTION TAKEN TO OBTAIN THE TITLE DEED**

1. **We made numerous visits to the Kwale Land Registry to conduct search without success. We were repeatedly referred to the Provincial Lands Office in Mombasa.**
2. **During our title search exercise in Lands Office in Mombasa we were informed that the relevant file no. CF18397 for the plot could not be traced.**
3. **On advice from the Provincial office Mombasa we traveled to Nairobi Lands office where the Commissioner of Lands confirmed in writing, letter reference number ADM/350/V/11 of 26 November 2009 (copy attached) that he was aware of unauthorized subdivision of the said parcel of land and advised us to wait for further communication from his office. We have not heard from him to-date.**

#### **SHOCK**

- **As late as October last year, 2011 we were approached by an agent purportedly from the former President Daniel arap Moi, namely Mr. Mohamed Salim Bahlewa, to ascertain original ownership of the said parcel of land. He produced a copy of the title deed of the said parcel of land (i.e. former LR No. 13444 DIANI BEACH) in the name of Daniel Toroitich arap Moi, dated 1<sup>st</sup> July 2010!!**
- **Esteemed Commissioners, imagine our shock when we woke up to the reality that the former president, Daniel Toroitich arap Moi,**

was the person who surreptitiously allocated himself this parcel of prime land.

## **V. EXPECTATIONS AND RECOMMENDATIONS**

### **1. Expectations**

The plot in question belongs to us under the name of Mwinyi Hamisi Mohamed Mwabwika and Brothers (held under the trusteeship of the Kwale County Council). The name of Mwinyi Hamisi Mohamed Mwabwika and Brothers appears on the official list of plot owners published annually by the Kwale County Council to demand payment of land rates.

Thus Kwale County Council has been invoicing us annually for the payment of land rates. Please see attached copies of receipts and clearance certificate of previous years.

The aforesaid constitutes bona fide and formal recognition of ownership of this plot by Mwabwika and Brothers. We therefore have the right to be issued with the title deed as opposed to Daniel arap Moi.

It is our profound hope that the Truth, Justice and Reconciliation Commission will stand to its name in addressing the past injustice truthfully and to see that justice is done as far as land ownership is concerned.

### **2. Recommendations**

- a) We strongly recommend that rightful ownership of all plots involved in the Diani Complex racket be restored to every aggrieved mwananchi.
- b) The return of grabbed land to its rightful and indigenous owners will go a long way in alleviating poverty in the region in keeping with the national policy.

- c) The culture of “willing seller/willing” buyer ought to be entrenched and encouraged in land transactions in contrast to grabbing.

## **VI. CONCLUSION**

**In conclusion we pray for your success as a commission and that you will find easy answers to questions posed to you, and that you will find the exercise rewarding and satisfying.**

**Thank you and God bless.**

**We remain in anticipation of justice and fairness,**

**1. Rashid Khamis Bwika ID No. .... Signature .....**

**Date.....**

**2. Mohamed Salim Bwika ID No. .... Signature.....**

**Date.....**

## **MEMORANDUM**

### **TO HON. JAMES ORENGO, MINISTER FOR LANDS AND SETTLEMENT.**

#### **Introduction**

Hon. Minister, Sir. In the recent past, we have been overwhelmed by your gallant and outspoken statements and action in your noble duty to redress the land misdeeds committed in the previous regimes. We so much appreciate the steps you have taken in the short time you have been in office. We are, therefore, confident Sir, that your good efforts will be instrumental in finding a solution to our long standing land problem.

This is, therefore, a memorandum written with the sole purpose of presenting our serious land grievance to you Sir, as the Minister for Lands and Settlement of the Grand Coalition Government of Kenya. It is our yet another attempt by us, the aggrieved poor in the South Coast of Kwale District, to seek justice with respect to our grabbed land. Land is a primary factor of production whether agricultural, commercial, industrial, forestry or beach land. Besides, it is an essential heritage of a people which nobody can dispute. Yet some authorities of past regimes have oppressively refused to allow us to exploit our inherited land. Many desperate appeals have been made to the previous land ministers without success.

