

Not to be Moved Away

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REPORT

OF

THE SELECT COMMITTEE ON THE DISAPPEARANCE
AND MURDER OF THE LATE MEMBER FOR NYANDARUA
NORTH, THE HON. J.M. KARIUKI, M.P.

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MR. Speaker,

On Friday, 14th March, 1975 the National Assembly passed the following Resolution:

THAT, this House being extremely disturbed by the manner of the disappearance and murder of our late colleague, the Member for Nyandarua North (Mr. J.M. Kariuki), resolves to appoint a Select Committee to conduct an investigation on the circumstances of the said disappearance and murder and to report to the House its findings with a view to securing and preserving evidence relevant to bringing to justice those concerned before such evidence is destroyed and that the said Committee be conferred with powers under Section (9) of the National Assembly (Powers and Privileges) Act, and that the following Members should be the Members of the said Committee:

- Hon. E.W. Mwangale, M.P. (Chairman)
- Hon. Mrs. G. Onyango, M.P.
- Hon. J.M. Shikuku, M.P.
- Hon. H.C. Wariithi, M.P.
- Hon. J.M. Seroney, M.P.
- Hon. B. Nabwera, M.P.
- Hon. C.W. Rubia, M.P.
- Hon. K.S. Mwavumo, M.P.
- Hon. J.K. Mulwa, M.P.
- Hon. M.W. Mwithaga, M.P.
- Hon. Dr. J. Muriuki, M.P.
- Hon. J.M. Gachago, M.P.
- Hon. D.M. Amin, M.P.
- Hon. Dr. J. Kitonga, M.P.
- Hon. J. Nyamweya, M.P.

CHAPTER I - INTRODUCTION

~~"It takes more than a National Anthem,~~
however stirring, and a National Coat
of Arms, however distinctive, a National
Flag, however appropriate, a National
Flower, however beautiful, to make a
Nation."

- J.M. Kariuki.

- 1.1. The Select Committee which has come to be known as the Select Committee on the death of the Hon. J.M. Kariuki, M.P. (hereinafter referred to as 'the Committee') has held 46 meetings and interviewed 123 witnesses, some of them more than once.
- 1.2. At the very outset the Committee invited the Vice President and Minister for Home Affairs who is also the Leader of Government Business (the Hon. D.T. arap Moi, E.G.H., M.P.), the Attorney General (the Hon. Charles Njonjo, E.G.H., M.P.) and the Minister of State in the Office of the President (the Hon. Mbiyu Koinange, E.G.H., M.P.) to a meeting to discuss how best to secure the co-operation of the police and the administration with the Committee in its investigations. The Vice President and the Attorney General responded to the invitation and a useful exchange of views took place. Unfortunately, the Minister of State did not attend and did

and did not send any apologies for his failure to respond to the Committee's written invitation. The Committee also visited the scene near Ngong where the body of JM was found by the Masai on 3rd March, 1975, Hilton Hotel where he was last seen alive, and Makongeni Police Station where JM's watch was found on 18th March, 1975 by a small boy. A sub-committee of the Committee also visited the CID Headquarters on Tuesday, 20th May, 1975, but were not allowed to inspect the investigation files on the murder of JM and the investigation files on the bomb explosions, one of which killed 27 wananchi at Nairobi on 1st March, 1975 the day before the disappearance of JM from the Hilton Hotel.

1.3. Although the Committee's terms of reference did not include investigation into bomb explosions, the last two of which occurred in Mombasa long after the disappearance and death of JM and after the Committee had started its investigations, the Committee, for reasons which will be stated later in this report, is satisfied that there was some connection between the murder of JM and the bomb blasts.

