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**JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON
ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES, AND
ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS**

**REPORT ON THE INVESTIGATION INTO THE CONDUCT OF THE 'ARTUR
BROTHERS' AND THEIR ASSOCIATES**

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

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Abbreviations/Acronyms

ASP	Airport Security Passes
CID	Criminal Investigation Department
ICAO	International Civil Aviation Organization
ICD	Inland Container Depot
KAA	Kenya Airports Authority
KBS	Kenya Bureau of Standards
KTN	Kenya Television Network
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
MoJCA	Ministry of Justice and Constitutional Affairs
MP	Member of Parliament
NSAC	National Security Advisory Council
NSIS	National Security Intelligence Service
OCPD	Officer Commanding Police Division
PEU	Presidential Escort Unit
PIO	Principal Immigration Officer
PISCES	Personal Identification Secure Comparison and Evaluation System
PPS	Presidential Press Service
ToR	Terms of Reference

EXECUTIVE SUMMARY

This report is the product and work of the joint Committees on Administration, National Security and Local Authorities, and Administration of Justice and Legal Affairs (hereinafter simply referred to as "the Committee"). After holding hearings on the matter of Armenian brothers, Artur Sargasyan and Artur Margaryan (hereinafter, 'the Artur brothers'), the Committee's report exposes, *inter alia*, that:-

1. In the Committee's opinion, the evidence adduced on the matter of the Artur brothers was manipulated with a view to concealing their true intention of being in Kenya and to protect their sponsors. After analyzing the evidence before it, the Committee believes that the Artur brothers' presence in Kenya was initiated and their continued stay in Kenya was protected at the highest levels of government, their presence was part of a conspiracy to commit atrocities. According to the Minister of State in the office of the President in charge of Internal Security and Provincial Administration, the Hon. John Michuki, the Standard Group was about to publish damning stories about State House, an allegation the Standard Group has consistently denied. It is clear to the Committee that high ranking officials in government and at State House knew of the Artur brothers' presence in Kenya and their intended purpose. Their excesses was demonstrated when they drew out guns at the Jomo Kenyatta International Airport (JKIA), an act the Committee believes averted further atrocities, since it triggered their stage managed deportation.
2. Evidence adduced before the Committee established that the Artur brothers had direct connection at the highest levels of Government. Mary Wambui, and her daughter Winnie Wangui Mwai, were close associates of the Artur brothers. Mr. Stanley Murage, Permanent Secretary and Special Advisor to the President on Strategy and based at State House was a key player in the saga. As will appear elsewhere in this report, the ultimate questions are; what did the Head of Government know about this matter? When did he get to know it and what did he do about it?
3. During their presence in Kenya, several illegalities known to law enforcement agencies were perpetrated by the Artur brothers and further omissions and commissions were perpetrated by those bent on protecting them. In fact, several irregularities on their nature of business in Kenya, the work permits and the issuance of passports left a trail of illegalities which lead to only one conclusion; the Artur brothers were enjoying State protection at the highest levels of Government. These involved the registration of their two companies, *Kensington Holdings Ltd* and *Brother Link International*, importation of goods where tax was not paid as well as their strange appointment to the police force as Deputy Commissioners of Police, their use of government vehicles, amongst many others.

4. The Artur brothers clearly demonstrated that they had political connection. A case in point was the instigated and orchestrated raid on the Standard Group, which the Hon. John Michuki, the Minister of State in the office of the President in charge of Internal Security and Provincial Administration termed as a "government operation". The video footage captured on CCVT cameras at the I & M building displayed a stunning resemblance of one of the Artur brothers, Artur Margaryan who led the raid.
5. Owing to the foregoing, therefore, there were a lot of administrative lapses as well as cover-ups to aid the Artur brothers and their suspect operations in Kenya. These lapses took place at the Jomo Kenyatta International Airport (JKIA) and through the conduct of the Police Department who for all intents and purposes were aiding and abetting the commission of criminal activities by the Artur brothers. Furthermore, G.K- plated motor vehicles were found at the compound of a mansion where the Artur brothers resided at Runda estate, Nairobi.
6. The Committee faced serious challenges that did not help in getting to the bottom of this saga. The work of the Committee was frustrated by those bent on protecting the Artur brothers and promoting the cover ups to the extent that summonses to the police officers were ignored with utter contempt. The catalogue of the events below serve to demonstrate the serious challenges that the Committee faced in the attempt to investigate this matter:
 - a. The first was the attempt by the Minister for Justice and Constitutional Affairs, the Hon. Martha Karua, the MP for Gichugu, to stop investigations by the Committee on the spurious ground that the issues the Committee sought to investigate were subject of investigations by the Executive-appointed Commission of Inquiry led by a former Commissioner of Police, Mr. Shadrack Kiruki.
 - b. The second challenge was the obstruction by the same Minister, Martha Karua, of the Committee's Motion in Parliament, which Motion was seeking to take evidence in public. The Minister blocked this Motion from coming to the floor of the House for debate. Ms. Martha Karua is the Deputy Leader of Government Business in Parliament and the therefore the Vice-Chair of the House Business Committee, which is responsible for deciding what business comes to the floor of the House for debate.
 - c. The most serious challenge which has dictated the drawing of this progress report, is the failure to honour summonses duly served on three senior police officers, namely:
 - i. Isaiah Osugo, *PCIO, Nairobi*
 - ii. David Kimaiyo, *Director of Operations Police, HQs, and*
 - iii. Patrick Lumumba, *OCPD, Gigiri Police Division*

The Committee had summoned the three because of the evidence it had already received indicating that they held the key to unraveling this saga concerning the Artur brothers, their associates, and their activities in Kenya amongst other things. The Committee believes that their disobedience to summonses was on the instructions of those bent on covering up.

7. It must also be noted that even after the Kiruki Commission was appointed to inquire into the affairs of the Artur brothers, the report of that inquiry has since been shelved despite pressure from the public that it be made public. It is in the public domain that when the President was appointing the Commission, he promised that its report would be made public. While the inquiry was public and reported in the daily newspapers and on the national televisions, it is now considered classified. At the time of completing this report, the Committee believes that the Government decided to withhold the report of inquiry on the basis that its release to the public would not be in the national interest! The Committee's formal request to the Government to have a copy of the report made available to it has been ignored. The only conclusion which the Committee can make is that the appointment of the Kiruki Commission was part of the cover up and that the Commission was never intended to unearth the truth.

THE MANDATE OF THE COMMITTEE

The Departmental Committees on Administration, National Security and Local Authorities; and Administration of Justice and Legal Affairs ('the Committee') are established under *Standing Order No. 151*. Their mandate pursuant to *Standing Order 151(4) (5)* include:-

- (4)
- a) *to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b) *to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;*
 - c) *to study and review all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);*
 - d) *to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objectives;*
 - e) *to investigate and inquire into all matters relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;*
 - f) *to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

(5) *In their deliberations, the Departmental Committees shall enjoy and exercise all the powers and privileges of Parliament including the summoning of witnesses, and the request for and receipt of papers and documents from the Government and the public.*

On 27th June, 2006, the Speaker of the National Assembly ruled that matters under investigation by the two Committees were cross-cutting between their mandates. The Speaker therefore asked the two Committees to form a joint inquiry to look into the matter, and to report on the conduct of the Artur brothers in Kenya hence the contents of this report..

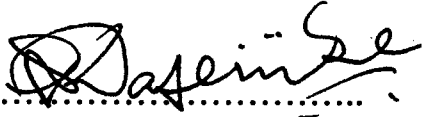
Membership of the Committee

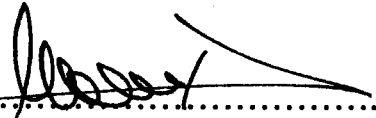
The Joint Committee comprised the following members of Parliament:

- (i) The Hon. Ramadhan S. Kajembe, MP – **Co-Chair**
- (ii) The Hon. Paul K. Muite, MP – **Co-Chair**
- (iii) The Hon. Alfred Nderitu, MP
- (iv) The Hon. Odhiambo Omamba, MP
- (v) The Hon. Musa Sirma, MP
- (vi) The Hon. Abdalla Ngozi, MP
- (vii) The Hon. Daudi Mwanzia, MP
- (viii) The Hon. Joseph Korir, MP
- (ix) The Hon. Kipkalya Kones, MP
- (x) The Hon. Patrice Ivuti, MP
- (xi) The Hon. Noah arap Too, MP
- (xii) The Hon. Katoo ole Metito, MP*
- (xiii) The Hon. Kenneth Marende, MP
- (xiv) The Hon. Jim Choge, MP
- (xv) The Hon. Amina Abdalla, MP
- (xvi) The Hon. Gideon Ndambuki, MP
- (xvii) The Hon. Moses Cheboi, MP
- (xviii) The Hon. Macharia Mukiri, MP
- (xix) The Hon. Bifwoli Wakoli, MP
- (xx) The Hon. Omingo Magara, MP
- (xxi) The Hon. Zaddock Syong'o, MP
- (xxii) The Hon. Njoki Ndung'u, MP

* The Hon. Katoo ole Metito ceased to be a member of the Committee in October 2006 upon being appointed as an Assistant Minister.

Mr. Speaker, Sir, it is our pleasant duty and privilege to lay this progress report on the Table of the House on behalf of the Joint Session of the Departmental Committees on Administration, National Security and Local Authorities; and Administration of Justice and Legal Affairs.

Signed: 
Hon. Ramadhan Kajembe, MP (Co-Chair)

Signed: 
Hon. Paul Muite, MP (Co-Chair)

Date: 

INTRODUCTION

1. At its sitting on 1st March 2006, the Committee on Administration of Justice and Legal Affairs expressed concern over the arrest of the *Standard Newspaper* (hereinafter, The Standard Group) journalists for publishing a story about an alleged secret meeting between H.E President Mwai Kibaki, the President of the Republic of Kenya and the Hon. Kalonzo Musyoka, Member of Parliament for Mwingi North Constituency. The publication of the alleged meeting, which confirmed The Committee's concerns, triggered a number of events as follows, and which events led to the investigation and the import of this report now presented to the National Assembly:

(i) 2nd March 2006:

2. The police raided the *Standard Group* offices in the *I & M building* along Kenyatta Avenue in Nairobi as well as the *Standard Group's* printing Plant along Likoni Road in the middle of the night. The raid was conducted by hooded goons. Evidence subsequently emerged that two people of Caucasian descent had led the raid in what was captured live on CCTV cameras at the *I & M building*. The raiders vandalized property and equipment belonging to the *Standard Group*; they equally assaulted the staff on duty. The raiders were hooded and wore clothing with the description, RRU (Rapid Response Unit) also popularly known as the Kanga Squad within the Police Force. An inference was immediately drawn that the Kenya police was definitely involved. The two Caucasians later simply became known as a matter of local and national notoriety as the 'two mercenaries', 'Armenians' and the 'Artur brothers'. It is their description as such that exposed a security breach at the ports of entry into Kenya, especially at the Jomo Kenyatta International Airport (JKIA), and their actions engendered and heightened the concerns of the public on who these two individuals were and what their connection to the security apparatuses as well as the political leadership was, as it would emerge later.

