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REPUBLIC OF KENYA

13TH PARLIAMENT | 4TH SESSION

PARLIAMENT
OF KENYA
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THE SENATE

STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND
HUMAN RIGHTS

REPORT ON A PETITION BY MS. CHRISTINE NJOKI MWERU
REGARDING INCOMPLETE INVESTIGATIONS AND FAILURE TO
ARREST, AND PROSECUTE SUSPECTS INVOLVED IN THE
ABDUCTION AND DISAPPEARANCE OF MR. JOSHUA GICHUKI
MWANGI

APPROVED
RT. HON. SEN
AMASON J. KINGI

PAPERS LAID	
DATE	5/6/2025
TABLED BY	Deputy Majority Whip
COMMITTEE	—
CLERK AT THE TABLE	Abigail

03/06/25

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

DC-EG

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03/06/2025

May, 2025

TABLE OF CONTENTS

List of Abbreviations and Acronyms	(ii)
Preliminaries	(iii)
Foreword by the Chairperson	(iv)
Chapter 1: Introduction	
Right to Petition Parliament	1
Summary of the Petition	1
Chapter 2: Consideration of the Petition	
Introduction	3
Response by the Directorate of Criminal Investigations	3
Response by the Office of the Director of Public Prosecutions	6
Submissions by the Independent Policing Oversight Authority	7
Submissions by the Commission on Administrative Justice	8
Chapter 3: Committee Observations	
Observations	10
Chapter 4: Committee Recommendations	
Recommendations	11
List of Annexes	12

LIST OF ABBREVIATIONS AND ACRONYMS

CAJ	Commission of Administrative Justice
DCI	Directorate of Criminal Investigations
IO	Investigating Officer
MP	Member of Parliament
ODPP	Office of the Director of Public Prosecutions
RCIO	Regional Criminal Investigations Officer
Sen	Senator

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Justice, Legal Affairs and Human Rights is established under the Standing Orders of the Senate and is mandated 'to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.

Membership of the Committee

During consideration of the subject Petition, the membership of the Committee comprised –

- | | |
|--|--------------------|
| 1. Sen. Wakili Hillary Kiprotich Sigei, MP | - Chairperson |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice-Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 5. Sen. Hamida Ali Kibwana, MP | - Member |
| 6. Sen. Catherine Muyeka Mumma, MP | - Member |
| 7. Sen. Veronica W. Maina, MP | - Member |
| 8. Sen. Karen Njeri Nyamu, MP | - Member |
| 9. Sen. Andrew Omtatah Okoiti, MP | - Member |

Minutes of the Committee in considering the Petition by Ms. Christine Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi are attached to this Report as *Annex 1*.

FOREWORD BY THE CHAIRPERSON

Honourable Speaker,

On 6th March, 2024, the Speaker of the Senate reported that a Petition had been received from Ms. Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of her husband, Mr. Joshua Gichuki Mwangi. She stated that, while the person suspected of involvement in the disappearance of her husband and in the murder of another person was well known, he remained at large and seemingly beyond the reach of the Director of Criminal Investigations and the Director of Public Prosecutions.

The Petitioner therefore prayed that the Senate investigates the matter with a view of ensuring that the relevant bodies in charge of investigation and prosecution do their work, and ensure that justice was done to enable the family find closure on the disappearance of their kin in the hands of known suspects.

Honourable Speaker,

The Committee embarked on its consideration of the matter and, upon receiving the Petitioner's testimony, invited written responses to the Petition from the Director of Public Prosecutions, the Director of Criminal Investigations, the Independent Policing Oversight Authority and the Commission on Administrative Justice. The Committee also held a meeting with the four entities and the Petitioner to interrogate their respective responses and submissions on the matter. A summary of these responses and deliberations is set out at Chapter Two of this Report.

Having considered the Petition, received the testimony by the Petitioner, and considered the written and oral submissions by the DCI, ODPP, IPOA and CAJ, the Committee observed that there had indeed been an unreasonable delay in arresting and charging the person suspected of involvement in the disappearance of Mr. Joshua Gichuki Mwangi. This must have caused apprehension and distress on the part of the Petitioner that justice would not be done. However, following intervention by the Senate, the suspect was apprehended and charged with the offence of abduction with intent to murder with respect to Joshua Gichuki Mwangi.

Honourable Speaker,

The Committee therefore recommends that the Director of Public Prosecutions and the Director of Criminal Investigations undertake criminal proceedings in the two cases at the High Court and the Chief Magistrate's Court against Mr. Dennis Ndubi Mauda

and avail witnesses and evidence in court against the suspect. We also recommend that the DCI continues its investigations into the disappearance of Mr. Joshua Gichuki Mwangi who remains missing.

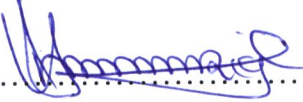
The Committee further affirms that, in accordance with Article 27 and Article 47 of the Constitution, all Kenyans are entitled to receive timely and efficient services from government authorities and agencies, irrespective of their means or social status. It is the duty of government authorities to proactively serve all citizens—without discrimination and without the need for external prompting—even in cases that do not attract public attention or media coverage. This upholds the constitutional guarantee of equal protection and benefit of the law, as well as the right to non-discriminatory access to public services for every individual.

Honourable Speaker,

I take this opportunity to thank the Petitioner, the Director of Public Prosecutions, the Director of Criminal Investigations, the Independent Policing Oversight Authority and the Commission on Administrative Justice for their detailed submissions which assisted the Committee in its deliberations and determination on the Petition. I commend the Members of the Committee for their diligence in executing this assignment, and thank the offices of the Speaker and Clerk of the Senate for the support extended to the Committee which made the consideration of the Petition successful.

Honourable Speaker,

It is now my pleasant duty, pursuant to standing order 238(2) of the Senate Standing Orders, to present the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition by Ms. Christine Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi.

Signed.......... Date.....26/5/2025.....

**SEN. WAKILI HILLARY KIPROTICH SIGEI, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS
AND HUMAN RIGHTS**

CHAPTER ONE: INTRODUCTION

1.1 Right to Petition Parliament

1. The right to present petitions to public authorities is provided for at Article 37 of the Constitution. Article 119(1) further provides that *‘Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.’*
2. Parliament enacted the Petition to Parliament (Procedure) Act (No. 12 of 2012) to make provision for the procedure for the exercise of this right. Further, Part XXVII of the Standing Orders of the Senate also makes provision of how this right may be exercised.

1.2 Summary of the Petition

3. At the sitting of the Senate held on Wednesday, 6th March, 2024, the Speaker of the Senate reported that a Petition had been received from Ms. Christine Njoki Mweru regarding incomplete investigations and failure to arrest and prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi. A copy of the Petition is attached to this Report as *Annex 2*.
4. The salient issues contained in the Petition were that –
 - a) on 3rd February, 2020, Mr. Joshua Gichuki Mwangi, (the Petitioner’s husband), left their home in the company of Mr. Dennis Ndubi Mauda, aboard their vehicle of number plate KCS 481F;
 - b) on 4th February, 2020, barely 24 hours after their departure, the said vehicle was found abandoned in Ruaka;
 - c) the Petitioner made an official report about the disappearance of her husband on 4th February, 2020 and, on 13th February, 2020, she received a call from the investigating officer that the suspect, Mr. Dennis Ndubi Mauda, had been summoned to record a statement at Kabete Police Station;
 - d) the Petitioner on several occasions wrote to the Director of Criminal Investigations to follow up on her husband’s case, but received unsatisfactory responses;
 - e) the case was afterward transferred from the original police station with jurisdiction to the Nairobi Area, Directorate of Criminal Investigations offices to be assisted by the now defunct Special Crimes Unit where the Petitioner met uncooperative officers; and,

- f) on 5th June, 2023, the Office of the Director of Public Prosecutions directed that the Office of the Directorate of Criminal Investigations have the Petitioner and her daughters record further statements regarding the disappearance of Mr. Joshua Gichuki Mwangi; and
- g) the issues presented in this Petition were raised with the relevant bodies, including the Commission on Administrative Justice, the Independent Policing Oversight Authority, the Inspector General of Police, the Internal Affairs Unit, the Ministry of Interior and Security and the Office of the Director of Public Prosecutions, all of which had borne no fruits.

5. The Petitioner therefore prayed that the Senate –

- i) Investigates this matter with a view of ensuring that the relevant bodies in charge of investigation and prosecution give their account on why justice has never been served; and,
- ii) Ensures that justice is served on the matter to enable the family to find closure on the disappearance of Mr. Joshua Gichuki Mwangi in the hands of known suspects

6. Pursuant to Standing Order 238(1), the Speaker committed the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

CHAPTER TWO: CONSIDERATION OF THE PETITION

2.1 Introduction

7. Upon committal of the Petition, the Standing Committee proceeded to invite the Petitioner who presented her testimony before the Committee on Wednesday, 24th April, 2024.
8. The Committee further invited and received written responses from –
 - a) the Office of Director of Public Prosecutions (ODPP);
 - b) the Directorate of Criminal Investigations (DCI);
 - c) the Independent Policing Oversight Authority (IPOA); and
 - d) the Commission on Administrative Justice (CAJ).
9. Additionally, the Committee held a meeting on Wednesday, 9th October, 2024 with the ODPP, DCI, CAJ and the Petitioner to deliberate on the Petition.
10. A summary of the responses and submissions by the said entities is set out below.

2.2 Response by the Directorate of Criminal Investigations

11. The Directorate of Criminal Investigations submitted that the circumstances of the matter entailed two cases comprising the offense of murder contrary to section 203 as read with section 204 of the Penal Code and abduction with intent to murder contrary to section 258 of the Penal Code. The murder case was pending before the High Court in Nairobi vide Criminal Case No. HCCRC/E008/2020 while for the abduction the case was pending before Milimani Chief Magistrate court in Criminal Case No. 142/56/2024 and Court File No. E 402/2024.
12. On the facts of the case, the DCI submitted that –
 - a) Two missing persons' reports were made on 4th and 5th February, 2020, at Kabete Police Station, that is –
 - i) by Christine Njoki Mweru, wife to the missing Joshua Gichuki Mwangi, a Kikuyu male adult (missing); and
 - ii) by Phanice Asiko Muhando, wife to Ben Maxwell Anyira, a Luhya male adult (deceased).
 - b) The reports indicated that the two men failed to return home from 3rd February, 2020 at about 8.00 pm when they were last seen.

- c) Investigations were initially commenced by DCI Dagoretti but were later taken over by RCIO Nairobi following a complaint by Christine Njoki Mweru of a slow pace of investigations.
- d) On 3rd February, 2020, Joshua Gichuki Mwangi, Ben Maxwell Anyira (deceased) and Denis Ndubi Mauda, a Luhya male adult (who has since been charged with murder pending before court) were together throughout the day moving from one location to another while aboard motor vehicle registration number KCS 481F Toyota Succeed belonging to and driven by Joshua Gichuki Mwangi.
- e) On the evening of the same day, the 3rd February, 2020, both Joshua Gichuki Mwangi and the deceased went back to their homes and informed their spouses separately that they were going to assist the suspect to rush a sick wife to hospital. It turned out that this was a plot by both Joshua Gichuki Mwangi and the deceased to hoodwink their spouses so that they could stay away from homes to continue with their planned unknown mission that would run late into the night.
- f) Joshua Gichuki Mwangi returned to his house at Riruta at about 7.30 pm and was later after about 30 minutes, followed by the suspect - Denis Ndubi Mauda who was not known to his family. The suspect pretended to be a neighbour seeking help from the said Joshua Gichuki to take his sick wife to the hospital which Gichuki Mwangi obliged, and they left in a hurry.
- g) Evidence gathered indicated that the suspect was not a resident of the locality of the victims and had no sick wife as claimed by the victims when he went to the house of Joshua Gichuki.
- h) The following day, on 4th February, 2020, an unknown body (that was after about three weeks identified as that of Ben Maxwell Anyira) was found dumped on a thicket along Ndeiya road off Nairobi-Mai Mahiu Road, by police officers from Ngubi Patrol Base of Kijabe Police Station. The body was collected and booked at City Mortuary in Nairobi. A post-mortem conducted on the body revealed the cause of death was a result of head injury due to sharp and blunt force trauma, an indication that the deceased was murdered before the body was dumped.
- i) Joshua Gichuki remains missing to date.
- j) Denis Ndubi Mauda, the suspect, being the last known person in physical contact with the two victims, was investigated whereby evidence was collected and analyzed. He was reasonably suspected to have played a key role in the disappearance of the two men. The case file was forwarded to the ODPP recommending the two offenses against the suspect i.e. that of Murder contrary to Section 203 as read with Section 204 of the Penal code

and Abduction with intent to Murder contrary to Section 258 of the Penal code.

- k) However, the ODPP recommended only the Charge of murder leading to the arrest and arraignment of the accused before the High Court at Nairobi - Criminal Division in criminal case number HCCRC/E008/2020 which is pending before the High Court.

13. The Directorate of Criminal Investigations further submitted that –

- a) Following further complaints by the Petitioner, Ms. Christine Njoki Mweru, a separate duplicate file was prepared and forwarded to the Director of Public Prosecution in respect of the missing Joshua Gichuki Mwangi vide Inquiry File No. 23 of 2021.
- b) The ODPP upon independently reviewing the file directed through a letter referenced: ODPP/HQ/ CAM/3/00077 dated 5th June, 2023 that the suspect be charged with the offence of Abduction with intent to Murder contrary to section 258 of the Penal code.
- c) Upon receiving the directives from the ODPP, the investigators made every effort to trace, arrest, and arraign the suspect. Investigating officers travelled to his rural home at Mungatsi in Busia County and to Mumbuini in Kirinyaga County where he was suspected to be residing.
- d) The suspect who was out on bond in the murder case at the High Court, had been hiding since then taking advantage of the fact that court mention dates were being conducted virtually, therefore, he did not need to appear physically in court. However, they did not succeed in effecting the arrest.
- e) On 12th September, 2023, the investigators informed the ODPP of the progress of the efforts being made to arrest the suspect and requested for their Intervention in arranging for a physical court attendance of the suspect on 24th October, 2023 but unfortunately it did not materialize.
- f) The suspect was eventually arrested on 15th April, 2024 and charged on 16th April, 2024, where he pleaded not guilty.
- g) The case is now pending before court and was scheduled for mention on 25th October, 2024 for confirmation of supply of evidence to the defense. The case was scheduled for next hearing on 25th November, 2024 before Court No. 8 at Milimani Law Courts.

