

## NATIONAL RECORD

By NANCY AKINYI

A NAIROBI court yesterday stopped detectives from inspecting two bank accounts belonging to Juja Member of Parliament William Kabogo in relation to the murder of Kiltindini Divisional Criminal Investigation Officer (DCIO) Ahmed Abdullahi.

The embattled Juja MP got the reprieve after Chief Magistrate Aggrey Muchelule threw out affidavits for warrants demanding that two accounts belonging to the Juja MP situated at Charter House be inspected.

Muchelule made it clear that a person's account should be personal and no detail in relation to the same should be known to any other party other than the bank and the banker.

He said that matters concerning money are complex and confidential and that even the courts have no jurisdiction to order for their inspection in relation to murder unless the chief magistrate said that if the court was to allow for such an application then it was expected that they give notice to the bank and to the account holder clearly stating why the court was interested in investigating the accounts.

In affidavits sworn in

# Reprieve for MP as court stops bank accounts probe

relation to the investigation, the investigating officer Paul Ndambuki wanted the court to issue a warrant that the two accounts in question be investigated.

The officer, through Senior State Counsel Horace Okumu, told court that he wanted to know whether the two accounts were linked to the deceased adding that this would help in further investigations into the murder.

The Juja MP, through lawyers James Aggrey Orengo and Cecil Miller Jnr, opposed the application terming it mischievous with ill motives. The lawyers asked the court to throw it away adding that the police were using the warrant to interfere with his fundamental rights.

The lawyers said the police were exhibiting a consistent pattern of acts of persecution against him.

The lawyers argued that



Lawyers James Orengo and Cecil Miller Jnr (right), who are representing Juja MP William Kabogo in a case where detectives are seeking orders to investigate two bank accounts belonging to the MP, leave Nairobi Law Courts yesterday after the orders were rejected - JOHNSON NJENGA

police had no grounds to justify suspicion that the client had committed any offence for his

accounts to be investigated.

The embattled politician also argued that the issuance

of the warrant was unprocedural and wanted it cancelled.

Delivering his ruling, the magistrate termed as vexatious and frivolous an affidavit sworn by Inspector Ndambuki.

Muchelule said the police must file an application first and ground it on a sworn affidavit to verify facts in the application.

Muchelule said that the investigating officer in swearing an affidavit before making an official application to inspect the alleged accounts acted in contravention of provisions of the law.

"Police have all the years come to court to obtain warrants to inspect other people's personal bank accounts, the courts including should not allow for inspection of a banker's accounts.

"A banker is not bound to disclose the status of his account unless under special circumstances," the magistrate ruled.

## Meeting on new district called off

By BERNARD OKEBE

A MEETING called to solve issues related to the split of Kisumu into two districts had to be cancelled just minutes before it took off when it became apparent that the two warring clans were set to clash.

This forced Kisumu Senior District Officer Joseph Satia to postpone the meeting even though he did not give the reason for the cancellation.

The two groups from Kisumu and Seme then held separate meetings to deliberate on the next course of action where the group from Kisumu talked of rejecting the new district saying they did not ask for it and it should just be given to Seme.

The Kisumu group which also retreated on their plans of moving to court to stop the district split, however had a change in mind and accepted the split of the district with condition that all their clans would remain in one district.

Their spokesman, Israel Kodiaga, who read out the resolution that their priority was to have Kisumu city as their district headquarter regardless of name and the clans. Kodiaga said if the Kisumu clans were not scattered in the two district then they would not support the split.

"Kisumu city is where our headquarter is and we cannot move elsewhere. We can have another headquarter with time," said Eliud Ann Ndalo who is the new Kisumu chairman.

## New Aids campaign launched

By ROSE NG'ANG'A

TRANSPORT minister Ghifrau Ali Mwakwere yesterday launched a HIV/AIDS billboard campaign which is part of a larger regional programme along the major transportation corridors of Eastern and Central Africa, the programme is supported by the government and the regional offices of USAid.

And he revealed that the government will this year spend a total of Shs 14.5 billion in the fight against Aids.

