

ANNEX 1



**A PROGRESS REPORT
TO THE HON. ATTORNEY-GENERAL**

**BY
*THE TEAM ON UPDATE OF POST
ELECTION VIOLENCE RELATED
CASES***

IN

**WESTERN, NYANZA, CENTRAL,
RIFT-VALLEY, EASTERN, COAST
AND NAIROBI PROVINCES**

MARCH, 2011

NAIROBI

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The Hon. S.A.WAKO, EGH, FCI Arb, SC, MP
Attorney General of the Republic Of Kenya
State Law Office
NAIROBI

Thro'

MR. KERIAKO TOBIKO
Chief Public Prosecutor

Dear Sir,

WHEREAS, in exercise of powers conferred upon you by Article 156 & 157 of the Constitution of Kenya, you directed Mr. Keriako Tobiko, the Chief Public Prosecutor to constitute a team of State Counsel to undertake a nationwide update of cases related to the 2007 post election violence in liaison with the Director of Criminal Investigations Department, and to make a Report and recommendations thereon to the Hon. Attorney General;

AND WHEREAS, Chief Public Prosecutor nominated: Mr. Alexander M. Muteti, Senior State Counsel, Mr. Geoffrey M. Obiri, State Counsel, Mr. George H. Murithi, State Counsel, Ms. Mary I. Wang'ele, State Counsel, Ms. Katherine M. Kithikii, State Counsel

NOW therefore, we the members of the Team, hereby respectfully confirm to the Hon. Attorney General that we have dutifully undertaken the exercise and partially discharged our mandate but there is need to undertake a further analysis of data in the Rift Valley Province, which we were unable to do due to time and Logistical constraints.

We thank you, the Hon. Attorney General for bestowing this responsibility on us; We thank Mr. Keriako Tobiko, the Chief Public Prosecutor for nominating us to undertake this momentous assignment; We thank Mr. Wanjuki Muchemi (CBS), the Solicitor General for facilitating the Team during the exercise; We thank Mr. Mathew K. Iteere (MGH, CBS, OGW), the Commissioner of Police, and Mr. Francis Muhoro, Director of Criminal Investigations Department, for their cooperation whilst undertaking this assignment.

We have the singular pleasure therefore to forward herewith our progress Report:

We remain,

Your Obedient Servants,

-

MUTETI A. MUASYA
SNR. STATE COUNSEL (SSC)

GEOFFREY M. OBIRI
STATE COUNSEL (SC)

GEORGE H. MURITHI
STATE COUNSEL (SC)

MARY I. WANG'ELE
STATE COUNSEL (SC)

KATHERINE M. KITHIKII
STATE COUNSEL (SC)

CHAPTER ONE

INTRODUCTION

I. APPOINTMENT OF TEAM BY THE HON .ATTORNEY GENERAL

Following the Hon. Attorney General's directions to the Chief Public Prosecutor to constitute a team of State Counsel to undertake an update of cases related to the 2007 post election violence, the Chief Public Prosecutor nominated the following to undertake the said exercise:-

- | | | | |
|----|-----------------------|---|-----|
| 1. | Muteti A. Muasya | - | SSC |
| 2. | Geoffrey M. Obiri | - | SC |
| 3. | George H. Murithi | - | SC |
| 4. | Mary I. Wang'ele | - | SC |
| 5. | Katherine M. Kithikii | - | SC |

The Team was supported in its operations by:

- | | | | |
|----|------------------|---|-----------|
| 1. | Lucy Muhuni | - | Secretary |
| 2. | Victoria Njoha | - | Secretary |
| 3. | Ramadhan Wesonga | - | Librarian |
| 3. | Samson Mugaisi | - | Clerk |

The Hon. Attorney General's approval for the commencement of the exercise was sought and granted on 8th March, 2011 and 15th March, 2011.

The details of the said Hon. Attorney General's and Solicitor General's approvals are contained in "**Appendices 1A, 1B and 2**"

The Chief Public Prosecutor convened a meeting of the members of the entire team on the 14th March, 2011 where the terms of reference were agreed upon.

II.TERMS OF REFERENCE

The Terms of Reference agreed upon were to review and update:-

1. all post election violence cases in court that were directed by the Attorney General to proceed to logical conclusion.
2. all post election violence cases in court that were directed by the Attorney General to be withdrawn to allow further investigations.

3. all post election violence cases in court that were directed by the Hon. Attorney General to be withdrawn and the police files closed.
4. all post election violence cases under investigations, whose investigations files were submitted to Attorney general and on perusal the Attorney General directed that the files be sent back to the police for further investigation and resubmission on completion of the further investigations.
5. all post election violence inquests/inquiries files submitted to Attorney General which on perusal were returned to the police for further investigations and resubmission on completion of the investigation.
6. all post election violence sexual offences files submitted to the Attorney General for perusal and directions and returned for further investigation with directions to re-submit.
7. Analyze the data collected then prepare and submit an updated report to the Hon. Attorney General **within 10 days.**

IV.METHODOLOGY

In order to achieve the desired objective of the exercise in line with the Terms of Reference, the Team developed a methodology as outlined hereunder:

- 1) To procure relevant details from DCI and Provincial C.I.D officers of all cases handled by the C.I.D related to Post Election Violence.
- 2) To obtain the files, where necessary, from the police stations and bring them to the operation bases in Nairobi, Nakuru, Eldoret, Kisumu, Kakamega, and Mombasa.
- 3) To peruse the files and classify them as follows:-
 - a) Cases related to post-election violence **pending the arrest** of known suspects.
 - b) Cases related to post-election violence that have been concluded and **convictions rendered**.
 - c) Cases related to post election violence which have been concluded and **accused persons acquitted**.
 - d) **Inquest files**.
 - e) Cases that were **withdrawn** following directions by the Hon. Attorney General.
 - f) **Cases withdrawn** at the instance of the police
 - g) Cases where accused persons were **discharged**.

Having agreed on the methodology, **the Team commenced the exercise on 14th March, 2011.**

The team has only been able to operate from Nairobi Headquarters since the commencement of the exercise awaiting facilitation to visit the field stations identified. Nevertheless, the team has received the necessary cooperation from the Commissioner of Police, PCIO's Western, Coast, Nyanza and Rift Valley Provinces who have all availed details of cases in their possession.

However, it is clear from the analysis of the information so far provided that there is an **urgent need for this team and the team constituted by the Commissioner of Police to hold a consultative meeting to harmonize the data.** This has been necessitated by a realization, on our part, that;

- ❖ Details of cases earlier on provided to the Hon. Attorney General's team and contained in the original report have not been captured in the subsequent updated report by the police.
- ❖ Details of cases contained in the updated police report indicate that there were cases that were not originally availed to the Attorney General's team on review of post election violence cases.
- ❖ **Gender Based Violence Cases details were not contained in the original report but have now been supplied to the team.**

- ❖ **Inquest files** opened in most stations still remain captured in the reports as **“pending under investigations”**. This team is therefore unable to tell what is the status of the files for we have had no advantage of seeing and perusing the files.
- ❖ The team requires an update from the police team investigating the inquest files as to what difficulties they may be encountering in concluding those investigations.
- ❖ In some cases, inquests are indicated as having been concluded but there is no indication by the police **what the respective courts found and or directed in those files**.
- ❖ There are cases pending before court but the team cannot without the advantage of perusing the files tell where the proceedings have reached.
- ❖ In a considerable number of cases, the police have indicated that the **same were withdrawn since the complainants could not be traced**. This team would require evidence of the efforts made by the police to track down the complainants.

The following is an analysis of the data provided to the team.

CHAPTER TWO

GENDER BASED VIOLENCE CASES

In the report handed over to the Hon. Attorney General by the team on the review of post election violence related cases in Western, Nyanza, Central, Rift Valley, Easter, Coast and Nairobi Provinces on the 2 February, 2009, these category of cases was not covered. However, the DCI forwarded at total of filed for directions. The chief public prosecutor constituted a team which perused the files and forwarded the same to the Hon. Attorney General who directed in all files that the same be returned to the DCI for further investigations.

Our team requested the DCI vide our letter dated 15th March, 2011 for an update of all cases following in this category and of all cases falling in this category and in particular the sixty six (66) files. Following that request, **Mr. Julius K. Ndegwa, EBS, DCP vide his letter reference number SCPOL.4.4.VOL.XXV.(25)** forwarded two reports to the Chief Public Prosecutor to wit,

- i) **Update on 2007 post election violence offences as of 4th May, 2010**
- ii) **Update on Gender Based Violence Cases
(See Appendix 1 (C) and (D))**

In regard to the report on Gender Based Violence Cases, the team analyzed the information contained thereof and noted the following:-

a) Convictions on Gender Based Violence Cases

| No. of Cases | No. of Accused Persons |
|---------------------|-------------------------------|
| 45 | 56 |

b) Acquittals/Withdrawals on Gender Based Violence Cases

| No. of Cases | No of Accused persons |
|---------------------|------------------------------|
| 41 | 41 |

c) Cases pending arrest of known suspects

| Number of Cases | No. of Accused persons |
|------------------------|-------------------------------|
| 25 | 25 |

d) Cases pending under investigations

| Number of Cases | No. of Accused persons |
|------------------------|-------------------------------|
| 72 | 72 |

e) Cases pending police officers who cannot be identified

| Number of Cases | No. of Accused persons |
|-----------------|------------------------|
| 49 | 49 |

f) Cases forwarded seeking authority to withdraw from the Hon. Attorney General

| Number of Cases | No. of Accused persons |
|-----------------|------------------------|
| 105 | 104 |

g) Cases where police recommended closure with no further police action

| Number of Cases | No. of Accused persons |
|-----------------|------------------------|
| | |

h) Cases pending before Court

| Number of Cases | No. of Accused persons |
|-----------------|------------------------|
| 62 | 62 |

GENDER BASED POST ELECTION VIOLENCE CASES WITHDRAWN/ACQUITTALS

| S/ NO | CR. NUMBER | DATE AND OB NUMBER | PARTICULARS OF COMPLAINTS | ALLEGATIONS | ACCUSED | INVESTIGATING OFFICER | STATUS |
|----------|---------------------------------|-----------------------------|--|--|--|--------------------------|--|
| 1. | 921/19 4/08 CF. 345/08 | 46/16/3/08 KAKAMEGA | JUDITH MARUMBE 14 YEARS | DEFILEMENT THE COMPLAINANT ALLEGES THAT SHE WAS DEFILED BY A KNOWN PERSON | JAMES CHEMBA 19 YEARS | PC(W) RUTH | CASE WITHDRAWN U/SEC 204 CPC 23/5/08 |
| 2. | 768/19 /08 CF. 25/08 | 60/14/01/0 8 BONDENI | JENIFFER IMALI 13 YEARS C/O EILEEN KIGOCHOCH PRI C/O INEAH NJONJI TEL. 0725758357 | DEFILEMENT: DEFILED BY HER NEIGHBOUR AT 2.00PM. REFERRED TO HOSPITAL | ANYOWA OUMA | | |
| 3. | 261/12 9/08 5/08 | 19/30/12/0 7 THIKA | NAOMI WANGUI MAINA, 10 YEARS C/O THIKA TOWN | DEFILEMENT: DEFILED BY A MAN KNOWN TO HER ON 30/12/07 | JOHN MWAI | OCS THIKA | FINALIZED CASE WITHDRAWN SEC. 87(a) CPC |
| 4. | 951/3/ 08 20/08 | 26/5/1/08 KAPSOKW ONY | TETESI KISUT 12 YEARS | DEFILEMENT: ALLEGES THAT SHE WAS DEFILED BY A PERSON KNOWN TO HER | EDWIN SIMOTWO | PC WEKHULO | FINALIZED |
| 5. | 915/11 /08 | 2/13/3/08 CHESIKAKI | LINET CHEMISHO 8 YEARS | DEFILEMENT: ALLEGES THAT SHE WAS DEFILED BY A PERSON KNOWN TO HER | MICITAE KIMBUI CHAMA 27 YEARS | CPL WILLIAM | FINALIZED |
| 6. | 915/80 /08 | 20/8/8/3/0 8 KIMININI | JANE INJIRA 7 YEARS | RAPE: RAPED BY A MAN KNOWN TO HER | PAUL KIMUTAI | PC SHUKRI ADEN | FINALIZED |
| 7. | 811/17 6/08 CF. 371/08 | 27/12/08 KITALE | ELIZBETH KILONZO 17 YEARS 0729975482 | DEFILEMENT: DEFILED BY A MAN KNOWN TO HER | NANDI | S/SGT EKIRO | FINALIZED NOLLE PROSEQUI ENTERED ON 4/9/08 KITALE |

| | | | | | | | |
|-----|------------------------------------|-----------------------------|----------------------------------|--|---|--------------|--|
| 8. | 760/78 5/08 3005/08 | 108/27/2/08 NAKURU | RUTH MARINDARY C/O RONGAI | RAPE: ON 27/2/08 SHE WAS RAPED BY A DENTIST(DOCTOR) AT CONVENTION MEDICAL CENTRE | WILLIAM KIPNGETICH JUMA | PC ONGERI | WITHDRAWN SEC. 204 CPC ACCUSED ACQUITTED |
| 9. | 916/92 /08 369/08 | OB/18/25/ 3/08 WEBUYE | SHARON YAMANE 8 YEARS | DEFILEMENT: COMPLAINANT ALLEGES THAT SHE WAS DEFILED BY A PERSON KNOWN TO HER | KELVIN WEKESA | PC(W) KURGAT | FINALIZED |
| 10. | 916/6/ 45/08 142/08 | OB/18/25/ 3/08 WEBUYE | CATHERINE WANJALA 17 YEARS | GANG RAPE: COMPLAINANT ALLEGES THAT SHE WAS GANG RAPED BY PERSONS KNOWN TO HER | BONDEXT A PAUL JUMA BERNARD MULONGO | PC CHEPTOTOT | FINALIZED |
| 11. | 811/10 18/2/08 CF. 74/09 | 50/19/1/00 8 KITALE | SARAH WANJALA 9 YEARS | RAPE: ALLEGES TO HAVE BEEN RAPED BY A PERSON KNOWN TO HER. TREATED AT KIMININI COLLEGE | KELVIN WEKESA | PC(W) KURGAT | FINALIZED |
| 12. | 811/10 04/2/08 CF. 74/09 | 53/30/4/08 KITALE | ESTHER NASIMIYU 14 YEARS | DEFILEMENT ALLEGES TO HAVE BEEN | MICHAEL LUKALIA | OCS KITALE | FINALIZED WITHDRAWN U/SEC. 87(a) OF CPC. THE COMPLAINANT WAS NOT TRACED |
| 13. | 811/10 07/2008 CF. 176/09 | 28/12/3/08 KITALE | CHRISTINE NANJALA 16 YEARS | DEFILEMENT ALLEGES TO HAVE BEEN DEFILED BY A PERSON KNOWN TO HER | AMOS CHEGE | OCS KITALE | FINALIZED WITHDRAWN U/SEC 87(a) OF CPC. THE COMPLAINANT WAS NOT TRACED |
| 14. | 81/100 8/2008 | 25/14/3/08 KITALE | ALICE NYANYOKA 18 | RAPE; WAS RAPED BY A | DAVIS MAIYO | OCS KITALE | FINALIZED WITHDRAWN |

| | | | | | | | |
|-----|----------------------------------|-----------------------------|---|--|--------------------|------------|--|
| | CF. 146/09 | | YEARS | PERSON KNOWN TO HER | | | UNDER SEC 87(a) OF CPC COMPLAINA NT WAS NOT TRACED |
| 15. | 811/10 11/08 CF. 179/09 | 30/14/1/08 KITALE | WINNIE NAZULA 15 YEARS C/O SARATI PRY | DEFILEMENT DEFILED BY A NEIGHBOUR AND SHE IS PREGNANT | ELAM | OCS KITALE | FINALIZED WITHDRAWN UNDER SECT. 87(a) OF CPC COMPLAINA NT WAS NOT TRACED |
| 16. | 811/10 14/08 CF. 180/09 | 54/6/2/08 | LORIA LOCHOME ELITELA 16 YEARS C/O SANGGO PRY SCHOO. | ABDUCTION /DEFILEMENT ABDUCTED AND DEFILED BY A MAN KNOWN TO HER | MICHAEL CHEMIAL | OCS KITALE | FINALIZED WITHDRAWN UNDER SECT 87(a) OF CPC COMPLAINA NT WAS NOT TRACED |
| 17. | 811/10 15/08 CF. 181/09 | 31/21/1/08 KITALE | JANE ROSE MILLICENT MULONGO ALL 9 YEARS | DEFILEMENT: THEY WERE DEFILED BY AN EMPLOYEE OF MULIRO FARM WHILE ON THEIR WAY FROM SCHOOL | KNOWN | OCS KITALE | FINALIZED WITHDRAWN UNDER SECTION 87(a) of CPC complainan t not traced |
| 18. | 811/10 06/08 CF 175/09 | 26/12/3/08 KITALE | FANIS CHESIRE 16 YEARS BUKOHALO SEC SCHOOL | DEFILEMENT WAS ABDUCTED BY A MAN, LOCKED IN A ROOM WITHIN KISAINA ARA AND DEFILED | WIYAD PEO | OCS KITALE | FINALIZED WITHDRAWN U/SEC 87(a) OF CPC. THE COMPLAINA NT COULD NOT BE TRACED |
| 19. | 811/10 10/08 CF. 178/09 | 82/19/2/08 KITALE | KWAMBOKA OBWACHA, KISII 8 YEARS | DEFILEMENT: WAS DEFILED BY A MAN AT KABOS SHOPPING CENTRE | NYAKALA | OCS KITALE | FINALIZED WITHDRAWN UNDER SECTION 87(a) OF CPC COMPLAINA NT NOT TRACED |
| 20. | CR 924/55 0/08 | OB/37/16/ 2/08 BUTERE | LINET OKUTOI | RAPE: COMPLAINAN T ALLEGES | JAMES ALIARO | OCS BUTERE | FINALIZED WITHDRAWN UNDER SECT |

