

NATIONAL RECORD

Coalition to run full term, says Premier

By PMPs

PRIME Minister Raila Odinga wound up his visit to Geneva, Switzerland, with an assurance to Kenyans living here that the Grand Coalition Government would run its full course.

The PM also asked Kenyans to be proud of their country and support the Government.

He said that in the end, it is the efforts of Kenyans that would create stability or chaos in the country. The PM was speaking when he and Vice-President Kalonzo Musyoka met Kenyans living in Switzerland at a reception hosted by the Kenyan Mission in Geneva.

The two leaders pushed a united front, asking Kenyans to support the decision by the leadership to share power as a way of ending the crisis that gripped the country after 2007 elections.

Raila explained that in the end, it was the willingness of the leaders to share power that made the difference and ended the conflict.

"The international community played a huge role in their intervention and made the difference. But we must appreciate that foreign intervention has failed where the antagonists are unwilling to sit and discuss, let alone share power. International pressure and intervention has not saved Somalia. This is a lesson we must not take for granted," the PM said.

The PM asked Kenyans to show interest in issues like environmental degradation that is ravaging their country.

He took Kenyans through the steps the Government has pursued in the last one year, including the dismantling of certain institutions and creation of commissions to implement the reform agenda.

Petition: Politician wants pre-trial deposit scrapped

By PAUL MUHOHO

MALINDI politician Franco Esposito now wants the High Court to scrap the statutory Shs 250,000 pre-trial deposit imposed on aggrieved election petitioners.

"The payment is meant to cushion election petition victors but it is extremely high for ordinary Kenyan voters and blatantly unconstitutional. It should be declared illegal and unlawful," Esposito, who unsuccessfully vied for the Magarini parliamentary seat, implored Constitutional Court Judges Roselyne Wendoh and George Dulu yesterday.

Esposito, popularly known as Kasoso wa Baya, protested that Section 21 of the National Assembly and Presidential Elections Act that provides for the mandatory payment by aggrieved election losers and voters is inconsistent with the Constitution and deserves to be quashed.

Lawyer Cecil Miller, who is representing the Kenyan-Italian entrepreneur in Coast Province, said Kenya should follow in the footsteps of Tanzania, which scrapped the Shs 350,000 fee demanded from election losers and aggrieved voters after lodging election petitions. The payment is kept by the High Court as security for costs incurred by those who win election petitions.

Miller argued that the three-day ultimatum for petitioners to pay up after lodging their court papers was punitive and discriminatory and he is seeking a declaration that all Kenyan citizens are entitled to equal protection of the law. It was against public interest for Parliament to deny the High Court the power to extend the deadline under exceptional circumstances, he said.

Esposito vied for the parliamentary seat on a KENDA ticket and garnered 6,456 votes against East Africa Community (EAC) minister Jeffa Amason Kingi, the Orange Democratic Movement (ODM) flag-bearer who bagged 6,600 votes.

The tycoon is aggrieved by the decision made on April 24, last year by High Court Judge Nicholas Ombija dismissing his application for an extension of time to present the deposit. He claims his lawyers

were denied the opportunity to make the payment by the Malindi High Court registry staff on the basis they were time-barred.

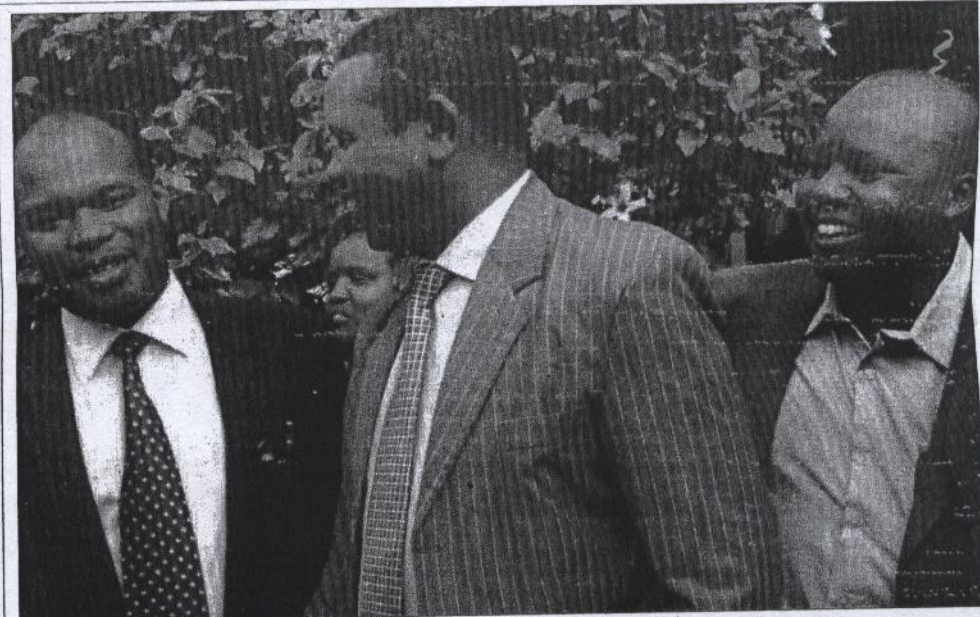
Miller charged that Esposito was an innocent victim of the legal sanctions since he was denied his constitutional right to natural justice and the due process of the law unconditionally guaranteed by Section 70 of the Constitution. "The three-day period provided for under Section 21 of the Act within which Esposito was re-