14. A copy of the written response by the Directorate of Criminal Investigations is attached to this Report as *Annex 3*.

2.3 Response by the Office of the Director of Public Prosecutions

15. The Office of the Director of Public Prosecutions submitted that –
 - a) Following a complaint received from Ms. Christine Mweru, the ODPP wrote to the CCIO Nairobi Area on 13th January, 2021 directing that they provide a status report within 14 days.
 - b) On 30th June, 2022, the DCI Regional Coordinator Nairobi informed the ODPP that the duplicate file was transmitted to DCI Headquarters. Later the duplicate police file was resubmitted to the ODPP for perusal and advice, through a letter dated 6th July, 2022.
 - c) On 20th February 2023, after careful and thorough perusal of the inquiry file, the ODPP directed further investigations to be conducted by the DCI and the file to be resubmitted for perusal.
 - d) On 5th June, 2023, the ODPP directed further areas of investigations to be carried out and, upon completion, the suspect by the name Dennis Ndubi Mauda, be charged with the offense of abduction of Joshua Gichuki Mwangi contrary to Section 256 as read with Section 258 of the Penal Code, Laws of Kenya.
 - e) On the same date, the ODPP informed the complainant, Ms. Christine Njoki Mweru, to liaise with the investigator and her two daughters to record further statements.
 - f) As a result, the DCI vide a letter dated 12th September 2023 addressed to the ODPP Homicide division, stated that the investigation team had recorded a further statement of the complaint and her two daughters, registered High Court Criminal Case No. HCCRC/E008/2020 before the High Court of Kenya at Nairobi against Dennis Ndubi Mauda for the murder.
 - g) However, the suspect, Dennis Ndubi Mauda was still at large and the investigating team was tracing him and affecting arrest.
 - h) The DCIO was required to comply with the directions to arrest Denis Ndubi Mauda and present him before the appropriate Chief Magistrate Court to face charges of abduction, as indicated in the letter dated 5th June, 2023.
16. At the meeting with the Committee held in October 2024, the ODPP further submitted that the Office had filed Criminal Case No. HCCRC/E008/2020 in the High Court against Denis Ndubi Mauda for the offence of murder against Ben Maxwell Anyira, and that the matter was ongoing in Court.
17. A copy of the written response by the Office of the Director of Public Prosecutions is attached to this Report as *Annex 4*.

2.4 Submissions by the Independent Policing Oversight Authority

18. The Independent Policing Oversight Authority submitted that –

- a) On 8th October, 2020, the Authority received a complaint from Ms. Christine Njoki Mweru against the Directorate of Criminal Investigations. The complaint pertained to the DCI's failure to act on a report concerning the kidnapping of one Joshua Gichuki Mwangi, which allegedly occurred on 3rd February, 2020, at his home in Riruta. The complaint was registered under reference No. IPOA/CMU/2283/2020.
- b) Upon receipt, the Case Intake Committee reviewed the case and recommended a preliminary inquiry to ascertain the facts and gather more information regarding the complaint.
- c) On 10th October, 2020, the Authority recorded a detailed statement from Ms. Mweru. During this session, she provided information about the DCI's failure to act on her report regarding the kidnapping of Joshua Gichuki Mwangi. The Authority categorized her complaint as a case of police inaction.
- d) Since the alleged perpetrators of the kidnapping were not police officers, the Authority clarified that it does not have the mandate to investigate the alleged abduction by civilians. However, it can look into the alleged failure by the DCI to investigate the report and ensure that the matter is investigated.
- e) On 27th October, 2020, the authority requested the DCI for immediate action on the matter.
- f) On 4th February, 2021, officers from the Authority visited the office of the DCI to obtain a status update on the investigation into Joshua Gichuki Mwangi's kidnapping and to confirm that the investigation was actively underway.
- g) On 8th February, 2021, the DCI informed the Authority that the investigation was active and being handled by the DCI Regional Coordinator for the Nairobi Area Region.
- h) On 6th May, 2021, officers from the Authority visited Nairobi Area office. They met with the Deputy Regional Criminal Investigations Officer (RCIO) and the Investigating Officer (IO) handling the case, confirmed that the investigation was ongoing and that the DCI officers were in continuous communication with Ms. Mweru.
- i) Ms. Mweru was briefed on these findings and advised to follow up with the Nairobi Area office directly. However, she requested that an officer from the Authority accompany her for support which request was acceded to by the Authority.

- j) Later, on 23rd August, 2021, Ms. Mweru, accompanied by IPOA officers, visited the Nairobi Area office, during which they were informed that one suspect had been apprehended and arraigned in court.
 - k) Despite this progress, the complainant expressed dissatisfaction because six other persons allegedly involved in the kidnapping were still at large.
 - l) Therefore, on 25th October, 2021, the Authority wrote to the Regional Criminal Investigations Officer (RCIO) for the Nairobi Area, formally requesting the case file and a cover letter.
 - m) On 3rd June, 2022, the complainant informed the Authority that the matter had been taken to court. The Authority sent a letter to the ODPP on 8th June, 2022, seeking confirmation that the case was under their review.
19. The Authority informed the Committee that the consequence of the foregoing was that:
- a) The Authority followed up and monitored investigations by the DCI into the matter and established that the DCI conducted investigations into the complaint by Ms. Christine Njoki Mweru.
 - b) The case was forwarded to the Office of the Director of Public Prosecutions and was now before the Milimani Law Courts, Court File No. E402/2024. The matter was coming up for a Hearing on 16th July, 2024.
 - c) With the matter currently in court, the Authority, under Section 26 of the IPOA Act, was statutory barred from investigating any matter which is the subject of proceedings before a court of law or judicial tribunal.
20. A copy of the written response by the Independent Policing Oversight Authority is attached to this Report as *Annex 5*.

2.5 Submissions by the Commission on Administrative Justice

21. The Commission on Administrative Justice submitted that –
- a) Following a complaint received from Ms. Mweru, the Commission wrote to the DCI on 6th June, 2024 and later issued to the DCI a Notice to Show Cause dated 24th July, 2024.
 - b) As a result, the DCI responded to the Notice to Show Cause, indicating that the matter was filed in Court under Milimani CM CR. Case No. E402 of 2024 wherein the accused Denis Ndubi Mauda was charged with the offence of Abduction with intent to Murder contrary to section 258 of the Penal Code. The hearing was scheduled for 26th September, 2024.
 - c) The Commission received a letter on 15th October, 2024 from the ODPP confirming that the matter was in court and called upon Ms. Mweru to

cooperate with the ODPP by availing herself and her witnesses. Ms. Mweru had so far been advised accordingly.

22. A copy of the written response by the Commission on Administrative Justice is attached to this Report as *Annex 6*.

CHAPTER THREE: OBSERVATIONS

3.1 Committee Observations

23. Having considered the Petition, received the testimony by the Petitioner, and considered the written and oral submissions by the DCI, ODPP, IPOA and CAJ, the Standing Committee on Justice, Legal Affairs and Human Rights observes that –
- a) While the person suspected of involvement in the disappearance of Mr. Joshua Gichuki Mwangi and in the murder of Mr. Ben Maxwell Anyira was arrested and charged with the murder of the latter within a reasonable period, there appears to have been undue delays in arresting and charging the suspect with the offense of abduction of Mr. Joshua Gichuki Mwangi. This must have reasonably caused apprehension and distress on the part of the Petitioner that justice would not be done.
 - b) Once the subject Petition was presented to the Senate, the suspect was apprehended and charged in Court with the offence of abduction of Mr. Joshua Gichuki Mwangi. The Committee found it curious that, until then, the Directorate of Criminal Investigations indicated that they could not trace the suspect for purposes of effecting arrest.
 - c) At the time the Committee met with the DCI, ODPP, IPOA and CAJ in October 2024, the proceedings in both matters were ongoing, that is the murder case in respect of Mr. Ben Maxwell Anyira and the abduction with intent to murder case, in respect to Mr. Joshua Gichuki Mwangi.
24. The Committee affirms that, in accordance with Article 27 (*Equality and Freedom from Discrimination*) and Article 47 (*Fair Administrative Action*) of the Constitution of Kenya, all Kenyans are entitled to receive timely and efficient services from government authorities and agencies, irrespective of their means or social status. It is the duty of government authorities to proactively serve all citizens—without discrimination and without the need for external prompting—even in cases that do not attract public attention or media coverage. This upholds the constitutional guarantee of equal protection and benefit of the law, as well as the right to non-discriminatory access to public services for every individual.

CHAPTER FOUR: RECOMMENDATIONS

4.1 Committee Recommendations

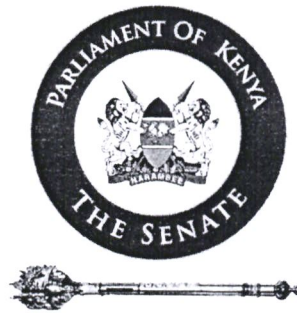
25. Arising from its Observations as set out in the preceding Chapter, the Standing Committee on Justice, Legal Affairs and Human Rights recommends that –

- a) The Office of the Director of Public Prosecutions to –
 - i) undertake criminal proceedings in *High Court Criminal Case No. E008 of 2020* before the High Court of Kenya at Nairobi against Dennis Ndubi Mauda for the offence of Murder of Ben Maxwell Anyira and in *Milimani CM Criminal Case No. E402 of 2024* against Dennis Ndubi Mauda for the offence of Abduction with intent to murder with respect to Joshua Gichuki Mwangi; and
 - ii) submit a status report to the Senate **every six months** from the tabling of this Report until the conclusion of the two matters.
- b) the Directorate of Criminal Investigations to –
 - i) continue with investigations into the disappearance of Mr. Joshua Gichuki Mwangi, noting that has never been found and is still categorised as a case of disappearance;
 - ii) cooperate with the Office of the Director of Public Prosecutions in availing witnesses and evidence in *High Court Criminal Case No. E008 of 2020* before the High Court of Kenya at Nairobi against Dennis Ndubi Mauda for the offence of Murder of Ben Maxwell Anyira and in *Milimani CM Criminal Case No. E402 of 2024* against Dennis Ndubi Mauda for the offence of Abduction with intent to murder with respect to Joshua Gichuki Mwangi; and
 - iii) submit a status report to the Senate **every six months** from the tabling of this Report until the conclusion of the two matters.

LIST OF ANNEXES

- Annex 1:* Minutes of the Committee in considering the Petition
- Annex 2:* Copy of the Petition
- Annex 3:* Response by the Directorate of Criminal Investigations
- Annex 4:* Response by the Office of the Director of Public Prosecutions
- Annex 5:* Submissions by the Independent Policing Oversight Authority
- Annex 6:* Submissions by the Commission on Administrative Justice

**ANNEX 1: Minutes of the
Committee in considering
the Petition**



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 195TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 4TH DECEMBER, 2024 AT 8.00 AM VIA THE ZOOM MEETING PLATFORM

PRESENT

- | | |
|--------------------------------------|--|
| 1. Sen. Raphael Chimera Mwinzagu, MP | - Vice Chairperson (<i>Chairing</i>) |
| 2. Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 3. Sen. Catherine Muyeka Mumma, MP | - Member |
| 4. Sen. Veronica W. Maina, MP | - Member |
| 5. Sen. Hamida Ali Kibwana, MP | - Member |
| 6. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|---------------|
| 1. Sen. Wakili Hillary Sigei, MP | - Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 3. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Senior Legal Counsel |
| 3. Mr. Jackson Wekesa | - Legal Counsel II |
| 4. Ms. Lynn Aseka | - Clerk Assistant III |
| 5. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 6. Mr. Jackson Matheshe | - Research Officer III |
| 7. Mr. Josephat Ng'eno | - Media Relations Officer |
| 8. Ms. Judith Aoka | - Assistant Audio Officer |

MIN. NO. 482/2024

PRELIMINARIES

The Chairperson called the meeting to order at twenty-seven minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 483/2024

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Andrew Omtatah Okoiti, MP and seconded by Sen. Fatuma Adan Dullo, CBS, MP.

a) The Constitution of Kenya (Amendment) Bill, 2024 (Senate Bills No. 17 of 2024)

Members concurred with the Committee observations and recommendations as captured in the Report.

Thereafter, the Committee adopted the Report having been proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Veronica W. Maina, MP.

b) The Sessional Paper No. 3 of 2023 on the Kenya Policy on Public Participation

Appreciating the need for a legal framework guiding the conduct of public participation, Members concurred with the Committee observations and recommendations as captured in the Report.

Thereafter, the Committee adopted the Report having been proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Catherine Muyeka Mumma, MP.

c) Petition by Ms. Christine Njoki Mweru concerning the failure by the Directorate of Criminal Investigations and the Office of the Director of Public Prosecutions to investigate, arrest and prosecute suspects involved in the abduction and disappearance of her husband.

Members concurred with the Committee observations and recommendations as captured in the Report.

Thereafter, the Committee adopted the Report having been proposed by Sen. Veronica W. Maina, MP and seconded by Sen. Hamida Ali Kibwana, MP.

a) Study Visit to the Republic of South Africa

Members inquired about the proposed study visit to South Africa and were informed that the trip had been scheduled to take place in February, 2025, once they were back from the long recess.

b) Joint sitting with the National Assembly Departmental Committee on Justice and Legal Affairs to consider the harmonised report on the framework for actualization of the NADCO and MSWG recommendations on amendment of the Constitution

The Committee was reminded of the joint sitting coming up on the same day, at 3:00 p.m. in the Mini Chamber, County Hall Building. Members were urged to attend.