| | | | | | | | |
|-----|------------------------------------|--|---|---|----------------------|------------|--|
| | | | | THAT SHE WAS RAPED BY THE PERSON KNOWN TO HER | | | 215 CPC |
| 21. | 811/10 13/08 CF 544/09 | 37/22/4/08 KITALE | MAURINE JUMA LUHYA F/J AGED 13 YEARS OLD C/O MARTIN BUNDINGA TE. 0724521444 | SHE WAS DEFILED BY HER FATHER IN ABSENCE OF HER MOTHER. SHE WAS TREATED AND DISCHARGED | KNWN | OCS KITALE | FINALISED WITHDRAWN UNDER SECTI 87(a) of CPC COMPLANA NT NOT TRACED |
| 22. | 811/10 12/08 CF 543/09 | 53/14/2/08 KITALE | CELESTINE NASIMIYU LUHYA F/J | SHE WAS DEFILED ON 8/2/08 BY HER BROTHER IN LAW IN THE ABSENCE OF HER SISTER | KNOWN | OCS KITALE | FINALIZED WITHDRAWN UNDER SECTION 87(a) of CPC complainan t not traced |
| 23. | 811/10 17/08 CF. 545/09 | 19/10/2/08 KITALE | LUCY WANJIRU A KIKUYU F/J AGED 12 YEARS C/O AMKA FARM KITALE | SHE WAS ABDUCTED BY NEIGHBOURS SON ON 10/2/08 WHO LATER RELEASED HER AFTER DEFILING HER | KNOWN | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC COMPLAINA NT NOT TRACED |
| 24. | 811/10 09/08 CF. 547/09 | 34/15/1/08 KITALE | SILVIA NADUTO, A LUHYA F/J AGED 14 YEARS C/O PRISON PRY SCHOOL | SHE WAS ABDUCTD AND DEFILED ON 11/1/08 BU A MAN PHYSICALLY KNOWN TO HER PARENTS | KNOWN | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC COMPLAINA NT NOT TRACED |
| 25. | 811/10 05/200 8 CF 146/08 | 26/25/2/08 KITALE | ANNA WAIRIMU 15 YEARS LIKHUMA PRY SCH. | DEFILEMENT: WAS ABDUCTED BY A MAN KNOWN TO HER AND AN EMPLOYEE OF VILA WITHIN KITALE TOWN | PAUL MAIN WASIKE | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC COMPLAINA NT NOT TRACED |
| 26. | 811/10 03/08 CF.625 /08 | 66/24/12/0 8 KITALE POLICE STAION | PURITY KAVAI 14 YRS C/O BARATON PRY SCH. | DEFILEMENT | PASTOR BERNARD DOLWA | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |

| | | | | | | | |
|-----|---------------------------------|---|---|-------------------------|--|---------------------|--|
| 27. | 811/53 /089 CF. 299/09 | 29/16/1/09 KITALE POLICE STATION | ZIPPORAH MAKINI 10 YEARS | DEFILEMENT | EZEKIEL | | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 28. | 811/58 /09 CF. 296/09 | 41/16/1/09 | JENIPHER MEKUI 14 YEARS | ATTEMPTED DEFILEMENT | BEN KIMUTAI CHIRCHIR 21 YEARS | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 29. | 811/61 /09 CF 298/08 | 54/18/09 | FURAH WANJIRU | DEFILEMENT | DUNCAN KWEMOI ABOUT 19 YEARS | OCS KITALE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 30. | 771/25 9/08 | 14/10/4/08 | RUTH CHEPKETER 15 YEARS | DEFILEMENT | SAMUEL KIPKEMOBI | OCS KAPSABET | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 31. | 771/30 1/08 CF. 649/08 | 23/24/4/08 KAPSABET POLICE STATION | PRISCA CHEBET NANDI 16 YEARS | DEFILEMENT | JOSEPH KIPBHUMB A TUWEI | OCS KASSABET | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 32. | 814/33 6/08 CF 185/09 | 31/25/2/08 MOI'S POLICE STATION | JOYCE MUTHONI | DEFILEMENT | KIARIE A KIKIUYU M/A | OCS MOI'S BRIDGE | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 33. | 811/10 1/08 C 181/09 | 7/2/3/08 KAPTEMB WO POST | JULIANA ASILA KAPTEMBWO CHECK POINT | RAPE | WAINAINA | OCS KAPTEMBWO | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 34. | 713/96 /08 CF 213/08 | 8/21/01/01 RONGAI | GRCE NACHICHI | DEFILEMENT | JEFFRIED MACHARI A KAMAU | OCS RONGAI | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |
| 35. | 641/40 /08 CF 81/08 | 40/24/1/08 KISII | PRAXIDICES NYACHOKA | RAPE | SIMON OMBOGO | OCS KISII | CASE WITHDRAWN U/SEC 202 CPC |
| 36. | 76N/10 1/08 7389/0 8 | 10/27/07 MAU SUMMIT | PHILLIS WAMAITHA | ATTEMPTED RAPE | ANTHONY KOECH KIPRONO | OCS MAU SUMMIT | WITHDRAWN UNDER SEC 87(a) OF CPC THE COMPLAINA NT DIED |

| | | | | | | | |
|-----|----------------------------|----------------------|----------------------------|------------|--|------------|--|
| 37. | 767/57 /08 CF 387/08 | 21/10/3/08 GILGIL | MERCY NGENDO MUTHONI | DEFILEMENT | MARY NYAGUTHII KAMAU STANLEY KAMAU | OCS GILGIL | WITHDRAWN UNDER SECTION 204 CPC |
| 38. | 767/9/ 08 CF. 71/08 | 40/7/1/08 GILGIL | GRACE NJOKI NGIGI | DEFILEMENT | GEORGE MUNYWO KII NGILI | OCS GILGIL | FINALIZED WITHDRAWN UNDER SEC 87(a) OF CPC |

CONVICTIONS ON GENDER BASED POST ELECTION VIOLENCE CASES:

| NO | CR. NO | DATE AND OB NUMBER | PARTICULARS OF COMPLAINTS | ALLEGATIONS | ACCUSED | INVESTIGATING OFFICER | STATUS |
|----|--|----------------------|---|---|--------------------------------------|--------------------------------------|--|
| 1. | 769 /45/ 08 134 5/0 8 | 26/22/3/08 BAHATI | FAITH WATHERA MUTIJERS. 8.5 YEARS 0729481045 | DEFILEMENT She was defiled at 6.00pm | MARTI N. GITHINJI WANGON DU | | Finalized. Jailed for Life by J910) on 22/10/08 |
| 2. | 763 /27/ 08 CF. 100 /08 | 34/10/2/08 NJORO | GRACE NJERI TEL. 0723614919 | DEFILEMENT Defiled 12 Years Margaret Wambui | SIMON NGOTHO | PC NYAMBURA | Finalized Accused Jailed 35 Years |
| 3. | 76G /93/ 07 CF. 102 /08 | 26/23/2/08 Likia | JOYCE KARARA | DEFILEMENT Caught defiling 10 years old daughter by mother who raised alarm. Girl taken to hospital | GEOFFREY KIPKORIR RONO | PC CLARA | 30 years imprisonment |
| 4. | 641 /1/0 8 cf. 6/0 8 | 11/30/12/07 Kisii | PAULINE ORINA 13 years | INDECENT ASSAULT Was indecently assaulted by known persons | DENNIS OHURU MOMANY | S/SGT MUGATSIA | Finalized accused sentenced to 7 years imprisonment |
| 5. | 641 /47/ 08 CF. 87/ 08 | 21/26/1/08 Kisii | COLLETA NYACHORI 2.5 years | DEFILEMENT: The complainant alleged to have been defiled by a | DENNIS RAYORI OWGAE | PC(W) ANN WAMTALI, PC(W) SUSAN | Finalized accused sentenced to serve 3 years in Chikusha Approved |

| | | | | | | | |
|-----|---|-------------------------|---|--|--|-----------------------|--|
| | | | | known person | | | school |
| 6. | 641 /58/ 08 CF. 109 /08 | 40/17/1/08 Kisii | HELLEN WERE | ATTEMPTED RAPE | PATRICK BUNDA IUTAA | PC CHERUTICH | Accused sentenced to serve 20 years on 12/2/08 |
| 7. | 924 /21/ 08 CF. 90/ 08 | 8/13/2/08 BUTERE | MARIAM CHEPCHUMBA 16 YEARS EDDA CHEPKOSGEI 15 YEARS | GANG RAPE: Alleges have been gang raped by 3 men all known to them on 13/2/08 | SAMMY NAVIDALI MOSES MBAKA KENNEDY KIPSOI | CPL CHNGULI SIMIYU | Finalized accused sentenced to serve 10 years each by residence court on 15/10/08 |
| 8. | 345 /97/ 08 CF. 200 5/0 8 | 85/6/3/08 | AISHA HAMED C/O SALAMA MWALIMU TO KISAUNI | DEFILEMENT: Defiled by a man known to her on 6/03/08 | FAUNL ABDALAH AM | PC(W)EMILY | Finalized Jailed for 30 years by CMC Mombasa |
| 9. | 312 /18/ 08 29/ 08 | 25/30/1/08 Tigoni | HANNA WAIRIMI KAGETHE C/O Limuru | RAPE: Raped by a man known to her on 30/1/08 on her way home | NJOROGE NJENGA | OCS TIGONI | Finalized Jailed for 10 years by SPMM Kiambu on 16/8/08 |
| 10. | 312 /21/ 08 31/ 08 | 51/2/2/08 Tigoni | RUTH NGINA MUNYAU , 12 years C/O Limuru | DEFILEMENT: Defiled by a man known to her on 1/2/08 | MULE KAVOI | OCS Tigoni | Finalized Jailed for 5 years by Kiambu SPM |
| 11. | 915 /11/ 08 | 20/4/1/08 Kiminini | FELISTUS AYAKO 25 Years | RAPE: Raped by a man known to her on her | PETER ONDU MUKHABI | PC(W) FATUMA | Finalized sentenced 15 years |
| 12. | 915 /29/ 08 | 28/21/1/08 Klminini | KAREN NGOISI | DEFILEMENT: Alleges that she was defiled by a person known to her | ANTHONY MUSASIA | PC(W) FATUMA | Finalized accused sentenced to Life imprisonment |
| 13. | 764 /62/ 08 204 /08 | 16/30/1/08 Mai Mahiu | ANN NYAMBURA Muringo Plot Tel. 0728052194 | ATTEMPTED DEFILEMENT: At about 2.45pm her child was defiled by neighbour. She saw | PETER KINYWA GICHINI | PC NYONGESA | Finalized placed on CSO for 2.5 years on 10/4/08 |

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| | | | | sperms on her private parts. | | | |
| 14. | 812 /36/ 08 CF. 186 /08 | 78/5/2/08 Elbergon | JAMES ONDIEK 50years C/O Kaplamai Farm | UNNATURAL OFFENCE: on 2/2/08 one of his herds boy had carnal knowledge with a sheep | DANIEL SHARIFF 13 YEARS | CPL (W) LILIAN | Accused placed on 3 years probation on Shikusa Boastal on 5/6/08 |
| 15. | 850 /55/ 08 CF. 198 /08 | 23/2/5/08 Iten | JOAN JELIMO MUTWO MUTWOL KEIOY 16 years | DEFILEMENT: She was defiled by a person known to her | ROBERT KICHUMBA KEIYO 21 years | PC KAMELI | Finalised 10 years C.S.O On 26/11/08 Iten |
| 16. | 850 /28/ 08 CF. 97/ 08 | 31/10/3/08 ITEN | MARGARET NEKA 15 years | ATTEMPTED DEFILEMENT The accused person attempted to defile her | PIUS ARAP MAINA KEIYO | PC KAMELI | Finalized 10 years C.SO. On 10/11/08 Iten |
| 17. | 771 /31 1/0 8 CF. 674 /08 | 16/21/4/08 Kapsabet | JEREMIAH ROP 29 years | UNNATURAL OFFENCE: Had carnal knowledge of a sheep | DOUGLAS IYANJA 16 years | PC CHAMWANDA | 3 years probation On 7/5/08 Kapsabet |
| 18. | 814 /92/ 08 CF 814 /08 | 25/19/4/08 | PURITY CHEPTOO 5 YEARS C/O LILIAN CHEPKEMBOI | DEFILEMENT: On 19/4/08 the accused abducted and defiled her | MADAN ARUNGA 52 years | PC(W) ESTHER | Sentenced to life imprisonment 28/4/08 Kitale |
| 19. | 972 /34/ 08 CF. 703 /08 | 21/9/3/08 | TRUFOSA AMBULA 12 yearsC/O Evanglin Mitaka of Mkunga Village | DEFILEMENT: She was defiled by a man physically known to her | TIMOTHY CHEMWK O | CPL. OMAYO | 20 years imprisonment |
| 20. | 764 /44/ 08 | 26/23/3/08 Mai Mahiu | ANN WANGARI NDICHU | ATTEMPTED RAPE: INDECENT ASSAULT: ROBBERY | JAMES MBUGUA NDUNGU RAYMOND MUNENE | | Finalized on 27/11/08 Both to serve mandatory death sentence by |

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| | | | | Youth had threatened that no woman should wear trousers/mini skirts. They met the complainant in a trouser. They beat her, indecently assaulted her and took her phone | KAMAU | | Kibera Court. |
| 21. | 921 /13 8/0 8 223 /08 | 34/24/08 Kakamega | IVY IBARABARA 17 years | DEFILEMENT: The complainant alleges to have been defiled | PAUL SHIALI ASIRIKWA, 55years | PC(W) AGNES WANJIKU | Finalized sentenced 10 years |
| 22. | 921 /28/ 08 CF. 107 /08 | 31/30/1/08 Kakamega | SINAIDA KHATENDE 12 years | DEFILEMENT: The complainant alleges to have been defiled | THOMAS SHIUMA 55 YEARS | PC(W) IRENE JUMA | Finalized Sentenced 10 years imprisonment |
| 23. | 974 /21/ 08 | Turbo | MIRIAM CHEPCHUMBA 16 years EDDAH CHEPKOSGEI 15 yers | GANG RAPE: Complainants allege to have been gang raped by three men all known to them | SAMMY NAVIDALI MOSES MBAKZ KENNEDY KIPSOI | NO. 68030 CPL. CHUNGULI SIMIYU | Finalized Sentenced 10 years On 15/10/08 |
| 24. | 60A /52/ 08 CF1 60/ 08 | 21/30/12/08 KONDELE | MAUREEN ADHIAMBO ODIEK | DEFILEMENT: The complainant alleges to have been defiled by a person known to her | NELSON ONYANG O KIANGA | PC MWANIKI | Finalized accused sentenced 15 years imprisonment |
| 25. | 921 /14 0/0 8 221 /08 | OB/56/21/2/ 08 KAKAMEGA | FATMA NYANGALLA 16 YEARS | The complainant alleges incest | MOHAMM ED NYANGAL LA | PC(W) IRENE JUMA | Finalized accused sentenced to serve 15 years imprisonment on 26/5/08 |
| 26. | 924 /27/ 08 | 27/1/08 BUTERE | LORNA OKUTU | RAPE: Complainant alleges that | JOSEPH OМУKHULO | PC(W) LUMATI | Sentenced for 10 years |

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| | CF. 35/ 08 | | | she was raped by a person known to her on 27/1/08 at Emutundu within Butere | | | |
| 27. | 771 /10 44/ 08 CF. 400 8/0 8 | 12/7/08 KAPSABET | OLYMPIA CHPKOSGEI 15 years C/O BARATON TEL. 0729696282 | DEFILEMENT: Alleges that while attending a wedding ceremony at Kaptidil village, she was grabbed by David Kipchirchir who took her to his hut. She was treated | DAVID KIPCHIRCHIR 17 YEARS HILLARY KIMGIETICH 19 YEARS ERICK KIPKOECH 18 YEARS | OCS KAPSABET | Accused placed on 2 years probation on 31/3/2010 |
| 28. | 771 /30 1/0 8 CF. 649 /08 | 23/24/4/08 KAPSABET POLICE STATION | PRISCA CHEBET NANDI 16 YEARS | DEFILEMENT: She alleges that she was defiled by her father | JOSEPH KIPCHUMB A TUWEI 45 years | OCS KAPSABET | Finalized Accused to serve 2 years imprisonment |
| 29. | 760 /24/ 08 CF. /08 | 39/5/1/08 NAKURU | HADIJA LAKAPANGA C/O KITI HADIJA ESTATE NAKURU | DEFILEMENT: On 5/1/2008 reports that her daughter HAWO RALE aged 3 years was raped and defiled by one person known to her LELEWI | LELEWI | OCS NAKURU | Finalized, accused sentenced to life imprisonment on 11/2/1010 |
| 30. | 76G /11/ 08 CF. 360 8/0 8 PCR 400 /08 | 12/28/3/200 8 LIKIA | WANJIRUMBUG UA, Likia Trading Centre | DEFILEMENT AND NEGLECT OF A CHILD Her granddaughter Martha Wambui ngonyo defiled by a person called Wambugu while at her home | WAMBUGU LEAH WANJIRU | OCS LIKIA | Finalized accused sentenced to 20 years imprisonment |