(ii) 13th March, 2006:

3. The two alleged mercenaries stage-managed a press conference in the VIP Lounge at Jomo Kenyatta International Airport (JKIA) where they claimed to have been introduced to Hon. Raila Odinga, the Member of Parliament for Lang'ata Constituency and the Hon. Kalonzo Musyoka. At that press conference, the two mercenaries claimed that they had lent US\$ 1.5 million to Hon. Raila Odinga.

(iii) 14th March 2006:

4. The police attempted to arrest the two foreigners who had claimed to be Armenians but the police were denied entry into their Runda residence. All this time, the two brothers openly conducted their activities in a manner suggestive of very high level connections and protection. Again, more questions began to emerge as to who is really protecting the Artur brothers, as they had now become known in the media. In addition, public outrage began to swell as several Kenyans demanded to know who these individuals were and why their arrogance demonstrated high level connection and protection, and even contempt for Kenya and her people.

(iv) 16th March 2006:

5. One of the Armenian brothers visited the Kenya Television Network (KTN) offices where he denied that he was a mercenary and that he knew Ms. Mary Wambui, popularly known as the NARC activist.

(v) 4th April 2006:

6. In a contribution to a question raised on the floor of the House by the Hon. J.J. Kamotho, MP for Mathioya, the then Assistant Minister in the Office of the President, the Hon. Mirugi Kariuki (deceased) informed the House that the Armenian government had confirmed that the two men were Armenian citizens. Public outcry had by now reached a crescendo.

(vi) 8th June 2006:

7. The Artur 'brothers', Artur Margaryan and Artur Sargasyan, caused a major security breach at the arrivals area of the JKIA where they had gone to receive their guests who had arrived from Dubai when they drew out guns and threatened the police, immigration and customs officers performing lawful duties. Later that night, the police carried out an operation in their Runda residence and arrested Artur Margaryan, Artur Sargasyan, Arman Dimitir Tasci, Alexander Pack, Lukas Makena, Nyakarshan Trenor and Shifana Ralakaya. The police also carried away properties and equipments including firearms from the residence.

(vii) 9th June 2006:

8. The Artur brothers and their associates were deported from Kenya in circumstances that were suspicious and appeared to be a cover-up of their true identities and activities in Kenya. The 'deportation' seemed to be a deliberate attempt to conceal the reality. The deportation was at a time when on *prima facie* evidence, the Artur brothers had, indeed, committed several offences known and punishable under Kenyan law regardless of whether the offender is a Kenyan national or a foreigner. Furthermore, the process of deportation is a legal process for which the intended deportee if he/she has committed a criminal offence must be arraigned in a court of law and be required to plead to the offence. Where the offence attracts a jail sentence, the accused person would be required to serve custodial sentence and thereafter be deported. In the case of the Armenian brothers, this legal process was never complied with. It indicated preferential treatment for the Armenians and to avert the exposition of the possible omission or commission of various offences, or at least, the completion of investigation on the Artur brothers. The deportation would also shield the high and mighty in Government who had accorded political protection to the brothers.

(ix) 12th June 2006:

10. On 12th June 2006, H.E President Mwai Kibaki ordered the suspension of the then Criminal Investigations Department (CID) Director Mr. Joseph Kamau and five (5) senior government officials. Those suspended included Ms. Winfred Wangui Mwai and five (5) police officers alleged to have dealt with the Armenians and their associates. On the following day, the President appointed a three-man Commission of Inquiry under the Chairmanship of Mr. Shadrack Kiruki, a former Commissioner of Police, to inquire into the affair of the Armenian brothers (the terms of Reference of the

Kiruki Commission of Inquiry is attached as *Appendix II*). It must be remembered that although the report of the Kiruki Commission was handed over to the President, it has not to date been made public. The doubts about the independence of the Commission would be confirmed later after the completion of the enquiry and refusal to publish the report. The bias was also demonstrated by the Commission's refusal to permit the Standard Group to examine computers and equipment taken from the Runda house of the brothers to confirm whether they were the same ones carried away from their premises.

(x) 16th June 2006:

11. The two Committees held their first Joint Session to chat the way forward and to draw their Terms of Reference. The intention of the Joint Committee to investigate the Artur brothers was immediately met with resistance and hostility from the Government and it is that resistance which led the Minister for Constitutional Affairs, Ms. Martha Karua to write to the Speaker of the National Assembly objecting to the Committee undertaking the investigations.

(xi) 27th June 2006:

12. The Speaker of the National Assembly, the Hon. Francis Ole Kaparo, made a ruling allowing the Committee to proceed with the investigations in accordance with their mandate and parliamentary procedures. Consequently, the Joint Session held 25 sittings up to 3rd May 2007 when they resolved to make a report to the National Assembly. This followed the failure by police officers who had key evidence to honour summonses to appear before the Joint Committee despite repeated attempts. Upto that point, the Committee had received evidence from forty-six (46) witnesses whose evidence was used in the writing of this report. The witnesses are:

No	Witnesses	Date
1.	Hon. Gideon Konchella, <i>MP & Minister for Immigration and Registration of Persons</i>	03.07.06
2.	Mr. Joseph K. Ndathi, <i>PIO</i>	03.07.06/04.07.06/06.07.06
3.	Ms. Evalyne Cheluget, <i>Asst. PIO (Permits)</i>	03.07.06
4.	Mr. John Cheruiyot, <i>Asst. PIO (JKIA)</i>	04.07.06
5.	Ms. Bernice W. Gachegu, <i>Registrar General</i>	06.07.06/13.07.06/18.07.06
6.	Ms. Naomi Cidi, <i>Deputy MD (KAA)</i>	06.07.06
7.	Mr. James R. Gitonga, <i>Immigration Officer I</i>	07.07.06
8.	Mr. James Oluoch Rarieya, <i>Manager, Container Terminal, KPA.</i>	10.07.06
9.	Mr. Moses Edwin Owuor, <i>Chief Internal Auditor, KPA</i>	10.07.06
10.	Mr. Alphonse Ntogaiti, <i>Senior Deputy Commissioner, KRA</i>	10.07.06
11.	Mr. Julius N. Musyoki, <i>Ag. Deputy Commissioner of Customs, KRA</i>	10.07.06, 27.11.06
12.	Mr. Stephen K. Munguti, <i>OCPD, Kilindini Police Division</i>	10.07.06

13.	Mr. Benard Nguyo, <i>Asst. Officer in Charge, Kilindini Harbour, Kenya Bureau of Standards</i>	10.07.06
14.	Mr. Nicholas M. Nzesya, <i>Quality Inspector, Kenya Bureau of Standards</i>	10.07.06
15.	Ms. Jane Njeri Joram, <i>Senior Registrar, Attorney General's Chambers</i>	13.07.06, 18.07.06
16.	Mr. Henry Ruhiu, <i>Senior Clerical Officer, Attorney General's Chambers</i>	13.07.06, 17.07.06
17.	Ms. Milka Aloo Ondiek, <i>Attorney General's Chambers</i>	13.07.06
18.	Mr. Alex Kabuga, <i>Manager, Inland Container Depot</i>	13.07.06
19.	Mr. Benson Chacha, <i>Assistant Commissioner of Customs</i>	13.07.06
20.	Mr. Benson Kitur, <i>Manager, Operations, KRA</i>	13.07.06
21.	Ms. Jane Maina, <i>Officer in Charge, KBS, ICD</i>	13.07.06
22.	Mr. Felix Kimathi Mwarania, <i>Director, Maple Freight Services</i>	13.07.06
23.	Mr. David Bosire, <i>Security Supervisor, KAA</i>	14.07.06
24.	Mr. Stanley Mutungi, <i>General Manager, Security Services, KAA</i>	14.07.06
25.	Ms. Rachel Nyamori, <i>Senior State Council, Attorney General's Chambers</i>	17.07.06
26.	Mr. Joseph Mwangi, <i>Clerical Officer, Attorney General's Chambers</i>	17.07.06
27.	Mr. S. N.Ndisya, <i>Deputy Registrar of Companies, Attorney General's Chambers</i>	17.07.06
28.	Ms. Judy Chepkor, <i>Secretary to the Deputy Managing Director, KAA</i>	18.07.06
29.	Mr. Johnson Otieno Adero, <i>State Council, Attorney General's Chambers</i>	18.07.06
30.	Mr. Edward Mutai, <i>Security Warden, KAA</i>	24.07.06
31.	Mr. Nicodemus Musyoka Ndalana, <i>Principal Intelligence Officer, NSIS</i>	27.07.06
32.	Mrs. Agnes Shikuku, <i>Principal Intelligence Officer, NSIS</i>	27.07.06
33.	Mr. Naphtaly K. Rono, <i>Senior Intelligence Analyst, NSIS</i>	27.07.06
34.	Mr. Eliud Mafubo, <i>Senior Intelligence Officer, NSIS</i>	27.07.06
35.	Mr. Ibrahim Sheikh Khanyare, <i>Director, Akarim Agencies Ltd</i>	27.07.06

36.	Mr. Naphtali Sawe Oseko, <i>Security Warden, KAA</i>	27.07.06
37.	Mr. Kennedy Muema, <i>Head of Nairobi Hub, Kenya Airways</i>	27.07.06
38.	Mr. Richard Ombwayo Nerima, <i>Former driver to Mr. Raju Sanghani, Executive Chairman, Real Management Services (2002) Ltd.</i>	21.11.06
39.	Mr. Michael Waweru, <i>Commissioner General, KRA</i>	27.11.06
40.	Mr. Fidelis Mulei, <i>Ag. Senior Deputy Commissioner, Domestic Revenue</i>	27.11.06
41.	Mr. David M. Malla, <i>Assistant Commissioner, Domestic Tax Department</i>	27.11.06
42.	Mr. Bernard M. Mukenye, <i>Assistant Revenue Officer, Domestic Tax</i>	27.11.06
43.	Mr. George Muhoho, <i>Managing Director, Kenya Airports Authority</i>	27.11.06
44.	Mr. Stanley Mutungi, <i>General Manager, Security Services, KAA</i>	27.11.06
45.	Mr. Dominic Ngigi, <i>Communications Manager, KAA.</i>	27.11.06
46.	Mr. David Kimaiyo, <i>Director of Operations, Police Headquarters</i>	13.04.07

2. EVIDENCE, OBSERVATIONS AND RECOMMENDATIONS

13. The Committee heard evidence on various matters pertaining to the Artur brothers and their affairs in Kenya. The pacesetter to this entire saga was the question regarding how the two brothers entered and resided in Kenya. Legal, administrative and political questions arise in this respect.