1.4. The Committee started its work, as expected, with a good deal of enthusiasm supported overwhelmingly by public opinion. This enthusiasm, however, was soon dampened by a growing and sobering realisation that the murder of JM was no ordinary

murder. The Kenya Police Force under its Commissioner, Mr. Bernard Hinga, instead of regarding the Committee's work as complementary to its own and the Committee as its ally in the task of leaving "no stone unturned" to uncover the whole truth about the murder of JM, chose instead, from the very outset, the path of non-cooperation and a determined cover-up exercise. Lack of co-operation manifested itself in ways ranging from the hostility and rudeness of Mr. Mungai, the Senior Assistant Commissioner of Police in charge of Rift Valley Province (where the bullet-ridden body of JM was found), to that of junior officers who either took refuge in the Official Secrets Act or were unwilling to disclose what they knew without the permission of their immediate superiors.

1.5. The District Commissioner of Nyandarua (Mr. Thuo) must be regarded as a key figure in establishing the existence of a determined cover-up exercise. The Committee called Mr. Thuo to give evidence in the hope of establishing the background and political motivation for the murder of JM. When he appeared to give evidence and was examined, his attitude was negative and hostile and the Committee is satisfied, not only that he did not tell the truth as he must have known it but also that he was not a truthful witness.

1.6. It should be noted that the police who knew in advance that the Committee was going to Makongeni Police Lines where JM's watch had been found (on 18th March, 1975) chose the same day (25th April, 1975) to publish rewards of Shs.400,000/- for information concerning bomb blasts and the murder of JM. Whether this was a coincidence or not, remains to be seen.

1.7.

It is now three months since the third of the five bomb blasts killed 27 wananchi at the O.T.C. Bus Depot on 1st March, 1975 and JM was murdered on 2nd March, 1975. The JM investigation team, led by Senior Superintendent Sokhi, and the team investigating the bomb blasts at Nairobi and Mombasa have testified before the Committee that they have not found any suspects who could be arrested and brought to trial. Both investigations are being carried on under the direction of the Director of CID (Mr. Nderi). The Committee finds it difficult to believe that the combined CID and Special Branch forces of the Kenya Police (hitherto claimed to be the best in Africa) have not been able in three months to trace the kidnapers and murderers of a politician of the stature of the late JM, and against whom it has been established to the satisfaction of the Committee that the CID were trying to concoct evidence linking him with the bomb blast which killed 27 wananchi. The Committee also finds it difficult to believe that the same combined forces have, during the same time, not been able to trace the persons behind bomb blasts in places as far apart as Nairobi and Mombasa even though the last one at Nairobi resulted in 27 deaths. The Committee, therefore, has been left with no alternative but to draw the painful but necessary inference that investigations so far carried out by the police have neither been thorough nor genuine, and that the police know who the culprits actually are but are unwilling to proceed against them.

1.8.

There is reason to believe that the prompt action of the National Assembly in appointing the Committee before the funeral of JM saved the country from civil war. Public

opinion, in any event, was relieved that they did not have to take the law into their own hands. Prayers were offered for the success of the Committee in bringing out the truth. One of the newspapers, however, warned against expecting too much from the Committee. Subsequent events have justified this warning, for it did not take the Committee long to realise that it had taken on a formidable task. Since there had been no similar investigation conducted by a select committee of Parliament, the Committee had no precedent to fall back on. The Committee, therefore, had to take time devising its rules of procedure.

1.9. The CID team supposed to be investigating the same murder struck first. Knowing that the first logical place to start investigations was Hilton Hotel, from where JM disappeared, the police rounded up all likely persons who could have witnessed what happened to JM, both in and outside Hilton Hotel. Such witnesses were picked up and held in custody for questioning. In fact, one such witness was picked up as early as the morning of Friday, 7th March, 1975 when the disappearance of JM was made known to the world through the National Assembly.