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|-----|---------------------------------------|------------------------------|--|--|---|-----------------|--|
| 31. | 641 /97/ 08 CF 275 /08 | 17/20/2/08 KISII | JANE ADISA 40 YEARS | RAPE: Alleges to have been raped by a known person | Dickson Soire, Michael Moochi Manoti, Laboan Ongoro Oeta | OCS, KISII | Finalized accused to 1 year imprisonment |
| 32. | 921 /13/ 08 CF. 17/ 08 | 18/18/2/08 KAKAMEGA | SNAIDERU SHOTSI 12 YEARS | DEFILEMENT: The complainat alleges to have been defiled | Silas Lisiri | OCS KAKAMEGA | Finalized accused acquitted U/Sec 210 of CPC ON 23/3/09 |
| 33. | 921 /28/ 08 CF. 42/ 08 | 4/17/1/08 KAKAMEGA | KAREN KHATENDE 7 YEARS | DEFILEMENT: Alleges to have been defiled by known persons | VINCENT OWITI 32 YEARS | OCS KAKAMEGA | Finalized, accused to serve 15 years imprisonment |
| 34. | 921 /18 2/0 8 913 /08 | 10/11/3/200 8 KAKAMEGA | JOAN MUTESI 11 years | DEFILEMENT The complainant alleges to have been defiled by a known person | David Harambe e 25 years | OCS KAKAMEGA | Finalized accused to serve 12 years imprisonment |
| 35. | 767 /13/ 200 8 19/ 08 | 4/12/1/08 GILGIL | GEORREY KINUTHIA NYOKABI 17 YEARS | DEFILEMENT: On 12/1/08 at 0200 hrs was approached by an army officer known to him who resided at marriage quarters for 50/= bike charge. He asked him to goa watch some movies at his house where he reaped him. He threatened to | Army Officer | OCS GILGIL | Finalized accused placed on probation for 1 year. |

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| | | | | shoot him if he said and gave him 100/= | | | |
| 36. | 930 /88/ 08 CF. 194 /08 | 29/2/08 BUSIA | JOY PERIS WEKESA | DEFILEMENT: Alleges to have been defiled by a person known to her on 29/2/08 in Buunyavo within Busia | Stephen Otieno | OCS BUSIA | Finalised Accused to serve 10 years imprisonment |
| 37. | 930 /10 7/0 8 cf. 252 /08 | 26/3/08 BUSIA | IVON NABHUKO | ATTEMPTED DEFILEMENT: Alleges that a person known to her attempted to defile her on 26/3/08 at Vusibwavo within Busia | Michael Misiko | OCS BUSIA | Finalized accused to serve 10 year imprisonment |
| 38. | 831 /22 36/ 08 cf. 597 6/0 8 | 31/12/2007 Langas Police Station | JULIA WANJIRU 24 YEARS | Rape: Raped by a man she can physically identify at her parents residence in Nandi hills | Julius Cheruiyot KOgo 22 years | OCS LANGAS | Finalized Acquitted U/Sec 210 of CPC |
| 39. | 831 /22 34/ 08 CF, 603 5/0 8 | 27/1/08 LANGA POLICE STATION | MARY WANGECHI MWANGI 18 YEARS SHOWGROUND PRY SCH ELDORET NAKURU DIVISION TEL. 0713024794 | INDECENT ASSAULT: Was sexually assaulted by the headmaster at primary school at the camp site enrolled | DAVID MWANGI KARANJA | OCS LANGAS | Finalized Acquitted U/Sec 215 of CPC |
| 40. | 916 /75/ 08 321 /08 | OB19/11/3/0 8 WEBUYE | SUSSY NASIMIYU 15 YEARS | DEFILEMENT: Complainant alleged that she was defiled by a person known to her | MARTIN SIKONGOI MURULE | OCS WEBUEY | Finalized, accused acquitted U/Sec. 210 OF THE CPC 21/5/09 |
| 41. | 916 /32 1/0 8 | 46/23/2/08 WEBUYE | ELIZABETH NYANYAMA 7 YEARS | DEFILEMENT: Complainant alleged she was defiled | NICHOLAS MISIKO ALFAYO | OCS WEBUYE | Finalized accused to serve life imprisonment |

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| | 121 7/0 8 | | | by a person known to her | | | |
| 42. | 912 /11 9/0 7 CF. 150 /08 | OB40/17/3/0 8 KIMILILI | CAROLINE NALIAKA SIMIYU | DEFILEMENT Complainant alleges that she was defiled by a known person | LEORNAR D WAFULA | OCS KIMILILI | Finalized accused acquitted U/Sec 210 ofCPC |
| 43. | 742 /15 7/0 8 cf 57/ 08 | 36/16/12/08 BOMET | Teresia Awion VIHIGA DISTRICT GISAMBAI LOCATION | Alleges to have been defiled by a person known to her namely philomon Kipkurui | PHILOMO N KIPKURIU M/A 22 YEARS | OCS BOMET | Finalized accused to serve 20 years imprisonment |
| 44. | 742 /15 8/0 8 cf. 34/ 09 | 36/16/12/08 | LUCY ADUVUKA Vihiga District Gisambai Location | RAPE: Alleges to have been raped by a person known to her | SIMON SIMIYU | OCS BOMET | Finalized accused passed away while in remand |
| 45. | 921 /72/ 08 cf 111 /0-8 | 69/1/2/08 KAKAMEGA | JUDITH IMBESI 16 YEARS | DEFILEMENT THE COMPLAINAN T ALLEGES TO HAVE BEEN DEFILED | PATRICK BUNDA LUTAA | OCS KAKAMEGA | Finalized accused acquitted U/Sec. 210 of CPC |
| 46. | 769 /08 134 5/0 8 | 26/22/3/08 | FAITH WAITHERA MUTIJERS | DEFILEMENT: She was defiled at 6.00pm 8.5years 0729481045 | MARTIN GITHINJI WANGON DU | OCS BAHATI | Finalized U/Sec 215 CPC ON 3/6/2009 |

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|-----|--|---------------------|--|---|--------------------------|-----------|---|
| 47. | 76G /11/ 08 CF. 36/ 08 PCR 400 /08 | 12/28/3/08 LIKIA | WANJIRU MBUGUA LIKIA TRADING CENTRE | DEFILEMENT: and neglected of a child. Her granddarught er Martha Wambui Ngonyo defiled by a person called Wambugu while at her home | WAMBUU LEA WANJIRU | OCS LIKIA | Finalized Accused to serve 20 years imprisonment |
|-----|--|---------------------|--|---|--------------------------|-----------|---|

CHAPTER 3

WESTERN PROVINCE

In the Western Province the PCIO, Western, provided the team with an updated report dated 22nd March 2011 that revealed the following:-

CONVICTIONS RELATED TO POST ELECTION VIOLENCE CASES AS PER UPDATE REPORT DATED 22ND MARCH 2011

| NO | CASE REF. | ACCUSED NAME(S) | STATUS |
|-----------|--|----------------------------------|---|
| 1. | MUMIAS 925/14/08 CF. 20/08 | ABDUL ALI ZAKABA | SERVE 6 MONTHS CSO |
| 2. | CID KAK CR. 921/1/08 CF. 5/08 | JUMA SIKULE AND ANOTHER | ACCUSED TO SERVE 1 YEAR IMP |
| 3. | BUNGOMA CR. 911/08/08 CF. 25/08 | CALLISTUS KULOBA AND 3 OTHERS | ACCUSED TO SERVE 7 YEARS IMP AND THE REST PLACED ON PROBATION FOR 2 YEARS |
| 4. | ADUNGOSI CR. 9611/1/08 CF. 1/08 | MICHAEL KADIMA MASA | FINED KSHS. 50,000/= ON EACH COUNT CHARGE OF INCITEMENT TO BE WITHDRAWN VIDE PCIO (W) LETTER |
| 5. | BUTERE CR. 924/15/08 CF. 21/08 | BONIFACE ANYEMBE KWEYU | ACCUSED SENTENCED TO SERVE 3 YEARS IMP BY SRM BUTERE |

**POST ELECTION VIOLENCE CASES WITHDRAWN: WESTERN PROVINCE AS PER
UPDATE REPORT DATED 22ND MARCH 2011**

| NO | CASE REF. | ACCUSED NAME(S) | STATUS |
|-----------|------------------------------------|-----------------------------------|---|
| 1. | KAKAMEGA 921/04/08 CF. 6/08 | BARNABAS HARAMBEE AND 3 OTHERS | WITHDRAWN UNDER SECTION 87(a) OF CPC BY P. OOKO RM |
| 2. | MUMIAS CR. 925/5/08 | PATRICK EKESA | WITHDRAWN UNDER SECTION 87(a) OF CPC |
| 3. | KAKAMEGA 921/16/08 CF. 22/08 | JACKSON AMBOKA | WITHDRAWN UNDER SECTION 204 OF CPC BY B.M. NZAKYO |

**POST ELECTION VIOLENCE CASES WHERE WARRANTS HAVE BEEN ISSUED
PENDING ARREST OF KNOWN SUSPECTS AS PER UPDATE REPORT DATED 22ND
MARCH 2011**

NOTE: This schedule reflects information provided to the team by the police in their updated report. However, the team cannot rule out the existence of other cases where warrants may be in force since in the original report there were 23 cases pending before court

| NO | CASE REF. | ACCUSED NAME(S) | STATUS |
|-----------|--|-------------------------|---------------|
| 1. | LUMAKANDA 975/23/08 CF. 56/08 | JOSEPHINE KHAOSA | W/A IN FORCE |
| 2. | LUMAKADA CR. 925/5/08 CF. 109/08 | SAMWEL KIPKEMBOI | W/A IN FORCE |
| 3. | LUMAKANDA CR. 975/17/08 | TITUS CHETI | W/A IN FORCE |
| 4. | LUMAKANDA CR. 975/8/08 CF. 11/08 | JOHN KIPTOO AND 1 OTHER | W/A IN FORCE |

**POST ELECTION VIOLENCE INQUESTS AS PER UPDATE REPORT DATED 22ND
MARCH 2011**

| NO | STATION INQUEST NO. | DECEASED | NO | CIRCUMSTANCES OF DEATH | AG'S DIRECTIVES | UPDATE |
|----|----------------------------------|----------------------------|----------|---|--|---|
| 1. | BUSIA INQ. 1/08 | DAVID FURUGU NJENGA | 1 | DECEASED WAS SHOT BY POLICE QUELLING RIOTS | MATTER BE DISPOSED BY WAY OF A PUBLIC INQUEST | PENDING JUDGEMENT AT BUSIA COURT |
| 2. | BUNGOM A INQ. NO. 10/07 | KENNEDY NAKANDA | 1 | DECEASED DIED OF A GUNSHOT WOUND BY THE POLICE | " | FINALISED FILE CLOSED ON 29 TH JULY, 2010 BUNGOMA COURT |
| 3. | KAKAME GA INQ. 1/08 | PAUL AKOKO | NO NE | - | INQUEST" | PENDING BEFORE COURT |
| 4. | BUSIA CID INQ. NO. 1/08 | HENRY JUMA OKUMU | 1 | DECEASED WAS SHOT IN THE COURSE OF A RIOT | PUBLIC INQUEST BE HELD" | PENDING BEFORE COURT |
| 5. | BUSIA INQ. 2/08 | HENRY OGOLLA | 1 | NONE | PUBLIC INQUEST BE HELD" | FINALISED CLOSED BUSIA COURT |
| 6. | BUSIA INQ. 5/08 | VINCENT TAABU | 1 | DECEASED FOUND DEAD ON 31/12/07 WITH A GUN SHOT WOUND IN A MAIZE PLANTATION | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 7. | MALABA INQ. 4/08 | ALI NOOR ABDILAH | 1 | SHOT BY POLICE ON THE 31/12/07 WHILE DISPERSING RIOTUS MOB | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 8. | BUSIA INQ. NO. 3/08 | PRISTON LABAN OTIENO | 1 | 31/12/07 SHOT DEAD BY POLICE WHILE BUSY LOOTING SHOP GOODS AT MARACHI | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 9. | BUSINA INQ. 4/08 | GEOFFREY ODUOR | 1 | 1/1/08 DECEASED ATTACKED BY MOB WHO SUSPECTED HIM TO BE A P.N.U MEMBER | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |

| | | | | | | |
|-----|-------------------------------------|---|----|---|---------------------------|--|
| 10. | BUSINA INQ. 10/08 | ZAKAYO LUKOB AND BERNARD MAKOKHA | 2 | 1 ST DECEASED SHOT AND 2 ND DECEASED INJURED RESPECTIVELY WHEN POLICE WERE QUELLING RIOTS ON 31/12/07 | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 11. | BUSIA INQ. 22/08 | PAUL ODONGO | 1 | ALLEGEDLY KILLED BY THE PUBLIC ON 30/12/07 ON SUSPICION OF BEING A THEIF | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 12. | KAKAME GA INQ. 10/08 | MICHAEL SERERO | 1 | DECEASED DIED OF A GUN SHOT WOUND BY POLICE | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 13. | KAKAME GA INQ. 7/08 | CALEB RADENGI | 1 | DECEASED DIED OF A GUN SHOT WOUND | FURTHER INVESTIGATIONS | FINALISED CLOSED BY KAKAMEGA COURT |
| 14. | KAKAME GA INQ. 8/08 | HARLAN MWANGALA | 1 | DECEASED SHOT BY POLICE WHILE SUPPRESSING RIOTS | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 15. | KAKAME GA INQ. 1/08 | HARUN SHANGO MULURI | 1 | DECEASED DIED OF A GUN SHOT WOUND BY POLICE | FURTHER INVESTIGATIONS | PENDING UNDER INVESTIGATION |
| 17. | BUNGOM A INQ. 9/07 | TIMOTHY WEKESA | 1 | DECEASED DIED OF A GUNSHOT WOUND BY POLICE | FURTHER INVESTIGATIONS | FILE CLOSED BUNGOMA COURT |
| 18. | BUSIA INQ. 1/08 | | | INQUIRY INTO THE LOOTING OF PROPERTIES IN ZEBRA PARK HOTEL | FURTHER INVESTIGATIONS | PENDING JUDGEMENT BUSIA COURT |
| 19. | VIHIGA INQ. FILE(GENE RAL) | FREAM LUYAI AND 11 OTHERS | 12 | DECEASED WERE SHOT BY POLICE WHILE QUELLING RIOTS | FURTHER INVESTIGATIONS | |

ACQUITTALS RELATED TO POST ELECTION VIOLENCE CASES IN WESTERN PROVINCE AS PER UPDATE REPORT DATED 22ND MARCH 2011

| NO | CASE REF. | ACCUSED NAME(S) | STATUS |
|----|---|-------------------|--|
| 1. | ADUNGOSI CR. 961/2/08 | CHRISTOPHER ODAU | ACQUITTED UNDER SECTION 215 OF CPC ON 12/3/10 BY PM COURT BUSIA |
| 2. | MUMIAS CR. 925/2/08 CF. 3/08 | HARRSION NGOSIA | ACQUITTED UNDER SECTION 210 OF CPC BEFORE ESM COURT MUMIA ON 19/1/09 |
| 3. | KAKAMEGA CR. 921/112/08 CF. 170/08 | MICHAEL OUMA | ACQUITTED UNDER SECTION 176 OF CPC ON 19/12/08 BY CM'S KAKAMEGA |
| 4. | CID LUGARI CR. 975/6/08 | EMMANUEL KIPCHOGE | ACQUITTED UNDER SECTION 202 OF CPC BY SRM ELDORET |

WESTERN PROVINCE POST ELECTION VIOLENCE CASES PENDING FURTHER INVESTIGATIONS AS PER UPDATE REPORT DATED 22ND MARCH 2011

| NO | STATION INQUEST NO. | DECEASED | NO | CIRCUMSTANCES OF DEATH | FILE STATUS | AG'S DIRECTIVES |
|----|----------------------|----------------------|----|--|-------------|---|
| 1. | BUSIA N INQ. 5/08 | VINCENT TAABU | 1 | DECEASED FOUND DEAD ON 31/12/07 WITH A GUNSHOT WOUND IN A MAIZE PLANTATION | P.U.I | FURTHER INVESTIGATIONS BE UNDERTAKEN AND FILE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS |
| 2. | MALABA INQ. 4/08 | ALI NOOR ABDILLAHI | 1 | SHOT BY POLICE ON THE 31/12/07 WHILE DISPERSING RIOTUS MOB | P.U.I | FURTHER INVESTIGATIONS BE UNDERTAKEN AND FILE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS |
| 3. | BUSINA INQ. | PRISTON LABAN OTIENO | 1 | 31/12/07 DECEASED SHOT DEAD BY POLICE | | |

| | | | | | | |
|-----|----------------------|-----------------------------------|----|---|-------|---|
| | 3/08 | | | WHILE BUSY LOOTING SHOB GOODS AT 44 MARACHI | | |
| 4. | BUSIA INQ. NO. 4/08 | GEOFFREY ODUOR | 1 | 1/1/08 DECEASED ATTACKED BY MOB WHO SUSPECTED HIM TO BE A P.N.U MEMBER | " | " |
| 5. | BUSIA INQ. 10/08 | ZAKAYO LUKOBA AND BERNARD MAKOKHA | 2 | 1 ST DECEASED SHOT, AND 2 ND DECEASED INJURED RESPECTIVELY WHEN POLICE WAS QUELLING RIOTS ON 31/12/07 | " | " |
| 6. | BUSIA INQ. 22/08 | PAUL ODONGO | 1 | ALLEGEDLY KILLED BY THE PUBLIC ON 30/12/07 ON SUSPICION OF BEING A THIEF | " | " |
| 7. | KAKA MEGA INQ. 10/08 | MICHAEL SERERO | 1 | DECEASED DIED OF A GUNSHOT WOUND BY POLICE | P.U.I | " |
| 8. | KAKA MEGA INQ. 7/08 | CALEB RADENG | 1 | DECEASED DIED OF A GUNSHOT WOUND | | |
| 9. | KAKA MEGA INQ 8/08 | HARLAN MWANGARA | 1 | DECEASED DIED OF A GUNSHOT WOUND | P.U.I | " |
| 10. | KAKA MEGA INQ. 1/08 | HARUN SHANGO MULURI | 1 | DECEASED DIED OF A GUNSHOT WOUND BY THE POLICE | P.U.I | " |
| 11. | BUNG OMA INQ. 9/07 | TIMOTHY WEKESA | 1 | DECEASED DIED OF A GUNSHOT WOUND BY THE POLICE | P.U.I | " |
| 12. | BUSIA INQ. NO. 1/08 | - | - | INQUIRY INTO THE LOOTING OF PROPERTIES IN ZEBRA PARK HOTEL | P.U.I | " |
| 13. | VIHIGA INQ. NO. 1/08 | FREAM LUYA AND 11 OTHERS | 12 | DECEASED WERE SHOT BY POLICE WHILE QUELLING RIOTS | P.U.I | " |

(FOR DETAILS SEE APPENDIX 3)

CHAPTER 4

RIFT VALLEY PROVINCE

The Team analyzed data from the Rift Valley Province as contained in the original report since the PCIO, Rift Valley did not forward any new data other than an update on **eight (8)** cases identified as **Cases of Interest in the Rift Valley Province to wit:-**.