MIN. NO. 486/2024

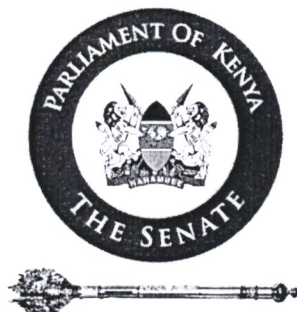
ADJOURNMENT

The Chairperson adjourned the meeting at seven minutes past nine. The next meeting was scheduled to be held on Thursday, 5th December, 2024.



SIGNED:

DATE: 5/12/2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 175TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON TUESDAY, 22ND OCTOBER, 2024 AT 8.30 A.M AT COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDINGS.

PRESENT

- | | |
|------------------------------------|----------------------------------|
| 1. Sen. Wakili Hillary Sigei, MP | -Chairperson (<i>Chairing</i>) |
| 2. Sen. Fatuma Adan Dullo, CBS, MP | -Member |
| 3. Sen. Hamida Ali Kibwana, MP | -Member |
| 4. Sen. Catherine Muyeka Mumma, MP | -Member |
| 5. Sen. Veronica W. Maina, MP | - Member |
| 6. Sen. Andrew Omtatah Okoiti, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Raphael Chimera Mwinzagu, MP | -Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | -Member |
| 3. Sen. Karen Njeri Nyamu, MP | -Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Ms. Lynn Aseka | - Clerk Assistant III |
| 4. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 5. Mr. Jackson Matheshe | - Research Officer III |
| 6. Mr. Josephat Ng'eno | - Media Relations Officer |
| 7. Ms. Judith Aoka | - Assistant Audio Officer |
| 8. Mr. Abdalla Mbore | - Serjeant-at-Arms |
| 9. Ms. Karen Aleyo | -Attaché |

IN ATTENDANCE (*see annex*)

1. The Directorate of Criminal Investigations
2. The Director of Public Prosecution

3. The Independent Policing and Oversight Authority
4. The Commission on Administrative Justice
5. Ms. Christine Njoki Mweru (Petitioner)

MIN. NO. 368/2024

PRELIMINARIES

The Chairperson called the meeting to order at forty-two minutes past eight O'clock and opened with a word of prayer. This was followed by self-introductions by the Members, Secretariat and invited guests.

MIN. NO. 369/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Fatuma Adan Dullo, MP.

MIN. NO.370/2024

**PETITION BY MS. CHRISTINE NJOKI MWERU
REGARDING FAILURE BY THE TO
INVESTIGATE, ARREST AND PROSECUTE
SUSPECTS INVOLVED IN THE ABDUCTION AND
DISAPPEARANCE OF HER HUSBAND, JOSHUA
GICHUKI MWANGI**

The Committee resumed consideration of the above captioned Petition and received responses from the following –

- a) Director of Public Prosecutions;
- b) Director of Criminal Investigations;
- c) Independent Police Oversight Authority; and
- d) Commission on Administrative Justice.

The Petitioner, Ms. Christine Njoki Mweru, was also present and was given an opportunity to highlight the sequence of events that led her to file a Petition before the Senate.

During deliberations, Members-

- i) observed that it had taken inordinately long, from February 2020 to April 2024, for the suspect to be arrested and charged with the abduction of Joshua Gichuki Mwangi. The DPP and DCI briefed the Committee on the circumstances that led to the said delay;
- ii) noted the statements by the Petitioner on frustration by certain officers at the DCI during her pursuit for justice. The DCI undertook to investigate the claims and further requested that IPOA take up the matter;
- iii) noted with concern the statement by the Petitioner on fears for her life following

her pursuit of justice in the matter. The DPP requested that the Petitioner reports the matter formally and gave an assurance that it would be treated with the seriousness it deserved.

Having concluded the hearing of the Petition, the Committee directed that the Secretariat prepare the draft Report on the Petition for consideration.

MIN. NO. 371/2024

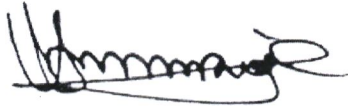
ANY OTHER BUSINESS

- i) The Chair highlighted the need for continuous engagement and collaboration between the Committee and the invited stakeholders.
- ii) Members informed the DPP and DCI of two Statements under consideration by the Committee in respect of which invitations would be sent to them to respond.

MIN. NO. 372/2024

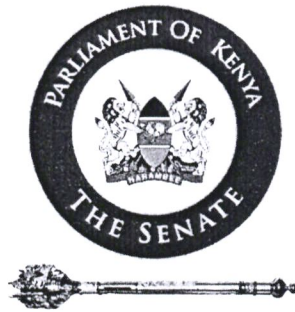
ADJOURNMENT

The Chairperson adjourned the meeting at twenty-five minutes past ten O'clock. The next meeting was scheduled to be held on notice.



SIGNED:

DATE: 13/11/2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 173RD SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 9TH OCTOBER, 2024 AT 8.00 A.M AT COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDINGS.

PRESENT

- | | |
|------------------------------------|----------------------------------|
| 1. Sen. Wakili Hillary Sigei, MP | -Chairperson (<i>Chairing</i>) |
| 2. Sen. Fatuma Adan Dullo, CBS, MP | -Member |
| 3. Sen. Hamida Ali Kibwana, MP | -Member |
| 4. Sen. Veronica W. Maina, MP | -Member |
| 5. Sen. Andrew Omtatah Okoiti, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Raphael Chimera Mwinzagu, MP | -Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | -Member |
| 3. Sen. Catherine Muyeka Mumma, MP | -Member |
| 4. Sen. Karen Njeri Nyamu, MP | -Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Clerk Assistant |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Ms. Lynn Aseka | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 4. Ms. Angela Bonaya | - Clerk Assistant III |
| 5. Mr. Jackson Matheshe | - Research Officer III |
| 6. Mr. Josephat Ng'eno | - Media Relations Officer |
| 7. Ms. Judith Aoka | - Assistant Audio Officer |
| 8. Mr. Abdalla Mbore | - Serjeant-at-Arms |

MIN. NO. 360/2024

PRELIMINARIES

The Chairperson called the meeting to order at twenty-nine minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 361/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. Veronica W. Maina, MP.

MIN. NO.362/2024

**PETITION BY MS. CHRISTINE NJOKI MWERU
REGARDING FAILURE BY THE TO
INVESTIGATE, ARREST AND PROSECUTE
SUSPECTS INVOLVED IN THE ABDUCTION AND
DISAPPEARANCE OF HER HUSBAND, JOSHUA
GICHUKI MWANGI**

The Committee resumed consideration of the Petition by Ms. Christine Njoki Mweru. In attendance were representatives from the Office of the Director of Public Prosecutions. The Committee was informed that the Director of Public Prosecutions had tendered his apology in writing for non-attendance but had submitted his written responses. However, this communication was yet to be received by the Committee.

During deliberations, Members observed that –

- a) the subject matter of the Petition was weighty and required the personal attendance of the Director of Public Prosecutions as the officer accountable to Parliament; and
- b) the Committee had previously invited the Director of Public Prosecutions to appear before it, on the same matter, in April 2024, but the Director failed to appear.

The Committee further observed that, despite sending two invitations to the Director of Criminal Investigations, the Director had failed to appear before the Committee and, further, was yet to submit a response to the Petition.

Thereupon, the Committee resolved to-

- i) re-invite the Director of Public Prosecutions and Director of Criminal Investigations to appear before the Committee, in person, in two weeks' time; and
- ii) defer further consideration of the Petition until the said meeting.

MIN. NO. 363/2024

ADJOURNMENT

The Chairperson adjourned the meeting at fifty-five minutes past eight O'clock. The next meeting was scheduled to be held on notice.



SIGNED:

DATE: 13/11/2024



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 123RD SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 24TH APRIL, 2024 AT 8.00 A.M ON THE ZOOM ONLINE MEETING PLARTFORM

PRESENT

- | | |
|------------------------------------|------------------------------|
| 1. Sen. Fatuma Adan Dullo, CBS, MP | - Member (<i>Chairing</i>) |
| 2. Sen. Catherine Muyeka Mumma, MP | - Member |
| 3. Sen. Andrew Omtatah Okoiti, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|---------------|
| 1. Sen. Wakili Hillary Kiprotich Sigei, MP | - Chairperson |
| 2. Sen. Raphael Chimera Mwinzagu, MP | - Vice-Chair |
| 3. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 4. Sen. Hamida Ali Kibwana, MP | - Member |
| 5. Sen. Veronica W. Maina, MP | - Member |
| 6. Sen. Karen Njeri Nyamu, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Charles Munyua | - Senior Legal Counsel |
| 2. Mr. Moses Kenyanchui | - Legal Counsel I |
| 3. Ms. Lilian Waweru | - Legal Counsel II |
| 4. Ms. Angela Bonaya | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 5. Mr. Josphat Ng'eno | - Media Relations Officer III |
| 6. Ms. Judith Aoka | - Assistant Audio Officer |
| 7. Mr. Abadallah Mbore | - Serjeant-At-Arms |

IN ATTENDANCE

- | | |
|------------------------------|-----------------------------------|
| 1. Ms. Christine Njoki Mweru | - Petitioner |
| 2. Mr. Martin Wanjala | - Advocate |
| 3. Mr. David Waweru | - Family member to the Petitioner |

MIN. NO. 105/2024

PRELIMINARIES

In the absence of the Chairperson and the Vice Chairperson, Members present nominated Sen. Fatuma Adan Dullo, CBS, MP to preside over the meeting. Thereupon, the Session Chairperson called the meeting to order at twenty-five minutes past eight O'clock and opened with a word of prayer.

MIN. NO. 106/2024

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Catherine Muyeka Mumma, MP and seconded by Sen. Andrew Omtatah Okoiti, MP.

MIN. NO. 107/2024

MEETING WITH MS. CHRISTINE NJOKI MWERU
TO RECEIVE TESTIMONY AND SUBMISSIONS ON
THE PETITION REGARDING FAILURE BY THE
DCI AND ODPP TO INVESTIGATE, ARREST AND
PROSECUTE SUSPECTS INVOLVED IN THE
ABDUCTION AND DISAPPEARANCE OF HER
HUSBAND, MR. JOSHUA GICHUKI MWANGI

The Committee commenced consideration of the Petition by Ms. Christine Njoki Mweru concerning incomplete investigations by the Office of the Directorate of Criminal Investigations and no prosecution by Office of the Director of Public Prosecutions to investigate, arrest and prosecute suspects involved in the abduction and disappearance of her husband Mr. Joshua Gichuki Mwangi.

Upon invitation by the Session Chairperson, the Petitioner, Ms. Christine Njoki Mweru proceeded to submit her testimony. Ms. Njoki submitted –

- a) that on the 3rd February, 2020 Mr. Joshua Gichuki Mwangi received a call while he was at home from Mr. Dennis Ndubi Mauda a man who claimed to be a neighbor and had a sick wife who needed help to urgently be taken to hospital what was later discovered to be false. They then left in the husband's vehicle KCS 481F which was not a taxi but personal car never to return again;
- b) that due setbacks by investigative officers assigned to the case, the matter was transferred from the original police station at Kabete to the Nairobi Area, Directorate of Criminal Investigation offices to be assisted by the now defunct Special Crimes Unit where she met uncooperative officers throughout;
- c) that she further sought help of the Commission of Administrative Justice (CAJ), Independent Policing Oversight Authority (IPOA), The Inspector General of Police, The Internal Affairs Unit, The Ministry of Interior Security and the Office of the Director of Public Prosecution (ODPP), where all these offices had written to the office of the DCI to follow up on the matter. However there had been no positive action by the office of the DCI despite the intervention of all these offices;
- d) that Mr. Dennis Ndubi Mauda, is currently facing murder charges related to a different person, Mr. Ben Anyira, who had accompanied Mr. Joshua Gichuki Mwangi to take the alleged sick wife of Mr. Dennis Ndubi Mauda to hospital;
- e) that on the 5th of June 2023, the office of the Director of Public Prosecutions (ODPP) directed the office of the Directorate of Criminal Investigations (DCI) to have Ms. Christine Njoki Mweru and her daughter record further statements into the offence of abduction with intent to murder contrary to Section 258 of the Penal Code, but nothing has been done;
- f) that she had gone through a lot of frustration in seeking investigation, arrest and prosecution of suspects involved in the abduction and disappearance of her husband Mr. Joshua Gichuki Mwangi; and

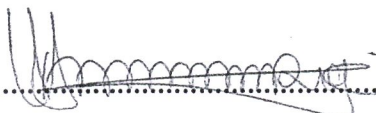
g) that the previous week, she received a text message from the Directorate of Criminal Investigations (DCI) stating that one of the suspects, Mr. Dennis Ndubi Mauda, had been arrested but released on bond.

Following deliberations, the Committee noted that responses had been invited from the Director of Criminal Investigations and the Director of Public Prosecutions. The Committee resolved to further invite responses from the Independent Policing Oversight Authority (IPOA) and the Commission on Administrative Justice (the Ombudsman) on the Petition.

MIN. NO. 108/2024

ADJOURNMENT

The Session Chairperson adjourned the meeting at twenty-six minutes past nine O'clock. The next meeting was scheduled to be held on Tuesday, 30th April, 2024 at eight O'clock.

SIGNED: 

DATE: 04/05/2024.