1.10. The technique of the CID team in respect of anyone suspected to have witnessed anything material to the disappearance of JM, including persons involved (who have been established by the Committee to have been police officers) was to harass, threaten, intimidate and even (contrary to Section 74 of the Constitution) torture them. Witnesses called by the Committee to testify to events at Hilton Hotel on the evening of 2nd March, 1975 were found to have passed through the hands of

the police and made statements to the police which there was reason to believe they were frightened to change or enlarge upon when they appeared before the Committee. Police officers who had been connected with the investigation proved so hostile and un-cooperative that a good deal of the Committee's time was wasted in investigating the investigators instead of the actual murder. In order to test the credibility of witnesses the Committee asked for the production of statements previously made by them to the police. The police, contrary to Section 13 of the National Assembly (Powers and Privileges) Act refused to produce these statements. There was a material witness whom the Committee wanted to interrogate, but the Committee was unable to get hold of him and the police assured the Committee that he had left the country and had not returned. It later turned out he was, to the knowledge of the police, all the time in Nairobi. This witness was examined by the Committee only a few days ago.

1.11.

Of late, a campaign has been mounted to discredit the Committee by making it appear as if it had concluded its investigations, but because members of the Committee had been bribed or that they wanted to prolong their sittings to draw more allowances they were purposely delaying publication of their report. If it were not for the fact that the public are gullible and can swallow such cheap propaganda, it would be easy to dismiss such allegations as a lot of rubbish. As one of the Committee members said in the House last week, the police are paid and are better equipped to conduct such investigations. This campaign should therefore be directed at them to apprehend the culprits and bring them to justice. Sufficient has

breed turmoil and violence. Hence, the first priority in any democratic developing country is economic prosperity coupled with the eradication of social and economic disparities.

2.10. JM openly and courageously advocated the quest for social justice and equal opportunities for all. He strove for "the greatest happiness of the greatest number". With reference to the Kenya of today, he remarked: "A small but powerful group of greedy, self-seeking elite in the form of politicians, civil servants and business men has steadily but very surely monopolised the fruits of independence to the exclusion of the majority of the people. We do not want a Kenya of ten millionaires and ten million beggars."

2.11. JM's philosophy with regard to the distribution of wealth is contained in the foregoing excerpt. Although he was a man of good means, he cherished the ideal. After all, socialism is ultimately an attitude of mind and a millionaire could be a staunch socialist. JM gave generously to many charitable causes.

2.12. Land. Kenya as an agricultural country, the paramountcy of the land question cannot be overemphasized. Indeed, it was the pivot of the liberation crusade during the colonial era.

2.13. The Colonial Government had created a system which allowed unlimited ownership of land by the minority white population. Thus, a relatively few settlers grabbed tracts of some of the best land in the country while Africans smarted under overcrowding and unemployment. This system was fundamentally intolerable to the African population which closed its ranks to protect its inalienable rights and human dignity. A prolonged and bloody Mau Mau war ensued which resulted in the achievement of political independence.

2.14. JM vehemently spoke out against our system of unrestricted land acquisition, a system merely bent on replacing the white settlers with black settlers. Protested he: "I believe firmly that substituting Kamau for Smith, Odongo for Jones, and Kiplangat for Keith does not solve what the gallant fighters of our Uhuru considered an imposed and undesirable social injustice." He prescribed the introduction of a land ceiling as a partial solution. This would necessitate the amendment of Section 75 of the Kenya Constitution which has hitherto been prostituted. In his resoluteness and fixity of purpose he appealed to his constituents thus: "No, do not return me to Bunge (Parliament) if you expect that I will change my convictions on the land question; on the repayment of loans on land which we fought for and what is our God-given right; and on the necessity of land-ceiling legislation."

2.15. National Unity. In the emergent nations, the real problem is that of forging national consciousness and identity from a number of separate ethnic groups. This demands that the government administration should transcend ethnic particularism and lay a firm foundation for common citizenship and nationhood.

2.16. Speaking on this subject in the Kenya context, JM had this to say: "This is a deplorable state of things. Nepotism and tribalism have set in and are greatly assisted by the inequalities I have talked about above. These are evil and must be condemned in no uncertain terms. We must all join hands to eliminate them and restore credibility to public life. We must strive to ensure that the next generation will not blame us for having failed to correct the strains of public life."

