

A PUBLIC PETITION

THE CONSTITUTION OF KENYA

(Articles 1, 2, 3(1), 4(2), 10, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 40, 43, 46, 47, 238, and 119 as read with Articles 93, 94 and 96)

THE BETTING, LOTTERIES AND GAMING ACT

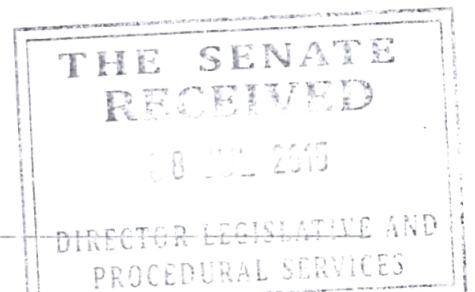
(Revised Edition 2012 [1991])

SENATE STANDING ORDERS

(Part XXIV – Public Petitions)

A PETITION FOR THE PROTECTION OF THE PEOPLE
AND OF THE ECONOMY OF THE REPUBLIC OF KENYA
FROM SABOTAGE BY THE SUBVERSIVE ACTIVITIES OF
THE FOREIGN-OWNED AND CONTROLLED MOBILE
TELEPHONY OPERATOR
SAFARICOM LIMITED

TO: THE SENATE OF THE REPUBLIC OF KENYA
PARLIAMENT BUILDINGS
P. O. BOX 41842-00100
NAIROBI.



I, THE UNDERSIGNED citizen of the Republic of Kenya, who is a poor taxpayer struggling to make ends meet, and who has been conned of my hard earned money by Safaricom Limited

CONCERNED that some activities of Safaricom Limited are detrimental to the wellbeing of the Kenyan people and of the Kenyan economy

DRAW the attention of the Honourable Senate of the Republic of Kenya to the following:

1. **THAT** I am a struggling poor person who was misled through a vicious media campaign by Safaricom Limited to believe that I could solve all my monetary problems and become instant millionaires by participating in Safaricom's lottery branded variously as *Bonyeza Ushinde* or *Bonyeza Ushinde na Safaricom*.
2. **THAT** the lottery is most attractive to the struggling poor who are its main victims in their vain hope of putting all their hardships behind them by becoming instant millionaires.
3. **THAT** most recently, for a period of 60 days, starting 7th August to 5th October, 2014, and again for another period of 60 days from 7th November 2014 to 5th January, 2015, the mobile telephony operator disguised a lottery for private gain as a promotion designed to reward participating subscribers with cash and other prizes.

4. **THAT** to enter the promotion, subscribers were required to send their name via SMS to 29555. They would then accumulate points by answering simple multiple choice questions that require no skill to answer.
5. **THAT** these points were then used in a draw to pick the daily, weekly and grand prize winners.
6. **THAT** each SMS sent to the 29555 code was billed at Kshs 5/=.
7. **THAT** the points were allegedly awarded as follows:
 - 100 Points upon registration.
 - 100 Points for every correct response.
 - 50 Points for every wrong response.
 - 50 Points for an invalid response, that is, neither A nor B.
 - 1000 Points for every 10,000 threshold points reached e.g. at reaching 10,000, 20,000 and so on.
8. **THAT** that the prizes were alleged to be as follows:
 - a. Grand prize: Ksh 5 million and an Isuzu TRF Single Cab pickup
 - b. Daily winners Ksh 1 million
 - c. 18,000 winners of Ksh 1 thousand
 - d. 1000 winners of Ksh 1 hundred Safaricom airtime.
9. **THAT** I have never been a gambler all my life and would never have gambled my hard earned money had Safaricom Limited not tempted me through media campaigns.