***ANNEX 2: Copy of the
Petition***

13 DEC 2023

(2) M. D. Mwangi
Please process, is
there a similar
petition on this
matter?
08 DEC 2023 201
19.12.23

DLP
Please deal
with
14/12/23

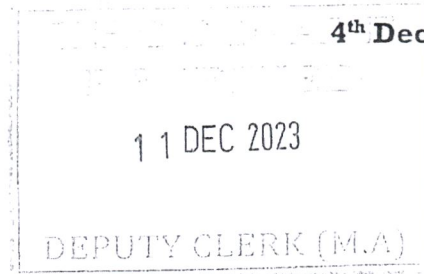
The Clerk Of The Senate

Parliament Buildings

P.O.BOX 41842-00100

NAIROBI

EMAIL: cSenate@parliament.go.ke



RE: PETITION TO THE SENATE CONCERNING INCOMPLETE INVESTIGATIONS BY THE OFFICE OF THE DIRECTORATE OF CRIMINAL INVESTIGATIONS AND NO PROSECUTION BY OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS TO INVESTIGATE, ARREST AND PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MY HUSBAND JOSHUA GICHUKI MWANGI.

I, the undersigned, Christine Njoki Mweru a Kenyan citizen of P.O. Box 53000-00200 a resident of Nairobi County in the Republic of Kenya;

DRAW the attention of the senate to the following:

1. **THAT**, on the 3rd of February 2020 while at home in Riruta my husband Joshua Gichuki Mwangi left home in the company of one Dennis Ndubi Mauda a man who claimed to be a neighbor and had a sick wife who needed urgent help to be taken to hospital. a fact later discovered to be false, they left aboard our vehicle KCS 481F never to return again.
2. **THAT**, on the 4th February 2020 barely 24hrs since they left my husband's car KCS 481 F was found in Ruaka abandoned.
3. **THAT**, on 4th February 2020 I made an official report about the disappearance at Kabete Police the station nearest to our home and the vehicle KCS 481 F was driven to Kabete Police and an O.B No.61 of 4th FEBRUARY 2020 was issued.
4. **THAT**, on 13th February 2020 I received a call from the investigating officer assigned to the matter that he had traced the suspect Dennis Ndubi Mauda who was later on summoned to record a statement at Kabete Police station.
5. **THAT**, I have on several occasions written to the Director of Criminal Investigations in a bid to follow up on my husband's case and have always been receiving inconclusive responds.
6. **THAT**, I believe that due to mismanagement and set backs mainly by investigative officers assigned to this case the matter was transferred from the original police station with jurisdiction at Kabete to the Nairobi Area ,Directorate of Criminal Investigations offices to be assisted by the now defunct Special Crimes Unit where I met un cooperative officers throughout.
7. **THAT**, I also sought the help of The Commission of Administrative Justice (office of the Ombudsman), IPOA, The Inspector General of Police, The Internal Affairs Unit, The Ministry of Interior Security and the Office of the

RE: PETITION TO THE SENATE CONCERNING INCOMPLETE INVESTIGATIONS BY THE OFFICE OF THE DIRECTORATE OF CRIMINAL INVESTIGATIONS AND NO PROSECUTION BY OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS TO INVESTIGATE , ARREST AND PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MY HUSBAND JOSHUA GICHUKI MWANGI .

Director of Public Prosecutions, whereby all of these offices have written to the office of the Directorate of Criminal Investigations to follow up on the matter.

8. **THAT**, despite the intervention of all these good offices, there has been no positive action by the Directorate of Criminal Investigation in regard to my husband's disappearance including no arrests, no one been brought forward to be charged in relation to the abduction and or disappearance of my husband.
9. **THAT**, I have all documents evidence to support all of my correspondence with the investigative bodies in regard to the disappearance and abduction of my husband.
10. **THAT**, one of the suspects I have referred to in paragraph one (1) is currently facing a murder charge related to a different person via **HCCRC E008/2020 (High Court Milimani Nairobi.)**
11. **THAT** on the 5th of June 2023 ,the office of the Director of Public Prosecutions Directed the Office of the Directorate of Criminal Investigations to have myself and my daughters record further statements into the offence of Abduction with intent to Murder Contrary to Section 258 of the Penal Code but nothing has been done .
12. **THAT**, I have made the best efforts to have this matter addressed by the relevant authorities all of which have failed to give a satisfactory response.
13. **THAT**, none of the issues raised in this petition is pending in any court of law.

RE: PETITION TO THE SENATE CONCERNING INCOMPLETE INVESTIGATIONS BY THE OFFICE OF THE DIRECTORATE OF CRIMINAL INVESTIGATIONS AND NO PROSECUTION BY OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS TO INVESTIGATE , ARREST AND PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MY HUSBAND JOSHUA GICHUKI MWANGI .

WHEREFORE , your humble petitioner pray that the senate: -

- a) Find my case to be urgent and fit of being given a hearing by the committee.
- b) Summon the relevant bodies in charge of investigation and prosecution in Kenya to give their account on why justice has never been served.
- c) Reach a finding and give directives that will enable me and my family find closure to the disappearance of our family member in the hands of known suspects.
- d) Hold into account the rogue officers I have encountered throughout my numerous follow ups.

Dated this 4 **Day of** DEC **20** 23

CHRISTINE NJOKI MWERU

I.D.NO

8536087

Signature

Email christinemweru19@gmail.com

Contact Details:

C/O

Martin Ndinyo and Company Advocates,

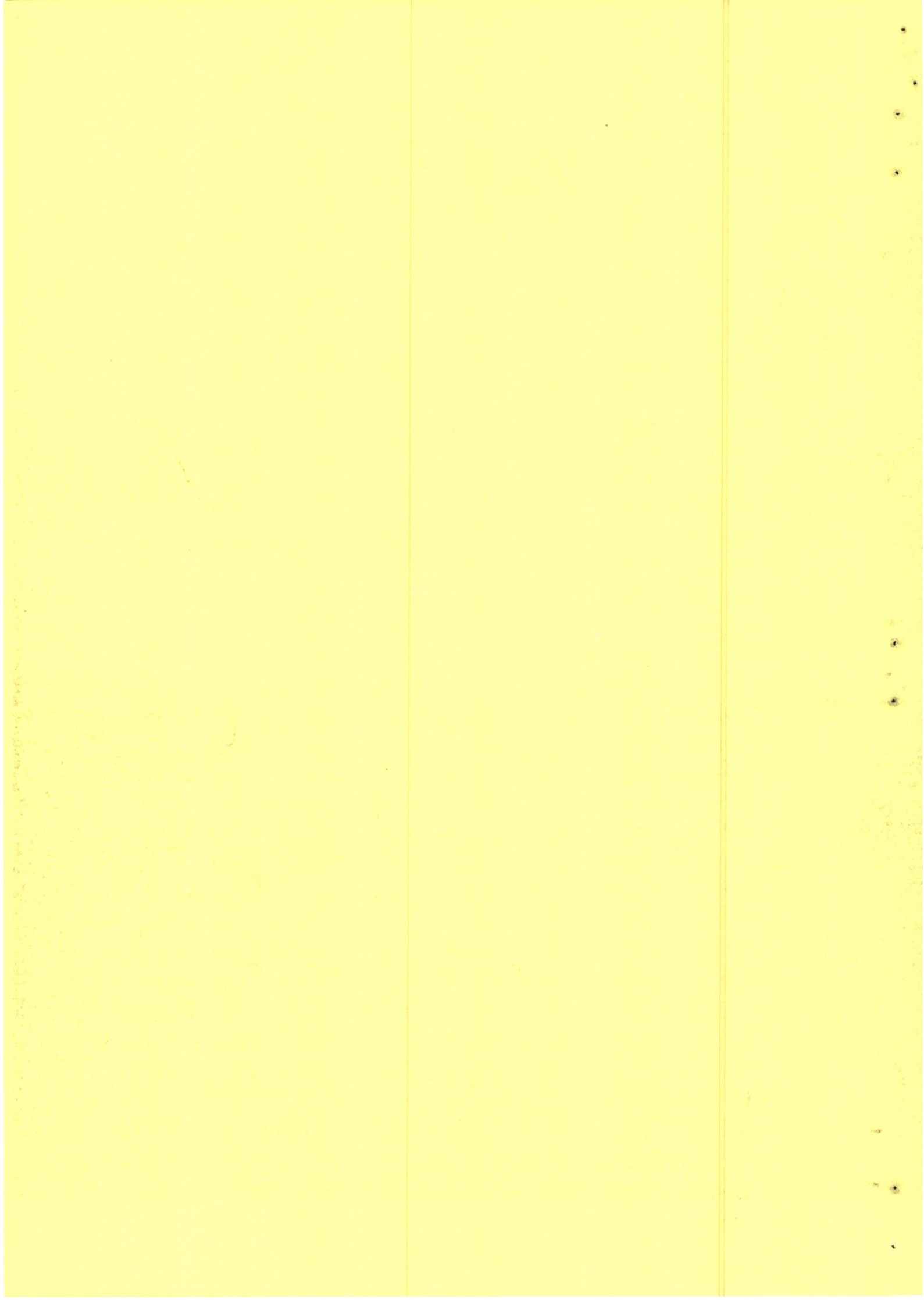
Ngong Hills Hotel Office Suites,

5th Floor Suite 508,

P.O.Box 23075-00505 Ngong Road,Nairobi.

Tel:+254720717684

***ANNEX 3: Response by the
Directorate of Criminal
Investigations***



NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: director @cid.go.ke
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036 NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/IB/SEC/2/8/13/VOL.II/148

17TH October, 2024

OFFICE OF THE CLERK OF THE SENATE
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
P.O. BOX 41842 - 00100,
NAIROBI.

**RE : PETITION REGARDING INCOMPLETE INVESTIGATIONS AND
FAILURE TO PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION
AND DISAPPEARANCE OF MR. JOSHIUA GICHUKI MWANGI**

Reference is made to your letters Ref. SEN/DGAC/DGC/JLAHRC/2024/14/35 (b) dated 30TH September, 2024 and Ref: SEN/DGAC/DGC/JLAHRC/2024/14/37 (b) dated 11th October, 2024 on the above subject matter.

Brief circumstances of matter are that these are twin cases comprising the offence of Murder contrary to Section 203 as read with Section 204 of the Penal code and Abduction with intent to Murder contrary to Section 258 of the Penal code. The murder case is pending before High Court in Nairobi vide Criminal case No. HCCRC/E008/2020 while for the abduction the case is pending before Milimani Chief Magistrates court in criminal case No. 142/56/2024 and Court file No. E 402/2024.

Brief facts of the cases are that two missing persons' reports were made on 4th and 5th February, 2020 respectively at Kabete Police Station by Christine Njoki Mweru - wife to the missing Joshua Gichuki Mwangi, a Kikuyu male adult (missing) and Phanice Asiko Muhando - wife to Ben Maxwell Anyira a Luhya male adult (deceased) that the two men failed to return home from the 3rd February, 2020 at about 2000hrs when they were last seen. Investigations were initially commenced by DCI Dagoretti but were later taken over by RCIO Nairobi following a complaint by the said Christine Njoki Mweru of a slow pace of investigations.

Investigations established that on 3rd February, 2020, Joshua Gichuki Mwangi, Ben Maxwell Anyira (deceased) and Denis Ndubi Mauda, a Luhya male adult (who has since been charged with murder pending before court) were together throughout the day moving from one location to another while abode motor vehicle registration number KCS 481F Toyota Succeed belonging to and driven by Joshua Gichuki Mwangi. In the evening of same day, the 3rd of February, 2020, both Joshua Gichuki Mwangi and the deceased went back to their homes and informed their spouses separately that they were going to assist the suspect to rush a sick wife to hospital. It turned out that this was a plot by both Joshua Gichuki and the deceased to hoodwink their spouses so that they could stay away from homes in order to continue with their planned unknown mission that would run late into the night.

Joshua Gichuki Mwangi returned to his house at Riruta at about 1930 hours and was later on after about 30 minutes, followed by the suspect - Denis Ndubi Mauda who was not known to his family. The suspect pretended to be a neighbour seeking for help from the said Joshua Gichuki to take his sick wife to hospital which Gichuki Mwangi obliged and they left in a hurry. Evidence gathered indicated that the suspect was not a resident of the locality of the victims and had no sick wife as claimed by the victims when he went to the house of Joshua Gichuki.

The following day of 4th February, 2020, unknown body (that was after about three weeks identified as that of Ben Maxwell Anyira) was found dumped on a thicket along Ndeiya road off Nairobi Mai Mnahiu road, by police officers from Ngubi Patrol Base of Kijabe Police Station. The body was collected and booked at City Mortuary in Nairobi.

Post mortem conducted on the body revealed the cause of death was as a result of *head injury due to sharp and blunt force trauma*, an indication that the deceased was murdered before the body was dumped. Joshua Gichuki remains missing to date.

Denis Ndubi Mauda - the suspect, being the last known person in physical contact with the two victims, was investigated whereby evidence was collected and analysed. He was reasonably suspected to have played a key role in the disappearance of the two men. The case file was forwarded to the ODPP recommending the two offences against the suspect i.e that of Murder contrary to Section 203 as read with Section 204 of the Penal code and Abduction with intent to Murder contrary to section 258 of the Penal code. However, the ODPP recommended only the Charge of murder leading to arrest and arraignment of the accused before the High Court at Nairobi - Criminal Division in criminal case number HCCRC/E008/2020 that is pending before the High Court.

Following further complaints by the Petitioner, Christine Njoki Mweru, a separate duplicate file was prepared and forwarded to the Director of Public Prosecution in respect of the missing Joshua Gichuki Mwangi vide Inquiry file No. 23 of 2021. The ODPP upon independently reviewing the file directed through letter referenced: ODPP/HQ/CAM/3/00077 dated 5* June, 2023 that the suspect be charged with the offence of Abduction with intent to Murder contrary to section 258 of the Penal code.

Upon receiving the directives from the ODPP, the investigators made every effort to trace, arrest and arraign the suspect.

Investigating officers travelled to his rural home at Mungatsi in Busia County and to Mumbuini in Kirinyaga County where he was suspected to be residing. The suspect who was out on bond in the murder case at the High Court, had been in hiding since then taking advantage of the fact that court mention dates were being conducted virtually therefore, he did not need to appear physically in court. However, they did not succeed in effecting the arrest.