1. Eldoret CR. 38/26/08

Hon. David Kimutai Too

Offence: Murder

Result: Accused convicted of manslaughter and sentenced to serve 10 years imprisonment.

2. Eldoret Cr. 831/117/08

Kiambaa Church Murders

The four accused persons were acquitted for lack of evidence.

3. Eldoret Cr. 832/117/08

Deceased: David Omolo (D.O Kesses Division) and another –All the accused persons acquitted for lack of evidence.

4. Naivasha Cr. 764/41/08

Deceased: Mary Atieno and 18 others

Files still at C.I.D Headquarters

5. Koibatek Cr. 871/06/08

Deceased: Father Michael Kamau

File still pending under investigation. The victims who survived the assault has not yet recovered from the trauma to record statement.

6. Kericho Cr. 741/57/08

Deceased: APC Hassan Dado and another

The four accused persons charged with Robbery with violence resulting into the death of APC Hassan Dado and another.

All the accused acquitted of the robbery charges but the fourth accused was convicted of the offence of assault.

7. Bureti Inq. No. 2/08

Deceased: PC Peter N. Githinji and Another

Offence: Murder

Two accused persons convicted and sentenced to suffer death on 29th July, 2009.

8. Molo Cr. 711/15/08

Deceased: Nahashon Mburu

Suspect: Tom Belsoi

The inquest pending before court

Further Hearing 5th May, 2011

9. Molo Cr. 711/34/08

Deceased: Koitany Kipkorir Charles

The only identifying witness Irene Korir Cheruto has not recorded her statement due to resistance from her cousin, **Mr. Japheth Tipis Cherotich** who vide his letter dated 12th April, 2008 requested that the witness be allowed time to recover from the trauma.

(FOR DETAILS SEE RIFT VALLEY PCIO'S LETTER APPENDIX 4)

POST ELECTION VIOLENCE CONVICTIONS IN THE RIFT VALLEY PROVINCE AS PER THE REPORT DATED 4TH MAY 2010 FORWARDED BY THE COMMISSIONER'S OFFICE:-

| NO. | CASE REF. | OFFENCE | ACCUSED(S) | NO OF ACCUSED | RESULTS |
|-----|---------------------|------------------------------|----------------------------|---------------|--|
| 1 | 871/03/08 | TAKING PART IN A RIOT | DAVID KURGAT AND 12 OTHERS | 13 | FINED KSHS 2,500 IN DEFAULT ONE MONTH IMPRISONMENT |
| 2 | 871/07/08 | PUBLISHING A FALSE RUMOUR | VIVIAN CHEPKOECH CHEBET | 1 | FINED KSHS 2500 IN DEFAULT ONE MONTH IMPRISONMENT |
| 3 | 781/01/08 | CREATING DISTURBANCE | SIMON OGODA AND 4 OTHERS | 5 | ACCUSED 1-3 FINED KSHS 3000 IN DEFAULT THREE MONTHS IMPRISONMENT |
| 4 | 802/03/08 | BREAKING AND STEALING | NO DETAILS | - | PROBATION FOR TWELVE MONTHS |
| 5 | 713/12/08 80/08 | BURGLARY AND STEALING | NO DETAILS | - | SENTENCED TWO YEARS |
| 6 | 76L/2/08 | STOCK THEFT | NO DETAILS | - | SENTENCED TO 18 MONTHS IMPRISONMENT |
| 7 | 713/1/08 | OFFICE BREAKING AND STEALING | NO DETAILS | - | FINED KSHS 10,000 IN DEFAULT 18 MONTHS IMPRISONMENT |
| 8 | 76L/16/08 200/08 | HOSEBREAKING AND STEALING | NO DETAILS | - | SENTENCED TWO YEARS IMPRISONMENT |
| 9 | 76L/22/08 205/08 | STOCK THEFT | PETER KARIUKI | 1 | SENTENCED 8 MONTHS IMPRISONMENT |
| 10 | 76L/5/08 138/08 | BURGLARY AND STEALING | NO DETAILS | - | SENTENCED 12 MONTHS IMPRISONMENT |
| 11 | 711/79/08 22/08 | PREPARATION TO COMMIT A | WILFRED BII AND OTHERS | - | SENTENCED TO 6 MONTH IMPRISONMENT |

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|----|-------------------------|--|-------------------------------------|---|--|
| | | FELONY | | | |
| 12 | 711/113/21008 329/08 | BREAKING AND SETALING | NO DETAILS | - | SENTENCED 6 MONTHS IMPRISONMENT |
| 13 | 76L/30/08 320/08 | HAVING POSSESSION OF SUSPECTED STOLEN PROPERTY | DANIEL KIPKORIR | 1 | SENTENCED 2 YEARS IMPRISONMENT |
| 14 | 76N/5/08 114/08 | ARSON | ROBERT | 1 | SENTENCED 5 YEARS IMPRISONMENT |
| 15 | 891/47/08 | MURDER | ROBERT KEMBOI | 1 | SENTENCED TO DEATH |
| 16 | 801/124/08 | PREPARATION TO COMMIT A FELONY | NO DETAILS | - | PROBATION 14 MONTHS |
| 17 | 814/11/08 476/08 | ARSON | SAMMY THUO AND SIMON KAREITHE | 2 | FINED KSHS 55,000 IN DEFAULT 12 MONTHS IMPRISONMENT |
| 18 | 121/08 | ARSON | DAVID KATAM | 1 | SENTENCED 12 MONTHS IMPRISONMENT |
| 19 | 852/94/08 | BURGLARY AND STEALING | NO DETAILS | - | FINED KSHS 10,000 IN DEFAULT 12 MONTHS IMPRISONMENT |
| 20 | 852/94/08 1465/08 | BURGLARY AND STEALING | DANIEL KOSKEI | 1 | FINED KSHS 10,000 IN DEFAULT 12 MONTHS IMPRISONMENT |
| 21 | 850/03/08 7/08 | TAKING PART IN A RIOT | JOHN LOKOLI AND MOSES WANJALA | 2 | FINED KSHS 1,000 IN DEFAULT 1 WEEK IMPRISONMENT |
| 22 | 850/4/08 8/08 | TAKIN PART IN A RIOT | HILARY KIPROPP | 1 | FINED KSHS 1,000 IN DEFAULT 7 DAYS IMPRISONMENT |
| 23 | 765/7/08 | POSSESSION OF OFFENSIVE WEAPONS | GEORGE JEPHE WAGUCHU | 1 | PROBATION |
| 24 | 765/18/08 | STEALING STOCK | SHADRACK LANGAT | 1 | SENTENCED 5 YEARS IMPRISONMENT |
| 25 | 765/22/08 | BREAKING INTO A BUILDING AND COMMITTING A FELONY | SILAS KIPTO | 1 | PROBATION |
| 26 | 760/23/08 | POSSESSION OF SUSPECTED STOLEN GOODS | JUSTUS KIPKOECH ROTICH | 1 | PROBATION |
| 27 | 764/49/08 166/08 | POSSESSION OF OFFENSIVE WEAPONS | JOSEPH MWANGI KURIA | 1 | SENTENCED ONE MONTH CSO |
| 28 | 764/71/08 185/08 | STEALING | JAMES MBUGUA AND ANOTHER | 2 | PROBATION ONE YEAR |
| 29 | 45/56/08 221/08 | POSSESSION OF OFFENSIVE WEAPONS | KENNEDY GATERU AND ANOTHER | 2 | FINED KSHS 3000 IN DEFAULT ONE MONTH IMPRISONMENT |
| 30 | 51/53/08 | POSSESSION OF | CHARO | 3 | FINED KSHS 3000 IN DEFAULT |

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|----|---------------------------------|---------------------------------------|------------------------------|----|---|
| | 177/08 | OFFENSIVE WEAPONS | WAMBU AND TWO OTHERS | | ONE MONTH IMPRISONMENT |
| 31 | 76/08 390/08 | POSSESSION OF OFFENSIVE WEAPONS | EDWIN KIBET MUDOGO | 1 | FINED KSHS 3000 IN DEFAULT ONE MONTH IMPRISONMENT |
| 32 | 47/48 190/08 | POSSESSION OF OFFENSIVE WEAPONS | JOSEPH NGANGA NDEGWA | 1 | FINED KSHS 2000 IN DEFAULT 30 DAYS CSO |
| 33 | 764/42/08 FC. 165/08 | POSSESSION OF OFFENSIVE WEAPONS | MOSES KUNGU | 2 | FINED KSHS. 3,000 |
| 34 | 764/44/08 167/08 | ROBBERY WITH VIOLENCE | JOHN KIRAGU & ANOTHER | 2 | SENTENCED TO DEATH |
| 35 | 764/66/08 CF. 211/08 | POSSESSION OF OFFENSIVE WEAPONS | RAYMOND MUNENE | 1 | FINED KSHS. 1,000 IN DEAFULT 30 DAYS CSO |
| 36 | 764/41/08 CF. 148/ 08 | POSSESSION OF OFFENSIVE WEAPONS | TITUS GATHURIA & 15 OTHERS | 16 | FINED KSHS. 3,000 EACH IN DEFAULT ONE MONTH IMPRISONMENT |
| 37 | 71/08 CF. 145/08 | POSSESSION OF OFFENSIVE WEAPONS | SILVER NJOGU | 1 | FINED KSHS. 3,000 I/D ONE MONTH IMPRISONMENT |
| 38 | CR. 840/01/2008 | SHOP BREAKING AND COMMITTING A FELONY | NO DETAILS | - | 1 ST ACCUSED SENTENCED TO 2 YEARS IMPRISONMENT |
| 39 | CR. 741/27/2008 CF. 101/2008 | ROBBERY WITH VIOLENCE | CHARLES K. CHEPKWONY | | SENTENCED TO DEATH |
| 40 | CR. 771/1/2008 CF. 1/2008 | ARSON | DANIEL KIPLIMO | 1 | SENTENCED TO PROBATION FOR 3 YEARS |
| 41 | CR. 771/15/2008 CF. 33/08 | STEALING | DAVID SHIVEKA | 1 | SENTENCED FOR 2 YEARS |
| 42 | CR. 771/18/2008 CF. 52/08 | NCPB DEPOT BREAKING AND STEALING | MICHEAL KIPKEMBOI AND OTHERS | | ONE YEAR IMPRISONMENT |
| 43 | CR. 771/53/08 CF. 82/08 | SUSPECTED STOLEN PROPERTY | ANDREW KOD & 20THERS | 3 | 6 MONTHS IMPRISONMENT |
| 44 | CR. 771/86/2008 CF. 107/08 | HOUSE BREAKING | GEORFREY KIATAI | 1 | 5 MONTHS IMPRISONMENT |
| 45 | CR. 771/120/08 CF. 166/08 | KIOSK BREAKING AND STEALING | DICKSON KIPTOO & 2 OTHERS | 3 | 5 MONTHS IMPRISONMENT |
| 46 | CR. 771/123/08 CF. 170/08 | BURGLARY | PHILLIP ISIAO & 2 OTHERS | 3 | PROBATION 1 YEAR |
| 47 | CR. 771/143/08 CF. 200/08 | CONVEYING SUSPECTED STOLEN PROPERTY | JOHN KIPLAT NGENY | 1 | FINED KSHS. 4,000 I/D 8 MONTHS IMPRISONMENT |
| 48 | CR. 771/296/08 | CONVEYING | LUCAS HOSEA | 1 | FINED KSHS. 6,000 I/D 4 MONTHS |

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|----|----------------|---------------------------------|------------|---|-------------------|
| | CF. 627/08 | SUSPECTED STOLEN PROPERTY | SANG | | IMPRISONMENT |
| 49 | CR. 831/506/08 | ASSAULT | NO DETAILS | - | 2 YEARS PROBATION |
| 50 | CR. 831/503/08 | STEALING | NO DETAILS | - | 3 YEARS PROBATION |

**POST ELECTION VIOLENCE CASES WITHDRAWN/DISCHARGED: RIFT VALLEY
PROVINCE AS PER THE REPORT DATED 4TH MAY 2010 FORWARDED BY THE
COMMISSIONER'S OFFICE:-**

| No | CR | OFFENCE | ACCUSED | NO. OF ACCUSED | POSITION |
|----|----------------------------|--|--|-------------------|--|
| 1. | 781/1/2008 | BEING ARMED IN POUBLIC | JOSEPH SANG KIPSOI AND ANOTHER | 2 | DISCHARGED UNDER SEC 89 (5)CPC |
| 2. | 871/02/2008 CF 45/2008` | ARSON | EDWIN KOECH KIPKURUI | 1 | WITHDRAWN UNDER SEC 87 (A)CPC |
| 3. | 873/26/2008 | ARSON | PHILEMON KIPYATOR | 1 | WITHDRAWN VIDE AG LETTER REF AG/CR/2014 PEV/68 ON 9/01/09 |
| 4. | 873/71/2008 | BEING ARMED IN PUBLIC | MOSES LAGAT | 1 | DISCHARGED |
| 5. | 59/2008 | OBSTRUCTING A POLICE OFFICER | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 6 | 781/01/2008 | CREATING DISTURBANCE | SIMON OGODA JOSEPH KISHOYANI JAMES AWOR JOSEPH OTIOENO JOHN MIGIRO | 5 | ACCUSED 4 & 5 WITHDRAWN UNDER SEC 87CPC |
| 7 | 781/22/2008 | UNLAWFUL ASSEMBLY | BALUAT OLE NKOUWA AND 13 OTHERS | 14 | WITHDRAWN UNDER SEC 87CPC |
| 8 | 781/12/2008 | ARSON | ALFRED OLIECH ODHIAMBO | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 9 | 781/23/2008 | UNLAWFUL ASSEMBLY | LEKUDA OLE NAPIAS AND 15 OTHERS | 16 | WITHDRAWN UNDER SEC 87(A)CPC |
| 10 | 781/19/2008 | INCITEMENT TO VIOLENCE | ALFRED ODHIAMBO OLIECH | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 11 | 790/31/2008 | OFFICE BREAKING AND COMMITTING A FELONY | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 12 | MISC APP 2/2008 | BOND TO KEEP PEACE | CLLR JOSHUA K MATETAI | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 13 | MISC APP 2/2008 | BOND TO KEEP PEACE | CLLR JOSHUA K MATETAI | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 14 | 802/118/08 | ARSON | KIBET LANGAT | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 15 | 802/118/2008 | ARSON | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 16 | 711/14/2008 | PREPARATION | NO DETAILS | - | WITHDRAWN UNDER |

| | | | | | |
|----|-----------------------|--|---------------------------------|----|--------------------------------|
| | | TO COMMIT A FELONY | | | SEC 87(A)CPC |
| 17 | 713/7/2008 | ARSON | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 18 | PCR 14-20 38/2008 | BEING IN POSSESSION OF OFFENSIVE WEAPONS | BENJAMIN KOSKEI AND FIVE OTHERS | 6 | WITHDRAWN UNDER SEC 87(A)CPC |
| 19 | 891/38/2008 | PREPARATION TO COMMIT A FELONY | ROBERT KIRUI | 1 | DISCHARGED UNDER SEC 35(1) CPC |
| 20 | 801/33/2008 | TAKING PART IN UNLAWFUL ASSEMBLY | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 21 | 765/21/2008 | ARSON | STEPHEN KIPKEMOI KOSKEI | 1 | WITHDRAWN UNDER SEC 204 CPC |
| 22 | 763/3/2008 | ARSON | DAVID KIPNGENO | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 23 | 763/61/2008 | ARSON | SAMUEL GITHINJI AND TEN OTHERS | 11 | WITHDRAWN UNDER SEC 87(A)CPC |
| 24 | 760/82/2008 | PREPARATION TO COMMIT A FELONY | JAMES KAMAU KAMOTHO | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 25 | 763/91/2008 | INCITEMENT TO VIOLENCE | MARGARET MANLIKE MBUGUA | | WITHDRAWN UNDER SEC 87(A)CPC |
| 26 | 764/115/2008 177/2008 | SHOP BREAKING AND STEALING | PATRICK OKOTH AN TWO OTHERS | 3 | WITHDRAWN UNDER SEC 87(A)CPC |
| 27 | 764/110/2008 190/2008 | HOUSE BREAKING AND STEALING | JAMES RUIYA WANJIKO | 1 | WITHDRAWN UNDER SEC 204CPC |
| 28 | 764/169/2008 144/2008 | BREAKING INTO A BUILDING AND STEALING | PATRICK MBUGUA AND 155 OTHERS | 1 | WITHDRAWN UNDER SEC 87 (A)CPC |
| 29 | 764/69/2008 350/2008 | TAKING PART IN A RIOT | PETER IRUNGU GACHIA | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 30 | 764/39/2008 147/2008 | POSSESSION OF WEAPONS | MOSES NDUATI AND ANOTHER | 2 | WITHDRAWN UNDER SEC 87(A)CPC |
| 31 | 764/80/2008 | POSESSION OF WEAPONS | MOSES MURIUKI AND 7 OTHERS | 8 | WITHDRAWN UNDER SEC 87(A)CPC |
| 32 | 840/30/2008 362/2008 | | MILKA AGENDO | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 33 | 741/70/2008 106/2008 | ROBBERY WITH VIOLENCE | HASSAN RUTO AND 10 OTHERS | 11 | WITHDRAWN UNDER SEC 87(A)CPC |
| 34 | 741/10/2008 17/2008 | ARSON | BERNARD SEGEI | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 35 | 741/69/2008 105/2008 | PREPARATION TO COMMIT A FELONY | PAUL KIPLAGAT AND ANOTHER | 2 | WITHDRAWN UNDER SEC 204CPC |
| 36 | 741/6/2008 4/2008 | TAKIN PART IN AN UNLAWFUL ASSEMBLY | SIMON MUTAI AND 4 OTHERS | 5 | WITHDRAWN UNDER SEC 87(A)CPC |