10. **THAT** the lottery mislead me into believing that winning chances increased the more times I “*bonyeza*” resulting in my throwing away my hard-earned money.
11. **THAT** there was no civic education conducted by Safaricom Limited to prepare the public for their onslaught that does not spare children.
12. **THAT** the lottery is turning Kenya into a country of gamblers.
13. **THAT** contrary to the Betting, Lotteries and Gaming Act (CAP 131, Revised Edition 2012 [1991]):
 - a. The lottery does not depend on answering questions that depend on a substantial degree upon the exercise of skill.
 - b. The lottery is not restricted to designated places and has turned mobile phones and households into unlicensed and readily accessible gambling premises.
 - c. The lottery has turned our mobile phones into the instruments, machines, contrivances or tools for hooking unsuspecting people, including children, into gambling.
 - d. The lottery amounts to an “unlawful game” within the meaning of the Act as a game of chance the chances of which are not alike favourable to all the players, against whom the other players stake, play or bet.

- e. The lottery does not protect and/or shield children/minors from gaming.
 - f. The lottery does not provide a statement of accounts for the participating public to know how much money is raised.
 - g. The lottery does not display its licence or permit in an area where or in a manner in which the grassroots masses it targets can access it, hence, there is no way of knowing whether it is a legitimate and authorised lottery or not.
 - h. The lottery touts or otherwise personally solicits the patronage of members of the general public, including children, in all walks of life, and no space is off limits.
 - i. The lottery spams mobile handsets of subscribers to Safaricom's telephony services with messages enticing them to participate in the scam.
 - j. Safaricom Limited is not registered as a body corporate under any law for purposes of promoting lotteries.
14. **THAT** given the ubiquitous mobile phone, the lottery is a lethal instrument for instantly mopping up money from every corner of the Kenyan economy and repatriating it to the foreign owners and controllers of Safaricom Limited.

15. **THAT** Safaricom Limited sends out 10 questions daily to each player, amounting to Kshs. 50/= per registered mobile number.
16. **THAT** if only a conservative figure of one million gamblers out of the many millions of Safaricom's subscribers played the lottery per day, a colossal sum of some Kshs 50 million would accrue to Safaricom in a day, raking in some grotesque Kshs 3 billion in the 60 days each phase of the lottery lasts.
17. **THAT** in contrast to the giant earnings by Safaricom, the prizes offered to the brainwashed and exploited poor Kenyans do not amount to much although they are very attractive to the desperate struggling deprived Kenyans who are the lottery's main target group and catchment class.
18. **THAT** the lottery is not being run for charitable purposes where as a condition the law requires that a specified proportion of greater than twenty-five per centum but not more than forty-five per centum of the gross proceeds is devoted to the object for which the lottery is promoted.
19. **THAT** there is a direct correlation between the cash crunch being experienced in Kenya today with the vast amounts of money which Safaricom Limited has mopped up and repatriated from the Kenyan economy.
20. **THAT** since the money is repatriated in hard currencies there is also a direct correlation of the removal of the money from the

Kenyan economy with the fall of the Kenyan shilling against the US dollar, the Euro, and the Sterling Pound.

21. **THAT** in related developments Safaricom Limited is promoting the emergence of a cashless economy under its thump through its *Lipa Na Mpesa* and similar campaigns.
22. **THAT** the cashless payment systems are mopping up money from circulation in the economy and concentrating it in one place under the control of foreigners.
23. **THAT** within a short time the foreign owned and controlled Safaricom Limited will be in the all-powerful position where it can hold the Kenyan economy hostage.
24. **THAT** the time has come for the Government of Kenya to intervene and save both the Kenyan people and the Kenyan economy from imminent calamity.
25. **THAT** my attempts to get relief from the Communications Authority, the Competition Authority, and the Betting Control Board have been unfruitful.
26. **THAT** none of the issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

THEREFORE YOUR HUMBLE PETITIONER PRAYS that the Honourable SENATE of the Republic of Kenya urgently inquires the matter, demanding full disclosure, with a view to holding the foreign owned and controlled Safaricom Limited accountable for its subversive activities which are sabotaging both the people and the economy of the aforesaid Republic.

And I your **Petitioner** who has annexed hereto my name will ever pray.

NO.	NAME	TELEPHONE	ID NO	SIGNATURE
1.	LUCY KACHE NGAO	0726534462	16077821	

PETITION PRESENTED TO THE SENATE by:

HON. EMMA GETRUDE MBURA, MP
(Nominated Senator, Mombasa County)

On this 8 Day of 07, 2015

Signature: 