On the 12th September, 2023, through letter referenced: CID/C/CRI/6/4/VOL.49/3, the investigators informed the ODPP of the progress of the efforts being made to arrest the suspect and also requested for their Intervention in arranging for a physical court attendance of the suspect on the 24th October, 2023 but unfortunately it did not materialize. The suspect was eventually arrested on the 15th April, 2024 and charged on 16th April, 2024, where he pleaded not guilty. The case is now pending before court and

is scheduled for mention on 25th October, 2024 for confirmation of supply of evidence to the defence. The case is scheduled for hearing 25th November,2024 before court no.8 Milimani Law court.

In refence to your letter ref: SEN/DGAC/DGC/JLAHRC/2024/14 (b) dated 2nd April,2024 I wish to confirm that we did not appear before the committee on 25/4/2024 after receiving communication from the office of the clerk that there would be no sitting following the official opening of the Bunge towers on the material date and regarding letter ref:SEN/DGAC/DGC/JLAHRC/2024/14/35(b) dated 30th September,2024 our response was sent through the office of the Inspector General on 7th October,2024. However, any inconvenience caused is highly regretted.

Yours *Sincerely*,

A handwritten signature in black ink, appearing to be 'Mohamed I. Amin', written over a series of horizontal lines.

Mohamed I. Amin, CBS, OGW, 'ndc' (K)

DIRECTOR OF CRIMINAL INVESTIGATIONS

/en

POLICE 3

THE REPUBLIC OF KENYA

POLICE CASE No: 142/56/2024

COURT FILE NO. 5402/2024.

OB NUMBER: 61/04/02/2020

ODPP MSN NO.

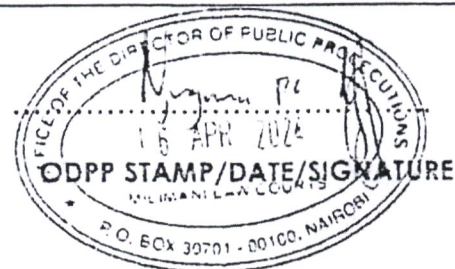
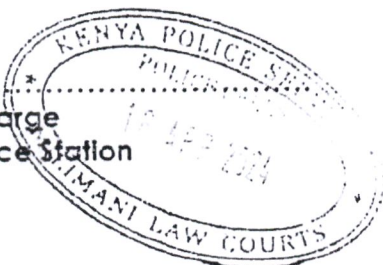
DATE DRAFTED: 15/04/2024

ODPP STATION



CHARGE SHEET

Christian Names In Full DENIS NDUBI	Surname or Father's name MAUDA	Identity Certificate No	Sex MALE	Nationality or Tribe KENYAN	Apparent Age ADULT	ADDRESS (include District and Location where applicable) BUSIA COUNTY
CHARGE COUNT I	ABDUCTION WITH INTENT TO MURDER CONTRARY TO SECTION 258 OF THE PENAL CODE.					
PARTICULARS OF OFFENCE (See Second Schedule of C.P.C.)	DENIS NDUBI MAUDA: On the 3 rd of February, 2020 at Riruta in Dagoretti Sub County, within Nairobi County, abducted Joshua Gichuki Mwangi in order that the said Joshua Gichuki Mwangi may be disposed of as to be put in danger of being murdered.					
If Accused Arrested	Date of Arrest	Without or with Warrant	Date Apprehension Report to Court	Bond or Bail and amount	Is Application for Summons to Issue	
YES	15/04/2024	W/O	16/04/2024	IN CUSTODY	////////	
Remanded or Adjourned to						
Complainant and Address	REP THROUGH CHRISTINE NJOKI MWERU.					
Witnesses	1. CHRISTINE NJOKI MWERU 2. PHANICE ASIKO MUHANDO 3. ALEXANDUR ATOYA ANYIRA 4. DAVID WAWERU MWANGI 5. OTHERS AS PER LIST OF WITNESSES.					
Sentence						
Court and date	CM'S COURT MILIMANI. If fine paid.....					

Officer in Charge
Kileleshwa Police Station

POLICE

THE REPUBLIC OF KENYA

POLICE CASE NO: 142/36/2024

CB NUMBER: 61/04/02/2020

DATE DRAFTED: 15/04/2024

COURT FILE NO: 5402/2024

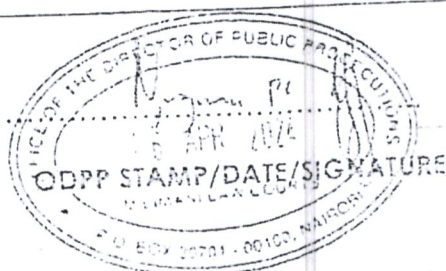
ODPP MSN NO:

ODPP STATION:



CHARGE SHEET

Christian Names In Full DENIS NDUBI	Surname or Father's name MAUDA	Identity Certificate No	Sex MALE	Nationality or Tribe KENYAN	Apparent Age ADULT	ADDRESS (include District and Location where applicable) BUSIA COUNTY
CHARGE COUNT I	ABDUCTION WITH INTENT TO MURDER CONTRARY TO SECTION 258 OF THE PENAL CODE.					
PARTICULARS OF OFFENCE (See Second Schedule of C.P.C.)	DENIS NDUBI MAUDA: On the 3 rd of February, 2020 at Riruta in Dagoretti Sub County, within Nairobi County, abducted Joshua Gichuki Mwangi in order that the said Joshua Gichuki Mwangi may be disposed of as to be put in danger of being murdered.					
If Accused Arrested YES	Date of Arrest 15/04/2024	Without or with Warrant W/O	Date Apprehension Report to Court 16/04/2024	Bond or Bail and amount IN CUSTODY	Is Application for Summons to issue ////////	
Remanded or Adjourned to						
Complainant and Address	REP THROUGH CHRISTINE NJOKI MWERU.					
Witnesses	1. CHRISTINE NJOKI MWERU 2. PHANICE ASIKO MUHANDO 3. ALEXANDUR ATOYA ANYIRA 4. DAVID WAWERU MWANGI 5. OTHERS AS PER LIST OF WITNESSES.					
Sentence						
Court and date	CM'S COURT MILIMANI. If fine paid					

Officer in Charge
Kileleshwa Police Station

***ANNEX 4: Response by the
Office of the Director of
Public Prosecutions***



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 2732090
Mobile: 0723202888/0787880580
Fax: 2243524
Email: info@odpp.go.ke

ODPP Building,
RAGATI ROAD
P.O. BOX 30701 - 00100
NAIROBI,
KENYA.

When replying please quote

Ref. ODPP/CAM/13/2/25

Date: 28th July 2022

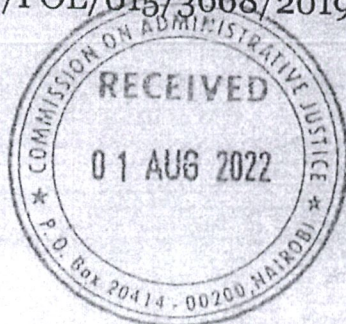
Ms. Florence Kajuju
Chief Executive Officer
The Commission on Administrative Justice
West End Towers, 2nd Floor
Waiyaki Way, Westlands
P.O. Box 20414-00200
NAIROBI

**RE: COMPLAINT BY JULIUS ONKWARE AKUNGA IN
RESPECT OF:**

- 1. DCI MARANI CR. NO. 645/223/2018
LAND PARCEL NO. WEST KITUTU/MWAMONARI/38
AND OB NO. 46/22/11/2021**
- 2. DCI KITUTU CENTRAL CR. NO. 642/165/2022
OFFENCE: ASSAULT CONTRAY TO SECTION 251 OF
THE PENAL**

A. INTRODUCTION

I write in reference to the above matter and acknowledge receipt of letters
Ref. No. CAJ/POL/015/3668/2019-FN dated 14th and 18th July 2022.



In the aforesaid letters you have alleged that:

1. The Office of the Director of Public Prosecutions (ODPP) has never given a substantive response to the complaint by Julius Onkware Akunga on behalf of Patricia Akunga since 29th June 2020.
2. The alleged omission constitutes failure to act in discharge of a public duty under section 2(1)(b), unresponsive official conduct under section 8(b) and inefficiency and ineptitude within the public service under section (d) of the Commission on Administrative Justice Act.

As a consequence thereof, you have given a 14 days' notice to the Director of Public Prosecutions (DPP), to show cause why his name should not be entered in the Register of Malfeasant Public Officers. You have given further notice that the commission may take other action which may include issuance of summons to compel the DPP's attendance before the Commission and produce documents or give information or adjudicate on the complaint.

Your letter of purported notice to show cause which is devoid of any legal basis is obviously instigated by persons whose sole aim is to taint the name and the person of the DPP and the ODPP.

Whereas I am not under any legal obligation to explain my decision on whether or not to charge by dint of Article 157(10) of the Constitution of Kenya which provides that the DPP shall not be under the direction or control of any person or authority, including the Commission herein, it is in the public interest that I have taken the liberty to outline our position as ODPP as hereunder:

B. CONSTITUTIONAL MANDATE AND INDEPENDENCE OF THE ODPP

1. Article 157(10) of the Constitution provides that:

"The Director of Public Prosecutions shall not require the consent of any person or authority for the commencement of criminal proceedings and in the exercise of his or her powers or functions, shall not be under the direction or control of any person or authority."

2. The foregoing independence of the DPP and ODPP has been reinforced through various court pronouncements, to wit:

a) **Director of Public Prosecutions v Chrysanthus Okemo & 4 others (Petition 14 of 2020) [2021] KESC 13 (KLR) (Crim) (5 November 2021),**

b) **Diamond Hasham Lalji and another versus Attorney General and 4 others (2018) eKLR,**

c) **Nairobi High Court Petition No. E266 OF 2020, Okiya Omtatah Okiiti versus the Director of Public Prosecutions and 3 others,**

d) **Engineer Geoffrey K. Sang versus Director of Public Prosecutions and 4 others (2020) eKLR.**

C. MANDATE OF THE COMMISSION

3. We have analysed the provisions of Article 252 of the Constitution on the functions of Commissions and Independent Offices which provisions are clear that, the Commission on Administrative Justice does not have the powers either to cite the DPP or issue the notice to show cause as it has purported to issue in the case herein. This is the same position under the provisions of section 8 and the Regulations made thereunder which the Commission has relied on as a basis to issue the notice to show cause.
4. We reiterate that the Office of the Director of Public Prosecutions is an **Independent Constitutional Office** established pursuant to article 157 of the Constitution to exercise the state powers of prosecution. Under Article 157(10) The Director of Public Prosecutions shall not require the consent of any person or authority for the commencement of criminal proceedings and in the exercise of his or her powers or functions, shall not be under the direction or control of any person or authority.
5. The Commission on Administrative Justice (CAJ) on the other hand is established under Section 3 of the Commission on Administrative Justice Act no. 23 of 2011 and its functions under Section 8 *inter alia* include;

- a) investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; (section 3(a))
 - b) investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector; (section 3(b))
 - c) inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service; (Section 3(d))
6. The Commission, being a Commission established under an Act of Parliament (Commission on Administrative Justice Act) has no powers to oversight the Director of Public Prosecutions who is a holder of an Independent Constitutional Office because the hierarchy of laws does not either permit or envisage such as this would be tantamount to interfere and/or control which is contrary to the express provision Article 249(2) of the Constitution which stipulates:

“The commissions and the holders of independent offices—

(a) are subject only to this Constitution and the law; and

(b) are independent and not subject to direction or control by any person or authority.”

7. By purporting to direct and oversight the DPP with regards to a criminal matter, the Commission is acting *ultra-vires* its parent Act which provides under Section 30(1) that:

Limitation of jurisdiction

“The Commission shall not investigate-

(b) a criminal offence;

(c) a matter pending before any court or judicial tribunal;

(d) the commencement or conduct of criminal or civil proceedings before a court or other body carrying out judicial functions;

(g) anything in respect of which there is a right of appeal or other legal remedy unless, in the opinion of the Commission, it is not reasonable to expect that right of appeal or other legal remedy to be resorted to;

(h) any matter for the time being under investigation by any other person or Commission established under the Constitution or any other written law." (Emphasis added).

8. Evidently from the foregoing, the Commission has no powers to discharge oversight authority over either the DPP or the ODPP as doing so would be in flagrant contravention of the Constitution and the Commission on Administrative Justice Act, 2011.

D. ACCOUNTABILITY OF THE OFFICE OF THE DPP

9. The independence of the ODPP is bolstered by sections 6 and 7 of the ODPP Act, which provide that the ODPP is only accountable to the President and Parliament.
10. The only other institution that exercises oversight authority over the ODPP in regard to the discharge of his constitutional mandate is the judiciary by way of either Judicial Review or Constitutional petitions.
11. Pursuant to the aforesaid powers, vide a letter dated 12th August 2020, Parliament sought for a written response on the subject matter which the DPP substantively responded to vide a letter dated 19th August 2020. Copies of the two letters are attached hereto for ease of reference.
12. The National Assembly was satisfied by the response provided by the DPP and has never pursued the issue further.

13. In light of the foregoing, it is appalling that the commission which has no powers to oversight the ODPP is issuing unsubstantiated threats.
14. Owing to the Constitutional independence of the ODPP as illustrated above coupled with the fact that the DPP is only accountable to the President, Parliament and the Judiciary, the commission has no legal basis upon which it can issue a notice to show cause howsoever, whatsoever.

E. POWERS OF THE DPP TO DIRECT INVESTIGATIONS

15. Article 157(4) of the Constitution bestows upon the Director of Public Prosecutions (DPP) powers to direct the Inspector General of the National Police service and any other investigating agency to investigate any information or allegation of criminal conduct which directions should be complied with. The Article stipulates:

“The Director of Public Prosecutions shall have power to direct the Inspector-General of the National Police Service to investigate any information or allegation of criminal conduct and the Inspector-General shall comply with any such direction.”