2.1. Entry and residence in Kenya by the Artur brothers

14. The Minister for Immigration & Registration of Persons, the Hon. Gideon Konchellah, EGH, MP appeared before the Committee on 3rd July 2006. On the one hand, the Minister informed the Committee that Artur Sargasyan (**Passport No. AF0599780**) arrived in Kenya on 13th December 2005 from Dubai and he never left the country until his deportation. On the other hand, his brother, Artur Margaryan (**Passport No. AB3222423**) had the following history of arrivals and departures in and out of Kenya respectively:

	Arrival	Departure
1.	10 th Nov 2005 from Dubai	15 th Nov 2005 to London
2.	13 th Dec 2005 from Dubai	22 nd Dec 2005 to Dubai
3.	22 nd Jan 2006 from Kinshasa	-

15. The Committee heard that according to the documents presented on entry, the two brothers declared themselves as Armenian nationals. However, no original copies to confirm their nationality were produced. The entry declaration forms filled by the two Armenian brothers, and which are customarily required of all persons entering or exiting Kenya, could not be traced at the Airport. The Committee expressed concern that the entry declaration forms filled by the two foreigners when they first entered the country and which contain crucial information about them could not be traced allegedly because the process of filling in and storing these forms is a purely manual exercise. No adequate explanation was given by the Department of Immigration why the information was not keyed in to Personal Identification Secure Comparison and Evaluation System (PISCES) as required in all the Airports of the World. In the absence of the information entered into the entry declaration forms in respect of the two brothers, the Committee cannot ascertain the nationality of the two foreigners and the reason for their visit; neither could the Committee confirm that their entry on the 10th November 2005 and 13th December 2005 was their first visit to Kenya.

16. The Committee observed that since there is no convincing reason why the entry forms could not be traced or an explanation for the failure to transfer the information to PISCES, it can only be deduced that the Department of Immigration either unwittingly withheld the forms from the Committee or the forms and the information were destroyed as it contained damaging information touching on certain personalities particularly those who participated in the initial entry of the two aliens. Ultimately, the Committee was of the view that the Principal Immigration Officer (PIO) Mr. Joseph Ndathi is the person running the department and as far as the Artur Brothers saga was concerned, he was the point man, leaving the Minister and the Permanent Secretary (PS) in the dark. The PIO must have been acting at the behest of or in consultation with powerful individuals from whom he received instructions directly.

17. The Committee further heard that the Artur brothers had initially entered Kenya on Visitors' Passes that were valid for a period of 30 days, and which Passes had been extended for a further 30 days only. Within that period, however, they applied and they were granted work permits on 18th January 2006.

18. With regard to the specific issue of entry into Kenya and their residence in Kenya, the Committee recommends that:

1. The Ministry for Immigration & Registration of Persons be censured for failing to keep custody of important documents such as the entry declarations filled by people entering the country thus facilitating entry of dangerous persons whose particulars remain unknown. This was utter negligence of duty on the part of the Ministry and its staff at the JKIA.
2. The Officers who were manning the entry point at the material time be identified and severe disciplinary action taken against them for negligence of duty.
3. The process of storing information entered into entry declaration forms by persons entering the country in all entry points be computerized and information kept in safe custody.
4. The relationship between Stanley Murage and Mr. Ndathi, the PIO in the involvement of the two in the Artur brothers' saga be investigated further.

19. It is therefore after that initial interview with the Minister of state for Immigration & Registration of Persons, the Hon. Gedion Konchellah that other matters in the light of this inquiry began to flow and emerge as they are enumerated in the chapters below.

3. ILLEGALITIES

20. Several illegalities, omissions and commissions known to various laws enforcement agencies in Kenya were perpetrated, aided and abetted in favour of the Artur brothers. That perpetration took various forms including the cover-up of evidence that could have exposed who the two individuals were and their connection to several individuals in Government and or Kenya in general as well as their specific connection to State House, and the person of the Head of Government, Ms. Mary Wambui and Winnie Wangui.

3.1. Issuance of work permits

21. For all intents and purposes, the issuance of the work permits to the Artur brothers was expedited and done in rather unusual circumstances; the processes used in the eventual issuance of the work permits pointed to preferential treatment of the Artur brothers and indicated the existence of a close connection between the brothers and the decision makers in as far as such applications were concerned.

22. The Minister for Immigration & Registration of Persons, the Hon. Gideon Konchellah, informed the Committee that he first heard of the two foreigners, the Artur brothers, on 14th March 2006 while was on a visit to his Constituency after which he contacted the PIO, Mr. Joseph Ndathi. He later on issued a press statement saying that the two 'brothers' were Armenians. The Minister further informed the Committee that

he later called for and scrutinized the brothers' files and established that they were in the country legally. Indeed, the Minister told the Committee that:

- i) The application forms for work permits submitted by the two brothers on 18th of January 2006 had copies of their PIN numbers, Passports, bank statements and certificates of incorporation of two companies, namely, *Kensington Holdings Ltd* and *Brother Link International Ltd*, attached to them. The copies of the passports were the same as those used at the Airport. However, a trade license, physical office location (LR.No) and the investment certificate were not attached.
- ii) The Minister stated that he ascertained that Mr. Sargasyan who had applied for Class 'H' Work Permit had complied with all the requirements in the Immigration Act (Cap 172 Laws of Kenya) as per the documents in his file. He had the following documents:
 - a. A PIN certificate No. A003513357T issued on 16th Dec 2005,
 - b. A Passport,
 - c. A Curriculum Vitae,
 - d. A bank statement from Emirates Bank in Dubai, current Account No.22/016723/02 containing an amount of Dh198,575,
 - e. The certificate of incorporation issued on 1st December 2005, and a complete application form.

23. The Minister stated that the procedure of applying for a Class 'H' work permit heavily borrows from the Immigration Act.

- i) In the application for the work permits, the Artur brothers had indicated that they had Kenya Shillings 8,133,098.40, money for investment in the country.
- ii) There is an Inter-ministerial Committee in the Ministry that considers applications for work permits. The Committee, which is chaired by an Assistant PIO, Mrs. Evelyne Cheluget, comprises officials from the Ministries of Trade, Education, Tourism and Labour.

24. In her evidence, Mrs. Evelyne Cheluget informed the Committee that the meeting that approved the work permits for the Artur brothers was held on 18th of January 2006 and that the committee had 316 files to examine on that particular day and that only those files that seemed suspicious and from foreigners were sent to the National Security Intelligence Service (NSIS) for security verification. Mrs. Cheluget informed the Committee that-

- i) The meeting which approved the work permits was held on the 18th of January 2006 and extended to 19th of January 2006; that their practice has been to prepare one set of minutes whenever the deliberations are not completed on the scheduled date of the meeting. The records of the two meetings are therefore compiled as one.
- ii) The Inter-ministerial Committee that approved the permits did not have prior knowledge of the presence of the Armenian brothers' files and that the

Immigration Department does not have to send all the files that come before them to the NSIS for security verification

25. Mr. Ndalana, *Principal Intelligence Officer* with the NSIS in his evidence:

- a) Informed the Committee that NSIS received requests from the Principal Immigration Officer for General Index (G.I) Checks for the two brothers on 18th January 2006. A routine check was carried out and this was returned the following day after clearing them as nothing had come to their attention on the two brothers nor was there anything in their database to indicate that the persons posed or might pose a threat to State security.
- b) The NSIS started monitoring the activities of the two brothers in mid-February 2006 when they got information that they were installing CCTV cameras in the Grand Regency Hotel where they were staying. In the process, the NSIS established that the Artur brothers had entered the United Arab Emirates (UAE) in 1991 as Armenian nationals and were later deported in 1994 for attempting to bribe a Customs officer.
- c) On diverse dates they re-entered the UAE as Russian citizens using the names Arthur Gevorkiyan (**Passport No. 7610149**) and Arthur Argasyan alias 'Andrei Driluskiy' (**Passport No. 7610126**). It was further stated that they did not establish any business in Dubai and were basically con-men.
- d) That the Artur brothers were later invited to come to Kenya by one Raju Sanghani, the Executive Chairman of Real Management Services LTD (2002) as prospective investors.

26. The Committee noted that the NSIS despite the knowledge that Raju Sanghani invited the brothers to Kenya and his name was popping up consistently throughout the brothers stay in Kenya, and also his connection with Kamlesh Pattni in whose hotel, The Grand Regency, the brothers headed to on arrival and where they attempted to set up CCTV cameras, neither NSIS nor any other Government agency, carried out any investigation into Raju Sanghani, Kamlesh Pattni and their involvement not just with the Artur brothers but with key people in Government.

27. The Committee noted with concern that the processing of work permits for the two brothers was fast-tracked without reasonable cause and that had due diligence been done particularly by the NSIS in ascertaining the previous conduct and business dealings of the duo, the clearance given by the NSIS in a single day could not have happened. However, the Committee noted that the Kenya security apparatus are apt to their duty and that the fast-tracking of the issuance of the permits was being engineered somewhere else by persons the officers who gave evidence before the Committee chose not to mention and disclose.

28. In addition to the foregoing, there was no satisfactory explanation given for forwarding the Artur brothers' applications on the first day of consideration to the NSIS even before the Inter-ministerial Committee had concluded their business the following day. The Inter-ministerial Committee appeared to have given approval for

issuance of the permits to the two brothers without securing the documentation, as required by law, which include the following:

- A trade license,
- Physical office location (L.R. No), and
- The investment certificate from the Kenya Investment Authority.

