

# THE COURTS

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## Reprieve for former PS as court extends orders

RICHARD MUNGUTI

THE High Court yesterday extended orders blocking the Kenya Anti-Corruption Commission (KACC) from prosecuting former Finance Permanent Secretary Joseph Magari over his alleged failure to disclose his properties to the anti-graft body.

At the same time Justice Joseph Nyamu ordered the Commissioner of Police and the Attorney General to respond to the allegations raised by Magari in the case.

Justice Nyamu ordered the parties to file responses within 10 days and fixed the case for hearing May 24.

Magari appeared before Justice Nyamu following orders by Lady Justice Joyce Aluoch last week that he gets directions as to the hearing date of his application seeking to block KACC from prosecuting him over his alleged failure to supply a list of his properties acquired between 1991-2002.

Magari through his lawyer Fred Ngatia filed an application seeking to block his prosecution by KACC on grounds that he had failed

to comply with the Corruption and Economic Crimes Act which requires a person to declare his/her properties when called upon to do so.

Magari allegedly declined to honour a notice sent to him July 2005 requiring him to furnish the anti-graft body with a list of his properties detailing how he acquired them.

The former PS was consequently summoned to appear before Makadara Chief Magistrate to plead to charges of failing to obey a KACC notice.

Magari and former spy chief James Kanyoto were charged before Mrs Margaret Wachira. They were released on bond.

Magari in his substantive motion filed in court says KACC is in total breach of his rights and freedoms as pronounced by various sections of the Constitution.

He says under the Constitution he is not required to incriminate himself. He says if KACC has any evidence that he acquired any of his properties irregularly then it can proceed to prosecute him.

THE inheritance case over a multi-million estate of the late Moyale member of Parliament Dr Wilson Guracha Boru Galgalo opened yesterday.

The court heard that a wife to a former Army Major eloped with him (Galgalo) in 2000.

Moyale MP Wario Galgalo, a brother to the deceased, told Justice David Onyancha that Rehema Jaldesa eloped with his late brother in 2000 after she separated with her former husband Major (Rtd) Dima Jillo.

Galgalo said the incident was played up by his brother's political opponents during the 2002 election campaigns.

\* Led in his evidence by lawyer Cecil Miller, Galgalo said everybody knew that Rehema was a wife of

the deceased.

Galgalo told Justice Onyancha that it was not a secret that his late brother had two wives, Bernadetta Okotu Sharma and Rehema Jaldesa.

The MP said the love triangle between his late brother and Rehema began when she moved out of her first marriage with Major Jillo in 1998.

The judge heard Dr Galgalo officially married Rehema in 2003 under Muslim rites. The MP said the eloping of his brother with Rehema had become a very serious issue but elders in Moyale intervened and said the marriage was a personal issue and should not be dragged into the political arena.

The MP was testifying

in a case filed by Rehema challenging the granting of letters of administration over the estate of her late husband to Bernadetta.

In the letters of administration, Bernadetta has identified Rehema as a mistress. Bernadetta, who was married under Christian rites has also recognised the child Rehema sired with her late husband as a beneficiary.

Rehema is seeking to have the letters of administration given to Bernadetta revoked, saying the deceased was Muslim and a Christian cannot inherit the property of a Muslim.

Bernadetta who is being defended by Alfred Nyan-dieka says her late husband was Christian and could not contract another marriage while the first one still subsists.

Hearing continues.



Makadara MP Reuben Ndolo is led to the Nairobi Law Courts cells after being charged with obstructing and assault of Kenya Anti-Corruption officials.

PHOTO/HEZRON NJORGE

## Ndolo released on Sh0.2m bail

JOHN OSORO

MAKADARA member of Parliament Reuben Ndolo was yesterday released on a cash bail of Sh200,000 by an anti-corruption court sitting in Nairobi.

The legislator had appeared before the court charged with obstructing and assaulting officers from the Kenya Anti-Corruption Commission (KACC) who had gone to serve him summons to appear before the Commission on April 20.

The MP's lawyers, Amolo Otieno and T.G. Kajwang, while applying for the MP's release on bail, promised to make a constitutional ap-

plication over the arrest and indictment of the legislator, saying the allegations brought against their client was not intended in the first case as the officers were investigating abuse of office claims.

They told senior Principal Magistrate Rose Ougo that the MP, upon learning that the officers were looking for him, moved to court where he obtained an order stopping his arrest.

The MP was later summoned to Integrity Centre where he recorded a statement despite an order issued

by Justice Mathew Emluke restraining the Commission from harassing him, the court heard.

Amolo told the court the orders issued by the High Court were meant to protect the accused from harassment by officers from the Commission who had camped outside his residence at Upper hill seeking to arrest him.

The lawyers are now planning to raise an application under Section 77 and 74 of the Constitution which guarantees protection of one's privacy and fundamental rights.

The court directed the case be heard on October 8 and 9.

## Court to rule on employees' fate

JOHN OSORO

TWO hundred and fourteen former workers with Research International East Africa limited will know their fate on Friday when the court of appeal will make a ruling on their application seeking alleged non-payment of money withheld by their employer.

The workers had won round one of their case in the High Court but the company appealed against the ruling of Justice J.B. Kariuki.

The highest court in the land will be expected to make a determination as whether the case should proceed into full hearing or the application should be struck out.

## Demo paralyses court operations

FREDRICK ODIERO

OPERATIONS at the Kisumu Law Courts were yesterday temporarily paralysed following a demonstration by members of the civil society in Western Kenya.

They were protesting over a judgment recently delivered by a magistrate in a case in which a primary school teacher was cleared of rape charges.

The group marched along the streets of Kisumu before converging at the entrance of the law courts where they condemned Senior Principal Magistrate Abdul El Kindy's ruling. Led by the co-ordinator of Elimu Yetu Coalition, Chrispin Owalla, the demonstrators called on the Chief Justice and the Attorney General to order fresh investigations.

## 'Most wanted' robbers charged

TITUS MAERO

TWO suspected robbers on police most wanted list were yesterday arrested in an Eldoret court to answer robbery with violence charges.

The suspects, Paul Ochieng and Jacob Gitau, faced two counts of robbery with violence when they appeared before Eldoret Chief Magistrate Aggrey Muchelule.

The suspects were charged that on April 5, 2007 at Langas estate jointly with others not before court robbed Mrs Mary Njoki of goods worth Sh18,000.

Hearing is on June 25, 2007.