

REFORM | File awaiting C.J.'s direction

Businessmen want MPs to be sent home

They want court to compel House to constitute key teams on new law

BY JILLO KADIDA
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A judge has been asked to compel the Attorney General to ensure Parliament approves nominees to two commissions critical in the implementation of the new Constitutions.

They want Parliament to constitute members of the commission on implementation of constitution and revenue allocation.

Also sought is an order requiring the Chief Justice to advise President Mwai Kibaki to dissolve Parliament.

The orders are sought by two businessmen claiming Parliament had failed to constitute the commissions by November 27 as required by law.

Mr David Gitonga Amuru and Franklin Kamathi Kamau said this would adversely affect the constitution-making process.

They argued unless the court intervenes and compels Attorney-General Amos Wako and House Speaker Keneth Marende to ensure the names are approved, Kenyans would suffer prejudice.

The AG and the Speaker, they argued, are duty bound to ensure the commission on implementation of the constitution was in place by November 27 as per section 25(1) of Sixth Schedule of the Constitution. The two also say they approved the new Constitution by voting for it like most Kenyans and want to see it implemented.

Some of the members who have been nominated to the commission, they told the court, lack integrity and do not reflect the ethnic and regional balance as per the constitutional requirement.

The pair, however, did not give specific names of those lacking integrity and neither

Nov. 27

The deadline for constituting the commissions on implementation of the constitution and revenue allocation.

did they cite cases to support their argument on integrity.

They want the court to hold that the failure by the AG and the Speaker to ensure approval of the names violates the mandatory implementation of the constitution.

Lady Justice Jeanne Gacheche certified the matter as urgent and referred the file to the Chief Justice for directions.

Sonko 'won't be arrested over prison escape'

BY NATION
CORRESPONDENT

Makadara MP Gidion Kioko Mbuvi alias Mike Sonko will not be arrested to explain why he allegedly escaped from Shimo La Tewa Prison where he was serving a sentence.

A senior judicial officer in Nairobi confirmed that the order to release Mr Mbuvi from Shimo La Tewa prison, which was produced before a

Kibera court by lawyers Paul Muita, Cecil Miller and Cliff Ombeta, was verified.

According to the order signed by the Nairobi principal deputy registrar, Mr Mbuvi was legally freed from prison.

Sentence imposed

The order read in part: "Sentence that was imposed on the application... is hereby reduced to period already served so as to ensure the immediate re-

lease of the applicant from prison unless otherwise lawfully held."

Meanwhile, Mr Mbuvi has been granted a Sh1.5 million bond in two fraud cases.

He had been charged before Kibera chief magistrate Cecilia Githua with fraudulently obtaining Sh3.3 million.

Last Friday, the magistrate lifted a warrant of arrest issued against him seven years ago for jumping bail after denying

obtaining Sh18.1 million.

Mr Mbuvi is charged with fraudulently obtaining Sh500,000 from Ms Patience Chepchumba Kogo in Mombasa on November 24, last year. In the second count, Mr Mbuvi denied conspiring to defraud Tile Carpet Centre Ltd of Sh2.8 million on August 16, 2006.

Hearing was set for December 28, this year and February 1, 2011.

Students finally charged with colleagues' murder

BY NATION
CORRESPONDENT

Three people and nine Form One students were yesterday charged with setting a dormitory on fire at Enderasha Boys High in Kieli, Nyeri County.

They were taken to court for their pleas after the Attorney General gave the go ahead for them to be charged with murder.

Through their lawyers, the students asked Mr Justice Joseph Serгон of the High Court in Nyeri, to grant them bond since they were aged 14 years while the new Constitution prohibits long detention of minors.

All the accused, who covered their faces with their hands, denied that on October 17, they murdered Kennedy Karogo Njuguna and Joseph Mwangi Kamau. The two died in the dormitory fire.

State Counsel Kaigai Karundu applied for consolidation of their case with another

involving a civilian, Mr Stephen Mwaniki.

"Your Honour, I have been given instructions to proceed with the matter and allow the accused persons take their plea."

Mr Justice Sergon granted the application, and at the same time ruled that the bond application be heard tomorrow.

But lawyer Gikonyo Wahome

14 years

The age of the accused students who denied charges

said the suspects were minors, while the constitution provided for their brief detention.

Mr Justice Sergon ordered Mr Kaigai to provide the accused with committal bundles after which the lawyers would make a formal bond application, pending hearing on December 2.

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