29. Furthermore, the Artur brothers had indicated that they only had Kenya shillings. 8,133,098.40. This revelation alone should have alerted the officers processing their applications for permits that they were not serious investors and their statements and particulars should have been double-checked. The Committee observed that the dereliction of duty by the officers, unless they were under duress to approve the applications, marked the beginning of actions by the two Armenians, which brought disrepute to the people of Kenya in a way that right thinking people cannot comprehend.

30. The Committee learnt with shock that matters of a security nature could be taken so lightly to the extent that the officers carrying out verification could clear foreigners in a single day and did not even bother to consult the INTERPOL data to satisfy themselves that the two persons did not pose a security threat to the country. Their failure to conduct proper verification was vindicated when almost three weeks later the Artur brothers began installing CCTV cameras in the Grand Regency Hotel.

31. The Committee further observed that the PIO, Mr. Joseph Ndathi, appears to have been fully in the know and through his invisible hand seemed to have managed the fast tracking of the issuance of the permits. Mr. Ndathi was clearly working in cohorts with certain personalities in Government and in the security forces. The Committee is of the view that Mr. Ndathi did not make full disclosure of his role in the irregular issuance of the permits and that he kept the Minister for Immigration & Registration of Persons in the dark as far as matters of the permits to the Artur brothers were concerned. It is possible that the political forces who provided protection to the two brothers were dealing directly with the Principal Immigration Officer and bypassing the Minister. The Committee can only conclude that Mr. Ndathi was working at the behest of some unseen hands or powerful forces.

32. **The Committee observed that until the people who canvassed with Mr. Ndathi in the irregular issuance of permits to the Artur brothers are identified and evidence taken from them, it would be difficult to establish the motive for fast-tracking the process. The Committee established that those people who must state their connection to the Artur brothers are, among others, Stanley Murage, Mary Wambui and Winnie Wangui Mwai.**

3.2. Business by the Artur brothers

33. As far as the businesses of the Artur brothers in Kenya were concerned, the following individuals testified before the Committee in that regard:

3.2.1. Ms. Bernice W. Gachegu, *The Registrar General*

34. Accompanied by officials from her department, she testified before the Committee on the establishment of businesses by the two foreigners and their associates. The Committee was informed that the two foreigners and their associates registered two companies in Kenya. The Companies are *Brother Link International Ltd* and *Kensington Holdings Ltd*. Consequently, the Committee was taken through the procedures that are normally followed before a company is registered. The documents required include:-

1. Memorandum and Articles of Association
2. Form 201 which states the directors and the secretary
3. Form 208 which declare the compliance to the Company's Act Cap 486 Laws of Kenya.
4. A receipt showing that stamp duty has been paid.
5. A search document that shows that the name has been approved from the registrar of names.
6. Passport and Identification to show that one was legally in the country.

Brother Link International Ltd

35. The Committee was further informed that *Brother Link International Ltd* was incorporated on 1st December 2005 with Certificate No.CI20905. Its Directors were listed as:

1. Artur Margaryan,
2. Artur Sargasyan and
3. Mohammed Zakir Oomer.

36. The Directors are all listed as businessmen and Kenyan nationals. The registered offices particulars of the Company are indicated as **L.R. 209/7155**, Standard Street, and Bruce House, 8th Floor P.O. Box 8066 Nairobi. The application for registration of the Company was done by Mr. Anthony Macharia of M/s. Maobe and Kiplangat Advocates and Mr. James Musee Nduna was listed as the Company Secretary.

Kensington Holdings Ltd

37. The Committee also heard that *Kensington Holdings Ltd* was incorporated on 8th January 2006, with Certificate No. C121807. Its Directors are listed as:

1. Artur Margaryan,
2. Artur Sargasyan,
3. Julius Maina Mwangi,
4. Winfred Wangui Mwai* and
5. Aloise Atieno Omita*.

Julius Maina Mwangi and Aloise Atieno Omita are close associates of Ms. Mary Wambui.

* She is Mary wambui's daughter.

* Personal Assistant to Mary Wambui

38. The registered office particulars of the Company is indicated as LR 209/1212, Uniafric House, Koinange Street, P.O. Box 57853- 00200 Nairobi.

39. The Committee was further informed that yet another company by the name *Kensington Holdings Ltd*, had been registered on 13th February, 2004 with Mr. Karim Gulanhusein Bhamji and Amiralali Gulanhusein Bhamji as directors. The search and reservation for the second name was done by **Mr. Henry Ruhiu, a Senior Clerical Officer** in the Registrar of Companies office. He stated that he reserved the name 'Kensington Holdings Ltd' after an application was made by one Anthony Macharia who is a lawyer and that he reserved the name after confirming the non-existence of any other company having the same name. Mr. Ruhiu claimed that some documents went missing from the indexes during the computerization process and that this may have necessitated the double registration of the 'second' Kensington Company.

40. Mr. Ruhiu informed the Committee that when certifying the forms, he discovered that the Form 208 (Declaration of Compliance) and Form 201 (Registered Office) had not been properly filled. He then sent the forms to the applicant, Mr. Anthony Macharia who signed and returned them without filling. Mr. Ruhiu then admitted filling the forms on behalf of the applicant. He further admitted that he violated the law by doing a search for Mr. Macharia before the payment of the requisite Ksh.100, which was paid a day after the application had been made.

3.2.2. Ms. Rachael Nyamori, Senior State Counsel, Office of the Registrar of Companies,

41. In her evidence, she explained that she approved the company for registration after certifying that all required documents were in order. She stated that she later discovered, when she was asked to prepare a statement for the then Kiruki Commission, that form 203A (Memorandum and Articles of Association) were missing from the file of the Kensington Holdings Ltd and they could not be traced. She admitted that the department could have prevented the registration of the second registration by safeguarding security of documents and ensuring that nobody tempers with them.

3.2.3. Mr. Sylvanus Ndisya, Deputy Registrar General,

42. When he appeared before the Committee, Mr. Ndisya stated that he signed the certificate of incorporation for *Kensington Holdings Ltd* after ensuring that the Memorandum and Articles of association, statutory forms and stamp duty had been paid. However, the department had written to the 'second' *Kensington Holdings Ltd* on 5th April 2006, advising them to change their name but they had not responded.

43. The Committee made the following observations:-

- 1. That the double registration of Kensington Holdings Ltd and the manner in which the staff in the Registrar General's office handled the registration of the two companies was suspect and was done in a very unsatisfactory manner.**
- 2. That the Memorandum and Articles of Association and the list of Directors in respect of Kensington Holdings Ltd were missing from the file despite**

the fact that no member of the public has ever applied to search the Kensington file thus making the disappearance of the documents appear to be an inside job.

3. That the two foreigners were registered as Kenyan nationals in the records available at the office of the Registrar General yet there are no supporting documents.
4. That while the law requires that one pays ksh.100 before a search is conducted, Mr. Ruhiu, a Senior Clerical Officer in the Registrar of Companies office erred as a Public Officer and even went ahead to fill the application forms on behalf of the applicant.
5. The application for reservation of name reads 13th January, 2000 and does not have the name of the applicant.

44. The relationship of Mr. Julius Maina Mwangi and Mr. Alois Atieno Omita with Mary Wambui and her daughter Winfred Wangui Mwai is a matter that needs to be investigated to determine their role in the illegal activities of the Artur brothers. Also in need of investigation are the close associates of Mary Wambui, her body guards and state security agents, and in particular, the relationship with Stanley Murage, the Special Advisor to the President on Strategy.

3.3. The raid on the Standard Group premises

45. The Minister of State in the Office of the President in charge of Provincial Administration and Internal Security, the Hon. John Michuki, who is also the Member of Parliament for Kangema Constituency, accompanied by the Permanent Secretary in the Ministry, Mr. Cyrus Gituai, appeared before the Committee on Administration of Justice and Legal Affairs on Friday 17th March 2006. They informed the Committee that the police raided the Standard Group offices in *I & M Bank* building along Kenyatta Avenue and the printing press along Likoni Road, Nairobi on 2nd March 2006 in a bid to stop the Group from publishing untrue articles, that had been lined up for publication, and that the said articles would have tarnished the name of the President and State House. The articles were going to contain allegations that some Government officials were involved in the tribal clashes and in terrorist bombing. The Minister stated that "it was not a raid. It was a Government operation." This assertion from a Government Minister, was a further revelation that, indeed, something was not right about the Artur brothers and that, in fact, the Minister's reference of the raid as a 'government operation' was a conspiracy that was underlying the presence of the brothers in Kenya and what they could have possibly been doing.

46. The Minister further informed the Committee that the Government and himself knew about the intended raid on the Standard Group, because they clearly knew what they were looking for. He specifically admitted that:

- i) the raid was carried out by Kenyan security agents contrary to media reports that outsiders (mercenaries) were involved and that it is normal in such operations for the security agents to conceal their identity, by wearing facial masks, to avoid victimization.

- ii) even though the Commissioner of Police was away, he was fully aware of the raid and that security agencies in the country operate in an integrated system and as such it did not matter who ordered the raid.

47. The Minister's admission of the knowledge and execution of the raid is a clear indictment of the Government and its security forces. However, the conduct of the Commissioner of Police upon his return left a lot to be desired and it cast doubts whether he actually knew of the said 'government operation'.

Mr. Stanley Murage, Special Advisor to the President on Strategy

48. When the Permanent Secretary/Strategy Adviser to the President, Mr. Stanley Murage, appeared before the Committee on Administration of Justice and Legal Affairs on 3rd April 2006, he contradicted the assertion of the Minister for Internal Security & Provincial Administration. Mr. Murage informed the Committee that he was not aware of the raid before hand nor was he aware of any orders from H.E. the President to raid the *Standard Group*. He further informed the Committee that he did not attend any meeting that planned the raid of the *Standard Group* nor did he ever meet with the alleged mercenaries and that he was not aware of the alleged visits to State House by the "mercenaries". The Committee therefore concluded that Mr. Murage was not a truthful witness and believes that he is one of the principal actors possibly the main one, in the Artur brothers' saga.