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|----|--------------------------|--------------------------------------|----------------------------------|----|------------------------------------|
| 37 | 741/50/2008 68/2008 | HOUSEBREAKING | JOSEPH BET AND OTHER | 2 | WITHDRAWN UNDER SEC 87(A)CPC |
| 38 | 742/16/2008 269/2008 | HAVING SUSPECTED STOLEN GOODS | BOARS NGE'TICH AND 3 OTHERS | 4 | WITHDRAWN UNDER SEC 202 CPC |
| 39 | 741/66/2008 | ROBBERY WITH VIOLENCE | WESLEY KIPSANG KORIR | 1 | WITHDRAWN UNDER SEC 202 CPC |
| 40 | 741/53/2008 | CREATING DISTURBANCE | MUSA EKENO MARTIN | 1 | DISCHARGED UNDER SEC 35CPC |
| 41 | 771/10/2008 10/2008 | ASSAULT | BERNARD KIPTANUI | 1 | WITHDRAWN UNDER SEC 204 CPC |
| 42 | 771/33/2008 63/2008 | ARSON | ABDUL BARRY | 1 | WITHDRAWN UNDER SEC 204 CPC |
| 43 | 831/45/2008 | MURDER | STEPHEN LETING AND 3 OTHERS | 4 | WITHDRAWN UNDER SEC 215 CPC |
| 44 | 831/76/2008 | | NO DETAILS | | WITHDRAWN UNDER SEC 215 CPC |
| 45 | 831/250/2008 | TAKING PART IN A RIOT | LINUS KIMBOI AND 3 OTHERS | 4 | WITHDRAWN UNDER SEC 215 CPC |
| 46 | 831/304/2008 | PREPARATION TO COMMIT A FELONY | ISAAC ODHIAMBO OKELLO | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 47 | 831/307/2008 | ROBBERY | ISAAC NGETICH | 1 | WITHDRAWN UNDER SEC 215 CPC |
| 48 | 831/309/2008 | STEALING | JOHN NDALA | 1 | WITHDRAWN UNDER SEC 215 CPC |
| 49 | 831/310/2008 | PREPARATION TO COMMIT A FELONY | JUMA SULEIMAN AND 2 OTHERS | 3 | WITHDRAWN UNDER SEC 87(A)CPC |
| 50 | 831/311/2008 213/2008 | PREPARATION TO COMMIT A FELONY | SIMON KIPCHUMBA AND 40 OTHERS | 41 | WITHDRAWN UNDER SEC 87(A)CPC |
| 51 | 831/312/2008 | BUGLARY AND STEALING | JOHN KIPROP CHEPSOIT | 1 | WITHDRAWN UNDER SEC 204 CPC |
| 52 | 831/344/2008 | ASSAULT | PETER KAMAU CHEGE | 1 | WITHDRAWN UNDER SEC 87(A)CPC |
| 53 | 831/475/2008 | INSIGHTMENT TO VIOLENCE | JACKSON KIBOR | 1 | NOLLE PROSEQUI UNDER SEC 82 CPC |
| 54 | 831/0/2008 | SHOP BREAKING AND STEALING | NO DETAILS | - | WITHDRAWN UNDER SEC 204 CPC |
| 55 | 831/607/2008 | ARSON | NO DETAILS | - | WITHDRAWN UNDER SEC 204 CPC |
| 56 | 831/691/2008 | MALICIOUS DAMAGE | NO DETAILS | - | WITHDRAWN UNDER SEC 204 CPC |
| 57 | 831/117/2008 | ARSON | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 58 | 831/226/2008 | ROBBERY WITH VIOLENCE | NO DETAILS | | WITHDRAWN UNDER SEC 210 CPC |
| 59 | 832/226/2008 | ARSON | NO DETAILS | | WITHDRAWN UNDER SEC 87(A)CPC |
| 60 | 835/35/2008 | PREPARATION | NO DETAILS | - | WITHDRAWN UNDER |

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|----|--------------|--------------------------------|------------|---|------------------------------|
| | | TO COMMIT A FELONY | | | SEC 87(A)CPC |
| 61 | 835/56/2008 | MALICIOUS DAMAGE TO PROPERTY | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 62 | 835/58/2008 | STOCK STEALING | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 63 | 835/80/2008 | CREATING DISTURBANCE | NO DETAILS | - | WITHDRAWN UNDER SEC 204 CPC |
| 64 | 835/81/2008 | CREATING DISTURBANCE | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 65 | 831/263/2008 | THEFT OF A MOTOR VEHICLE | NO DETAILS | - | WITHDRAWN UNDER SEC 204 CPC |
| 66 | 832/102/2008 | PREPARATION TO COMMIT A FELONY | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |
| 67 | 831/558/2008 | ARSON | NO DETAILS | - | WITHDRAWN UNDER SEC 87(A)CPC |

PENDING BEFORE COURT IN THE RIFT VALLEY PROVINCE AS PER THE REPORT DATED 4TH MAY 2010 FORWARDED BY THE COMMISSIONER'S OFFICE:-

| NO. | CR. | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | POSITION |
|-----|-----------------------------|-------------------------|------------------------------|------------------------|----------|
| 1. | 781/58/08 | ARSON | SIMON KOSGEI | 1 | PBC |
| 2. | 790/7/08 | GOING ARMED IN PUBLIC | | | PBC |
| 3. | | ARSON | DAVID MUCHECHA AND ANOTHER | 1 | PBC |
| 4. | | ROBBERY WITH VIOLENCE | NO DETAILS | - | PBC |
| 5. | | ROBBERY WITH VIOLENCE | NO DETAILS | - | PBC |
| 6. | | STOCK THEFT | NO DETAILS | - | PBC |
| 7. | CR. 76L/14/08 CF. 246/08 | ARSON | NO DETAILS | - | PBC |
| 8. | CR. 891/25/08 | BEING ARMED IN PUBLIC | EZEKIEL KOECH | 1 | PBC |
| 9. | CR. 801/20/08 | STOCK THEFT | BERNARD MUINDI | 1 | PBC |
| 10. | CR. 801/30/08 | ARSON | BERNARD MUNDI | 1 | PBC |
| 11. | CR. 801/7/08 | ROBBERY WITH VIOLENCE | PHILLIP KIPNG'ENO AND OTHERS | - | PBC |
| 12. | 765/6/08 | MURDER | JANE KIGEN | 1 | PBC |
| 13. | 765/8/08 | POSSESSION OF OFFENSIVE | NEWTON KIPKOECH | 1 | PBC |

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|-----|-----------------------------|---------------------------------------|----------------------------------|------------|------------|
| | | WEAPONS | | | |
| 14. | CR. 760/20/08 | POSSESSION OF OFFENSIVE WEAPONS | SAMUEL KANDIE | 1 | PBC |
| 15. | CR. 760/24/08 | STEALING | LINAH HEBRON | 1 | PBC |
| 16. | CR. 765/29/08 | MURDER | JOSEPH LOKURET NAMBANGI | 1 | NO DETAILS |
| 17. | CR. 768/5/08 | BAR BREAKING AND ARSON | ANTHONY MBURU NJUGUNA | 1 | NO DETAILS |
| 18 | CR. 763/28/08 | PREPARATION TO COMMIT A FELONY | SIMON KINYANJUI AND 5 OTHERS | 6 | NO DETAILS |
| 19 | CR. 763/124/08 | ARSON | PAUL KIPKORIR TOWET AND 2 OTHERS | 3 | NO DETAILS |
| 20. | CR. 760/75/08 | PREPARATION TO COMMIT A FELONY | BENSON GITONGA AND ANOTHER | 2 | NO DETAILS |
| 21 | CR. 760/76/08 | PREPARATION TO COMMIT A FELONY | STEPHEN KIBE AND ANOTHER | 2 | NO DETAILS |
| 22. | CR. 760/83/08 | PREPARATION TO COMMIT A FELONY | EVANS KIPKOSGEI | 1 | NO DETAILS |
| 23 | CR. 760/85/08 | PREPARATION TO COMMIT A FELONY | HUDSON MWANGI THUKU AND 2 OTHERS | 3 | NO DETAILS |
| 24. | CR. 760/90/08 | PREPARATION TO COMMIT A FELONY | HOSEA KIPLAGAT MOLOGO | 1 | NO DETAILS |
| 25. | CR. 760/91/08 | PREPARATION TO COMMIT A FELONY | JOSEPH OSEGO KORIR AND 3 OTHERS | 4 | NO DETAILS |
| 26. | CR. 760/1406/08 | GANG RAPE | PAUL MUIA MWIHIA | 1 | NO DETAILS |
| 27. | CR. 760/84/08 | PREPARATION TO COMMIT A FELONY | SAMUEL KOSGEI AND ANOTHER | 2 | NO DETAILS |
| 28 | CR. 764/38/08 CF. 174/08 | POSSESSION OF OFFENSIVE WEAPON | AMOS CHEGE AND 3 OTHERS | 4 | NO DETAILS |
| 30 | CR. 840/01/08 | SHOP BREAKING AND COMMITTING A FELONY | NO DETAILS | NO DETAILS | NO DETAILS |
| 31 | 840/04/08 | CONVEYING SUSPECTED STOLEN GOODS | NO DETAILS | NO DETAILS | NO DETAILS |
| 32. | CR. 840/17/08 | ARSON | NO DETAILS | NO DETAILS | NO DETAILS |
| 33. | CR. 831/05/08 | HOUSE BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |

| | | | | | |
|-----|-----------------|-----------------------------|------------|------------|------------|
| 34. | CR. 831/06/08 | HOUSE BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |
| 35. | CR. 831/117/08 | STOCK THEFT | NO DETAILS | NO DETAILS | NO DETAILS |
| 36. | CR. 832/253/08 | HOUSE BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |
| 37 | CR. 831/286/08 | HOUSE BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |
| 38 | CR. 831/ 512/08 | STEALING | NO DETAILS | NO DETAILS | NO DETAILS |
| 40 | CR. 831/513/08 | STEALING | NO DETAILS | NO DETAILS | NO DETAILS |
| 41 | CR. 831/972/08 | SHOP BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |
| 42. | CR. 835/41/08 | BREAKING INTO A BUILDING | NO DETAILS | NO DETAILS | NO DETAILS |
| 43. | CR. 835/55/08 | STEALING | NO DETAILS | NO DETAILS | NO DETAILS |
| 44. | CR. 835/64/08 | STOCK STEALING | NO DETAILS | NO DETAILS | NO DETAILS |
| 45 | CR. 831/589/08 | ARSON | NO DETAILS | NO DETAILS | NO DETAILS |
| 46. | CR. 831/479/08 | ARSON | NO DETAILS | NO DETAILS | NO DETAILS |
| 47 | CR. 831/607/08 | THEFT OF MOTOR VEHICLE | NO DETAILS | NO DETAILS | NO DETAILS |
| 48 | CR. 831/765/08 | SHOP BREAKING | NO DETAILS | NO DETAILS | NO DETAILS |

**RIFT VALLEY POST ELECTION VIOLENCE CASES WHERE THE ATTORNEY
DIRECTED TO BE PROSECUTED TO LOGICAL CONCLUSION AS PER THE
EARLIER REPORT:-**

| NO | C.R.C | ACCUSED NAME(S) | NO. OF ACCUSED | OFFENCE | ACTION | UPDATE |
|----|------------------------------------|-------------------------------|-------------------|-----------------------------|---|--------------|
| 1. | MOLO 711/78/08 CF. 219/08 | DEDAN ROP AND ANOTHER | 2 | ARSON | AG'S DIRECTION CASE TO PROCEED TO LOGICAL CONCLUSIO N | NO UPDATE |
| 2. | KAPSABET 771/10/08 CF. 12/08 | JAMES NDELE AND ANOTHER | 2 | STOCK THEFT | " | NO UPDATE |
| 3. | NAROK 781/8/08 12/08 | SAINA OL TORI & ANOTHER | 2 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 4. | TURBO 974/17/08 CF. 135/08 | ENOCK KHAMISI AND 2 OTHERS | 3 | STEALING | " | NO UPDATE |
| 5. | KITALE 813/21/08 CF. 248/08 | DAVID NDIEMA AND 8 OTHERS | 9 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 6. | KITALE | EMMANUEL SITUMA | 1 | ARSON | " | NO UPDATE |

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|-----|--|--|----|--|---|-----------|
| | 811/265/08 CF. 627/08 | | | | | |
| 7. | TARAKWA 832/117/08 CF. 387/08 | PAUL KIPTOO AND 3 OTHERS | 4 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 8. | NJORO 763/24/08 21/08 | BERNARD KIBET BII & 2 OTHERS | 3 | MURDER | " | NO UPDATE |
| 9. | KITALE 813/12/08 CF. 105/08 | MICHAEL NYARIKINYI AND 4 OTHERS | 5 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 10. | ELDORET 852/94/08 CR. 1465/08 | DANIEL KOSKEY | 1 | BURGALRY AND STEALING | " | NO UPDATE |
| 11. | NAKURU 760/94/08 CF. | JORAM KIMANI MWANGI AND ANOTHER | 2 | POSSESSION OF FIREARM | " | NO UPDATE |
| 12. | KERICHO 741/61/08 CR. 87/08 | GIDEON KIBET RUTO | 1 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 13. | KITALE 811/68/08 CF. 264/08 | FRANCIS JUMA ALIAS MBUZI | 1 | ROBBERY | " | NO UPDATE |
| 14. | KITALE 813/14/08 CF.172/08 | AUGUSTINE CHERUIYOT AND 9 OTHERS | 10 | MALICIOUS DAMAGE TO PROPERTY ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 15. | LITEIN 891/133/08 CF. 553/08 | JACKSON KIBET AND 3 OTHERS | 4 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 16. | LUGARI 975/15/08 CF. 32/08 | HAMISI ASUNGA AND 2 OTHERS | 3 | HOUSE BREAKING | " | NO UPDATE |
| 17. | TURBO 974/52/08 CF. 21/08 | PIUS WANYONYI AND 3 OTHERS | 1 | STEALING | " | NO UPDATE |
| 18. | KITALE 811/110/08 CF. 547/08 | VINCENT BOIYWO AND 2 OTHERS | 3 | ARSON | " | NO UPDATE |
| 19. | KITALE 811/36/08 CF. 958/08 | DAVID TEMOI ALIAS KANGATA | 4 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 20. | ELDORET CR. 831/310/08 CF.265/08 | KENNEDY KOSKEI AND 1 ANOTHER | 2 | HANDLING STOLEN PROPERTY | " | NO UPDATE |
| 21. | SOTIK CR. 801/7/08 CF. 8/08 | WILLY KIPRONO AND 7 OTHERS | 8 | ROBBERY WITH VIOLENCE | " | NO UPDATE |
| 22. | KERICHO CR. | SAMUEL NYANGARESII | 1 | PREPARATI | " | NO UPDATE |