#### **Historical background**

In 1936 the Colonial government undertook to settle some of her white citizens on the prime beach plots in the South Coast, particularly along Tiwi and Diani beaches in Kwale District. While the white foreigners occupied the beaches, the land where the natives (Adigo) were living was placed under trusteeship of the African District Council. As the population of the natives grew they gradually moved inland where, much later, the Colonial Government developed a relatively modern infrastructure. They built roads, hospitals, market places, schools, etc. etc. This economic development naturally attracted the population inland. However, they retained their ancestral shambas near the beach which they continued to cultivate and to grow subsistence as well as cash crops, such as cashew nuts, coconuts, mangoes, etc.

According to the tradition, the Adigo have lived along the seashores in the South Coast, surviving on fishing in the sea, and subsistence farming on the adjoining land for centuries; generation after generation. Thus ownership or possession of the land in question passed from father to son by succession to the present day offspring. This is why we emphatically claim that it is our ANCESTRAL LAND. In fact, it is annoying for anyone to say that there is no such thing as ancestral land! Hence, the natives who are writing this memorandum to you are the indigenous and rightful owners of the land in question; a fact that cannot be disputed. It is our birthright which should not, by any legitimate law, go to some individuals from whatever part of the country, irrespective of their status or position in the society.

### **Post- independence events**

In 1972 the Diani Complex Project was proposed by the Government of the late President Jomo Kenyatta. This project required approximately 300 acres of beach land along the seashore, extending from Tiwi location to Diani location, South Coast, Kwale District. To acquire this land the then Kwale District Commissioner, in recognition of the rightful ownership of the identified land, instructed through a location baraza meeting that all natives who owned a piece of land in the designated area to report to their respective site (shambas) in order to show their boundaries clearly. This directive was smoothly carried out. Each shamba owner showed the size of his plot and the plantation therein. Each plot surveyed and the acreage recorded under their respective names. The total acreage extending from Tiwi to Diani was 250 acres. These records were safely kept in the DC's office Kwale that time. Unfortunately, we have never been allowed access to these records whenever we make reference to them during our effort to get back our land.

### **The Scraping of the Diani Complex Project**

The Diani Complex Project had failed to take off by the time the Late Jomo Kenyatta died. When Ex-president Moi took over the leadership he announced publicly the abandonment of the Diani Complex Project. He also ordered that the land which had been acquired for that purpose be returned to the original owners. The Weekly Review of January 12, 1979 carried this presidential directive (photocopy attached). Hence the affected plot owners, overjoyed by this directive, wasted no time in applying for their title deeds to repossess their land.



Alas! As it turned out, the presidential directive was never implemented. It was deliberately ignored by a clique of ill-motivated government officials who seized the opportunity to hatched out a scheme to grab the land to enrich themselves, at the expense of the original owners. Following this unfortunate and criminal act by the powerful officials, the aggrieved wananchi made frantic efforts to get the relevant ministry officials and politicians to redress the situation. Again their desperate cries for justice were tactfully ignored and frustrated by the very government officials. They have never succeeded to this very day. Consequently, all the affected wananchi became very bitter and disappointed.

### **Fraudulent Scheming**

As cited above, some greedy and heinous powerful government officials colluded with some corrupt politicians to cheat the shamba owners. They made them believe that the government project was still in progress. They came up with a falsified scheme where some, and only some, of the land owners were allocated as little as one acre plots further inland away from their original beach plot, even though they had surrendered as much as five (5) acres to the project.

Thus the beach plots were then illegally and fraudulently divided among top government officers, politicians and close friends. They took great care to tactfully reserve several prime plots for the former President, who had earlier directed that the land in question should be returned to the original owners. It is important to note here that the former president, Daniel arap Moi recently relinquished the plot he had been illegally allocated; Plot no.13445 on which stands the centuries old Kongo mosque. This happened through the political intervention of Hon. Amos Kimunya, then the Minister of Lands and Settlement of the NARC Government. The Sunday Standard of June 20, 2004 carried the story.

Subsequently, the aggrieved poor, still desperate, resolved to seek legal redress by filing a case in the High Court in Mombasa; Civil case No.640/1991. This action also bore no fruit. It is believed that the advocates Bana and Malamba, Macharia Kahuri and Marende withdrew from the case for mysterious reasons. Nothing concrete came out of this case.