The Standard Group

49. Senior managers of the *Standard Group* and employees who were on duty during the raid, led by the then Chief Executive, Mr. Tom Mshindi and the Vice Chairman and Strategy Adviser, Mr. Paul Melly, appeared before the Committee on Administration of Justice and Legal Affairs, on 7th April 2006.

50. They informed the Committee that:

1. On March 2, 2006, at about a quarter past midnight, a large number of hooded and armed raiders, led by a man of Caucasian descent with a heavy accent, entered the *Standard Group* offices in *I & M Bank Building*. They vandalized the equipment and paralyzed the operations of Kenya Television Network (KTN). They also confiscated some of the equipment.
2. The raiders who were suspected to be commandos from the Kanga crack unit, assaulted and beat up employees with gun butts and ordered them to lie down on the floor while they went about their operations.
3. Two of their employees were hijacked as they were about to go home, taken to the old Nairobi Area Police Headquarters where they were detained for over two hours and later transferred to the Central Police Station. They were later released without any charges being preferred. They had to walk back to their offices in the middle of the night.
4. At about twenty minutes past one o'clock on the same night, a similar raid was staged at Likoni Road where the printing press of the *Standard Group* is located. The raid was carried out by people who came in about ten (10) cars.

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Seven (7) of the cars were un-marked; the raiders then harassed the staff, burned most of that day's edition of the Standard Newspaper, vandalized and confiscated some equipment. This paralyzed the production and circulation of the Standard Newspaper completely.

5. The raiders also took away all the keys of vehicles belonging to the staff at the printing Plant, and then loaded the equipment into one of the company's vehicles (**Registration No. KAL 275 E**) and drove away in it. The vehicle has not been recovered to date neither is the whereabouts of their property known and no explanation has been forthcoming from the relevant authorities. The Board and Management of the *Standard Group* made a formal report at the Central Police Station, vide **OB No. 55/02/03/2006** and also to the Commissioner of Police on March 2, 2006. They also filed a Constitutional Case in the High Court, **Petition No. 113 of 2006**, seeking declarations that the two raids to their business premises were illegal. The Constitutional Petition is yet to be determined. The Committee notes that where the Government has an interest in early determination of a Constitutional Reference, immediate dates are given and vice-versa.
6. The *Standard Group* suffered losses through destruction and theft of property both in capital assets and stock in trade. They also suffered significant commercial and financial losses estimated at Kenya Shillings eighty one million, six hundred nineteen, seven hundred and seventy-seven (81,619,777).
7. The *Standard Group* management emphasized that any information that might have been required by the Government would have been readily availed, and the group denied vehemently that they were about to publish information that was a threat to national security. They claimed that the day of the raid was a high circulation day as the Kenya Certificate of Secondary Education (K.C.S.E) results had been announced the previous day, and it is the results that were to be the main items. The Standard Group felt that the raid was meant to intimidate them from reporting on issues concerning corruption and other shortcomings in the Government.

Mr. Richard Nerima

51. Mr. Richard Nerima was a former driver to Mr. Raju Sanghani, the Executive Chairman of Real Management Services (2002). Mr. Nerima appeared before the Committee on 21st November, 2006 and informed the Committee that on 1st March 2006, that is on the eve of the Standard raid, the Artur brothers, their two bouncers/bodyguards and one lady, a Ms. Shifana, had their photographs taken by a Mr. George of *Scene of Crimes at the Criminal Investigations Department, Nairobi*. The photographs were taken at Mr. Raju Sanghani's office on the 5th floor Twiga Towers.

52. The Committee heard from Mr. Nerima that after the photo session at Mr. Sanghani's office, the following persons were appointed by Mr. Joseph Kamau, the then CID Director as police officers with the ranks stated below.

1. Artur Margaryan, Deputy Commissioner of Police
2. Artur Sargasyan, Deputy Commissioner of Police

- 3. Ms. Shifana, Chief Inspector of Police
- 4. The two bodyguards, Police Corporals

53. The Committee further heard from Mr. Nerima that:

- i) At around 5.30 pm on 1st March 2006, Mr. Sanghani instructed him to drive the foreigners to *I & M Bank Building*. The foreigners were accompanied by the two bodyguards, Ms. Shifana and a security officer from Presidential Escort who was attached to Ms. Mary Wambui. When they arrived at the *I & M building* Mr. Nerima was not allowed in.
- ii) Earlier on, Mr. Sanghani had bought 40 reflector jackets, monkey caps and 20 wireless radios. The Wireless radios were bought from Nakumatt Supermarket while the reflector jackets were bought from Afrisafe, a shop along Kijabe Street. The Monkey caps were bought from a shop along Kimathi Street.
- iii) The foreigners also asked him to inquire from the night security guard in Twiga Towers whether the security guard knew where the Likoni Road was within the city. Then the two bodyguards and Ms. Shifana left for Likoni road using a vehicle, a white Lexus, registration No. KAQ 010W.
- iv) The following day, Mr. Sanghani called him and asked him if he had heard about the Standard raid and told him to keep quiet as it was carried out, as he put it to him then, by 'those brothers of ours'.
- v) Mr. Sanghani's pick up, registration No. **KAP 448 Z**, a blue Mitsubishi, was used to carry computers from *I & M Bank building* to Runda residence of the two brothers.

54. The Committee observed from both the admission of Hon. John Michuki and the evidence from Mr. Nerima that the raid was illegal, unjustified and unconstitutional. The Constitution of the Republic of Kenya protects rights to personal property and outlines a procedure for trial that is human rights and the rule of law compliant. Even after the illegal raid, to date, no evidence has been produced by the police to prove that the Standard Group, indeed, had plans to publish stories that would have threatened state security. The Police attempt to tamper, with the assistance of the two Armenians, with information on computers confiscated from KTN at the offices of the Government spokesman, Dr. Alfred Mutua yielded nothing. To date, the Newspaper's property that was taken away during the raid including a vehicle Registration No. KAL 275 E have not been returned by the police. Neither have the police preferred any charges against the Standard Group.

55. From the evidence adduced before the Committee in relation to the raid on the Standard Group premises, considering that the raid was under supervision of two Caucasian with heavy accent, that on 7th March 2006 two men of Caucasian descent with dark glasses accompanied by a short brown woman of Asian descent, were seen in the office of the Government Spokesman, Dr. Alfred Mutua, along with the then Director of CID Mr. Joseph Kamau, the Committee concluded that the raid on the Standard Group was, indeed, under the command of the Artur Brothers who were issuing instructions to the Kenyan police. This is in itself a scandal and an affront to

Kenya's sovereignty. Since then, there has been no explanation from either the police or the Government why foreigners would lead or even participate in a police operation, or as Michuki put it, a government operation. This lends credence to the fact that the foreigners and their accomplices had been appointed police officers and were facilitated into the country with a special mission. Indeed, the evidence of Mr. Nerima confirms the 'official status' of the Artur brothers.

56. The Committee made the following observations:

1. That a raid of such magnitude could not have taken place without the full knowledge and approval of the Government at the highest levels. The Hon. Michuki, Stanley Murage and Joseph Kamau may all be the key people. Furthermore, and following admissions that the alleged publication was going to impinge upon the person of the President, it therefore follows that the President himself must have known or been advised of the intended activities of the Artur brothers since the same were to protect him and his family including his presidency.
2. That the available evidence to date points fingers at the Hon. John Michuki, Minister of State in the Office of the President, Mr. Stanley Murage, Special Advisor to the President on Strategy and Mr. Joseph Kamau the then CID Director as some of the key people involved.
3. The public officers involved in the raid including the Minister of State for Provincial Administration and Internal Security Hon. John Michuki, the then CID Director Mr. Joseph Kamau and the other police officers in the squad and the two mercenaries Artur Margaryan and Artur Sargasyan must be held responsible and accountable for the incident. The fact that they were spirited out of the country in what now emerges as a stage-managed deportation intended to avert the law taking its course and the political fall out leaves a lot to be desired.
4. The raid was a direct and blatant move to hinder the freedom of the press as enshrined in the Constitution, and the extra-judicial manner in which it was undertaken with the assistance of foreign mercenaries who had been defended by Government as investors is obnoxious and objectionable.

57. The role played by Mr. Raju Sanghani and Kamlesh Pattni will need to be investigated thoroughly including all those other people mentioned. Evidence indicates that they had a role to play in as far as the Artur brothers' presence and activities in Kenya were concerned. The Committee is particularly concerned with the possibility of a drug racket connection in the Brothers' presence in Kenya.

In addition, the Committee recommends that the public officers who were in one way or the other responsible for the actions and omissions that led to the raid on the *Standard Group*, and which resulted in assault of several employees of the *Standard Group*, as well as malicious damage to property worth millions of Kenya shillings, be held individually accountable. The role of the officials cited in the course of the inquiry can be reasonably inferred that they supported and

condoned the illegal activities of the two mercenaries, and should be prosecuted. They should not hold public office and especially the Hon. Michuki and Mr. Stanley Murage. The conduct of the security and administrative officials must be punished to stamp out the culture of impunity, which in the history of Kenya, is understood to be the *modus operandi* of all Kenyan political regimes. The Government must be seen to punish this kind of conduct in light of the fact that the Government's campaign slogan in the last general election was reform in the public sector.

3.4. Importation of goods and tax evasion

58. The Committee undertook inspection visits to Kenya Ports Authority (KPA), Mombasa and Inland Container Depot, Nairobi and took evidence from the following officials:

1. Mr. Alphonse M. Ntogaiti, *Senior Deputy Commissioner, Kenya Revenue Authority (KRA)*;
2. Mr. J. Musyoka, *Deputy Assistant Commissioner, KRA*;
3. Mr. James Oluoch Rarieya, *Manager of Container Terminal, Kenya Ports Authority (KPA)*,
4. Mr. Moses Edwin Owuor, *Head of Internal Audit, KPA*.

