

Court suspends Alcoblow use

Applicant said the drink-drive testing kit was unhygienic and illegal

By JILLO KADIDA

The use of the drink-drive testing kit has been suspended.

And now Kenyans can freely enjoy their drink for the next 30 days without fearing to be subjected to the Alcoblow test.

The temporary order was agreed between the Attorney-General and the applicants against the testing method.

The order, recorded by High Court judge Joseph Nyamu, stops police commissioner Mohammed Hussein Ali, the traffic commandant and all police officers under them from using Alcoblow or substituting anybody to the test.

Lawyers Donald Kipkorir and Antony Ombwayo, respectively representing the applicants and the State, reached the agreement when the case

came up for hearing yesterday.

The subsequent order arose out of two applications filed separately, but both seeking the same result.

The first case was filed by Mr Kenneth Wanjohi Gachira on December 23 against the Commissioner of Police, the Transport minister and the AG. The second was filed by Mr Albert Cege and Mr Elam Etemo.

Mr Wanjohi, a businessman, said he chose legal action after spending a night in a bar on December 9 for being arrested.

He claimed, through Omulele and Company advocates, that he has been drinking in city pubs with friends during

weekends for 20 years and has never caused a single accident.

He wanted the police stopped from using the Alcoblow, saying it is unhygienic and had not been gazetted. He also said it was not regulated under the Traffic Act Cap 403.

He also argued that police officers have been using the gadget to harass and extort money from innocent motorists.

The other two motorists said their entertainment careers had been affected by Alcoblow and that the limits set for alcohol consumption was arbitrary and illegal.

They wanted the court to declare that only Parliament can enact laws to set the

ceiling, that the Commissioner of Police acted illegally by introducing the gadget.

Mr Albert Cege and Mr Elam Etemo argued that they were "social drinkers" and that their job involved entertaining clients.

They said lived in constant fear of being stopped and harassed by the police whenever they were out on social events in line with the nature of their business.

Setting a limit to the amount of alcohol a person may drink, they argued, was arbitrary and not governed by any law.

They sought a declaration that only Parliament can make a law on a ceiling.

Also sought was a declaration that the commissioner had acted against the law to allow the use of Alcoblow.

The case will now come up for hearing on February 22.

I had no role in Kaiser's death, says CID officer

By NATION Correspondent

A senior CID officer yesterday denied having a role in the disappearance and death of Catholic priest John Anthony Kaiser.

Acting superintendent of police Julius Kikwai ole Sunkuli expressed shock at the allegation that witnesses had linked him to the killing.

"I am really shocked to hear that," said Mr Kikwai, a cousin of former Cabinet minister Julius ole Sunkuli.

"It's a lie; I have never been associated with the matter at all."

The officer said he was in his house at Langata estate in Nairobi with his family on the night of August 23/24, 2000, when the priest was found dead near Naivasha.

Fr Kaiser's body was found at the Morendant junction, on the Nakuru-Naivasha road, with his head blown off.

His firearm lay by the body. At the time of his death, he was the priest in charge of the Lolgorian parish of the Ngong Catholic diocese.

"It is a lie; I have never been linked to the matter"

Mr Kikwai was at that time the deputy CID boss of Embakasi, Nairobi.

He has since been transferred to Trans-Nzoia District to take charge of a division.

The officer was answering questions from state counsel James Mungai and lawyer Mbuthi Gathenji, for the Catholic church, during the hearing of the death inquest by Nairobi magistrate Maureen-Odero.

Mr Gathenji told the officer that a witness had linked him to a plot to murder the priest.

But Mr Kikwai said he was nowhere near Ngong where the priest was based, or Naivasha where his body was found.

He also denied knowledge of the involvement of police, especially the flying squad, in the plot as claimed by Mr Gathenji.

The CID officer said he had also recorded a statement with American agents, the Federal Bureau of Investigation, who had joined Kenyan police in investigating the killing.

He was not aware that he had been implicated in the priest's death, he said.

CRIME

Man charged with shooting police bosses

By NATION Reporter

A man was yesterday charged with shooting and wounding an assistant commissioner of police and two other officers.

Mr Joseph Gikandi Kabiru also faced two other charges of holding an illegal meeting in the city, together with seven other suspects.

He was arraigned in court accused of wounding senior superintendent Julius Ndegwa, chief inspector Patrick Oduma and constable Nicasious Njeru Njue at the Globe Cinema Roundabout, in Nairobi.

Police claimed that on January 20, the accused held the unlawful meeting at the Pangani Police Station in the city.

In the second count, they were accused of holding an illegal procession at the roundabout.

Demonstrating

The others were Mr Bruce John Odonjo, Mr Paul Onyango Odhiambo, Mr Samuel Kaimau Muiruri, Mr Peter Mugi Kamau, Mr Christopher Kahuru Mbufua and Mr Michael Njoroge Murefu.