### **OUR DEMANDS**

Historically we, the Kenyans who were in the former Protectorate of Kenya, resolved and fought hard to have one united Kenya as opposed to the

proposed Mwambao government. As citizens of one united Kenya, therefore, we demand not only equal opportunities for self development but also our inalienable right to exploit the natural resources which we inherited from our forefathers. It is our birthright, which absolutely nobody can selfishly grab from us under whatever circumstances.

We, therefore, demand specifically that:

1. Since the Wananchi willingly gave their land for a national development project which failed to take off, the land should be returned to its original and rightful owners as first directed by the former President, Daniel arap Moi when he was in power.
2. As it is the government policy to alleviate poverty among its citizens throughout the country, the original owners of the said plots should be allowed to repossess their plots, and to be assisted to develop them economically to fight poverty which is rife in this region.
3. Our sorrowful cry to the Kenya Government to assist us to get back our land has been going on for a long time now. It started during the reign of the late President Kenyatta. It was ignored by the government of former President Moi. The NARC government under President Kibaki did not accomplish much apart from the intervention of Hon. Amos Kimunya; which resulted only in the release of the Kongo mosque plot. It is, therefore, our prayer that this time a fair and just solution is found once for all.

Thank you, Sir.

We remain in anticipation of justice and fairness:

<u>NAME</u>	<u>ID. NO.</u>	<u>SIGNATURE</u>
1. JUMA MOHAMED HAJI	5414708	.....
2. RASHID MOHAMED PATI	14436365	.....
3. SALIM M. MWAWENDE	2195227	.....

4. MOHAMED SALIM PATI	2247991	.....
5. ALI MASUDI MWACHANGU	3961254	.....
6. HASSAN ALI KUNYAPA	2194903	.....
7. SALIM ALI MWAKASIDI	2221238	.....
8. SHAIIBU BAKARI ATHUMANI	0464617	.....
9. RASHID KHAMIS BWIKA	1881447	.....
10. SAID SHABAN KINUNGU	2183668	.....
11. SWALEHE MWABAHA		

Mohammed S. Bwika  
P.O. Box 90761,  
MOMBASA. G.P.O

10<sup>th</sup> November 05

His Excellency,  
President Mwai Kibaki,  
President of The Republic of Kenya.

Your Excellency,

RE: APPEAL FOR REDRESS: PLOT NO. 13444 TIWI

We, the undersigned, have the honour to present to your Excellency our long-standing grievance on the above-mentioned piece of land. This piece of land is our birthright. It is our ancestral land that has been inherited generation after generation, stretching back to the late 1800. We inherited from our father, the late Mohamed Bin Haj in 1960. He in turn inherited it from his father, Mzee Mwinyihaji Katunza in 1914, and so on.

This plot, together with other plots, was taken by the government in 1972 for a national project, which failed to materialise. When the former president came to power he directed that all plots should go back to the original owners. This directive was never implemented, instead the plots were dished among powerful individuals. Our plot was among those preserved for the former president.

Your Excellency, we are very grateful to the NARC government for its efforts to retrieve back grabbed land. The Minister for Lands, Hon. Amos Kimunya paid us a visit during which we took him round the places in question. He was moved emotionally, and he promised to take corrective action. We have not received any word since, in spite of our written reminders. We have also asked our MP, Hon. Chirau A. Mwakwere to assist without much success.

We now humbly appeal to your Excellency, for help to get back our ancestral land, our birthright which should not, by any law, go to another individual, or any group of people. It is ours.

Your Excellency, we pray and trust that, through your magnanimity, we shall get back our piece of land and justice will prevail.

Yours faithfully,

Mohamed S. Bwika.

For:

- |                                |                   |
|--------------------------------|-------------------|
| 1. Mwinyi Mohamed Bwika        | ID No. 0468028/63 |
| 2. Salim Mohamed Haj           | ID No. 5418184/68 |
| 3. Mwinyihamsi Mohamed Haj     | ID No. 2197510/70 |
| 4. Juma Mohamed Haj            | ID No. 5414708/68 |
| 5. Baimba Mohamed Haj          | ID No. 2198096/65 |
| 6. Mwinyihaji Mohamed Mwabwika | ID No. 2650240/65 |

CC: Hon. Chirau Ali Mwakwere, MP.  
Minister for Foreign Affairs

(11)

DRAFT

P.O. Box 40286-80100  
MOMBASA.

7<sup>TH</sup>October, 2011.