quired to pay the security for costs is unfair and unequal treatment of one party as against the other and offends the equal protection law clause under Section 70 of the Constitution," he submitted.

Lawyer George Kithi, who is representing the Interim Independent Electoral Commission (IIEC) and returning officer Amina Kale, charged that Esposito had been let down by his lawyers and did not deserve any remedy for non-compliance with

the law. There was no evidence that the businessman had suffered any prejudice or that his constitutional rights had been violated.

"Every citizen is duty-bound to obey the laws of the land. This petition is brought in bad faith and seeks to resurrect through the back-door the applicant's election petition that was struck out for failure to adhere to the law. The three-day ultimatum creates sanity as against absurdity in election petitions," he said.



Kenya National Union of Teachers (Knut) Nairobi branch chairman Robert Karume (centre) chats with other union officials after yesterday's hearing of a case in which 23 teachers have sued him for calling a referendum in May, 2009 to determine whether Nairobi should have two more branches. The court will rule whether to strike out the case or not on June 25, 2009 - JOHNSON NJENGA

Street children mark the African Child Day

By MARTIN MURITHI

STREET children in Meru celebrated the African Child Day in style after they decided to seek assistance from well-wishers to circumcise their older colleagues.

The street boys stripped naked three teenage boys and went round the town borrowing food and cash to help circumcise the boys whose names they withheld.

They went round chanting and singing circumcision songs in an attempt to lure business people and pedestrians to contribute and help in raising the required

amount of food and money.

The boys later took the three boys to a volunteer traditional circumciser whom was identified only as Mwenda in the outskirts of Meru. The boys will stay in seclusion for the next two to three weeks.

The teenage boys who were to be circumcised were said to have left their homes while still young. "We are our own mothers and fathers," said Godfrey Kaimenyi.

They took the initiative to help them live a better life and help them "be real men fit in the society".

Kongowea market to be expanded

By TOBBY OTUM

THE Government has awarded a contractor over Shs 117 million for the expansion of Coast's Kongowea market in Kisauni Constituency, Mombasa Ahmed Mohdhar has said.

The contractor has been awarded Shs 117,284,097, Mohdhar for first phase of the expansion of the market that would see a one-storey erected on the existing one.

Speaking in his parlour yesterday, Mohdhar said the expansion would de-congestion at the market so as to accommodate wholesale and Retail in the market.

"I expect the contractor to move to the site immediately and within less than one year

the construction is supposed to be complete," he said.

Mohdhar also revealed that the council has plans to rehabilitate the famous Mwembe Tayari market which was burnt 10 years ago.

He also announced that the council would revive 21 municipal clinics which were closed several years back due to lack of personnel and drugs.

He said he expected that the Public Health Service ministry will re-deploy doctors and clinical officers to the council's clinics to decongest the Coast Provincial General Hospital.

Mohdhar also announced that the council has plans to replace the Shs 50 million worth fire engine that was razed during

protests between police officers, the council and hawkers early last month.

On his part, Town Clerk Tubmun Otieno announced that the council has redeployed its 80 council employees from the Kenya Airport Parking Services (KAPS). Otieno said the move came after the council cancelled an agreement with the KAPS on management and collection of parking fees on its behalf.

"Most of the council workers will be redeployed to deal with hawkers from central business district (CBD)," he said.

He reiterated that the council will advertise a new contract on collection of the parking fees for a period of two years, which he

said would be renewable.

"The new contract will not exceed two years as the previous one which went on for 25 years," he stated. Otieno revealed that the Mombasa council was paying Shs 30,000 every month to clear outstanding debts which have been accruing for the last 10 years.

He the council was doing everything possible in its effort to streamline its financial operations and overcome the current financial crisis.

"I expect to bring sanity in the council financial discipline so that the council could be let off the hook of the present financial constraints within one year," he said.