| | | | | | | |
|-----|--|--|---|---|-----------------------------|-----------|
| | 741/9/08 CF. 11/08 | | | ON TO COMMIT A FELONY | | |
| 23. | ISINYA CR. 736/62/08 CF. 221/08 | DAVID M. TAPAINÉ AND ANOTHER | 2 | ARSON | " | NO UPDATE |
| 24. | KAPSABET CR. 771/30/08 CF. 56/08 | REUBEN KIPYATOR YAGAN AND 3 OTHERS | 4 | HANDLING SUSPECTED STOLEN PROPERTY | " | NO UPDATE |
| 25. | KITALE CR. 814/9/08 CF. 921/08 | THOMAS C. TALAM AND ANOTHER | 2 | ARSON | " | NO UPDATE |
| 26. | WEST POKOT CR. 841/4/08 CF. 38/08 | CHARLES MAINA AND ANOTHER | 2 | POSSESSION OF A FIREARM WITHOUT A CERTIFICATE | " | NO UPDATE |
| 27. | NANDI NORTH CR. 771/285/08 CF. 585/08 | JOHN M. ASENSO | 1 | SHOP BREAKING | " | NO UPDATE |
| 28. | KAPENGURIA CR. 840/1/08 CR. 10/08 | AWADH SADDAM AND ANOTHER | 2 | CONVEYING SUSPECTED STOLEN PROPERTY | | NO UPDATE |
| 29. | CID NANDI NORTH CR. 771/284/08 CF. 584/08 | NOREKA ELUSHA | 1 | HANDLING SUSPECTED STOLEN PROPERTY | " | NO UPDATE |
| 30. | NANDI NORTH CR. 771/324/08 CF. 696/08 | SALOME NGONYELE | 1 | HANDLING SUSPECTED STOLEN PROPERTY | " | NO UPDATE |
| 31. | KERICHO CR 742/24/08 CF 280/08 | HARRISON KEMUTAI | 1 | ASSAULT CAUSING ACTUAL BODILY HARM | CASE WAS TO BE WITHDRAWN | NO UPDATE |
| 32. | TURBO CR 974/7/8 CF 52/08 | FRANCIS BARAZA | 1 | STEALING | " | NO UPDATE |
| 33. | BOMET CR 802/163/08 CF 165/08 | PETER CHERUYIOT KORIRIR | 1 | STEALING | " | " |
| 34. | ELDORET CR 831/43/08 CF 21/08 | JOSEPH GACHAGU | 1 | ARSON | " | " |
| 35. | NAKURU CR 766/49/08 CF 182.08 | DANIEL MOI AND ANOTHER | 2 | ROBBERY WITH VIOLENCE | " | " |
| 36 | ELDORET | NOAH KIPRONO AND | 6 | STEALING | " | " |

| | | | | | | |
|----|---|--------------------------------------|---|--------------------------------------|---|---|
| | CR 835/90/08 CF 860/08 | FIVE OTHERS | | | | |
| 37 | ELDORET CR 831/360/08 CF 265/08 | KENNETGH KOSGEI AND ANOTHER | 2 | ARSON | " | " |
| 38 | NAROK 781/104/08 CF 159/08 | CHACHA MUITA AND ANOTHER | 2 | BURGLARY AND STEALING | " | " |
| 39 | NAIVASHA CR. 764/69/08 CF 218/08 | ELIUD MACHARIA AND TWO OTHERS | 3 | TAKING PART IN A RIOT | " | " |
| 40 | ELDORET CR. 771/5/08 CF 101/08 | MAJOR MWANGI | 1 | ARSON | " | " |
| 41 | KITALE CR 811/25/08 CF 96/08 | HUMPHREY MANENO AND ANOTHER | 2 | ARSON | " | " |
| 42 | KOIBATEK CR 871/7/08 CF 403/08 | JOPKOECH CHEBET | 1 | PUBLISHING FALSE RUMOURS | " | " |
| 43 | KERICHO CR 741/3/08 CF 5/08 | JOSEAH KIPLANGAT | 1 | UNLAWFUL ASSEMBLY | " | " |
| 44 | KITALE CR 813/17/08 CF 498/08 | BERNARD KIBET KEMBOI | 1 | ARSON | " | " |
| 45 | KITALE CR 811/32/08 | AMOLO OYALO AND FOUR OTHERS | 5 | ARSON | " | " |
| 46 | KAPSABET CR 771/114/08 CF 157/08 | JAMIN ANDAI JOTHAM AND ANOTHER | 2 | KIOSK BREAKING | " | " |
| 47 | MAU-SUMMIT CR 76N/13/08 CF 334/08 | ANTHONY MBUGUA WAMBUI | 1 | STOCK THEFT | " | " |
| 48 | NAROK SOUTH CR 781/38/08 CF 65/08 | WILLIAM CHERUIYOT | 1 | ATTEMPTED ARSON | " | " |
| 49 | CR 713/12/08 CF 80/08 | ISAAC JUMA AND 7 OTHERS | 8 | HOUSE BREAKING AND STEALING | " | " |
| 50 | CR 713/7/08 CF 125/08 | DAVID KIPLAGAT AND FOUR OTHERS | 5 | ARSON | " | " |

**POST ELECTION VIOLENCE ACQUITTALS: RIFT VALLEY PROVINCE AS PER THE
REPORT DATED 4TH MAY 2010 FORWARDED BY THE COMMISSIONER'S
OFFICE:-**

| NO. | CR. | OFFENCE | NAME OF ACCUSED | NO. OF ACCSED PERSONS | POSITION |
|-----|--------------------------|--|-----------------------------------|-----------------------------|------------------------------------|
| 1 | 873/73/08 | OBSTRUCTING A POLICE OFFICER | JOSEPH KIPLAGAT | 1 | ACQUITTED UNDER SECTION 210 CPC |
| 2 | 781/21/08 | INCITEMENT TO VIOLENCE | MBELIA OLE NCHOE | 1 | ACQUITTED UNDER SEC 215 CPC |
| 3 | 790/26/08 | TAKING PART IN A RIOT | | 1 | ACQUITTED UNDER SEC 210 OF CPC |
| 4 | 701/4/08 | SETTING FIRE ON CROPS | JOEL OTIENO | 1 | ACQUITTED UNDER 202 OF CPC |
| 5 | 713/96/08 CF. 152/08 | ARSON | NO DETAILS | - | ACQUITTED UNDER SEC 210 CPC |
| 6 | 713/96/08 CF. 52/08 | ARSON | JOHN KIPKURUI BETT | | ACQUITTED UNDER 215 |
| 7 | 891/37/08 | TAKING PART IN A RIOT | WILLIAM L. BORE | 4 | ACQUITTED |
| 8 | 801/41/08 | PREPARATION TO COMMIT A FELONY | CHARLES KIPTANUI | 1 | ACQUITTED UNDER SEC 210 CPC |
| 9 | 801/54/08 | ROBBERY WITH VIOLENCE | PETER CHEPKWONY | 1 | ACQUITTED UNDER 215 CPC |
| 10 | 801/37/08 | PREPARATION TO COMMIT A FELONY | | | ACQUITTED UNDER 210 |
| 11 | 852/98/08 | STORE THEFT | NO DETAILS | - | ACQUITTED UNDER 215 CPC |
| 12 | 801/31/08 | SHOP BREAKING AND COMMITTING A FELONY | NO DETAILS | - | ACQUITTED |
| 13 | 852/94/08 CF. 1463/08 | STORE BREAKING AND COMMITTING A FELONY | PAUL KIMEL | 1 | ACQUITTED UNDER 215 |
| 14 | 765/9/08 | POSSESION OF SUSPECTED STOLEN PROPERTY | HELLEN CHEMET | 1 | ACQUITTED UNDER 210 CPC |
| 15 | 769/13/08 | PREPARATION TO COMMIT A FELONY | STEPHEN MWANGI AND 2 OTHERS | 3 | ACQUITTED UNDER SEC 215 |

| | | | | | |
|----|--------------------------------|--|--|---|---|
| 16 | 769/17/08 | HANDLING STOLEN PROPERTY | BRAMWEL KIPCHUMBA CHEMIRMIR | 1 | ACQUITTED UNDER SEC 215 |
| 17 | 763/60/08 | ASSAULT | DOUGLAS PETER NDUNG'U | 1 | ACQUITTED UNDER 206 CPC |
| 18 | 760/77/08 | PREPARATION TO COMMIT A FELONY | JOSEPH KARIUKI NGARUIYA AND ANOTHER | 2 | ACQUITTED UNDER SEC 215 CPC |
| 19 | 760/78/08 | PREPARATION TO COMMIT A FELONY | JACKSON NG'ENO | 1 | ACQUITTED UNDER SEC 210 CPC |
| 20 | 760/79/08 | PREPARATION TO COMMIT A FELONY | ALBERT NG'ANG'A NGIGE & 7 OTHERS | 8 | ACQUITTED UNDER 210 CPC |
| 21 | 760/81/08 | PREPARATION TO COMMIT A FELONY | NAHASHOR SAIRI KARANJA | 1 | ACQUITTED UNDER 215 CPC |
| 22 | 760/86/08 | PREPARATION TO COMMIT A FELONY | CILAS NDERITU | 1 | ACQUITTED UNDER SEC 210 CPC |
| 23 | 764/115/08 CF. 177/08 | SHOP BREAKING AND STEALING | PATRICK OKOTH & 2 OTHERS | 3 | ACQUITTED UNDER SEC 176 CPC 2 ND COUNT WITHDRAWN UNDER SEC 87(a) CPC |
| 24 | CR. 840/28/08 CF. 362/08 | ARSON | ZAINABU ZAIDI | 1 | ACQUITTED UNDER SEC 202 CPC |
| 25 | 741/57/08 CF. 86/08 | ROBBERY WTH VIOLENCE | FRANCIS KIPNG'ENO & ANOTHER | 2 | ACQUITTED UNDER SEC 215 |
| 26 | 741/11/08 CF. 9/08 | CONVEYING SUSPECTED STOLEN PROPERTY | JOHNSTONE MARTIM AND 2 OTHERS | 3 | ACQUITTED UNDER SEC 202 CPC |
| 27 | 741/34/08 CF. 124/08 | HAVING SUSPECTED STOLEN GOODS | NICHOLAS OTIENO | 1 | ACQUITTED UNDER SECTION 202 CPC |
| 28 | CR. 741/18/08 CF. 66/08 | ROBBERY WITH VIOLENCE | ERIC KIBET AND ANOTHER | 2 | ACQUITTED UNDER 210 CPC |
| 29 | CR. 741/145/08 | ARSON | DA NIEL OMBATI AND ANOTHER | 2 | ACQUITTED UNDER SEC 210 CPC |
| 30 | CR. 771/109/08 CF. 10/08 | ARSON | SAMMY KIPTANUI | 1 | ACQUITTED UNDER SEC 210 CPC |
| 31 | CR. 831/334/08 | BURLARY AND STEALING | STEPHEN ODHIAMBO | 1 | ACQUITTED UNDER SEC 215 CPC |
| 32 | 831/437/08 | STEALING | EDWIN KIPCHUMBA | 1 | ACQUITTED UNDER SEC 215 CPC |

| | | | | | |
|----|-------------------|--------------------------|------------------------------|---|-----------------------------|
| 33 | CR. 831/439/08 | STEALING | PATRICK KIPTOO KANGOGO | 1 | ACQUITTED UNDER 215 |
| 34 | CR. 831/473/08 | STEALING | NO DETAILS | - | ACQUITTED UNDER SEC 215 CPC |
| 35 | CR.831/502/08 | ARSON | NO DETAILS | - | ACQUITTED UNDER SEC 210 CPC |
| 36 | 831/658/08 | HOUSE BREAKING | NO DETAILS | - | ACQUITTED UNDER SEC 210 CPC |
| 37 | 835/40/08 | BURGLARY AND STEALING | NO DETAILS | - | ACQUITTED UNDER SEC 215 |
| 38 | 835/68/08 | BURGLARY AND STEALING | NO DETAILS | - | ACQUITTED UNDER SEC 215 CPC |
| 39 | 831/390/08 | ARSON | NO DETAILS | - | ACQUITTED UNDER SEC 210 CPC |
| 40 | 831/90/08 | STOCK THEFT | NO DETAILS | - | ACQUITTED UNDER SEC 215 CPC |

D. CASES UNDER FURTHER INVESTIGATIONS

Under this category, the police were supposed to forward an update of investigations where suspects were known as well as where suspects were not known. Although such information was requested for by the Convener of the team vide a letter dated 15th March, 2011(appendix 10) the same had not been forwarded by the time this progress report was prepared.

(SEE APPENDIX "5" FOR DETAILS OF CASES)

E. CASE WHERE THERE ARE KNOWN SUSPECTS (PAKA)

The team did not receive any information containing this category of cases from the Rift Valley. It is therefore
The matter requires follow up and review.

(SEE APPENDIX "6" FOR DETAILS OF CASES)

CHAPTER FOUR

NYANZA PROVINCE

The PCIO Nyanza upon request by the Team availed data vide his letter dated 22nd March 2011. (SEE APPENDIX 6)

The Team analyzed the data as tabulated hereunder.

CONVICTIONS ON POST ELECTION VIOLENCE RELATED CASES AS PER UPDATE REPORT DATED 22ND MARCH 2011

| NO | CASE REF. | ACCUSED | OFFENCE | REMARKS |
|----|---|-----------------------------------|--|-----------|
| 1 | KISUMU CID 627/04/08 | JACOB OLUOCH WERE AND 3 OTHERS | HAVING SUSPECTED STOLEN PROPERTY | CONVICTED |
| 2 | YALA POLICE STATION 633/17/08 CF. 19/08 | WILLIAM OTIENO OCHILO | PREPARATION TO COMMIT AFELONY | " |
| 3 | SIAYA 634/10/08 CF. 10/08 | ERICK OMONDI AND ANOTHER | BURGALARY AND STEALING | " |
| 4 | AKALA P. STATION 635/03/08 CF. 46/08 | JARED JUMA AKACHA AND 4 OTHERS | TAKING PART IN A RIOT | " |
| 5 | USENGE 6B2/7/08 CF. 18/08 | CHARLES ODHIAMBO | TAKING PARTI N A RIOT | " |
| 6 | USENGE 6B2/4/08 CF 6/08 | JAMES OMONDI ODUOR AND 2 OTHERS | KIOSK BREAKING AND COMMITTING A FELONY | " |
| 7 | USENGE 6B2 | NICHOLAS OCHIENG | ARSON | " |
| 8 | KORU 603/4/08 CF. 6/08 | ALLAN ODHIAMBO AND ANOTHER | INCITEMENT TO VIOLENCE | " |
| 9 | KORU 603/4/08 CF. 6/08 | ANTHONY ODUOR AND ANOTHER | CONVEYING SUSPECTED STOLEN PROPERTY | " |
| 10 | KORU 603/5/08 CF. 9/08 | ERICK ONYANGO OPONDO | COVEYING SUSPECTED STOLEN PROPERTY | " |
| 11 | AHERO 602/5/08 CF. 20/08 | VICTOR AYOKI OWUOR AND ANOTHER | RIOTIOUSLY INTERFERING WITH VEHICLES | " |
| 12 | AHERO 602/6/08 CF. 29/08 | VINCENT OMONDI OKOTH AND 2 OTHERS | RIOTIOUSLY INTERFERING WITH VEHICLES | " |
| 13 | KODELE 662A/1/08 CF. 4/08 | KENNEDY OCHIENG OTIENO | BREAKING INTO A BUILDING AND COMMITTING A FELONY | " |

| | | | | |
|-----|---------------------------------|---------------------------------|-------------------------------------|-----------|
| 14 | CR 633/21/2008 | JOSEPH OMONDI | PREPARATION TO COMMIT A FELONY | " |
| 15 | 634/15/2008 | MUSA OPONDI | PREPRATION TO COMMIT A FELONY | " |
| 16 | 603/27/08 CF 113/2008 | KENNEDY OTIENO | CONVEYING SUSPECTED STOLEN PROPERTY | ' |
| 17 | 617/07/08 5/08 | ALAN ONYANGO | COVEYING STOLEN PROPERTY | " |
| 18 | CR 627/15/2008 CF31/2008 | STEPHEN OLIENDA HASSAN & OTHERS | TAKING PART IN A RIOT | CONVICTED |
| 19. | CR. 621/04/08 CF. 9/2008 | JARED OKOTH AND OTHERS | HAVING SUSPECTED STOLEN PROPERTY | " |
| 20. | CR. 62A/1/2008 | EDWIN OKETH AND 2 OTHERS | CONVEYING SUSPECTED STOLEN GOODS | " |
| 21. | CR. 62A/1/2008 | KENNEDY OCHIENG | SUPERMARKET BREAKING AND STEALING | " |
| 22. | CR. 603/27/2008 CF. 113/2008 | NO DETAILS PROVIDED | CONVEYING SUSPECTED STOLEN GOODS | " |
| 23. | CR, 617/5/08 CF. 5/2008 | NO DETAILS PROVIDED | CONVEYING STOLEN PROPERTY | " |
| 24. | CR. 617/3/2008 CF. 5/2008 | NO DETAILS PROVIDED | CONVEYING STOLEN PROPERTY | " |
| 25. | CR. 627/43/2008 CF. 65/2008 | NO DETAILS PROVIDED | CONVEYING STOLEN PROPERTY | " |

**WITHDRAWN CASES ON POST ELECTION VIOLENCE AS PER UPDATE REPORT
DATED 22ND MARCH 2011.**

| NO | CASE REF. | ACCUSED | OFFENCE | REMARKS |
|----|-----------------------------------|--|-----------------------|-----------|
| 1. | YALA P633/27/07 CF. 33/08 | BERNARD OTIENO | ROBBERY WITH VIOLENCE | WITHDRAWN |
| 2 | CID KISUMU 627/29/08 CF. 51/08 | PATRICK OCHIENG | ROBBERY WITH VIOLENCE | " |
| 3 | KISUMU 627/28/08 CF. 49/08 | ERIC ONYANGO MASUNE AND 11 OTHERS | CAPTIAL ROBBERY | " |

| | | | | |
|----|---------------------------------------|--|---|---|
| 4 | CID KISUMU 627/26/09 CF. 48/08 | PETER OBONGO OWICH AND 24 OTHERS | CAPTIAL ROBBERY | " |
| 5 | DCIO KISUMU 627/27/08 CF. 47/08 | GEORGE KIBERENG AND 220 OTHS | CAPITAL ROBBERY | " |
| 6 | CID KISUMU 627/25/08 CF. 50/08 | SAMUEL OTIENO AND FOUR OTHERS | ROBBERY WITH VIOLENCE | " |
| 7 | KSM 624/34/08 CR 57/2008 | TOM ONDILI | HAVING SUSPECTED STOLEN PROPERTY | |
| 8 | 603/6/2008 11/2008 | WILLIAM OGADA | TAKING PART IN RIOT | ' |
| 9 | 617/7/2008 CF 5/2008 | COLLINS OCHIENG | CONVEYING SUSPECTED STOLEN PROPERTY | " |
| 10 | 617/09/05 | KEVIN OTIENO | CONVEYING STOLEN PROPERTY | " |
| 11 | 627/07/2008 2/2008 | DANIEL ODHIAMBO & OTHERS | ROBBERY WITH VIOLENCE | " |
| 12 | 624/6/2008 | GEORGE OTIENO & OTHERS | BREAKING INTO A BUILDING AND COMMITTING A FELONY | " |
| 13 | 603/05/2008 CF 11/2008 | NO DETAILS | TAKING PART IN A RIOT | |
| 14 | 617/07/2008 | NO DETAILS | CONVEYING SUSPECTED STOLEN PROPERTY | |
| 15 | 617/09/2008 | NO DETAILS | CONVEYING SUSPECTED PROPERTY | |
| 16 | 633/27/2008 | NO DETAILS | BAR | |

| | | | | |
|----|-------------------------|------------------|--|--|
| | | | BREAKING | |
| 17 | 627/32/08 CF 55/2008 | NO DETAILS | HAVING SUSPECTED STOLEN GOODS | |
| 18 | 617/05/08 | EVANS OCHIENG | CONVEYING STOLEN PROPERTY | |

CASES WHERE THE ATTORNEY GENERAL DIRECTED WITHDRAWAL, PROSECUTIONS TO PROCEED TO LOGICAL CONCLUSION AND FURTHER INVESTIGATIONS

In the PCIO's letter Appendix 7 forwarding the data, the team noted that there were cases that the Honourable Attorney General had directed withdrawal in the Earlier Report but were not captured in the updated data.