16. Article 157(4) is buttressed by section 5 sub section 2(b) of the Office of the Director of Public Prosecutions Act which gives powers to the DPP to direct investigative agencies to conduct investigations by providing that:

“The Director shall exercise State powers of prosecution and may—

(b) direct that investigations be conducted by an investigative agency named in the direction.”

17. As shall be demonstrated below, since 2018, the ODPP gave directions on several occasions to the National Police Service to undertake investigations into certain identified outstanding areas which investigations were not undertaken until 1st December 2021 when the inquiry file was resubmitted and a decision made to prosecute named suspects.

18. Having directed the police to conduct further investigations, the onus was upon the investigators to undertake such investigations and resubmit the inquiry file with completed investigations.
19. As a consequence of the foregoing, the threat to cite the DPP for any alleged acts is unfounded and baseless and shall be met with the full force of law.

F. RESPONSE TO THE COMPLAINTS

BACKGROUND

a) Nature of the Matters

20. Julius Onkware Akunga made complaints in respect of two cases namely:
 - i. DCI Marani Cr. No. 645/223/2018
Investigations into fraudulent transfer of land parcel No. West Kitutu/Mwamonari/38
and Ob No. 46/22/11/2021.
 - ii. DCI Kitutu Central Cr. No. 642/165/2022
Offence: Assault contrary to section 251 of the Penal Code.

The subject matter and the circumstances of the two cases are unrelated.

i. Land Case

21. In respect of investigations into fraudulent transfer of land parcel number West Kitutu/Mwamonari/38, the inquiry file was initially submitted to ODPP Kisii on or about **20th July 2016** for perusal and advice.
22. Vide a letter dated **20th July 2016** (copy attached), ODPP Kisii directed the DCI Marani Division to advise the parties to seek recourse in a succession court as opposed to criminal prosecution on the grounds that the case revolves around the estate of their late father.

23. The inquiry file was re-submitted by the DCI, Marani Division, to the ODPP on **2nd April 2018**(copy attached) for perusal and advice.
24. Vide a letter dated **30th May 2018**, ODPP, Kisii County gave consent to prosecute but identified certain outstanding areas which required to be covered. A copy of the letter dated 30th May 2028 is attached.
25. Following numerous letters of complaint to the DPP by Patricia Kerubo Akunga, the ODPP Headquarters called for a detailed status report from the ODPP, Kisii vide a letter dated **20th March 2019**(copy attached).
26. Vide a letter dated **19th June 2019**(copy attached), ODPP Kisii forwarded the inquiry file accompanied by a brief on the same. In the brief, ODPP Kisii recommended that the subject matter be dealt with by a civil or succession court and a withdrawal of the criminal case.

b) Withdrawal of the First Criminal Case

27. Upon receipt of the inquiry file, the prosecution case was reviewed in accordance with the National Prosecution Policy whereupon critical gaps were noted that necessitated a review of the previous decision to prosecute. Consequently, vide a letter dated **25th March 2020**(Copy attached), the ODPP directed that the criminal case be withdrawn and the identified outstanding areas be covered. The inquiry file was returned to ODPP Kisii with directions for the outstanding areas to be covered and the inquiry file resubmitted for perusal and further directions.
28. The CCIO Kisii County received the directions to cover the outstanding areas vide a letter dated 23rd April 2020 (see letter dated 6th May 2020 from the CCIO to the SCCIO, Marani Division).
29. The file was resubmitted by the SCCIO Marani Division to ODPP Kisii after a period of **16 months** vide a letter dated 10th August 2021(copy attached).

30. Upon perusal of the resubmitted inquiry file, the ODPP Kisii observed that the outstanding areas which had been identified previously had not been covered and communicated the same to the CCIO Kisii County vide a letter dated **3rd September 2021**(copy attached).

c) Recharging of the Suspects

31. The CCIO Kisii resubmitted the inquiry to ODPP Kisii vide a letter dated **11th November 2021**(copy attached) indicating that the outstanding areas highlighted had been covered.
32. Upon perusal of the inquiry file, ODPP Kisii vide a letter dated **1st December 2021**(copy attached) directed the police to charge the following suspects with the offences listed below:

S/NO.	SUSPECTS	OFFENCES
1.	John Barongo Nyabaro	• Intermeddling with the property of a deceased person contrary to section 45 of the Succession Act • Fraudulent procurement of title deed contrary to section 103(1) (c) (1) of the Land Registration Act. • Forgery contrary to section 345 as read with section 349 of the Penal Code. • Making a false document contrary to section 103(1) (a) of the Land Registration Act.
2.	William Siro Nyabaro	
3.	Charles Ondieki Bosire,	
4.	Huron Ngare Mokua	
5.	Charles Ogendi Osoro	

33. Vide a letter dated **19th May 2022**(copy attached), the CCIO Kisii confirmed that, on 9th and 14th February 2022, three out of the five suspects named were arrested and charged in court, namely:

- a. Charles Ondieki Bosire,
 - b. Huron Ngare Mokua; and
 - c. Charles Ogendi Osoro.
34. The investigating officer in the aforesaid letter dated 19th May 2022 has stated that one Julius Onkware Akunga, who is the complainant in this case has been interfering with the investigations and has hindered the arrest of the remaining two suspects being John Barongo Nyaboro and William Siro Nyaboro who are brothers to Patricia Akunga (mother of the complainant) and uncles to the complainant herein (Julius Onkware Akunga).
 35. The criminal case is pending trial in court and is fixed for mention on 24th August 2022 for a pre-trial conference.

ii. Assault Case

36. In respect of the assault case, upon receipt of the inquiry file, the ODPP analysed the evidence and concluded that there was no sufficient evidence to prosecute the suspect.
37. The decision was communicated to ODPP Kisii County and copied to the Commission vide a letter Ref. No. ODPP/CAM/13/2/25 dated **12th July 2022**. A copy of the letter and proof of delivery is attached for ease of reference.

G. WHETHER THE DPP RESPONDED TO THE COMMISSION

38. In your letter dated 18th July 2022, you acknowledge having received two letters dated 29th June 2020 and 26th April 2022 from the ODPP.
39. From our records, the ODPP responded to the Commission's first letter dated 23rd September 2019 vide a letter dated **29th June 2020**(which you have acknowledged receipt of), addressed to ODPP Kisii County and copied to the Commission.
40. The next correspondence from the commission to the ODPP was vide a letter dated 1st April 2022 which the ODPP responded to vide a letter dated **26th April 2022**(which you have acknowledged receipt of), in which we indicated that the subject matter was receiving the attention of the DPP and a response would be furnished to the Commission.

41. On 14th June 2022, the Commission wrote to the DPP inquiring an update in regard to the complaint filed by Julius Onkware Akunga of behalf of Patricia Akunga. The ODPP responded substantively to one of the complaints relating to an assault case vide a letter Ref. No. ODPP/CAM/13/2/25 dated **12th July 2022**. A copy of the letter is attached hereto.
42. In respect of the second limb of the complaint touching on fraudulent transfer of land, the ODPP wrote a letter Ref. No. ODPP/CAM/13/2/25 dated **19th July 2022** addressed to ODPP Kisii and copied to the Commission. In the letter, the ODPP pointed out that this was an old matter and directed the Head of ODPP Kisii to direct the police to cover the outstanding areas within 21 days and resubmit the inquiry file. A copy of the letter is attached for ease of reference.
43. It is clear from the foregoing that the ODPP has been in constant communication with the Commission. Consequently, the allegations that the DPP has failed to act in the discharge of public duty, is unsubstantiated, devoid of merit and tantamount to a malicious attempt by the Chairperson of the Commission to taint and malign the name of the DPP and the image of the ODPP in the eyes of right-thinking members of the public.

H. MALICIOUS COMPLAINT BY JULIUS ONKWARE AKUNGA AGAINST THE ODPP

44. Vide a letter dated **16th May 2022** addressed to the DPP and copied to the Commission amongst other public offices, Julius Onkware Akunga acknowledged that he was aware that criminal charges had been preferred against some of the suspects. The complainant even knew the case numbers of the criminal cases and when the matters were coming up in court.
45. The above notwithstanding, the complainant went ahead to complain that recommendations to charge the suspects have never been acted upon because of:

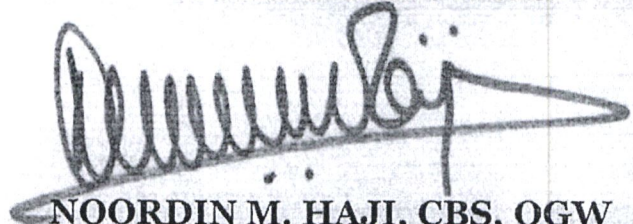
“Negligence, unwillingness, ignorance and/or lack of interest by the Office of the DPP, Kisii, despite several attempts over the same by the correspondences between me and the office of the

***DPP Nairobi, Commission on Administrative Justice,
National Assembly of Kenya and the Public Service
Commission."***

46. Evidently the complaint by Julius Onkware Akunga is made in bad faith, malicious and despicable and should be treated as such and not acted upon.
47. Regrettably, the Commission has accepted to be enjoined in a malicious scheme by third parties to maliciously malign my name and the ODPP for ulterior motive.

I. CONCLUSION

48. We have discharged our Constitutional duty by making the decision whether or not to charge in respect of the two complains and we have all along been in communication with the complainants herein and the Commission.
49. The complaint by Julius Onkware Akunga on behalf of Patricia Kerubo against me and the ODPP is devoid of merit, is malicious, unsubstantiated, without any legal basis, justification, and/or objective.
50. I take great exception to the insinuation in your letter dated 18th July 2022 that the undersigned has failed to act in the discharge of public duty, has been unresponsive, inefficient and ineptitude.
51. The threat to take any action against me is ill advised, misconceived, without legal basis and shall attract serious legal challenge from our part with the risk of the necessary attendant consequences on your part including but not limited to pecuniary or other available reliefs.



NOORDIN M. HAJI, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS

***ANNEX 5: Submissions by
the Independent Policing
Oversight Authority***



Independent Policing Oversight Authority

**REPORT TO SENATE – PETITION TO THE SENATE REGARDING
INCOMPLETE INVESTIGATIONS AND FAILURE TO PROSECUTE
SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE
OF MR. JOSHUA GICHUKI MWANGI**

**Presented to the Senate Standing Committee on Justice, Legal Affairs and
Human Rights by IPOA Chief Executive Officer on
Thursday, 23rd May, 2024**

INDEPENDENT POLICING OVERSIGHT AUTHORITY
REPORT TO THE SENATE STANDING COMMITTEE ON JUSTICE, LEGAL
AFFAIRS AND HUMAN RIGHTS – THURSDAY, 23RD MAY, 2024

1. INTRODUCTION

The Independent Policing Oversight Authority (herein after the Authority) is a statutory body established by Cap 86 of the Laws of Kenya (hereinafter IPOA Act). The main aim of the Authority is to provide civilian oversight over the work of the National Police Service. The objectives of the Authority are to; a) hold the Police accountable to the public in the performance of their functions; b) give effect to the provision of Article 244 of the Constitution; and c) ensure independent oversight of the handling of complaints by the Service.

The Authority commends and appreciates the Senate for its diligent oversight over public institutions including the Authority which by this submission provides an unreserved response to the Senate Standing Committee on Justice, Legal Affairs, and Human Rights, as requested in your letter dated May 16, 2024 and **[Ref. SEN/DGAC/DGC/JLAHRC/2024/22(b)]**. This response aligns with the Authority's mandate to ensure police accountability.

1.1 Protection of Right to Life

Right to life is protected by our Constitution under Art. 26 which states “(1) Every person has the right to life, and (3) A person shall not be deprived of life intentionally, except to the extent authorized by this Constitution or other written law.” This therefore constitutionally prohibits extrajudicial killings in Kenya.

Enforced disappearance as per the International Convention for the Protection of All Persons from Enforced Disappearance¹ is the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. Article 1 of the Convention states “No one shall be subjected to enforced disappearance”. Unfortunately, Kenya has not ratified this Convention.

2. MANDATE OF THE AUTHORITY

The Authority draws its functions from the IPOA Act, key among these being to investigate any complaints related to disciplinary or criminal offences committed by any member of the National Police Service, whether on its own motion or on receipt of a complaint, and make recommendations to the relevant authorities. Such complaints include those of police inaction whereby, as in the present case, a complainant alleges that police officers have failed to carry out their functions under

¹ See <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> accessed on 27th February 2020

Every complaint and allegation of police misconduct requires an appropriate investigation. If the Authority does not conduct an investigation itself, it will refer the complaint to another agency with appropriate jurisdiction and oversee that investigation. The legal basis for these investigations can be found in Sections 6(a), 7(a), 24 and 29 of the IPOA Act, 2011 and Sections 35(j) and 87(4) (e) of the NPS Act, 2011.

3. SUBMISSIONS BY THE AUTHORITY

Based on the pertaining situation presented above, the Authority makes the following submissions:

3.1 Complaint by Christine Njoki Mweru

- a) On October 8, 2020, the Authority received a complaint from Christine Njoki Mweru ("the complainant") against the Directorate of Criminal Investigations (DCI). The complaint pertained to the DCI's failure to act on a report concerning the kidnapping of one Joshua Gichuki Mwangi, which allegedly occurred on February 3, 2020, at his home in Riruta. *(Attached herewith and Marked as Exhibit 1 is a copy of the Complainant)*
- b) The Authority registered this complaint on October 8, 2020, under Reference No. IPOA/CMU/2283/2020. Upon receipt, the Case Intake Committee reviewed the case and recommended a preliminary inquiry to ascertain the facts and gather more information regarding the complaint.
- c) On October 10, 2020, the Authority recorded a detailed statement from the complainant. During this session, she provided information about the DCI's failure to act on her report regarding the kidnapping of Joshua Gichuki Mwangi. This statement was crucial for the Authority's understanding of the specifics of the complaint and the timeline of events. Subsequently, the Authority categorized her complaint as a case of police inaction. Since the alleged perpetrators of the kidnapping were not police officers, the Authority clarified that it does not have the mandate to investigate the alleged abduction by civilians. However, it can look into the alleged failure by DCI to investigate the report and ensure that the matter is investigated. *(Attached herewith and Marked as Exhibit 2 is a copy of the Complainant's Statement).*

3.2 Status update on action taken by the Authority after receipt of the complaint

- a) On October 27, 2020, the Authority formally wrote to the Director of the Directorate of Criminal Investigations (DCI), highlighting the complaint and requesting immediate action. *(Attached herewith and Marked as Exhibit 3 is a copy of the letter sent to the DCI).*
- b) On February 4, 2021, officers from the Authority visited the office of the Director of Public Complaints at the DCI. Their purpose was to obtain a status update on the investigation into Joshua Gichuki Mwangi's kidnapping and to confirm that the investigation was actively underway.