- 2.17. Miscellaneous. He advocated the idea of improving rural life in order to halt the population drift into urban areas. On housing, JM severely criticised the handling of the tenant-purchase house scheme which enables opportunists to grab a string of houses using different names. "The convenience of registering the properties in different names is to hide under the facade of certain legal technicalities and legal fiction ... Greed has led people to abandon the sense of fairness which ought to be the guiding force in all public affairs.", he asserted.
- 2.18. With regard to education, he subscribed to the noble notion of fair distribution of educational opportunities throughout the country. Academic institutions, particularly universities, have an important role to play in developing countries as centres of enlightenment with facilities for independent thought, opinion and action. There is nonetheless a disturbing tendency in this country to unjustifiably express hostility towards our University. JM deprecated the occasional indefinite closures of this institution which are neither conducive to the long-term national interest nor a lasting solution to the institutional problems.
- 2.19. JM and neo-colonialism were not comfortable bed-fellows. According to him, colonial masters are to be found in Government ministries "dressed in a new cloak labelled 'Economic Adviser to such-and-such a ministry or to so-and-so' ... they advise us in their interests and we follow them like sheep."
- 2.20. The preceding paragraphs only provide a bird's-eye view of JM's political convictions and activities.
- 2.21. That he had fallen out with the authorities became obvious during the life of the Second Parliament. Though an Assistant

Minister for Tourism and Wildlife during the period, he did not hesitate to point out candidly, and sometimes bluntly, the ills afflicting our society. On its part, the Government banned nearly all his political and non-political meetings on "security grounds". A notable incident in this respect was the cancellation of his 42nd birthday party on 21st March, 1971 to which many dignitaries had been invited. On 8th January, 1972 a meeting in his constituency which was to be attended by Cabinet Ministers and Members of Parliament was disallowed on grounds of public security. In utter indignation he remarked in Parliament: "This anti-JM campaign is now bordering on stupidity and constituting an encroachment on the constitutional and human rights of the people whose interest I have sworn to represent." He therefore took refuge in Parliament where his speeches were privileged.

2.22. When the election spell came in 1974, his relationship with the authorities had reached, it seems, rock-bottom. All but one of his political campaign meetings were cancelled for, to use one of the hazy expressions, "security reasons". Thus, the other candidates, aided and abetted by the situation, had an unfair advantage over him. However, JM's grassroot popularity proved unshakable: he did not have to campaign. He, nevertheless, published a poster reminding his constituents that he was still a candidate. He also compiled and published a pamphlet entitled J.M. Kariuki Speaks His Mind which crystallized his political aspirations and strategy.

2.23. On polling day, JM stunned his opponents when he retained his seat with a total of over 16,000 votes. His two rivals polled just about 5,000 votes. This resounding victory, despite desperate efforts to unseat him, increased his popularity as a man of the people throughout the Republic.

Bombs

2.24. Towards the close of the month of February, 1975 the whole nation was thrown into panic and confusion by a series of bomb explosions which appeared to follow a well-laid pattern. (The fragments of the bombs so far exploded suggest that the manufacture of the bombs, aside from their different sizes, is the same .) The first blast occurred in a lavatory at the Starlight Nightclub, the second at the Information Bureau near the Hilton Hotel and the third, in which twenty-seven people lost their lives, at the O.T.C. bus station on 1st March, 1975. Similar incidents were reported at Mombasa thereafter. These episodes were accompanied by bomb hoaxes.

2.25. Early this year, one CID informer, who for some time had been one of JM's hangers-on, called at the CID Headquarters, Nairobi. He informed them that he had learnt that JM knew something about the bomb blasts. Accordingly, he was requested to keep close to JM so as to gather more information. The informer had been charged in court with defrauding a local bank and was sentenced to three years' imprisonment on 28th February, 1975. Because of the bomb blasts that occurred at the bus terminal on the night of 1st March, 1975 this informer was released from jail on bail, pending an appeal, on 2nd March, 1975, allegedly to assist the authorities in their investigations. This was an unusual arrangement since 2nd March, 1975 was a Sunday when courts were not sitting. His mission was specifically to follow JM throughout that day.