For details of this see the tables below.

| S/NO | CASE REF | ACCUSED NAME | NO | OFFENCE | AG'S DIRECTIVE | UPDATE |
|-------------|--------------------------------------|---------------------------------|-----------|----------------|---|---------------|
| 1. | MIGORI CR. 661/14/08 CF. 25/08 | ELIAS ONDONG & OTHERS | - | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |
| 2. | MIGORI CR NO. 661/12/08 | DISMAS NYABEGO & 4 OTHERS | 5 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |
| 3. | KISUMU CR 627/54/08 | OMONSO WESONGA | 1 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |
| 4. | AWASI 601/2/08 CF. 166/08 | MICHAEL OCHIENG | 1 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |

| | | | | | | |
|----|----------------------------------|-------------------------|---|---------------|---|--------------|
| 5. | KORU 603/39/08 CF. 220/08 | DANCUN OWINO | 1 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |
| 6. | KORU 603/09/08 CF 20/08 | RAPHAEL OUMA | 1 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |
| 7. | KORU 603/19/2008 CF. 72/03 | POLITUS OTIENO ALILA | 1 | NO DETAILS | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND ACCUSED DISCHARGED | NO UPDATE |

CASES WHERE THE HONOURABLE ATTORNEY GENERAL DIRECTED PROSECUTIONS TO PROCEED TO LOGICAL CONCLUSION AND ARE NOT CAPTURED IN THE UPDATED REPORT BY THE PCIO

| NO | CASE REF. | ACCUSED NAME(S) | AG'S DIRECTIVES | UPDATE |
|----|-----------------------------------|-------------------------------|---|-----------|
| 1. | KISUMU CR. 30/4/08 | MARTIN SHIKUKU | <ul style="list-style-type: none"> THE CASE TO PROCEED | NO UPDATE |
| 2. | AWENDO CR. 664/01/08 | KENNEDY ODUOR AND 4 OTHERS | " | NO UPDATE |
| 3. | MIGORI CR. 661/18/08 | HENRY NYABUTO | " | NO UPDATE |
| 4. | MIGORI CR. 661/25/08 | ZEPHANIZ ODUOR | " | NO UPDATE |
| 5 | YALA 633/21/08 CF. 27/08 | JOSEPH OMOLO | " | NO UPDATE |
| 6 | YALA 633/5/08 | SIMON OLUOCH | " | NO UPDATE |
| 7 | KORU 603/6/08 CF. 11/08 | WILLIAM OGADA | " | |
| 8. | NYANDO 604/34/08 CF. 317/08 | ERIC WAITA & 2OTHERS | " | NO UPDATE |
| 9. | USENGE 6B2/5/08 CF. 16/08 | WALTER ODINO | " | NO UPDATE |

| | | | | |
|-----|---------------------------------|-----------------------|---|-----------|
| 10. | AWASI 601/164/07 CF. 3/08 | SIMON OPANDE OKUTO | " | NO UPDATE |
|-----|---------------------------------|-----------------------|---|-----------|

CASES WHERE THE HONOURABLE ATTORNEY GENERAL DIRECTED FURTHER INVESTIGATIONS ARE NOT CAPTURED IN THE UPDATED REPORT BY THE PCIO NYANZA

| NO | STATION INQUEST NO | DECEASED | NO | CIRCUMSTANCES OF DEATH | AG'S COMMENTS AND DIRECTIONS | UPDATE |
|----|-----------------------|--|----|--|---|-----------|
| 1. | HOMABAY INQ. 2/08 | SAMUEL OTIEON AKUNGU | 1 | DECEASED SHOT BY POLICE WILE QUIELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 2. | KONDELE INQ. 13/08 | DAN OCHIENG AJONYO AND 3 OTHERS | 4 | " | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 3. | KISUMU NO. 2/08 | GEORGE ODUOR ODHIAMBO | 1 | " | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 4. | KISUMU INQ. 4/08 | GEORGE OTIENO OBALTIA | 1 | " | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY | NO UPDATE |

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|-----|----------------------|-----------------------------|---|---|--|-----------|
| | | | | | GENERAL FOR APPROPRIATE DIRECTIONS | |
| 5. | KISUMU INQ. NO. 5/08 | MORRIS OUMA OKETCH | 1 | 14/1/08 DECEASED SHOT BY POLICE WHEN QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDED EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 6. | KONDELE INQ. 14/08 | WALTER JALANGO AND 2 OTHERS | 1 | THE DECEASED WAS SHOT BY POLICE WHILE LOOTING SHOPS ON 1 ST JAN, 2008 | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDED EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 7. | KISUMU INQ. 65/07 | ANTONY OPIYO | 1 | DECEASED SHOT ON 29 TH DEC DURING POST ELECTION PROTESTS AND VANDALISM OF PROPERTY | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 8. | KISUMU INQ. 66/07 | NICODEMUS OMONDI | 1 | SHOT BY POLICE ENTIRE 30 TH DEC 07 WHILE LOOTING | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDED EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 9. | KISUMU 67B/07 | GEORGE OTIENO | 1 | SHOT ON 31 ST DEC PARTICIPATING IN LOOTING | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDED EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 10. | KISUMU INQ. | GEORGE | 1 | DECEASED SHOT | FURTHER | NO UPDATE |

| | | | | | | |
|-----|---------------------------|-----------------------------|---|--|---|-----------|
| | 67/07 | ODHIMABO NYAMA | | BY POLICE WHILE QUELLING RIOTS | INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | |
| 11. | KISUMU INQ. 68/07 | DANIEL OKOKO | 1 | DECEASED DIED ON 30/12/07 WITH CHEST INJURIES CAUSED BY BLUNT OBJECTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | |
| 12. | MANGA INQ. NO. 1/08 | EZEKIEL ABUGA NYAUNDI | 1 | ON 13/1/08 DECEASED KILLED DURINGPOST ELECTION VIOLECE CLASHES BETWEEN KISII AND KIPSIGIS COMMUNITIES | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 13. | MANGA INQ. NO. 1/08 | MUSA KIPYEGEN KOROS | 1 | ON 13/1/08 DECEASED KILLED DURINGPOST ELECTION VIOLECE CLASHES BETWEEN KISII AND KIPSIGIS COMMUNITIES | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 14. | MANGA INQ. 4/08 | BEN MAINYE | | ON 13/1/08 DECEASED KILLED DURINGPOST ELECTION VIOLECE CLASHES BETWEEN KISII AND KIPSIGIS COMMUNITIES | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 15. | MANGA NO. 5/08 | STEPHEN OMWANGA | 1 | SHOT BY POLICE QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE | NO UPDATE |

| | | | | | | |
|-----|--------------------|------------------------|---|-------------------------------|--|-----------|
| | | | | | WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | |
| 16. | HOMABAY INQ. 3/08 | WYCLIFFE OCHIENG OLELA | 1 | SHOT BY POLICE QUELLING RIOTS | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 17. | KONDELE INQ. 3/08 | SALIM AHMED | 1 | SHOT BY POLICE QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 18. | HOMABAY INQ. 3/08 | KENNEDY OTIENO DOYO | 1 | SHOT BY POLICE QUELLING RIOTS | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 19. | KISUMU INQ. 7/08 | FREDRICK OCHIENG CHIKA | 1 | SHOT BY POLICE QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 20. | KISUMU INQ. 71A/07 | JOHN MARK ONDONGO | 1 | " | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |

| | | | | | | |
|-----|-------------------------|------------------------------|---|---|--|-----------|
| 21. | KISUMU INQ. 71B/07 | BARBARA SERETA | 1 | "SHOT BY POLICE QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 22. | AKASA INQ. 1/08 | JOSEPH OGWABE | 1 | | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 23. | MANGA INQ. 6/08 | JACOB GICHANA MOKAYA | 1 | DECEASED KILLED DURING CONFRONTATION BTWN KISII AND KIPSIGIS COMMUNITIES DURING POST ELECTION SKIRMISHES | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 24. | NYAMIRA INQ. NO 2/08 | DANIEL NYANGAU MANYARA | 1 | DECEASED DIED DURING THE SKIRMISHES BTWN KISIIS AND KIPSIGIS AT BURET NYAMIRA BOARDER | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 25. | NYAMIRA INQ. 1/08 | JOSEPH MONGARE | 1 | 31/12/08 DECEASED ATTACKED BY RAIDERS FROM BURET DISTRICT WHILE CUTTING GRASS FOR COWAS AT THE BOARDER WITH NYAMIRA DURING ELECTION SKIRMISHES | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECORDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 26. | KISUMU INQ. 67C/08 | MESHACK OCHIENG | 1 | SHOT ON THE 31/12/07 WHILE | FURTHER INVESTIGATIONS BE | NO UPDATE |

| | | | | | | |
|-----|-----------------------|-------------------------|---|--|---|-----------|
| | | | | LOOTING PROPERTY IN TOWN | UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | |
| 27. | KISUMU INQ. 67D/07 | JAMES ORIENDO | 1 | SHOT BY POLICE ON THE 31 ST DEC 07 | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 28. | KISUMU 67E/07 | JOSEPH OTIENO | 1 | SHOT BY POLICE ON 31 ST DEN 07 WHILE RIOTING AND LOOTING | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 29. | KISUMU 67F/07 | JOSEPH OTIENO | 1 | SHOT BY POLICE ON 31 ST DEN 07 WHILE RIOTING AND LOOTING | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 30. | KISUMU INQ. 9/07 | VICTOR COLE ODHIAMBO | 1 | SHOT BY POLICE ON 31 ST DEN 07 WHILE RIOTING AND LOOTING | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 31. | AWENDO INQ. 3/08 | BOAZ OMONDI | 1 | DECEASED SHOT ON THE 3/1/08 AT AWENDO POLICE STATION FOLLOWING THEIR THREAT TO RELEASE | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO | NO UPDATE |

| | | | | | | |
|-----|-------------------------|----------------------|---|---|--|-----------|
| | | | | PRISONERS AND SEIZE FIREARMS | INCIDENT INVESTIGATIONS DIARY BE COMPLETED | |
| 32. | MIGORIN INQ. 1/08 | MICHAEL BANDA | 1 | SHOT ON THE 29 TH DEC 07 WHILE LOOTING SHOPS | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 33. | AWASI INQ. 2/08 | JACOB OKOTH | 1 | DECEASED AND OTHER STORMED AWENDO POLICE STATION THREATENED TO REHEARSE PRISONERS AND SEIZE FIREARMS. THE POLICE SHOT TO REPULSE THEM | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 34. | KISUMU INQ. NO. 71D/07 | EDWIN OUMA | 1 | SHOT DEAD BY POLICE WHILE QUELLIGN RIOTS ON 31/12/08 | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 35. | KONDELE INQ. NO. 17/08 | GEORGE ODHIAMBO | 1 | SHOT DEAT BY POLICE ON 17/1/08 WHILE QUELING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 36. | KISUMU INQ. NO. 678C/07 | DAVID OCHIENGAN GUKA | | 31/12/08 DECEASED SHOT DEAD DURING RIOTS | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NO UPDATE |
| 37. | KONDELE INQ. NO. | WYCLIFF ODHIAMBO | | 18/1/08 DECEASED SHOT | INVESTIGATIONS INCOMPLETE | NO UPDATE |

| | | | | | | |
|-----|-----------------------|--------------------|---|---|--|-----------|
| | 16/08 | | | DEAD BY POLICE WHO WERE QUELING RIOTS | FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | |
| 38. | KISUMU INQ. 71C/07 | LAZARO OUMA OBONGO | 1 | | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |
| 39. | KISUMU INQ. 70A/08 | DANIEL OTIENO | 1 | 31/12/08 DECEASED SHOT BY POLICE WHILW QUELLING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 40. | KONDELE INQL 19/08 | FREDRICK ODHIAMBO | | 22/1/08 DECEASED SHOT DEAD BY POLICE QUELLING RIOTS | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPATE DIRECTIONS | NO UPDATE |
| 41. | KONDELE INQ. 18/08 | GEOFFREY ODHIAMBO | 1 | SHOT BY POLICE WHILE QUELLING RIOTS ON 1/02/08 | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 42. | KISUMU INQ. NO. 11/08 | JACOB ODUOR MWALA | 1 | SHOT DEAD BY POLICE ON 28/01/08 WHILE QUELLING RIOTS | FURTHER INVESTIGATIONS BE BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY | NO UPDATE |

| | | | | | | |
|-----|--------------------------|---------------------------|--|--|---|-----------|
| | | | | | GENERAL FOR APPROPRATE DIRECTIONS | |
| 43. | KISUMU INQ. NO. 67/07 | GEORGE OTIENO OSIRE | | 28/01/08 DECEASED SHOT DEAD DURING RIOTS | INVESTIGATIONS INCOMPLETE FURTHER INVESTIGATIONS BE DONE BY RECO4RDING EYE WITNESSES TO INCIDENT INVESTIGATIONS DIARY BE COMPLETED | NO UPDATE |
| 44. | KISUMU INQ. NO. 41/08 | STEPHEN OWINO ORIKO | | 28/1/08 DECEASED SHOT DEAD BY POLICE WHO WERE QUELLING RIOTS | FURTHER INVESTIGATIONS BE UNDERTAKEN AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRATE DIRECTIONS | NO UPDATE |

ACQUITTALS ON POST ELECTION VIOLENCE CASES- NYANZA

| NO | CASE REF. | ACCUSED NAME(S) | NATURE OF OFFENCE | RESULTS/ COMMENTS |
|----|-----------------------------------|-------------------------------|---|----------------------|
| 1. | CID KISUMU 627/33/08 CF. 56/08 | PAUL ONYANGO | HAVING SUSPECTED STOLEN PROPERTY | ACQUITTED |
| 2. | CID KISUMU 627/17/08 CF. 38/08 | EDWIN OTIENO OKETCH | HAVING SUSPECTED STOLENPRO PERTY | " |
| 3 | KSM 627/32/08 CF 55/08 | MARGARET KEMUNTO | HAVING SUSPECTED STOLEN PROPERTY | |
| 4 | 627/1/08 CF 31/2008 | DANIEL ODHIAMBO AND OTHERS | HAVING SUSPECTED STOLEN PROPERTY | |

D.CASES UNDER FURTHER INVESTIGATIONS

The PCIO Nyanza did not provide any data on this category of cases since in the initial report he had indicated that there were no cases pending under investigation other than the inquests.