Your Excellency Daniel Toroitich arap Moi,  
P. O. Box 40530,  
NAIROBI.

Dear Sir,

LAND REF. No. 13665 TIWI BEACH, (Grant No. C.R. 17942)

It has been brought to our attention that you are the holder of the above named land title as registered in your name on 15<sup>th</sup> December, 1986. Further, we have been approached by your agent, Mr. Mohamed Salim Bahlewa, to ascertain original ownership of the said parcel of land.

Sir, we hereby confirm, most certainly, that the said parcel of land legitimately belongs to the Bwika family from as far back as four generations ago, having been established by Bwika himself. For the last twenty (20) years or so we have sought registration of the plot as our inherited property without success. We experienced a lot of frustration from the District Administration as well as the Provincial Land Office. Despite our numerous attempts, it was made impossible for us to have access to details on this plot, except for the originally assigned Plot No. 13444 (Tiwi Beach). This plot number was later changed to some other number which could neither be revealed to us nor traced. We sought help from higher authority, i.e. the Commissioner of Lands, one Minister of Lands after another, Member of Parliament, all in vein. Our effort to claim back our land started way back from 1975 to date. At one time we were advised to give up the struggle to seek registration of the said parcel of land because it had been

reallocated to some very high authority. Sadly, we resorted to prayers for a long time.

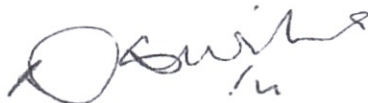
To our relief and ~~disappointment~~ <sup>dismay</sup> we have now come to learn that you are, Your Excellency, the registered owner of the piece of land in question. Although we are not capable of questioning the legality of that process, we feel so much aggrieved and at a great loss. This was the only sizeable land asset on which the future of our big family depended. Thus our hopes of family investment projects have been dealt a severe and devastating blow. For us an opportunity of promising family economic empowerment has slipped through our fingers by the stroke of a pen in the hands of a selfish and inconsiderate civil servant. It is indeed lamentably a big loss to us.

¶ Hence, Your Excellency, we now appeal to your magnanimity and your characteristic deep sense of consideration for the poor, to accord us some reasonable compensation for this property. Considering the big size of the Bwika family (comprising twelve families, each with not less than ten children) we humbly seek a moderate compensation of KSh. 300M. It is our hope that this amount, as compensation, will go a long way to alleviate our financial hardships in the families, clear the heavy outstanding balance of rates and interest owed to the County Council of Kwale and, to pay back other expenses incurred in our long struggle to retrieve our inherited parcel of land. ↗

We look forward to your kind and generous consideration to our request, and pray to the Almighty for your continued good health.

Thank you.

Yours truly,



Rashid Khamis Bwika.

(For and on behalf the Bwika family)



**DIANI SETTLEMENT SCHEME**

**Plot 13444 – File No. 171512**

Owner: MWINYI MOHAMED MWABWIKA.

ON. 23/3.2010 – File was in deputy commissioner's office with letter of allotment.

ON: 6/4/2010- File was in Mr. Kimitis office.

From then file was never found. It never left Mr. Kimitis office.

*Plot - No. 13444  
(Retention papers)*



M.S. Bwika,  
Coast Institute of Technology,  
P. O. Box 34,  
VOI.

18th October, 1995

The Commissioner of Lands,  
P. O. Box 30089,  
NAIROBI.

Dear Sir,

RE: TIWI PLOT NO.13444

The above named plot belongs to Mr. Mwinyihamis Mohamed Mwabwika and his brothers, having inherited it from their father the late Mohamed bin Haji when he died in 1960, who in turn inherited it from his father the late Mwinyihaji wa Bwika in the very early part of this century. In short it is our ancestral land on which some of us have lived. We have on it a few coconut trees, cashewnut trees and several mango trees.

The rumour has it that this land has been mysteriously allocated or is about to be allocated to individuals. In fact we have information that a powerful and influential person is about to grab the land.

The purpose of this letter is to inform you urgently that this land is committed to us, it belongs to us, it is rightfully ours through ancestral ownership. Any attempt to allocate it to another person(s) of whatever status will not only be resisted at all costs, but will also provoke the institution of legal proceedings against that person(s).

...../2.