2.26. Having carefully considered the evidence and the demeanour of the informer, the Committee is satisfied beyond reasonable doubt that he was being used by some CID officers to try to

implicate JM in the bomb blasts. It would seem to us that the informer was determined to exchange his fabricated information for clemency in the fraud case. Strangely enough, the informer was the only source of information designed to connect JM with the explosion. But the CID appear at first to have placed a high degree of confidence in what he was saying. Later on, however, the CID and the Special Branch confirmed to the Committee that they had no concrete evidence to connect JM with the bomb blasts.

CHAPTER III -- JM's MOVEMENTS FROM 28TH FEBRUARY, 1975
TO THE TIME OF HIS DEATH

- 3.1. The evidence as to J.M. Kariuki's movements from Friday, 28th February, 1975 to 2nd March, 1975 inclusive may be set out in some detail.
- 3.2. At about 3.30 p.m. on Friday, 28th February, 1975 one Macharia of INTRAV Agency at the Hilton Hotel accompanied Mrs. Terry Kariuki and JM to JM's house to look for a business letter thought to be there. Mrs. Terry Kariuki left the house with the driver for Gilgil and did not return until Sunday, 2nd March, 1975. JM and Mr. Macharia stayed in the house for about two hours and then Mr. Macharia borrowed JM's car to go to the centre of Nairobi, leaving JM asleep. He promised to return the car by 7 p.m. He drove to the Hilton Hotel where he stayed until about 6.45 p.m. and then drove off to deliver the car to JM's house. After going a short distance he saw in his mirror that a white Volvo car driven by Mr. Shaw of KPR was following him. He decided to go to the New Stanely Hotel, and did so, staying there for about ten minutes talking with friends. He noticed that Shaw was still following him. He went round the island at the junction of Kenyatta Avenue and Uhuru Highway, Shaw still following. Mr. Macharia parked the car in Government Road and walked about. He saw Mr. Shaw drive to the Ambassadeur Hotel, whereupon he returned to the car and drove to JM's house where he found JM still sleeping. Mr. Macharia expressed doubts regarding JM's safety whereupon JM said that he knew whether he was safe or not and did not require to be warned.

- 3.3. At about 7.30 p.m. JM drove to the Hilton Hotel where Mr. Macharia left him at about 8 p.m.
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- 3.4. There is no evidence as to JM's movements between 8 o'clock and 9.30 p.m., at which time he was at the house of Betty Mukande from where he drove Betty and Millicent Njeri to Parklands. It is not known what he did thereafter but he probably went, as he usually did, to the Casino.
- 3.5. On Saturday, 1st March, 1975 JM woke up at about 10.30 a.m. when he found several persons waiting at the house for the purpose of buying his car, a Peugeot 404, number KNW 716. It was arranged that the purchaser should return in the afternoon with cash.
- 3.6. At about 11 a.m. JM spoke by telephone to his sister, Rahah Mwaniki. His daughter says that some time during the morning JM went to hospital for a short time for treatment for his leg.
- 3.7. JM was met by Mr. Macharia at the Hilton Hotel at about 11.30 a.m. but did not stay there. However, there is evidence that JM lunched at the Hilton Hotel with Mr. Mwangi of the Nairobi Cinema, after which he went home and received payment for the car. This was at about 4.30 p.m.
- 3.8. In the evening JM attended an engagement party at a friend's house at Karen where he stayed until about 11 p.m. He is said to have been in a very happy frame of mind at the party. He went from there, travelling alone, to town where he heard of the bus bombing and went to the scene. Later he went to the Casino.

3.9. At the Casino he was spoken to by Ben Gethi, Commandant of the G.S.U., who states that he bought JM a drink. Ben Gethi states that he left JM at the Casino at about 1.30 a.m. on Sunday morning, 2nd March, 1975.

3.10. The same morning, at about 9.30 to 10 a.m., Ben Gethi went to JM's house. He gives no reason for such a visit except that it was a social call which seems strange in view of the fact that he had only left JM at the Casino early that morning. He walked into JM's bedroom although JM was still sleeping, having arrived home at about 5.30 a.m. He left after a few minutes. Mrs. Nyambura Kariuki stated that she telephoned JM from Gilgil at his house later that morning and he told her that Ben Gethi had been to see him and had arranged to meet him that evening.