He said use of the billboard media is aimed at creating awareness on dangers of the HIV/AIDS in different parts of the country and more specifically the major

transport route like the northern corridor.

"In certain areas of the transport sector such as road, maritime, rail, and civil aviation sub-sectors where personnel are constantly mobile and spend working days away from home, the risk of infection is high, in this such initiatives are crucial in reducing infections," explained Makwere.

The project was officially launched at the City Cabanas grounds Nairobi, at a function attended by United States ambassador to Kenya William Bellamy and the USAid country director Stephen Haykin, among others.

Bellamy said the US government has set aside Shs 2.5 billion which he said will go to the health sector, adding that a fraction of the money will boost the government's efforts to further lower Aids prevalence rates.

In addition, the US ambassador noted that his government had used approximately Shs 6 billion in the fight against Aids which he said had far much contributed in lowering the scourge's prevalence rates.

"The US government has seen a great difference and we must say that we are very proud as HIV/AIDS is no longer a death sentence in this country," said Bellamy.

## Karume appeals for more time to settle legal fees

By REBECCA WANJIKU

DEFENCE minister Njenga Karume yesterday pleaded for more time to settle legal fees incurred in his landmark legal tussle with East Africa Breweries Limited.

Karume had sued the brewing company through his company - Kiambu General Transport Agency Limited - claiming Shs 241,586,711 in damages for breach of contract. The company was distributing EABL products in Kiambu since 1963.

The minister, represented by lawyer K.

Gitonga, said that he was willing to settle the legal fees but required more time.

Justice Joyce Aluoch awarded the claim to the Kiambaa Member of Parliament saying that he was entitled to the claim and that the brewery was guilty of breach of contract. Karume was represented by lawyer George Oraro while Mutula Kilonzo appeared for EABL.

Aggrieved by the decision, Kilonzo rushed to the court of appeal and overturned the judgement. At the appellate court, Karume's

evidence was termed as "wishy washy" by retired appellate judge Akilano Akiwumi.

After walking away empty handed, the minister was then slapped with a Shs 29 million fee note by Kilonzo. In qualifying the fee note, Kilonzo said the case was highly complicated, raised complex legal issues as well as unusual facts.

The bill was however reduced to Shs 5,302,640 by deputy registrar Edward Muriithi. The taxing master issued a certificate of taxation in August last year.

## Prioritise environment matters, Uhuru urges

By NDUNG'U SARAH

OFFICIAL opposition leader Uhuru Kenyatta has urged the government to prioritise environmental issues.

Kenyatta noted that the government had concentrated its efforts on education and health at the expense of environmental matters.

He blamed the current drought ravaging the country on environment degradation.

"The persistent drought in Kenya could be controlled if the country prioritised environmental conversation," he said.

President Mwai Kibaki has already declared the ravaging famine a national disaster.

Speaking after officiating the Brookside Hog Charge, the Gatundu South MP lauded the Rhino Ark Initiative which has to date raised close to Shs 10 million toward the fencing of the Aberdare National Park.

During the function, the Rhino Ark Initiative received a boost of over Shs 1.4 million raised through the annual Brookside Hog Charge bike competition held over the weekend at Sukari ranch in Ruiru.

"I praise the Rhino Ark as one of the initiative aimed at protecting our national heritage," said the leader of the official opposition.

The charge which attracted 54 teams drawn from 18 schools took part in the gruelling bike competition described as the toughest in Kenya.

Rhino Ark chairman Collin



Uhuru: Urged government

Church said only 95 km of fencing remained after covering 255 km, and the work be finished next year.

When completed, tentatively next year, the ambitious electric fence will seal more than 1,000 square kilometres (396 square miles) Aberdare National Park and secure its water catchment sources.

The multi-million shilling project was launched in the country to put up an electric fence around one of the largest East Africa national largest forest reserve to protect it from illegal loggers, poachers and general human encroachment.

Oshwal High School and Brookhouse School won the under-16 boys and girls, respectively. Peponi School won the under-14 boys while Pembroke school won the under-14 girls.

Environmentalists have expressed hope that the electric fences will control illegal logging and reduce human wildlife conflict.