CHAPTER EIGHT

COAST PROVINCE

The PCIO Coast upon request by the Team availed data vide his letter dated 18th March 2011. (SEE APPENDIX 7)

The Team analyzed the data as tabulated hereunder

A TABULATION OF WITHDRAWN POST ELECTION VIOLENCE CASES:- COAST PROVINCE

| NO | CASE REF. | ACCUSED NAME(S) | NATURE OF OFFENCE | RESULTS /COMMENTS | UPDATE |
|----|--------------------------------------|--|--|--|-----------------------------------|
| 1. | URBAN 345/01/0 8 CF. 17/08 | WYCLIFFE WALTER NYAWAR OWUOR AND 5 OTHERS | INCITEMENT TO VIOLENCE | CASE TO BE WITHDRAWN FOR LACK OF EVIDENCE AND FILE BE CLOSED | NOT UPDATE |
| 2. | KWALE 326/01/0 8 CF. 12/08 | ROBERT ZUMA NZOMBO AND ANOTHER | THREATENING TO KILL | " | NOLLE PROSEQUI ENTERED |
| 3. | URBAN 343/17/0 8 | MATANO HAMISI ALI | SHOP BREAKING AND STEALING | " | WITHDRAWN |
| 4. | URBAN 343/33/0 8 CF. 140/08 | PATRICK OKELLO | HAVING SUSPECTED STOLEN PROPERTY | " | WITHDRAWN UNDER SEC 87A |
| 5. | URBAN 343/36/0 8 CF. 160/08 | ALI SHABAN | SHOP BREAKING AND STEALING | " | WITHDRAWN UNDER SEC 204 CPC |
| 6. | URBAN 345/08 CF. 126/08 | MWINYI BURUDAI MWAWANDE MBO | TAKING PART IN UNLAWFUL ASSEMBLY | " | NOLLE PROSEQUI ENTERED |
| 7. | LIKONI | ABDALLA | INCITEMENT TO | LOGICAL | WITHDRAWN |

| | | | | | |
|-----|---|--|--|------------|--------------------------------------|
| | 34/1/08 CF. NO. 24/08 | MWINYI AND 4 OTHERS | VIOLENCE | CONCLUSION | UNDER SEC 87A CPC |
| 8. | CHANG AMWE 343/04/0 8 CF. 26/08 | JOSEPHAT NYANGALESI AND 62 OTHERS | BREAKING INTO A BUILDING WITH INTENT TO COMMIT A FELONY | " | NOLLE PROSEQUE ENTERED |
| 9. | CR 343/18/2 008 CF 92/2008 | 5 PERSONS | BAR BREAKING AND COMMITTING A FELONY | " | WITHDRAWN UNDER SEC 204 CPC |
| 10. | CR 345/09/2 008 CF 95/2008 | 2 PERSONS | BREAKING INTO A BUILDING AND COMMITTING A FELONY | " | WITHDRAWN UNDER SEC 204 OF CPC |
| 11. | CR 345/13/2 008 CF 126/2008 | PETER WAFULA AND TWO OTHERS | TAKING PART IN AN UNLAWFUL ASSEMBLY | " | NOLLE PROSEQUI ENTERED |

A TABULATION OF POST ELECTION VIOLENCE INQUEST CASES: - COAST PROVINCE

| NO | CASE REF. | DECEASED(S) | CIRCUMSTANCES OF DEATH | RESULTS/COMMENTS | UPDATE |
|----|---------------------------------|--|--|---|---------------|
| 1. | CHANGAMWE INQ. NO. 5/2008 | ROSE LANGA MWAMBURI | BURNT TO DEATH WHEN HER HOUSE WAS SET ON FIRE ON 1/1/08 | INVESTIGATIONS TO BE COMPLETED AS ADVISED AND THE FILE BE RESUBMITTED TO THE HON. ATTORNEY GENERAL FOR APPROPRIATE DIRECTIONS | NOT UPDATE |
| 2. | CHANGAMWE INQ. NO 6/08 | GLADYS OROTO SARU CHAWANA | BURNT TO DEATHWHEN THEIR HOUSE WAS SET ON FIRE ON 1/1/08 | " | NOT UPDATE |

| | | | | | |
|----|--------------------------------|---|---|---|------------|
| | | ANGELA SARU MWAMBURI SIFROSA OTORO | | | |
| 3. | CHANGAMWE INQ. NO. 8/08 | JOSEPH ISAAK MAENDELEO | BURNT TO DEATH WHEN HER HOUSE WAS SET ON FIRE ON 3/1/08 | " | NOT UPDATE |
| 4. | CHANGAMWE INQ. NO. 10/08 | CAROLINE AKINYI JONYO | BURNT TO DEATH WHEN HER HOUSE WAS SET ON FIRE ON 1/1/08 | " | NOT UPDATE |
| 5. | CID URBAN INQ. NO 11/08 | BETTY CECILIA ROBERTS | BURNT TO DEATH WHEN HER HOUSE WAS SET ON FIRE ON 1/1/08 | " | NOT UPDATE |
| 6. | CHANGAMWE INQ. NO. 12/08 | EDISON KENANI | BURNT TO DEATH WHEN HIS HOUSE WAS SET ON FIRE ON 8/1/08 | " | NOT UPDATE |

A TABULATION OF POST ELECTION VIOLENCE ACQUITTALS CASES: - COAST PROVINCE

| NO | CASE REF. | ACCUSED NAME(S) | NATURE OF OFFENCE | RESULTS/COMMENTS | UPDATE |
|----|-------------------------------------|-----------------------------------|--|-----------------------|--|
| 1. | CR. 344/02/08 | OTIENO OMOLO AND ANOTHER | ARSON | LOGICAL CONCLUSION | ACQUITTED UNDER SEC. 210 OF CPC |
| 2. | CR. 344/11/20 08 CF. 30/08 | 4 PERSONS | INCITEMENT TO VIOLENCE | LOGICAL CONCLUSION | " |
| 3. | CR. 345/42/08 CF. 295/08 | JAMES NJUGUNA | CONVEYING SUSPECTED STOLEN PROPERTY | " | " |

| | | | | | |
|----|-------------------------------------|------------------------------------|------------------------------|---|---|
| | | | | | |
| 4. | CR. 342/138/0 8 CF. 680/08 | VICTOR OMONDI AND ANOTHER | INCITEMENT TO VIOLENCE | " | DISCHARGED UNDER SEC 35(1) OF CPC |

**A TABULATION OF POST ELECTION VIOLENCE CASES PENDING BEFORE COURT: -
COAST PROVINCE**

| NO | CASE REF. | ACCUSED NAME(S) | NATURE OF OFFENCE | RESULTS/COMMENTS | UPDATE |
|----|---------------------------------|---|--------------------------------------|-----------------------|--------|
| 1. | CR. 351/01.08 CF. 01/2008 | RAPHAEL MWAMIDI MALAGO AND TWO OTHERS | PREPARATION TO COMMIT A FELONY | LOGICAL CONCLUSION | PBC |

D.CASES PENDING FURTHER INVESTIGATION

There were no cases under this category in the Coast province as per the Report dated 27th February 2009 submitted to the Honourable Attorney General.

CHAPTER NINE

NAIROBI PROVINCE

The PCIO Nairobi upon request by the Team availed data vide his letter dated 24th March 2011. (SEE APPENDIX 9)

However, the Team noted that all the data provided by the PCIO's was contained in the Commissioner of Police report Appendix 1C, and proceeded to analyze the data as hereunder.

The Team analyzed the data as tabulated hereunder

CONVICTIONS ON POST ELECTION VIOLENCE RELATED CASES- NAIROBI

| NO. | CR. NO. | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | STATUS |
|-----|---------------|--------------------------------|---------------------------|------------------------|---------------------------------|
| 1. | CR.121/03/08 | SUPERMARKET BREAKING | KENNEDY OMONDI AND OTHERS | | SENTENCED TO 3 MONTHS CSO |
| 2. | CR. 121/17/08 | PREPARATION TO COMMIT A FELONY | GEORGE ODHIAMBO | 1 | SENTENCED TO 4 MONTHS PROBATION |
| 3 | CR. 121/63/08 | STORE BREAKING | DAVID MWEA AYUB | 1 | SENTENCED TO 2 YEARS PROBATION |
| 4 | CR. 121/94/08 | ROBBERY WITH VIOLENCE | VICTOR OMONDI | 1 | SENTENCED TO 3 YEARS PROBATION |
| 5. | CR. 121/40/08 | ARSON | ANTONY OCHIENG | 1 | FINED KSHS. 1,000 |

ACQUITTALS ON POST ELECTION VIOLENCE CASES- NAIROBI

| NO. | CR | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | STATUS |
|-----|----------------------------|-------------------------------------|--------------------------|------------------------|--------------------------------|
| 1. | CR. 141/03/08 CF. 43/08 | CONVEYING SUSPECTED STOLEN GOODS | REUBEN IDAILI | 1 | ACQUITTED UNDER SEC 215 OF CPC |
| 2. | CR. 141/03/08 CF. 69/08 | CONVEYING SUSPECTED STOLEN PROPERTY | NELSON JOSIAH | 1 | ACQUITTED UNDER SEC 215 OF CPC |
| 3. | CR. 121/06/08 | SHOP BREAKING AND STEALING | BERNARD ODUOR AND OTHERS | NO DETAILS PROVIDED | ACQUITTED UNDER SEC 210 OF CPC |
| 4 | CR. 121/94/08 | ROBBERY WITH VIOLENCE | VICTOR OMONDI | 1 | ACQUITTED UNDER SEC 215 OF CPC |

POST ELECTION VIOLENCE INQUESTS PENDING FURTHER INVESTIGATIONS: - NAIROBI PROVINCE.

| NO. | CR | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | STATUS |
|-----|--------------------------------|----------------------------|---------------------------|------------------------|------------------------------|
| 1. | CR. 141/81/41/08 CF. 141/03 | ROBBERY WITH VIOLENCE | JAMES OMONDI AND 2 OTHERS | 3 | NO UPDATE |
| 2. | INQ.4/08 | SHOOTING AT KIBERA | DANIEL AROKA | 1 | PENDING UNDER INVESTIGATIONS |
| 3 | CR. 141/24/08 | ROBBERY WITH VIOLENCE | PATRICK MWANGI | 1 | PENDING UNDER INVESTIGATIONS |
| 4. | CR.141/79/08 | RAPE | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |
| 5. | CR. 141/100/08 | SHOOTING KIBERA KATWIKIRA | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |
| 6. | INQ. 10/08 | SHOOTING AT KIBERA OLYMPIC | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |
| 7. | CR. 141/67/08 | ROBBERY WITH | JOHN OGOLLA | 1 | PENDING UNDER INVESTIGATIONS |

| | | | | | |
|----|---------------|---------------|---------------------|---------------------|------------------------------|
| | | VIOLENCE | | | |
| 8 | INQ. 1/08 | OFFENCE | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |
| 9. | CR. 121/02/08 | SHOP BREAKING | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |
| 10 | 121/47/08 | MURDER | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING UNDER INVESTIGATIONS |

POST ELECTION VIOLENCE CASES PENDING BEFORE COURT IN NAIROBI PROVINCE

| NO. | CR. | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | STATUS |
|-----|-----------------------------|----------------------------------|---------------------------|------------------------|----------------------|
| 1. | CR. 141/81/08 CF. 141/08 | ROBBERY WITH VIOLENCE | JAMES OMOMDI AND 2 OTHERS | 3 | PENDING BEFORE COURT |
| 2 | CR. 141/4/08 CF. 54/08 | CONVEYING SUSPECTED STOLEN GOODS | VICTOR OMONDI | 1 | PENDING BEFORE COURT |
| 3. | CR. 121/33/08 | BREAKING INTO A BUILDING | NO DETAILS PROVIDED | NO DETAILS PROVIDED | PENDING BEFORE COURT |

CHAPTER 10

CENTRAL PROVINCE

The Team vide its letter dated 15th March 2011 requested the PCIO Central to avail data on Post Election Violence Cases, however as at the time of compiling this report the PCIO Central had not responded to the request. The Commissioners report contained in **Appendix 1C** dated 4th May 2010 contained the data tabulated hereunder in respect of Central Province.

A TABULATION OF POST ELECTION VIOLENCE CASES IN CENTRAL PROVINCE.

| NO. | CR. NO. | OFFENCE | ACCUSED | NO. OF ACCUSED PERSONS | STATUS | UPDATE |
|-----|---------------|---------|------------|------------------------|--------------------------------|-----------|
| 1. | CR.241/01/08 | ARSON | NO DETAILS | NO DETAILS | PUI | No Update |
| 2. | CR. 244/18/08 | MURDER | NO DETAILS | NO DETAILS | PUI | No Update |
| 3 | CR. 242/5/08 | ARSON | NO DETAILS | NO DETAILS | PUI | No Update |
| 4 | CR. 242/5/08 | ARSON | NO DETAILS | NO DETAILS | CASE WITHDRAWN UNDER SEC 87(A) | No Update |

CHAPTER 11

STATISTICAL ANALYSIS

The following is a statistical summary of cases in all the relevant provinces.

STATISTICAL SUMMARY ON INQUESTS/INQUIRY FILES PER PROVINCE

| | R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| PUI/INQUIRY | 3325 | 19 | 25 | 7 | 4 | - | 6 |
| INQUEST FINALIZED AND FILE CLOSED | No Update | 3 | No update | No Update | No update | - | No Update |
| INQUEST PENDING INVESTIGATIONS | No Update | 13 | 44 | 7 | 4 | - | 6 |
| INQUESTS | NONE | 16 | No update | No Update | No Update | - | No Update |

STATISTICAL SUMMARY OF P.E.V CONVICTIONS PER PROVINCE

| R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| 50 | 7 | 25 | 5 | - | - | 7 |

STATISTICAL SUMMARY OF P.E.V ACQUITTALS PER PROVINCE

| R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| 40 | 0 | 4 | 9 | - | - | 4 |

STATISTICAL SUMMARY OF P.E.V CASES WITHDRAWN

| R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| 67 | 3 | 18 | 90 | 1 | - | - |

STATISTICAL SUMMARY OF P.E.V CASES PENDING ARREST OF KNOWN PERSONS

| R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| 16 | 4 | - | 1 | - | - | - |

STATISTICAL SUMMARY OF P.E.V CASES PENDING BEFORE COURT

| R/VALLEY | WESTERN | NYANZA | COAST | CENTRAL | EASTERN | NBI |
|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files | No.of Files |
| 48 | 4 | 10 | No Update | No Update | No Update | No Update |

CHAPTER TEN

CONCLUSION

A. CHALLENGES

1. The team was unable to review and prepare an updated report of all cases as anticipated because there was delay in submission of requested data to our headquarters from the police.
2. The team was unable to visit the PCIO's offices within the period thus were constrained to rely on data relayed to the headquarters.
3. Considering the nature, and urgency of the exercise, members of the Team were constrained to work long hours into the night including weekends.
4. Due to personnel constraints in the Department, the members of the Team had to undertake the exercise besides discharging their prosecutorial, administrative and other duties.

B.OBSERVATIONS

At this stage of the exercise, the Team has observed the following:-

1. That, the agencies involved in fighting crime at the time of the post election violence were ill prepared for a crisis of the magnitude witnessed.
2. That there was, and still is, a lack of coordination by agencies dealing with the post election violence cases.
3. The police, in particular, were overwhelmed by the number of cases reported to them as demonstrated by the high number of cases pending further investigations.
4. The Rift Valley Province still remains the province with the highest number of reported cases. Despite the teams' call for an updated report from the PCIO, Rift Valley Province, the same was not availed to us as at the time of preparing this report. However, the PCIO did respond to our request on cases identified by the police as cases of special interest in the said province. The progress report therefore largely contains data which was reflected in the original report to the Hon. Attorney General save a few cases reflecting the current status as reported to this team by the Commissioner

of Police through Mr. Julius Ndegwa, EBS, DCP vide their report titled “Kenya **Police, Update on 2007 Post Election Violence Offences as on 4th May, 2010**”. The team therefore notes that there is still need to carry out a further and comprehensive update of cases in the Rift Valley. It is therefore imperative that both teams appointed by the Commissioner of Police and the Attorney General converge in Nakuru on a date to be agreed upon for that purpose.

5. In regard to inquest files, the team notes with regret that most of these files still remain under investigation to date. There is an urgent need therefore to have the said files reviewed and directions given on the basis of the stage of investigations in each file.
6. The update exercise cannot be concluded exhaustively without the Commissioner of Police team and that of the Attorney General sitting together, preferably at the respective provincial CID offices, to review the progress of investigation in each province.

RECOMMENDATIONS

In view of the challenges and observations noted above, the Team recommends the following:-

- i) That, the Commissioner of Police be directed by the Hon. Attorney General in exercise of his power under Articles 156 and 157 of the Constitution of Kenya to fast track investigations into all the files that are still pending under investigations.
- ii) That in those cases where deaths were reported, specific attention be paid to their speedy investigation.
- iii) That upon conclusion of the investigations, the files be submitted to the Hon. Attorney General for appropriate directions.
- iv) That post election violence related case files in Nairobi province which are pending investigations and or pending before court where charges were preferred without reference to the Hon. Attorney General be forwarded to the Hon. Attorney General for review and directions.
- v) That the agencies involved in fighting crime make budgetary provisions in their financial estimates to cater for emergency situations in future to avoid the situation witnessed in the early part of the year 2008 in responding to the crisis and make sufficient

contingency funds available for a **continuous review of such cases** to avoid the current scenario where funds have to be mobilized from other vote heads.

- vi) That there is need to develop a common response approach by all the agencies concerned to avoid duplication of efforts.
- vii) All Law Enforcement Agencies should establish **a liaison office for efficient and effective coordination of emergency and operational purposes** to avoid reliance on adhoc teams that may be handicapped in responding to such crisis in a concerted manner. Lack of coordination greatly hampers efficiency and quick discharge of the respective mandates.
- viii) That there is need to provide equipment such as printers, photocopiers, and laptop computers to the Department of Public Prosecutions so as to enhance the delivery of service.
- ix) There is need to engage in a **continuous periodical review** of these cases otherwise most files may lie unattended to without discovery thus denying the affected victims justice. It is therefore our

recommendation that **a further 10 (ten) days review** be undertaken with special focus to the Rift Valley Province in view of our observations above.

Submitted for your perusal and directions.

Dated at Nairobi this ----- Day of March 2011

OFFICER

SIGNATURE

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