Finally it is suggested that your office in liasion with the Coast Provincial Administration please formalise this land ownership so that a title deed is issued to Mr. Mwinyihamis Mohamed Mwabwika and his brothers as soon as possible to avoid unnecessary land dispute.

We look forward to your appropriate action on this matter.

Yours faithfully,



Mohamed S. Bwika  
FOR AND ON BEHALF OF  
MWABWIKA BROTHERS

c.c. Provincial Commissioner,  
Coast Province,  
P. O. Box 90424,  
MOMBASA.

District Commissioner,  
Kwale District,  
P. O. Box 1,  
KWALE.

Land Registrar,  
Lands Office,  
P. O. Box 80053,  
MOMBASA.

District Land Registrar,  
P. O. Box 23,  
KWALE.

10

DIAM 9

REPUBLIC OF KENYA  
THE REGISTRATION OF TITLES ACT  
(CHAPTER 281)  
GRANT NUMBER C.R. 17942

F R E E H O L D

EXEMPT FROM STAMP DUTY

Collector of Stamp Duties  
15/12/86

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Shillings Four hundred seventy five thousand (Shs.475,000/-) paid on or before the execution hereof the receipt of which sum is hereby acknowledged THE PRESIDENT OF THE REPUBLIC OF KENYA on behalf of the Government of Kenya hereby GRANTS Unto HIS EXCELLENCY DANIEL TOROITICH AR' MOI of NAIROBI (Post Office Box Number 40530) in the Republic of Kenya (hereinafter called "the Grantee") ALL THAT piece of land situate in South of Mombasa Municipality in the Kwale District containing by Measurement Six decimal nought nought nought (6.000) of a hectare or thereabouts that is to say Land Reference Number 13665 which said piece of land with dimensions abuttals and boundaries thereof is delineated and edged red on the Plan Number 128365 deposited in the Survey Records Office at Nairobi TO HOLD the same in fee simple SUBJECT to (a) the Government Lands Act (Chapter 280) (b) the following special conditions (namely):-

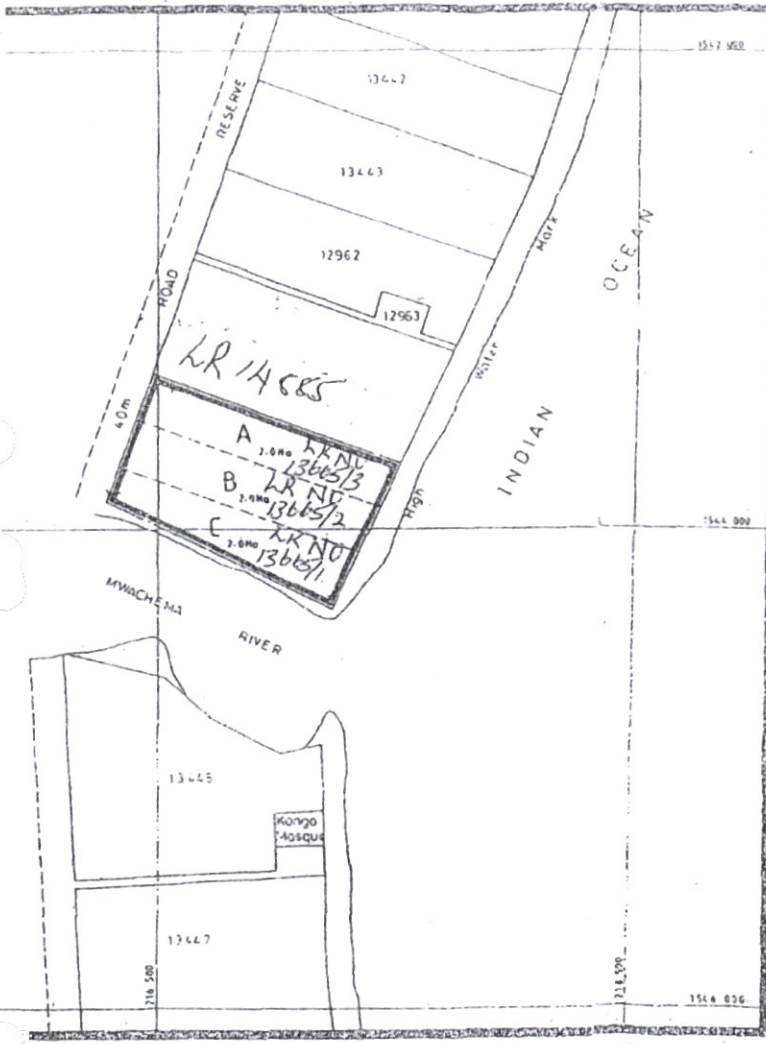
SPECIAL CONDITIONS  
NIL  
This is the exhibit marked...  
referred to the annexed Affidavit / Declaration of  
Sworn / Declared before me this  
day of...  
at  
Commissioner for oaths

