



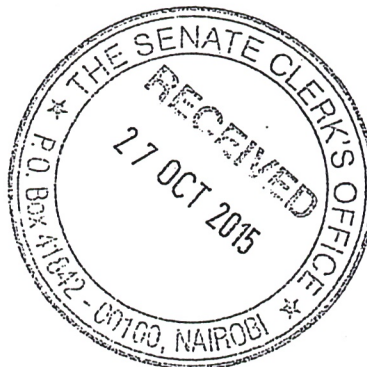
MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE



Ref. No. .... **MFA.ADM.1/102 A/VOL. XVII (22)**

27<sup>th</sup> October, 2015

**Mr. Jeremiah M. Nyegenye, CBS**  
Clerk of the Senate  
Parliament Buildings  
**NAIROBI**



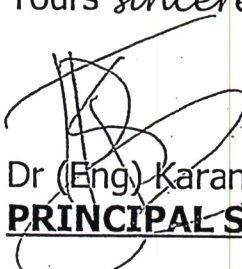
Dear Mr. Nyegenye

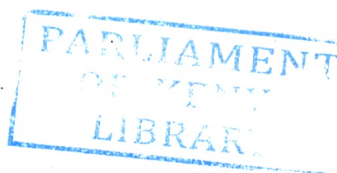
**RE: MINISTERIAL STATEMENT REGARDING THE CASE OF DON BOSCO GICHANA**

We make reference to your letter SEN/NSFR/CORR/159/2015 dated 17<sup>th</sup> September, 2015 on the subject matter.

Attached herewith, please find the Statement for onward transmission to the Chairperson of the Standing Committee on National Security and Foreign Relations.

Yours *sincerely*,

  
Dr (Eng) Karanja Kibicho, CBS  
**PRINCIPAL SECRETARY**







## **MINISTERIAL STATEMENT - THE CASE OF MR. DON BOSCO OOGA GICHANA IN ARUSHA, TANZANIA.**

- 1. Mr. Speaker Sir, Sen. Kennedy Mong'are,** requested for a statement regarding the case of Mr. Don Bosco Ooga Gichana in Arusha, Tanzania.
- 2. Mr. Speaker Sir,** the questions and statement is as follows:-

- a) Explain why Mr. Don Bosco Ooga Gichana, a young Kenyan businessman has been held in custody in Arusha, Tanzania since his arrest on 12<sup>th</sup> April, 2013.

### **Answer:**

Mr. Don Bosco Ooga Gichana was arraigned at the Kisutu Resident Magistrate's Court in Dar es Salaam on Wednesday 10<sup>th</sup> April, 2013 on accusation of money laundering to the tune of USD \$4.9 million equivalent to Tshs.6 billion.

He was arrested in Arusha on the eve of 30<sup>th</sup> March, 2013. Later he was taken to Dar es Salaam, where he is still in custody at Keko Prison, pending the determination of his case.

- b) Explain why the case has had so many adjournments, leading to its stalling:

### **Answer:**

It has been indicated to the High Commission in Dar es Salaam that all decisions and actions relating to this matter are done in accordance with legal procedures in Tanzania.

The Ministry recommends that the family of the subject should engage a lawyer in Tanzania to handle the matter accordingly (both professionally and legally).





- c) Explain why the charge sheet has been amended severally by adding new counts and enjoining new persons;

**Answer:**

This, we understand, was done in accordance with Tanzania's legal procedures occasioned by discovery of new evidence.

- d) Explain why the prosecuting State Attorneys have without notice, failed to appear in court on scheduled dates;

**Answer:**

The absence of prosecuting State Attorney is said to be engaged according to Tanzanian legal/judicial processes.

- e) Explain what the Government of Kenya is doing to help Mr. Gichana who has been held in custody for more than two years with little or no sign of evidence to sustain his trial, thereby denying him justice.

**Answer:**

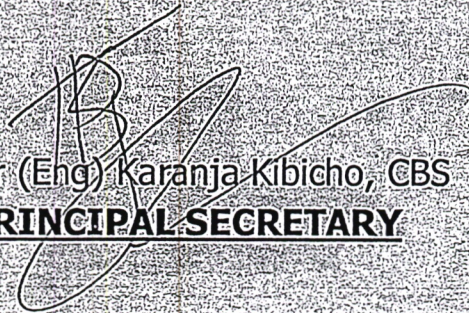
- I. The High Commission in Dar es Salaam has severally written to the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania to request for more information on this matter bearing in mind that justice delayed is justice denied.
- II. The latest such correspondence was sent to the host government in early October, 2015, after the issue was raised verbatim during President Jakaya Kikwete's State visit to Kenya from 4<sup>th</sup> to 6<sup>th</sup>, October, 2015.
- III. The host Government has pledged to revisit this issue, and their comprehensive response is expected soon after the 2015 General Elections and the formation of the new Government.
- IV. It is worth noting that there are several Kenyans held in custody in Tanzania, whose cases have neither been heard nor determined. The Ministry of Foreign Affairs and International





Trade will soon hold the 3<sup>rd</sup> Kenya-Tanzania Joint Commission for Cooperation meeting where all these cases will form part of the issues for deliberation and possible resolution. Mr. Don Bosco Ooga Gichana's case will feature, if it will still be pending.

I thank you Mr. Speaker Sir.

  
Dr (Eng) Karanja Kibicho, CBS  
**PRINCIPAL SECRETARY**