59. The Committee was informed that:

- i) On diverse dates, the Artur brothers through two companies *Kensington Holdings Ltd* and *Brother Link International Ltd*, imported seven (7) containers of goods through the Port of Mombasa. Three of the containers were at the Port of Mombasa; one at Inland Container Depot (ICD), Embakasi; one had been verified and released upon payment of duty of Ksh.174, 000 and two containers, numbers **CLHU8544548** and **FSCU6078480** respectively, disappeared on their way to *M/s. Rapid Kate Services Ltd* bonded Warehouse in Nairobi.
- ii) The two containers destined for *M/s. Rapid Kate Services Ltd* godown were diverted and their destination changed. The Kenya Revenue Authority (KRA) admitted having released the containers without involving the police to provide escort services as it has always been the procedure. In addition, whenever the change of destination of the storage is required, authority had to be sought from the KRA. The shipping agent on request by the cargo receiver usually takes care of the requirements and it is the responsibility of KRA to alert the police if containers were to be escorted to ICD in Nairobi and Kisumu or on transit.
- iii) The two lost containers were loaded onto two lorries, **KAG 813 P** and **KAM 238 F** and driven to Nairobi, and after arrival they were delivered to a godown in Alpha Centre on Old Airport Road in Industrial Area where people of Asian origin downloaded boxes and other items that had been wrapped in gunny bags.

- iv) That Mr. James Gitonga Kirai, A Director of Marketing Bureau Services, the Clearing Agent of the containers and the owners of the two lorries had recorded statements with the police and that Mr. Kirai. He will be held responsible for the loss of revenue.
- v) The KRA is charged with the responsibility of inspecting the containers that are suspected to contain sensitive cargo or those containers that are suspected to have been undervalued.
- vi) Both KRA and Kenya Ports Authority (KPA) were not aware of the anomalies related to the containers imported by the Artur brothers until the matter was brought to light by the police when the then Kiruki Commission was established.

60. Given that Kenya has become a leading drug centre, it is possible that the two containers may well have contained drugs. No effort has been made to arrest or prosecute the owners of the go-down.

61. The Committee was further informed that:-

(a) Though container **No. GLDU 0621647** had been released upon payment of tax amounting to Kenya shillings. 174,956, verification and re-valuation of its contents revealed under-declaration and undervaluation leading to a loss of revenue of Kshs.3, 253,387.

(b) Some of the goods declared to have been contained in the container included three pieces of mattresses, 694 mobile phones, two pieces of barber chairs, 440 colour TVs among others.

(c) Containers No. **PONU 8150208; PONU 8014480** and **PONU 7613885** have all been seized by the KRA and would be sold by public auction if not claimed.

62. During the visit, the Committee was given information relating to the verification of the following containers:

Container Number	Company	Goods' description	Number of Packages
GLDU0621647	Kensington Holdings Ltd.	Assorted electronic goods	1578
PONU8150208	Brother Link International Ltd	Assorted electronics (cargo in transit from Mombasa to ICD Embakasi)	1828
PONU7613885	Brother Link International Ltd	Assorted electronics (cargo in transit from Mombasa to ICD Embakasi)	1773
CLHU8544548	Kensington Holdings Ltd.	15600 Chinese blankets and 1647 pieces of assorted electronics	17274
FSCU6078480	Kensington Holdings Ltd.	15600 Chinese blankets and 1647 pieces of assorted electronics	17274

TGHU4763604	Kensington Holdings Ltd.	Personal effects (furniture and household goods)	43
PONU8014480	Brother Link International Ltd.	Assorted electronics (cargo in transit from Mombassa to ICD Embakasi)	1115

63. With the assistance of officers from the KRA, KPA and the Kenya Bureau of Standards (KBS) the Committee verified goods contained in containers **PONU801448** and **PONU 761388** in Mombasa and **PONU 8150208** at ICD, Embakasi. In the case of **PONU 8150208**, verification revealed that the container contained assorted electronics such as gas cookers, DVDs and TVs some of which had not been declared in the manifest. The Committee noted with concern that the owners of the goods under- declared the number of items in the containers with the intention of evading taxes. Tax evasion is criminal in Kenya and therefore punishable. This reiterates the position and advice of the Committee that individual officials working for the Government of Kenya knew all about the underhand dealings of the Artur brothers and therefore abetted in the commission of such offences as tax evasion.

64. The Committee noted in the first instance that KPA could not ascertain the number of containers related to the Artur brothers until the issue of containers was raised by KRA personnel during the Committee's visit to the Port of Mombasa. KPA had indicated that the Artur brothers had imported only five containers but it was only after the meeting in Mombasa that they confirmed about the loss of the two containers destined for *M/s. Rapid Kate Ltd Warehouse*.

65. The Committee was concerned about the conflicting information given by KRA and KPA concerning containers related to the Artur brothers through the Port of Mombasa. Given that KPA is charged with the responsibility of managing the Port, it was alarming that they could not account for the number of containers imported by the two brothers or, indeed, any other importer. The Committee believes that it is possible that many containers may have been imported by the two or any other person and passed through the Port without the knowledge of KPA. It is also possible that those containers contained drugs or other contraband items.

66. The Committee was appalled by lack of coordination between the KPA, KRA and the Police in dealing with containers at the Port and specifically in relation to the release of containers from the Port. During the meeting at the Port, the OCPD Kilindini Division categorically denied any knowledge of the two lost containers destined for *M/s. Rapid Kate Ltd bonded warehouse* because they were not requested to provide escort by KRA, as it is always the case when such goods are released. The OCPD informed the Committee that the law requires that all goods leaving the Port to any destination be escorted by the police to ensure that duty is paid and goods are not diverted to the local market.

67. The Committee believes that it was a deliberate move by the KRA to release the two containers without the knowledge of the police and KPA. In fact, the KRA proceeded to secure a bond of Ksh.7 million from the clearing agent for the two containers. Given that KRA did not verify the goods but relied on information given by the clearing agent, it will be difficult to know how much revenue was due to the Government and what kind of goods were in the lost containers. According to sworn

affidavits by the transporters of the said goods to Alpha Centre in Nairobi, they stated that the goods were stored in gunny bags when they were being offloaded and verified by the owners but they could not ascertain the type of goods.

68. The Committee expressed grave concern at the failure by the KRA to verify the goods before their transfer to the bonded warehouse resulting in loss of revenue due to the Government. The Committee recommends investigations to establish whether there was any possibility of collusion between the KRA officers and the owners of the containers to evade paying taxes.

69. The Committee observed that judging from verification and re-evaluation of contents of container GLDU0621647 there was an apparent under declaration and loss of revenue worth of Kshs3, 253, 381.

The Committee therefore recommends that post importation audit be carried out and the underpaid revenue be collected with full penalties, as stipulated in the *Customs and Excise Act (Cap 472, Laws of Kenya)* from the clearing agent *M/s Marketing Bureau Services Ltd* responsible for registering the entry and the Directors of *Kensington Holdings Ltd*. The Committee further recommends that KRA officer(s) who were in contravention of the rules by releasing the containers CLHU8544548 and FSCU6078480, which disappeared on their way to *M/s. Rapid Kate Services Ltd* bonded warehouse in Nairobi be investigated and disciplinary action taken against them for loss of Government revenue in accordance with the *Customs and Excise Act*. The Committee also recommends that all the clearing agents connected with the Artur brothers be blacklisted to ensure that they are not engaged by KRA to do any business in future unless and until they are cleared over the Artur brothers saga. This is important since the Artur brothers' matter is complex and a typical conspiracy implicating many people.

4. THE POLITICAL CONNECTION

70. The Artur brothers were clearly and obviously politically connected at the highest levels of Government. It is that connection, which explains the other events such as the issuance of the Kenyan passports to foreigners who had not been naturalized, their appointments into the police force and to very high ranking positions of Deputy Commissioners of Police, the VIP treatment at the JKIA, etc.

4.1. Blank Passports and retrieval from the Artur brothers

71. A stronger connection of the Artur brothers to the political class and protection revolved, among other grounds, on the question of blank passport books that had disappeared from official record. Surprisingly, these lost passports were later found in the custody of the Artur brothers. This called for an examination of those who could have been responsible. The Committee therefore summoned an official from the Immigration Department to explain this, hence:

Mr. James Gitonga, Immigration Officer I

72. When Mr. Gitonga appeared before the Committee on 7th July 2006 to give evidence on the loss of the blank passports from his office, and which were later found at the Runda residence of the Artur brothers, he informed the Committee as follows:-

1. That on 2nd May 2006 he had removed blank passports from the fireproof cabinet for issuing to applicants. He had, however, placed them in his desk drawer for the room to be cleaned.
2. He explained that after a while he discovered that three blank passports serial numbers **A1031194**, **A1031195** and **A1031196** were missing from his desk drawer whereupon he immediately raised alarm with his colleagues and that the cleaner, a Ms. Beatrice Akoth of Chess Cleaning Services Ltd was summoned and on being questioned confessed that she had stolen the blank passports and sold them to a man of a Somali origin at Ksh.250 each. However, in the Committee's view, Ms. Odong was prevailed upon to "confess" to save the Government embarrassment.
3. The cleaner was then handed over to the Investigations & Prosecutions Department. At the same time an alert was issued to all entry and exit points in the office and Immigration Controls and to all Missions abroad and the passports were declared invalid. The suspect was later arraigned in court and the case is still pending.
4. That passport numbers **A1031195** and **A1031196** were later recovered at the residence of the Artur brothers when the police raided the place on 9th June 2006. The passports had been fraudulently issued to Arman Sarkissyan (**A1031195**) and Artak Sarkissyan (**A1031196**) who are Artur Margaryan and Artur Sargasyan respectively. The blank passport No. **A1031194** has not been traced to date.

73. The Committee further heard that the file numbers assigned to the Artur brothers' passports belonged to Kenyans namely: S. Njeru, family files No.806773 and Edith A. Azegere individual file No. 806778 and that the passports had been presented to the Kiruki Commission of Inquiry.

74. The Committee observed that it was not clear how the cleaner knew about the location of the passports and how they ended up with the Artur brothers and further how the file numbers assigned to other people were re-assigned to the Artur brothers without the knowledge of the Immigration Department. It would appear that the passports were issued to the brothers with the assistance and full knowledge of the Immigration Department and Mr. Ndathi, the PIO, in particular and who is now the key suspect.

4.2. Irregular issuance of security passes

75. The Committee learnt that the Artur brothers had security passes issued to them, which meant that they had access even to the most restricted areas of JKIA. It now emerged before the Committee how the two brothers accessed the VIP Lounge at the JKIA.