A handwritten signature in black ink, appearing to be a stylized name, possibly 'M. Njoki', written over a horizontal line.

- c) On February 8, 2021, the DCI responded to the Authority's inquiries vide a letter indicating that the investigation was active and being handled by the DCI Regional Coordinator for the Nairobi Area Region. *(Attached herewith and Marked as Exhibit 4 is a copy of the said letter).*
- d) On May 6, 2021, to ensure thorough follow-up, officers from the Authority visited the Nairobi Area office. They met with the Deputy Regional Criminal Investigations Officer (RCIO) and the Investigating Officer (IO) handling the case. The Authority confirmed that the investigation was ongoing and that the DCI officers were in continuous communication with the Complainant. The complainant was briefed on these findings and advised to follow up with the Nairobi Area office directly. However, she requested that an officer from the Authority accompany her for support which request was acceded to by the Authority.
- e) On August 23, 2021, the complainant, accompanied IPOA officers, visited the Nairobi Area office. During this visit, they were informed that one suspect had been apprehended and arraigned in court. However, despite this progress, the complainant expressed dissatisfaction because six other persons allegedly involved in the kidnapping were still at large.
- f) On October 25, 2021, the Authority wrote to the Regional Criminal Investigations Officer (RCIO) for the Nairobi Area, formally requesting for the case file and a covering letter. *(Attached herewith and Marked as Exhibit 5 is a copy of the said letter).*
- g) On June 3, 2022, the complainant informed the Authority that the matter had been taken to court. The Authority sent a letter to the ODPP on June 8, 2022, seeking confirmation that the case was under their review. *(Attached herewith and Marked as Exhibit 6 is a copy of the said letter).*

4. CONCLUSION

The consequence of the foregoing is that;

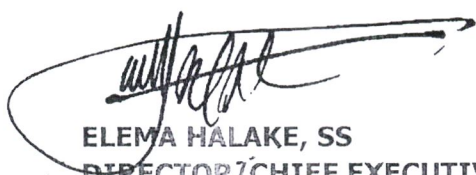
- a) The Authority followed up and monitored investigations by the DCI into the matter and established that the DCI conducted investigations into the complaint by Ms. Christine Njoki Mweru.
- b) The case was forwarded to the Office of the Director of Public Prosecutions (ODPP) and is now before the Milimani Law Courts, Court File No. E402/2024. The matter is coming up for Hearing on **16th July 2024**.
- a) With the matter currently in court, the Authority pursuant to Section 26 of the IPOA Act, is statutory barred from investigating any matter which is the subject of proceedings before a court of law or judicial tribunal.

The Authority has done its best in realization of its mandate, by establishing that the police conducted extensive investigations into the matter by apprehending and charging the suspect/s in the matter in court.



The Authority remains steadfast in its mission to uphold the principles of good governance, thereby contributing to a more accountable and responsive police force for the benefit of all Kenyan citizens.

The Authority thanks the Senate Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC) and appreciates the opportunity granted to submit its submissions. Through such accountability measures, a professional and disciplined Service will be realized as articulated under Article 244 of the Constitution.

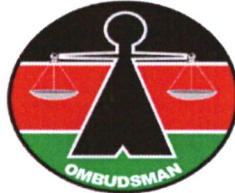


ELEMA HALAKE, SS
DIRECTOR/CHIEF EXECUTIVE OFFICER

Dated: The twenty third day of May, 2024.

***ANNEX 6: Submissions by
the Commission on
Administrative Justice***

THE COMMISSION ON ADMINISTRATIVE JUSTICE



"Hata mnyonge ana haki"

CAJ SUBMISSIONS TO THE SENATE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON THE PETITION BY CHRISTINE NJOKI MWERU REGARDING INCOMPLETE INVESTIGATIONS AND FAILURE TO PROSECUTE SUSPECTS INVOLVED IN THE ABDUCTION AND DISAPPEARANCE OF MR. JOSHUA GICHUKI MWANGI

Introduction

The Commission on Administrative Justice (CAJ) is a Constitutional entity established under Article 59(4) of the Constitution and the Commission on Administrative Justice Act, 2011. The Commission has a mandate, *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

Further, the Commission is the oversight agency of the right to access to information as provided for by the Access to Information Act, 2016.

In the conduct of its functions, the Commission has powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue Summons and require that statements be given under oath, adjudicate on matters relating to Administrative Justice, obtain relevant information from any person or Governmental authorities and to compel production of such information.

Background

The Commission received a letter ref SEN/DSEC/DGAC/JLAGRC/2024/22(a) dated 16th May 2024 from the Clerk of the Senate inviting the CAJ to a meeting of the Committee on 23rd May 2024 at 9:00am.

The Committee is presently considering a Petition concerning incomplete investigations by the DCI and failure to prosecute suspects involved in the abduction and disappearance of Mr. Joshua Gichuki Mwangi which was presented in the Senate on 6th March 2024, and subsequently committed to the Committee.

The Senate letter invited the CAJ to submit any representations on the Petition.

Brief Facts of the Complaint:

1. On **25th June 2020**, the complainant lodged a complaint with the Commission alleging failure by the DCI to finalize investigations and apprehend a suspect by the name Dennis who was the last person with her husband who disappeared on the night of 3rd February 2020. **A copy of the complaint is enclosed herewith, marked "Complaint Annexure 1".**
2. The complainant averred that on the night of 3rd February 2020, a neighbour by the name Dennis came to her home and sought the assistance of her husband in rushing his sick wife to hospital using her husband's car. They left the house at around 8 pm and he did not return. Her call to her husband around 5.am went unanswered and later on his car was found abandoned at a car wash in Ruaka.
3. She reported the matter to Kabete Police Station under OB Number 61 and the matter was later transferred to Nairobi Area but the suspect was never arrested and the investigations have been undertaken at a very slow pace. She indicated that she has made several follow ups with the DCI as well as the Office of the Director of Public Prosecutions but the matter remained unresolved.

Action Taken by CAJ

4. The Commission initiated an inquiry vide letter Ref: CAJ/POL/015/3850/20-KWK dated 20th August 2020 to the Director of Criminal Investigations inquiring on the allegations of delay in concluding investigations and effecting arrest of the suspect. **A copy of the CAJ inquiry letter is enclosed herewith, and marked "Annexure 2".**
5. By a letter Ref:DC/SEC/COMP/3/2/13/VOL.XXVII/65 dated 15th October 2020, the Director DCI referred the matter to Nairobi RCIO raising concerns over the slow pace of investigations and failure to arrest the suspect, instructing the RCIO to ensure that investigations are concluded and arrest effected. This was followed by a reminder under letter Ref: DCI/SEC/COMP/3/2/13/VOL.XXIX/19 dated 4th December 2020 from DCI to Nairobi RCIO. **Copies of the letters dated 15th October 2020 and 4th December 2020 are enclosed herewith, and marked "annexure 3(a) and 3(b)".**
6. In the course of our inquiry, the Commission noted that a number of other agencies were seized of the matter and were pursuing the same with DCI such as the Office of the Director of Public Prosecutions who vide their letter Ref: ODPP/MUR/2020/72 dated 13th January 2021 requisitioned for a status update from the Nairobi CCIO on the investigations carried out to enable the ODPP respond to the complainant. Similarly, IPOA equally intervened as evident in their letter Ref: IPOA/CMU/2283/2020 dated 27th October 2020 where IPOA called the DCI's attention on the matter and raised

concern over a nine months delay in taking action on the matter. **Copies of the ODPP and IPOA letters are enclosed herewith, and marked "annexure 4a and 4b".**

7. In a bid to ensure speedy investigations into the matter, the Commission sought the intervention of the Director, Internal Affairs Unit vide a letter dated 25th January 2021 after which the Director Internal Affairs vide a letter Ref NPS/IAU/SEC/3/2/13/VOL.VI/88 dated 27th January 2021 informed the complainant that the matter was under investigations by the Special Service Unit of the DCI requesting her to be patient as they waited the outcome of the investigations. **Copies of the IAU letter to complainant is enclosed herewith, and marked "annexure 5a".** Further, the IAU vide a letter Ref: **NPS/IAU/SEC/3/2/13/VOL.VI/98(annexure 5b)** assured the Commission that the DCI was handling the matter and that investigations were at an advanced stage.
8. The Commission made further follow ups on this matter vide letter dated 30th November 2021 to DCI, 9th January 2023 to IAU, 13th February 2023 to the Director of Public Prosecutions and 26th October 2023 to DCI, after which the ODPP directed the DCI to identify and address the gaps in the investigations and resubmit the Police file to the DPP for further action. The ODPP further advised the complainant vide a letter dated 5th June 2023 to liaise with the IO for purposes of recording further statements. **Copies of the letters are enclosed herewith and marked "Annexure 6"**
9. Fundamentally, in the course of the inquiry, the Commission noted that the Office of the Director of Public Prosecutions was substantively seized of the matter and had issued various correspondence as cited above to the DCI directing the DCI to expedite investigations. This called the attention of the Commission to section 30(h) of the CAJ Act which ousts the mandate of the Commission where a matter is active before another agency. Section 30(h) reads **"The Commission shall not investigate any matter for the time being under investigation by any other person or Commission established under the Constitution or any other written law."**
10. Nevertheless, the Commission's file for this matter remains open and the Commission will continue liaising with ODPP and DCI in the interest of justice to ensure the suspect is brought to justice.
11. Further, the Commission has been at all times in communication with the complainant who has indicated that the ODPP was pursuing the matter with the DCI.

Analysis by CAJ

12. The Commission has carefully considered this matter and noted that there has been a multi-agency intervention from various institutions such as the IPOA, IAU, Office of the Inspector General of Police and the ODPP and all agencies have played their role to ensure that justice is done.

13. In particular, the ODPP directed the DCI to address the gaps in investigations and return the Police file for further action and asked the complainant to record further statements. In these circumstances, the Commission could not direct further action by the ODPP following an advisory from the DPP to the Commission in a different matter regarding their prosecutorial independence under Article 157(10) of the Constitution 2010 and the ODPP Act. **Enclosed herewith is a copy of the DPP's Advisory Letter Ref: ODPP/CAM/13/2/25 dated 28th July 2022 to the Commission regarding independence of DPP's prosecutorial powers.**

14. The Commission further noted that the mandate over conducting criminal investigations rests with the National Police Service, DCI and on this, the DPP was also seized of.

Conclusion and Recommendation:

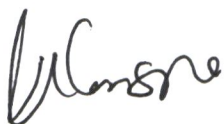
- i. The Commission discharged its mandate as provided in the CAJ Act 2011.
- ii. Upon analysis of the Complaint received, the CAJ noted that the issues raised revealed a possible case of criminal action and therefore referred the matter to the DCI for redress in accordance with their mandate. The Commission further sought the intervention of the ODPP and the Internal Affairs Unit to ensure expeditious resolution of the matter.

It is worth noting that under section 30 (b) and (h) of the CAJ Act, the CAJ shall not investigate a criminal offence, and any matter for the time being under investigation by any other person or Commission established under the Constitution or any other written law. On this basis, the CAJ jurisdiction was ousted.

Further, the Constitution provides under Article 157 (10) that *"The DPP..... shall not be under the direction or control of any person or authority..."*

- iii. The CAJ procedure is that once its mandate is ousted, the Commission does not undertake further inquiry on the issues.

Signed and submitted by:



MERCY K. WAMBUA, OGW
COMMISSION SECRETARY/CEO
COMMISSION ON ADMINISTRATIVE JUSTICE

ANNEXURE 1

6

THE COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of The Ombudsman"



CAJ 1

SERIAL NO.

COMPLAINT FORM

The Commission on Administrative Justice (CAJ) was established by the Commission on Administrative Justice Act No.23 of 2011 pursuant to Article 59(4) of the Constitution. The Commission has a mandate *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission has a quasi-judicial mandate to deal with maladministration through, conciliation mediation and negotiation where appropriate.

1. Complainant's Details

Name: CHRISTINE NJOKI

Gender: Male ☐ Female ☒ ID Number: 8536087

Postal Address: 53000 - 00200 NAIROBI

Mobile: 0795225912 Email: christinemwari19@gmail.com

County: NAIROBI Age: 52 yrs

How did you get to know about the Commission?

Newspaper ☐ TV/Radio ☐ Referral by Friend ☒ Other (Specify):

2. Which Public Institution or Public Officer are you complaining about?

Ministry/Department/Agency: CID Boss Nairobi Area
plus Special Crime Branch Bays at
Nairobi (A branch of DIC Rambu)

County: NAIROBI

Have you complained to the public institution or public institution involved?

Yes ☐ No ☐

If yes, what was the outcome of your complaint?

Have you reported this matter to any other public institution/ public official?

Yes ☐ No ☐



Handwritten note:
Kwesi
Pls deal.
16/20

If yes, which one?