3.11. At about 11.30 a.m. a telephone conversation took place between JM and one Peter Kinyanjui, alias Mark Twist. This man is a criminal of the worst possible character. He purported to be a close friend of JM but according to himself was spying upon JM as a police informer. The telephone call was made by Mr. Peter Kinyanjui from the office of Mr. Nderi at CID Headquarters. Mr. Nderi is the Director of Criminal Investigations. The telephone call was an abortive attempt to get JM to state something which might be construed as corroborating the spy's allegation that JM was a party to all the bombing incidents which had taken place. Even Mr. Nderi stated that the police have no reason to believe that JM had any part in the bombing; and so far as Mr. Peter Kinyanjui sought to implicate JM in the bombing incidents, his evidence is rejected.

3.12. The Committee entirely rejects all the evidence on bombings given by Mr, Peter Kinyanjui as untrue. Further comment on this man appears elsewhere in this report. All that can safely be said is that this man was employed by the police to follow JM on that day but with no results of value to anyone.

3.13. At about 12.30 p.m. JM went to the Hilton Hotel where he gave a cheque for Shs.4,000/- for which he requested cash. He received only Shs.1,000/- which was all that was available with the cashier. The balance was to be paid in the evening.

3.14. At about 1 o'clock JM, with one Mr. Bichanga of the Hilton Hotel, listened to the news, sitting in JM's car outside the hotel, after which JM had lunch in the hotel. There is evidence that just before lunch he spoke for a moment to a Mr. Young of the KPR.

3.15. After lunch JM went to the Ngong races, probably arriving at about 2.30 p.m. Witnesses stated that Ben Gethi was also at the races. Although Ben Gethi denies being at the races on that day, one witness gave evidence that after the second race he saw JM and Ben Gethi together. Later he saw JM on the stand and Mr. Gethi sitting with another African in a Mercedes car, whilst two Europeans stood outside the car. As the witness was leaving a short time later, he saw Ben Gethi coming in the gate. The Mercedes had gone. The witness travelled by bus to the town and on the way, near the A.S.K. he saw the same Mercedes parked with another car off the road. The other car was a green Peugeot 504. Later he saw the

Mercedes again standing near the taxis outside the Hilton with Ben Gethi sitting alone inside it.

~~3.16. Apparently JM travelled from the races, passing Adam's Arcade at about 6 o'clock at which time he was seen to pass by Mrs. Terry Kariuki and Mrs. Ongudi who were shopping at the Arcade. When these ladies arrived at JM's house he was not at home. He had been home, changed his clothes, and gone out again.~~

3.17. JM arrived at the Hilton and parked his car at an inconvenient angle near the main entrance to the hotel. He entered through the shop of Sapra Studio. He collected his balance of Shs.3,000/-. A witness who states that he was a friend of JM suggested that they have tea together, whereupon they went into the coffee shop and sat at a table just inside the door. Whilst they were having tea, Mr. Ben Gethi came to the table, spoke a few words to JM and went out. JM told this witness that Ben Gethi had telephoned earlier, asking to see him between 8 and 9 o'clock that evening. JM then followed Mr. Ben Gethi out. Another witness stated that JM and Mr. Ben Gethi spoke together, standing near the lifts. Other witnesses spoke of seeing Mr. Ben Gethi speaking to JM at the table, and one stated that he walked with them to the entrance on his way home. This man is a fairly high-ranking official of the Hilton Hotel. Another hotel employee stated that he saw JM and Mr. Ben Gethi leave the hotel together by the main entrance and walk towards Mama Ngina Street.

3.18. Mr. Ben Gethi admitted that he had spoken to JM in the coffee room but stated that he left JM there at the table and went away by himself.

3.19.