Mr. Stanley Mutungi, General Manager Security Services, KAA

76. He appeared before the Committee on 14th July 2006 and informed the Committee that access to the inside of JKIA is controlled by the use of airport pass system. Employees at the airport or people who need to access the airside are issued with cards for identification to facilitate access. He stated that there are five categories of security passes as follows:

- a) Pink – All airports
- b) Blue – All areas
- c) Green – Apron and Lounges
- d) Yellow – Lounges only
- e) Red – Apron only

77. Mr. Mutungi proceeded to elaborate the procedure of issuing passes' at the JKIA as follows:

1. A request for the airport pass is made at the passes office;
2. If the person is entitled to a pass in accordance with the guidelines, an appropriate form is issued to him/her to complete;
3. The application form will be filled and counter signed by the institution introducing the applicant;
4. It will be returned to the passes office. It is accompanied by a Certificate of Good Conduct issued by the Director of Criminal Investigations Department (CID);
5. The application forms are verified by the officer in charge of the passes' office. If he is satisfied that the applicants meet the required criteria, he takes them to the Deputy Managing Director for approval; and
6. When the application forms are approved by the Deputy Managing Director they are returned to the passes office and the pass is issued to the applicant.

78. Mr. Mutungi further stated that the passes are valid for one year and are renewable. The records of the passes are kept in the passes office. Mr. Mutungi stated that the following passes linked to the Artur brothers have been cancelled since the owners listed were found not to have any legitimate reason for having the passes and that a circular had been issued to all airports indicating the cancellation of the following passes:

1. Pass No. AS0101 issued on 10th Feb 2006 to Artur M.N.
2. Pass No. AL1315 issued on 10th Feb 2006 to Julius T. Lucas
3. Pass No. AS0193 issued on 8th June 2006 to Shifana Alarakyan
4. Pass No.0194 issued on 8th June 2006 to Arman Sarkisyan
5. Passes belonging to Aloise Omita and Julius Maina were also cancelled.

79. Mr. Mutungi informed the Committee that they did not carry out further investigations on the irregular issuance of the passes as the police had already taken over the investigations and they were not allowed to conduct parallel investigations.

Ms. Naomi Cidi, (*Suspended Deputy Managing Director, KAA*)

80. Ms. Naomi Cidi appeared before the Committee on 6th July 2006 and gave evidence on issuance of Airport Security Passes (ASP) to the Artur brothers and their associates. She informed the Committee that she was instructed by the Managing Director of KAA, Mr. George Muhoho to issue the Airport Security Passes (ASP) to the two brothers. She stated that she had been asked by the Managing Director to meet the Artur brothers and further treat them as VIPs because he was not in the office. She also confirmed that she was a close family friend to Mary Wambui and her daughter, Winnie Wangui Mwai.

81. Ms. Cidi further informed the Committee that in the past she had signed forms many times after the passes had been issued. Her signature is in a computer and appears at the back of each pass. She explained that there is therefore the possibility that anyone in the passes office could have used or could use the signature without her knowledge. She explained that the forms were given to the Armenian brothers but they never filled them and completed them as required and that there were, in fact, no records of the Artur brothers' forms. She stated that forms were issued on 10th February 2006.

Mr. George Muhoho, (*Managing Director, KAA*),

82. Mr. Muhoho appeared before the Committee on 27th June 2006 and informed the Committee that KAA security matters are governed by operations of National Civil Aviation Security Committee (NCASC) which operates in accordance with the Rules and Guidelines on Control Passes pursuant to International Civil Aviation Organization (ICAO).

83. Mr. Muhoho denied ever authorizing the issuance of passes to the two foreigners and their associates nor was he aware of the presence of the two brothers in the country. He denounced the issuance of all-airports passes to the two foreigners terming it a serious security breach.

The Committee observed with concern that the Artur brothers were issued with airport security passes without meeting all the requirements and in particular a certificate of good conduct from the Criminal Investigations Department (CID).

The Committee recommends that;

- i. Format and colour of the passes be changed to avoid the use of excess and fraudulently issued passes**
- ii. Passes to contain electronic chips to allow users to either enter or leave parts of the airport**
- iii) The airport entries and exits be fitted with electronic chip reading doors to avoid the mistakes expected of using the naked eye.**

4.3. The press conference at JKIA

Mr. David Bosire, Security Supervisor, KAA (JKIA)

84. Mr. Bosire informed the Committee that he was on night duty on 12th March 2006 when he was instructed by the duty Officer, Mr. Wanyonyi to carry ten (10) temporary passes that he was to issue to the press. On their way to the Lounge, he was asked to give one pass to a lady who was in the company of Artur Margaryan (who already had a pass). In the first class Lounge, he was asked by Aloise Omita, a Director of *Kensington Holdings Ltd*, and a Personal Assistant to Mary Wambui and Fred Ngatia, a prominent Nairobi lawyer who had joined them to go and check from Kenya Airways information on when KQ flight No. 3115 from Dubai was arriving. He was also made to reconfirm the arrival of the flight because he was made to understand that very important people (VIPs) were on that flight.

85. Mr. Bosire stated that eight (8) temporary passes were given to the press as they awaited the press conference. He stated that while at that office of the Deputy Managing Director, Mr. Wanyonyi radioed him and informed him that the plane had landed. They hurried back to the Lounge. He was told that the guests had arrived and that since the press had missed the actual arrival of the guests they had to stage manage their arrival in the Government VIP Lounge in order for the press to cover the function in the presence of Aloise Omita and Mr. Ngatia. He later asked Mr. Wanyonyi why the venue of the press conference had changed from the duty free Lounge to the Government VIP lounge. Mr. Wanyonyi said that he was not aware of the reasons.

86. Mr. Bosire also stated that passes that belonged to Julius Maina and Aloise Omita, had been issued as staff of Inter-Alliance Company Limited.

Mr. Stanley Mutungi, General Manager Security Services, KAA

87. Mr. Mutungi appeared before the Committee on 14th July, 2006 and informed the Committee that he received a call from the Deputy Managing Director, Naomi Cidi on 12th March 2006 during which time she instructed him to inform the Duty Officer, Mr. Wanyonyi at JKIA that there were visitors coming from Dubai on board an Emirates airline. These visitors were to arrive at 6.00 a.m. and were to hold a press conference at Duty Free Shops Lounge. She instructed that the press should be issued with the passes to cover the press conference. She stated that she would be there to facilitate the process. He later learnt that the Artur brothers had used the VIP Lounge for the press conference. His statement corroborated the evidence earlier given to the Committee by Mr. Bosire, Airport Security supervisor

88. Ms. Naomi Cidi, the suspended Deputy Managing Director, KAA stated that she was not aware of the press conference that was held at the VIP Lounge at the Airport and she did not issue the orders to allow the Armenian brothers to hold a press conference at the Lounge. She had never discussed the Armenian brothers with Winnie Wangui and Mary Wambui whom she refers to as friends.

89. Mr. George Muhoho told the Committee that the press conference at VIP Lounge was a fallacy and was a breach of what is provided for in the procedure. He

explained that the Security Officer Mr. Wanyonyi who was in charge of issuing passes did not follow the procedure in full.

5. THE ADMINISTRATIVE LAPSES & COVER-UPS

90. The Armenian brothers saga, did not spare to expose lapses in administration and the result was the exposure of glaring conspiracy from the administrative structures wherever the Artur brothers visited, and that conspiracy was well coordinated and intended to help the two brothers in doing what they were doing in Kenya. The administrative lapses ensured that the Artur brothers operated smoothly while in Kenya. It also emerged that administratively, the two brothers were assisted by the police, politicians, and other institutions of Government hence the focus of this chapter.

5.1. The loss of police firearms

91. One of the indicators of administrative lapses was the loss of police firearms and the same being recovered in the residence of the Artur brothers. The Committee received evidence from a member of the public that it was reported at the Lang'ata Division Police Station under LANGATA OB 52/14/1/06 that on the 14th January 2006 at 10.00pm along University Way, police constables Ali Japan P/No. 71193 and David Gaitho P/No.71818 both attached to the Presidential Escort Unit (PEU) reported that while they were driving in a motor vehicle Reg. No. KAQ 010 W Toyota Lexus (white in colour) along the University Way, they were confronted by a four-man gang. Two of the gang members were armed with pistols, and they (gang members) commandeered the vehicle up to Madaraka Estate where the two PEU officers were abandoned. The robbers took a sig-saver pistol S/No. U420588 with 15 rounds and a Ceska S/No. G7709 with 15 rounds from PC Japan and PC Gaitho respectively.

92. The Committee would wish to compare the particulars of the firearms recovered from the Runda residence of the Artur brothers and the lost firearm arms stated above by the two officers within the PEU.

93. The Committee would also like to take evidence from Mary Wambui who had been seen in the public using the vehicle in which the two officers attached to the PEU were carjacked. It is the view of the Committee that there is a connection between Mary Wambui, the two PEU and the alleged car-jacking of the two officers. The Committee is convinced that the car-jacking incident was stage-managed to give the Artur brothers opportunity to use the firearms from the PEU.

94. **The Committee recommends that the Registrar of Motor Vehicles be made to give the name(s) of the owner of the vehicle. The Committee is of the opinion that the said motor vehicle belongs to Mary Wambui.**

5.2. The National Security Advisory Council Meeting

95. Yet another indication of administrative lapses concerns the work of the National Security Advisory Council (NSAC). The NSAC met to deliberate on the affairs of the Artur brothers. The Committee heard evidence from the NSIS that the Service advised the NSAC on 26th April 2006 that the Artur brothers had characteristics consistent with people involved in drug trafficking and that leads were indicating that

they were involved in incidents of security breaches. Under Min. 19C of the meeting of the NSAC held on 26th April, 2006 NSIS recommended to the Council that the Artur brothers be deported as their continued stay in Kenya would malign the good name of the country. The members present in the Council meeting when the recommendation was made included the following:

1. Amb. Francis Muthaura, *Head of Public Service/Secretary to the Cabinet and Chairman of the Council*;
2. the Director-General of NSIS;
3. the Commissioner of Police, Maj. Gen. Hussein Ali;
4. the Attorney General, Hon. Amos Wako;
5. the Permanent Secretary, Provincial Administration and Internal Security, Mr. Cyrus Gituai
6. the Permanent Secretary, Foreign Affairs.

96. The Committee observed that despite the briefing and advice from the NSIS, members of the NSAC did not take any action against the Artur brothers who continued with impunity to breach security.

97. The Committee recommends that evidence be taken from Amb. Muthaura as to what action he took following the advice from NSIS on the behaviour of the Artur brothers.