IN WITNESS WHEREOF I, JAMES RAYMOND NJENGA the Commissioner of Lands have by Order of the President hereunto set my hand this  
15th day of December  
One thousand nine hundred and eighty-six  
in the presence of:-

REGISTRAR OF TITLES

*[Signature]*

12/5/2010  
210



PROPOSED SUBDIVISION OF PLOT  
L.R. No 13665

Owner's Signature *[Handwritten Signature]*

MINISTRY OF LANDS & SETTLEMENT  
PHYSICAL PLANNING DEPARTMENT  
**DIANI**  
ADVISORY PLAN

SCALE	1 : 5000
DATE	17/01/2002
PREPARED BY	
DRAWN BY	KENNETH M. WAGATE

DEPARTMENTAL REFERENCE No. NRB/413/2002/1  
CERTIFIED *[Signature]* DATE 17/1/2002  
Director of Physical Planning

APPROVED  
MINISTER FOR LANDS & SETTLEMENT  
NAIROBI DATE  
APPROVED DEVELOPMENT PLAN No.

13

REPUBLIC OF KENYA

THE MATTER OF LAND REGISTRATION ACT NO 3 OF 2012

IN THE MATTER OF LAND ACT NO. 6 OF 2012

THE REGISTRATION OF TITLES ACT

CAP. 281 (REPEALED)

CERTIFICATE OF POSTAL SEARCH AS ON 3<sup>RD</sup> OCTOBER 2019

PLOT NUMBER : 13665/1 - KWALE

TITLE NUMBER : CR. 63979

AREA : 2.000 HA.

TENURE : FREEHOLD

REGISTERED OWNER : GAMI PROPERTIES LIMITED

LEGAL CHARGES : NIL

REGISTRAR OF TITLES

SUNDAY

# Starndard

20 / 06 / 2004.

## Moi gives Up prime Beach plot

By PATRICK BEJA

FORMER President Daniel arap Moi has surrendered another prime beach plot in Kwale district.

Lands and settlement minister Amos Kimunya said on Friday the beach plot at Tiwi, measures about 15 acres, would be turned in to a reaction park by the Kwale county council.

The Minister said that so far, Moi has surrendered two prime beach plot measuring 30 acres to the local residents.

He said the other plot surrendered by the Moi family was the Kongo mosque beach plots, measuring 16 acres.

Kimunya was speaking at the Kwale district commissioners office while on a tour of the district, which ended yesterday.

In an earlier visit to the district this year Kimunya had announced that Moi had surrendered the title deed for the mosque land to his ministry.

During the tour Kimunya ordered that Mpunguti ya juu and Mpunguti ya chini at Shimoni, Msambweni Division, which had allegedly been irregularly allocated, be returned to the Kenya Wildlife Service (KWS).

A part from being a public park, the Tiwi plot will offer beach access to the area residents, Kimunya explained. It has been surrendered to the mosque committee for religious projects, he said.

Present were local DC Fred Mutsami, Kinango MP Gonzi Rai, Commissioner of lands Judith Okungu and the director of survey, Mr Said Mwero, among others.

"The former President surrendered the two plots on his own volition and would like to thank him for that," Kimunya said.

Meanwhile, Eldama Ravine MP Musa Sirma has denied he owes the Government Sh 24 millions for logs he allegedly harvested in state-owned forest in Koibatek District. William Sawe reports.

Referring to a letter written to him by the Government asking him to pay up, Sirma denied knowledge of the debt he allegedly incurred while Kanu was in power.

A letter from the Ministry of Environment and Natural Resources alleged that the MP had harvested timber in six forest plantations without volume assessments from the Government.

Addressing a baraza at poror trading centre in his constituency, Sirma accused the Press of waging a smear campaign against him.