The officers were shot at as they addressed the demonstrating matatu operators who were complaining over police harassment.

Mr Gikandi denied the charges before Nairobi chief magistrate Aggrey Machelule and was freed on Sh100,000 bond. The others admitted the charges but their plea of guilty was rejected by



Photo/Paul Waweru

Some of the seven suspects at a Nairobi court where they were charged yesterday.

the magistrate, who disputed the facts of the charges.

Mr Machelule said though the accused had admitted being guilty, they could not have been holding meetings in two

different places at the same time. He recorded a plea of not guilty and freed them on Sh10,000 cash bail each.

The case will be mentioned on February 2 and heard on April 5.

Sh1.4bn for houses of security officers

By NATION Correspondent

The Government has set aside Sh1.4 billion to improve housing conditions for the police.

Police Commissioner Maj-Gen Hussein Ali said yesterday that already, some 595 units at Nairobi's Park View Towers are to be completed as part of the project, set to be fully rolled out in the next two years.

"The houses are nearly complete. It will address the housing crisis in the force," he told senior police officers, when he toured the premises.

The two-bedroom houses near the Carnivore Restaurant were started by the Housing Finance Corporation.

MP blocks probe into his bank accounts

By NATION Reporter

Juja MP William Kabogo yesterday succeeded in blocking police from investigating his bank accounts.

Nairobi chief magistrate Aggrey Machelule, cancelled a warrant he had issued to the CID more than a week ago allowing it access to his accounts as part of investigations into a murder.

Mr Machelule upheld arguments by the MP's lawyers that not enough reason had been given by the investigating officer to allow such a warrant.

There was insufficient evidence linking Mr Kabogo to the murder of Mombasa port CID boss Abubakar Abdullahi to justify investigating his accounts, he agreed.

But other prohibitive orders sought by Mr James Orengo and Mr Cecil Miller — the Kabogo lawyers — were the subject of proceedings in the High Court. To address them could prejudice the case, Mr Machelule said.

The application

In the application, Mr Kabogo had asked the court to lift the warrant, saying police were using it to interfere with his fundamental rights and freedoms.

The matter was adjourned last week and rescheduled for Monday when preliminary hearings are expected to take place.

The prosecution has established a case against seven people and a company accused of trafficking in cocaine worth

Sh6.4 billion, a court was told yesterday.

And they will know whether they will be acquitted or put on their defence on February 7.

Senior state counsel Oriri Onyango said evidence given by the prosecution against the suspects was enough for their conviction.

He urged the court to put on their defence Mr Angelo Ricci, Ms Estella Duminga, Mr Railton Muthungu, Mr David Mugo Kiragu, Mr Davis Gachago, Mr Stanley Wango, Mr Tansukhulal Thanki and Central Valley Supplies.

They have denied committing the offence in Malindi and Mombasa on December 14, 2004.

Mr Onyango said the prosecution's case through 40 witnesses could not be said to be worthless.

Contract to privatise rail service signed

By NATION Correspondent

The concessioning of the Kenya Railways Corporation is complete.

Yesterday, the Government signed the contract with the Rift Valley Railways putting an end to speculations on the State corporation's privatisation that has lately been slowed down by a High Court injunction.

Kenya Railways pensioners' body had gone to court claiming about Sh6.8 billion in pensions and Sh10 billion as golden handshake, severance allowances and other outstanding payments before the concessioning.

Sealed the deal

Rift Valley Railways managing director Roy Puffet and Transport minister Chirau Ali Mwakwere sealed the deal at a brief ceremony at the ministry's headquarters in Nairobi.

He will manage the corporation's assets worth Sh36 billion. They include rolling stock, equipment, infrastructure and real estate.

"In accordance with the timetable for the joint concession of the Kenya Uganda Railways, the Government of Kenya and Rift Valley Railways have signed the concession agreements," read a statement issued at the conclusion of the deal.

The south African firm will run the two railways for 25 years.

"The Government will not be breaking any law as there is no court order in place. There is also the concession time table that must be followed," it added.

Move to fight Aids among truck drivers

By NATION Correspondent

The Government has launched a campaign to fight Aids among long-distance truck crews.

Safe-T-Stop HIV and AIDS Transport Corridor Initiative will use of billboards strategically placed along the roads.

It will initially cover the main highway from Mombasa to Malaba, on the Uganda border.

During the launch at City Cabanas Restaurant, Nairobi, yesterday, Transport minister Chirau Ali Mwakwere said long-distance drivers had a higher risk of infection due to the nature of their job which, he noted, keeps them away from their wives for long.

"In certain areas of the transport sector, such as this, where the personnel are constantly mobile and spend many working days away from home, the risk of infection is high," he said.