3. Has this matter been the subject of court proceedings?

Yes

☐

No

☐

4. Please give a brief summary of your complaint and attach all supporting documents

[Note to indicate all the particulars of WHAT happened, WHERE it happened, WHEN it happened and by WHOM]

On 3rd Feb 2020 a man called Dennis came in the house at around 7:30pm with a need to be assisted with by my husband to take our car to take his wife to hospital. The man was unfamiliar to me but to my husband he seemed familiar. My husband introduced Dennis to me as a neighbour next apt to us. He also introduced us a wife and the children. They left talking in a friendly way. The following day at 9am my husband's phone was off. His car stamped at Ruaka next to roadside at an open car wash. Ruaka police called us to pick the car and since then my husband has been missing for 5 months. Reported at Ruaka police. For 2 1/2 months they never deal so much apart from getting Dennis since my husband last call he is one who rang him. Dennis has never been arrested for 5 months walking free. I reported to DCI Kramb, sent to an office at Traffic their branch. I also went to Napier area CID Dept. It has completed the investigation but Dennis has never been arrested yet.

5. What is the action you want taken?

- (i) No arrest the 5 to 6 suspects as quickly
- (ii) as possible since my husband's husband's life can be at risk any minute so that they can expose where he is.
- (iii)

Signature: Christine

Date: 25/6/2020

SECTION C:

FOR OFFICIAL USE ONLY

Classification: Delay

Complainant: Christine Njoki

Versus: DCI

Respondent

Comments by screening officer:

An enquiry can be made into the delay by DCI in finalising the investigations.

Name: Diana K. Ogega

Signature: [Signature]

Date: 25/06/2020

WEST END TOWERS 2nd Floor, Wanyuki Way - Westlands P.O. Box 40114-00200 NAIROBI Tel: 020-2270000, 020-2303000

Toll Free Line: 0800-221349 | SMS Short Code (Safaricom subscribers) 15400 | Website

Email:

complaints@kenya.go.ke (General Enquiries) | complaints@kenya.go.ke

(to lodge a complaint)

Chairperson: Hon. Florence Kajuku, MBS
 Vice-Chairperson: Mr. Washington Sati
 Commissioner: Mrs. Lucy Ndung'u, EBS, HSC



THE
 COMMISSION ON ADMINISTRATIVE JUSTICE
 "Office of the Ombudsman"

OUR REF: CAJ/POL/015/3850/20- KWK

20th August, 2020

Director

Directorate of Criminal Investigations
 Kiambu Road Opp. Forestry Department Headquarters
 P.O. Box 30036-00100

NAIROBI

Dear Sir,

**RE: COMPLAINT BY CHRISTINE NJOKI MWERU AGAINST THE DIRECTORATE OF
 CRIMINAL INVESTIGATIONS**

Kindly receive warmest compliments from the Commission on Administrative Justice (Office of the Ombudsman).

The Commission is in receipt of a complaint from Mrs. Christine Njoki Mweru alleging:

1. That on the 3rd of February 2020 at around 7:30pm, a man who identified himself as "Baba Dennis" arrived at the Complainant's family home and requested for assistance in driving his wife to the hospital.
2. That the Complainant's husband; Mr. Joshua Gichuki Mwangi, left the home with the said "Baba Dennis" to assist him in taking the wife to the hospital.
3. That the Complainant's husband did not return home thereafter and has been missing since then.
4. That the Complainant reported the matter to Kabete Police Station on the 4th of February 2020 vide OB No.61.
5. That she further sought redress vide a letter dated 21st March 2020 addressed to your office.
6. That no action or investigation has been taken on the matter since then to date

The Complainant is seeking to have your office act on her complaint lodged earlier to your office with a view of resolving it fully.

By means of this letter, we request you to respond to us in relation to the foregoing concerns. In light of the urgency of the matter, we look forward to hearing from you within the next **TWENTY ONE (21) DAYS** from the date of receipt of this letter. Kindly find enclosed copies of relevant documents for ease of reference.

We look forward to your prompt response and assure you of our highest regards.

Yours Sincerely,



EUNICE NYABIO

FOR: COMMISSION SECRETARY/CEO

CC: 1. Christine Njoki Mweru

P.O. Box 53000-00200

NAIROBI

2. Officer Commanding Police Station

Kabete Police Station

P.O. Box 14457-00625

NAIROBI

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: director @cid.go.ke
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036
NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

(when replying, please quote our Reference)

DCI/SEC/COMP/3/2/13/VOL.XXVIII/65

15th October, 2020

RCIO NAIROBI

**SUBJECT: SLOW PACE BY DCI TO ARREST A SUSPECT OF KIDNAP OF GICHUKI
MWANGI JOSHUA AT RIRUTA**

The Director has received a further complaint reminder from Inspector General's office in respect of above relevant subject.

Christine Njoki Mweru is still complaining of slow pace to arrest the suspect upon completion of investigation.

She praised Nairobi DCI that they did a tremendous job within one month more so Mr. Nyakwaka and Mr. Gitari for their leadership.

The Director instructs that your good work will go along way for good results upon arrest and prosecution of the suspect.

Proceed therefore to instruct those concerned to make arrest and do a brief to enable him revert back to Inspector General.

Det. ONESMUS K. TOWETT, LLB. (MOI). Post Dip (KSL). SSP
For: THE DIRECTOR CRIMINAL INVESTIGATION DEPARTMENT

C.c.1. Mr. Pius Gitari – OC Special Crime Prevention Unit Nairobi Area

✓ 2. Christine Njoki Mweru – Kindly report to RCIO Nairobi for further assistance.

ANNEXURE 3 (b)
CONFIDENTIAL

CONFIDENTIAL

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: director@cid.go.ke
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036
NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

(when replying, please quote our Reference)

DCI/SEC/COMP/3/2/13/VOL.XXIX/19

4th December, 2020

RCIO NAIROBI

"2nd REMINDER"

RE: FAILURE BY DCI TO ARREST SUSPECTS THAT KIDNAPPED JOSHUA MWANGI ON 03/02/2020 IN RIRUTA

Refer to my earlier letter Ref.DCI/SEC/COMP/3/12/13/VOL.XXVII/110 dated 24th November 2020 over the above captioned matter; the response to which is yet to be received from your end.

Forwarded herein, please find the attached copies of complaint letters once again received by the Director DCI, from the Inspector General of NPS, Internal Affairs Unit and Ombudsman Vide their respective letters Ref. NPS/IG/SEC/3/2/13/VOL.VI/33 dated 19/11/2020, NPS/IAU/SEC/3/2/13/VOL.VI/33 dated 03/11/2020 and CAJ/POL/015/3850/2020-K.W.K. dated 09/10/2020 for your necessary prompt action.

The Director DCI has again directed that you take personal interest in this case and Endeavour to bring the suspects to book, conclude the investigation and thereafter furnish him with brief on status of the investigations to enable him revert to the destined authorities.

Kindly, but urgently expedite.

CONFIDENTIAL

CONFIDENTIAL



HERINE AGOLA

For: THE DIRECTOR CRIMINAL INVESTIGATION DEPARTMENT

CC: 1) Mr. Pius Gitari - OC SCPU - (Please join efforts with the RCIO Nairobi to Conclude this case by arresting the suspects).

2) Christine Njoki Mweru - Kindly report to RCIO Nairobi for further assistance.



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Telegraphic address: "Personnel", Nairobi

Telephone: Nairobi 2732090/273224

Mobile: 0723202888/ 0787880580

Fax: 2243524/2251808

Email: info@odpp.go.ke

When Replying please quote

Ref: ODPP/MUR/2020/72

NSSF Building, Block 'A'

19th Floor

P.O. BOX 30701-00100

NAIROBI

Date: 13th January, 2021

THE CCIO

NAIROBI AREA

P.O Box 30051-00100

NAIROBI

RE: COMPLAINT FROM CHRISTINE NJOKI MWERU

We refer to the above matter.

We are in receipt of a complaint letter dated 12th October, 2020 from Christine Njoki Mweru regarding her missing husband, Joshua Gichuki Mwangi (Find attached for your ease of reference).

We therefore request for a status update within **fourteen (14) days** on the investigations carried out so far to enable us sufficiently respond to the complaint.

Kindly proceed as directed.

GIKUI GICHUHI

HEAD, HOMICIDE DIVISION

SENIOR PRINCIPAL PROSECUTION COUNSEL

FOR: DIRECTOR OF PUBLIC PROSECUTIONS

encl

CC: Christine Njoki Mweru

P.O BOX 53000-00200

NAIROBI- Your letter dated 12th October, 2020 refers.



REPUBLIC OF KENYA



ANNEXURE 4 (b)

Our Ref: IPOA/CMU/2283/2020

27th October 2020

The Director
Directorate of Criminal Investigations
DCI Headquarters
P.O. BOX 30036
NAIROBI

Dear Sir,

RE: COMPLAINT AGAINST POLICE INACTION

We refer to the above matter.

The Independent Policing Oversight Authority is in receipt of a complaint from Christine Njoki Mweru. The complainant alleges that on 3rd February 2020, her husband, Joshua Gichuki Mwangi, was picked from their home by an alleged 'Baba Dennis.' The said Baba Dennis, introduced himself as a neighbor and requested Joshua Gichuki Mwangi, to assist him take his wife to hospital as he owns a car. The two left around 8.00 pm. The complainant alleges that since then, her husband never came back home. His vehicle, Toyota Succeed KCS 481F was found dumped at an open car wash near Rosellyne Riveria in Ruaka.

The complainant then, together with her brother in law, went and reported the matter to Kabete Police Division. However, they did not receive much help. This forced her to write to your office, where she was then referred to the Special Crime Unit for further assistance through a letter **REF: DCI/IB/SEC/4/4/1/VOL LXVII/8/** dated 3rd April 2020. The complainant also reported the matter to Nairobi Area DCI who took up the matter, investigated and found six suspects. However, she alleges that since then, the suspects have not been arrested and taken to court. The main suspect, who picked her husband from home, however, was arrested and presented before the High Court, **Court File No: HCCRC/E08/2020**, where he was charged with the murder of one Ben Maxwell Anyilira, who was also picked the same day her husband was picked, but not the disappearance of Joshua Gichuki Mwangi.

The complainant is aggrieved as it has now been 9 months and her husband is yet to be found. She alleges that she has been to your offices on various dates to follow up the matter but has received no help.

After a careful consideration of the said complaint, the Authority is of the opinion that your good office is better placed to deal with the said complaint. Accordingly, the same is hereby referred to you for your perusal and appropriate action.

Anne Makori - Chairperson; Jonathan Lodompui - Vice-Chairperson; Commissioners: Dr. Jimmy M. Mwithi, PhD; Doreen Muthaura, MBS; Dr. Walter Ogony; Hon. Praxedes Tororey; Fatuma Mohamed and Hon. John Waiganjo. Maina Njoroge - Director/ CEO.

ACK Garden Annex, 1st Ngong Avenue | P.O. Box 23035-00100, Nairobi | Tel: +254-020-4906000 | Email: info@ipoa.go.ke
Website: www.ipoa.go.ke | Regional Offices: Mombasa, Kisumu, Garissa, Nakuru, Eldoret, Kakamega, Meru, Nyeri & Lodwar.

By a copy of this letter the complainant is advised accordingly.

Yours Sincerely,



DAVID NDERITU

FOR: CHIEF EXECUTIVE OFFICER

Copy to:

Christine Njoki Mweru

0722696675/0795225912

ANNEXURE (5(a))



INTERNAL AFFAIRS UNIT
NATIONAL POLICE SERVICE
NAIROBI

Telegraphic Address: "INTERNAL NAIROBI"
Telephone: Nairobi 0798474619
When replying please quote Ref. No. and
Date
Email: iau@nationalpolice.go.ke

KCB Towers, Upper Hill
Kenya Road
P.O. Box 1880-00200
NAIROBI

Ref: NPS/IAU/SEC/3/2/13/VOL.VI/88

27th January, 2021

Christine Njoki Mweru
P.O. Box 53000-00200
NAIROBI

Dear Madam

**ASSAULT AND HARASSMENT BY POLICE OFFICERS AT RCIO'S OFFICE,
NAIROBI AREA**

We acknowledge receipt of your letter dated 25th January, 2021 on the above subject matter.

Whereas we understand the anxiety the issue has caused to you, we wish to assure you that the matter is under investigations by the Special Service Unit of the Directorate of Criminal Investigations. Please be patient as we await the outcome of the investigations.

You will be updated as soon as we receive any progress report from the DCI.

Yours faithfully,

(Mohamed I. Amin), MBS, OGW, 'ndc' (K)
Director Internal Affairs Unit
NATIONAL POLICE SERVICE



**INTERNAL AFFAIRS UNIT
NATIONAL POLICE SERVICE
NAIROBI-KENYA**

Telegraphic Address: "INTERNAL NBI"
Telephone: Nairobi 0798474619
Email: iau@nationalpolice.go.ke
When replying please quote Ref. No and Date

KCB Towers, Upper Hill
Kenya Road,
P.O. Box 1880-00200
NAIROBI

NPS/IAU/SEC/3/2/13/VOL.VI/98

3rd February, 2021

Commission Secretary/CEO,
Commission on Administrative Justice,
West End Towers, 2nd floor Waiyaki Way,
P.O. Box 20414-00200,
NAIROBI.



Dear Sir,

**RE: COMPLAINT AGAINST DCI OFFICERS AT KABETE BY CHRISTINE
NJOKI MWERU**

Reference is made to your letter ref. CAJ/POL/015/3850/20-SK dated 25th January, 2021 on the above subject matter.

Kindly note that the complaint had earlier been brought to our attention and the same was forwarded to the Director, Directorate of Criminal Investigations. The DCI in their letter ref. DCI/SEC/COMP/3/2/13/VOL.XXX/26 dated 21st January, 2021 confirmed that the investigations into the disappearance of the complainant's husband are already in progress and at an advanced stage.

The outcome shall be communicated to you as soon as the investigations are concluded.

Thank you for your continued support.

Yours faithfully,

(Mohamed I. Amin), MBS, OGW, 'ndc'(K)
Director Internal Affairs Unit
NATIONAL POLICE SERVICE