Another witness who had been stated by a police officer to be believed the actual murderer of JM, gave evidence which conflicted in important respects with that set out above, except that he also supported the admitted fact that Mr. Ben Gethi spoke to JM at the table. After very careful consideration of this man's evidence as a whole, the Committee concluded that this witness, who is a notorious criminal, was seeking to protect himself by making out that two senior police officers were present in the coffee room at the relevant time. One of these was the police officer who regarded the witness as the murderer or one of the murderers. It was decided that no reliance could be placed upon the evidence of this witness.

3.20.

The Committee is satisfied that JM left the hotel with Mr. Ben Gethi.

3.21.

From the moment when JM left with Mr. Ben Gethi no evidence has been obtained as to where he went, except that he was murdered in Ngong Hills an hour or two later.

3.22.

The postmortem disclosed that five shots had been fired into the body of Mr. Kariuki, causing his death. The time of death, according to the pathologist, was consistent with the murder having been committed at the time of the events at Ngong described by the witnesses who discovered the body.

3.23.

The ballistics expert examined five cartridge cases recovered from the place where Mr. J.M. Kariuki's body was found. He gave evidence that three of these were of 7.62 mm calibre

and two were .38 calibre. He also examined one bullet recovered from Mr. Kariuki's body and one recovered from the scene of the crime. The cartridges of 7.62 mm were copper-coated and were, in his opinion, manufactured in either Russia, China or East Germany. He stated that the only firearms which use that ammunition are the Tokarev of Russian make or the 7.63 Mauser Pistol made in Germany. His tests regarding firing pin and ejector markings eliminated the possibility that these cartridges were fired by a Mauser, and he therefore concluded that a Tokarev pistol was used. The .38 cartridges were, in the witness' opinion, also of an Eastern country manufacture. He stated that many makes of weapon can fire such ammunition, but by microscopic examination of the two bullets recovered which were both of .38 calibre, he concluded that by reason of the particular width of the lands they were fired either from a .38 Walther or a .38 Mann, both of German manufacture. He later, however, obtained a Russian Makarov Pistol and found that it also could have been used, but he was unable to obtain any other type of weapon for test purposes, and therefore stated that his views regarding the .38 bullets are not conclusive. All cartridges were automatic pistol ammunition and could not be fired from a revolver.

3.24. The expert's conclusion was that two weapons were used. He stated that the two Tokarev pistols which he tested were obtained from Government, but he did not have the opportunity of testing any others. The cartridges had not been fired from either of the weapons tested by him.



CHAPTER IV - EVIDENCE OF COVER-UP

- 4.1. According to the evidence given to the Committee, JM appears to have been prevailed on to leave the Hilton Hotel about 7 p.m. on Sunday, 2nd March, 1975 in the company of the Commandant of G.S.U. (Mr. Ben Gethi) in the presence of Chief Inspector Patrick Shaw of KPR and other police officers. Several vehicles said to be CID are alleged to have been used. No evidence is as yet available to the Committee as to where JM was taken. But there is evidence that Mr. Nderi was seeking evidence to implicate JM with the bomb blasts at Nairobi the last of which killed 27 wananchi the night before. It would appear that Mr. Gethi, whom JM considered a friend, was used to lure him to some place where the murderers were waiting. Later that night, JM was handcuffed or had his hands tied and taken by car to a place near Olosho-Oibor manyatta, behind Ngong Hills, where he was shot and died of five bullet shots. Some Masai school children in a manyatta nearby saw the lights of the vehicle which must have carried JM. Three Masai teenage boys heard the shots but ran away in fear.
- 4.2. On Monday, 3rd March, 1975 two Masai elders, Mr. Musaito ole Tunda and Mr. Meja ole Nchoki, reported to Ngong Police Station that they had found a body of a well dressed male African whom they thought had died of bullet wounds at Olosho-Oibor. Mr. ole Tunda thought the time they reported was between 11 a.m. and 12 noon. Both elders said that they were told to go away and come back at 2 p.m.
- 4.3. The O.C.S. at Ngong Police Station at the time was Inspector Kinyanjui who had as his deputy Acting Inspector Henry Waga