5.3. The Fracas at the JKIA

98. Owing to an obvious lapse in administrative measures at the airport, the Artur brothers gained entry to even the most restricted places, and on one occasion, any attempt to restrict them resulted into a fracas for which the brothers drew their guns in what turned out to be a despicable activity and demonstration of the inadequacy of the Kenyan security apparatus at the JKIA. But more importantly, it showed the level of protection the two brothers were enjoying wherever they went, including such an important place as an international port of entry.

Mr. Stanley Mutungi, General Manager Security Services, KAA

99. He informed the Committee that on 8th June 2006 he received a call from the Airport Manager, Mr. Gichuki who informed him of an incident involving the Artur brothers at the concourse area at the JKIA. He asked him to inform the Managing Director who was out of the country and send the Safety and Security Manager, Mr. Mathew Kabetu to the airport to liaise with the police on the matter.

Mr. George Muhoho, Managing Director, KAA

100. In his evidence before the Committee, Mr. Muhoho stated that he was informed that during the said fracas at the Airport the two brothers drew out hand guns and refused to be checked at the airport and went to pick their unchecked luggage and only then did they leave the airport. Mr. Muhoho explained that they abused members of the public and a physical confrontation between them and a Customs Officer ensued where a CID Officer was also involved in physical confrontation as he tried to stop the fracas. Mr. Muhoho further said that during the confrontation he was informed that the Police escorted the two foreigners to their vehicle and the gate was open for

them to leave. The Committee was informed that it was not clear whether there was evidence that the vehicles that the two brothers used had some weapons.

Mr. David Kimaiyo, Director of Operations, Police Headquarters

101. When he appeared before the Committee and testified, he informed the Committee that on June 8th June he was instructed by the Commissioner of Police to investigate into a fracas that had occurred at the Jomo Kenyatta International Airport caused by the Artur brothers and their associates. Mr. Kimaiyo further informed the Committee that the fracas took place at the Arrivals Terminal at the Airport when the Artur brothers refused to allow their luggage to be checked by Customs Officers. The Officer also told the Committee that at 5.00 a.m. on 9th June 2006 he was informed that the two foreigners had been arrested and firearms found in their Runda residence. Mr. Kimaiyo was recalled through an officer who had been dispatched from the Police Commissioner's office, before he could proceed with giving evidence to the Committee.

5.4. 'Deportation'

102. It clearly emerged that the alleged deportation of the Artur brothers was well orchestrated, and it was intended to defeat the rule of law and to act as a cover-up for these two individuals and what their activities in Kenya were. During their stay in Kenya, and which stay the Committee was not able to establish precisely, the Artur brothers were clearly involved in various activities that were suspect.

103. The Minister for Immigration & Registration of Persons Hon. Gideon Konchellah, EGH, MP informed the Committee that on 9TH June 2006 he was called by the Principal Immigration Officer (PIO) who informed him that the Commissioner of Police wanted four people to be deported, among them the two Armenians. He prepared a travel permit for one who had no passport and instructed the PIO to prepare a deportation order to deport the two to their country of origin and the Artur brothers to Armenia. Thereafter, the Minister signed the deportation Orders.

104. The Minister further informed the Committee that the two brothers requested to be deported to Dubai, a request he consented as per section 8(2) of the Immigration Act. Their flight was Kenya Airways (Business Class) instead of Emirates Airlines as earlier arranged. The foreigners had multiple passports and did not travel with their original ones.

105. The PIO, Mr. Joseph Ndathi who appeared before the Committee on 3rd July 2006 said that he got a call from the Commissioner of Police informing him that the two Armenian brothers were being held on security grounds. He stated that upon receiving the call he deliberated with the Minister in charge of Immigration and since they did not doubt the Commissioner of Police, he prepared the necessary deportation documents, took them to the Minister for signing and faxed them to the Airport in order to facilitate the deportation. He later forwarded the original documents to the Airport.

106. The Committee heard that the two foreigners were held in different police stations before they were taken to an Assistant Immigration Officer at the Airport Mr. John Cheruiyot. Mr. Ndathi later handed over the deportation Orders to an Assistant Immigration Officer in the presence of the Director of Operation in the Police Headquarters Mr. Kimaiyo who ensured that the Orders were delivered to the Airport immediately.

Mr. John Cheruiyot, Immigration officer, JKIA,

107. When he appeared before the Committee he testified that on 9th July 2006 he was informed that he would be receiving four deportees later in the day and was instructed to secure them seats on the KQ flight to Dubai. He further informed the Committee that one of the deportees had no travel documents forcing him to prepare them. He later received deportation passes for the four and were taken on board KQ flight to Dubai after return tickets coupons were plucked to ensure that they could not return to the country on the same tickets.

Mr. Ibrahim Khanyare, Director, Akarim Agencies Ltd

108. When Mr. Khanyare appeared before the Committee, he testified that the Immigration Department had called his agency to inquire about one way economy class tickets to Dubai and requested the same to be reserved. He stated that after a while, a gentleman who identified himself as a Mr. Maina walked into the agency and purchased four Business Class Return tickets to Dubai in the names of the four persons that the Immigration Department had enquired and paid for the air tickets in cash. He informed the Committee that he did not ask the gentleman for visas on the assumption that many people today are knowledgeable on the requirements before traveling abroad and that the four in this case must have complied before they paid for the tickets. He stated that his agency did not take down details of the gentleman who purchased the tickets as he had already paid for them in full and details of persons are only taken if one has booked a flight and not yet paid for it. He informed the Committee that a Mr. David Kimaiyo from the Police Headquarters had called the Agency to find out if the tickets booked for the four by the Immigration Department had been confirmed which he replied in the affirmative. The Committee believes that a Maina who purchased the Business class tickets is the same Mr. Maina who is Mary Wambui's associate. The Committee further believes that there was close collaboration between the Authorities and Maina and/or Mary Wambui and that is how Maina got to know about Akarim Agencies Ltd. issuing economy tickets which he upgraded to Business class ones.

Mr. Kennedy Muema, Head of Nairobi Hub Ground Services at Kenya Airways

109. Mr. Muema informed the Committee that his duties included preparation of passengers' boarding passes, among others and that on 9th June 2006 at about 4.30 p.m, a Mr. Cheruiyot from Immigration Department and a Mr. Mwambia of the Kenya Police called on him at his office at the Airport and informed him that four persons were to be deported that evening to Dubai using Kenya Airways Flight KQ 310 of which they produced the proposed passengers' air tickets. He requested for the passports of the four which they had with them and Deportation Orders which the two policemen did not have. This prompted Mr. Cheruiyot to make a phone call upon

which he received a fax which contained the Minister for Immigration and Registration of Person's statement declaring the four persons prohibited immigrants who should be deported. That he assumed that the fax received was a copy of the Deportation Order after which he processed the boarding passes. He elaborated that upon scrutiny of the air tickets and the Passports, he noticed that the names on the tickets and those on the passports did not tally. He further stated that two of the four deportees had Russian passports and one had a passport of Moldova and yet they were to be deported to Dubai without visas.

110. Upon being questioned why he prepared boarding passes for the four having knowledge of these anomalies, he stated that he did so on the strength of the order, which he assumed was a deportation order and the air tickets, which had been purchased for the four to Dubai. He further stated that the Airline instructed a police officer to travel incognito on the plane and accompany the deportees to Dubai. Mr. Muema observed that unlike other deportees who traveled in Economy Class, the four traveled in Business Class and had Return Tickets instead of one-way tickets, which however were plucked before they left. The Committee observes that there must have been close collaboration between Government officials and Mr. Maina (whom the Committee believes is Ms. Mary Wambui's associate) who purchased Business Class Tickets for the "deportees."

6. CHALLENGES FACED BY THE COMMITTEE

6.1. The Cover-up

111. The Committee was faced with a labyrinthine of cover-ups of the activities of the Artur brothers. These cover ups were legal, administrative as well as political. Despite this, however, the Committee was committed to establishing the truth therein. The intention of the Committee seems to have been read well by those covering up for Artur brothers', which made the work of the Committee difficult and triggered other challenges as enumerated herein:-

6.2. Refusal to honour summonses

112. Besides the cover-up as a major challenge, the Committee issued summonses to key police witnesses who failed to appear before it. Summonses were issued to Mr. Patrick Lumumba, OCPD Gigiri, Mr. Isaiah Osugo, Nairobi PCIO and Mr. David Kimaiyo, Director of Operations, Police Headquarters to appear before the Committee on 14th November 2006. They did not appear despite being duly served. Summons were again issued to them to appear on 13th April 2007 but only Mr. Kimaiyo appeared briefly before he was recalled to his office as stated elsewhere in this report.

6.3. Failure by the Police to cooperate

113. This is closely related to the foregoing. Like what befell the Select Committee on the disappearance and murder of the late Member of Parliament for Nyandarua North, the late Hon. Josiah Mwangi Kariuki, the work of the Joint Committee was hampered by lack of cooperation on the part of the police, all of which appear to constitute a massive and determined cover-up. Judging from the behaviour of senior police officers and the Minister for Provincial Administration and Internal Security, it can only be deduced that they did not wish Parliament to make any progress in unearthing the truth in the Artur brothers' saga.

7. CONCLUSION

115. From the evidence adduced to date before the Committee, the gravity of this matter has emerged. It is for example abundantly clear that the two brothers were conmen and drug traffickers. That they enjoyed protection by the high and mighty in the Government is not in doubt. The Committee's challenge is to continue with the inquiry in order to unearth just who in Government the brothers were in contact with, for what purpose and why State privilege and protection were accorded to the brothers. In this regard, the emerging evidence points fingers towards the following witnesses who are critical:

1. The Minister of State in the Office of the President in charge of Provincial Administration and Internal Security Hon. John Michuki.
2. Mr. Stanley Murage, Permanent Secretary, and Special Advisor to the President on Strategy and whose Office is in State House.
3. Ambassador Francis Muthaura, Secretary to the Cabinet and Head of the Public Service.
4. The former CID Director, Mr. Joseph Kamau.
5. Ms. Mary Wambui.
6. Ms. Winnie Wambui, a daughter to Mary Wambui and a Director of Kensington Holdings Ltd.
7. Mr. Raju Sanghani and Kamlesh Pattni and their connection with those in Government.

116. Finally, the questions which the investigations must ultimately answer are, to borrow the Watergate inquiry jargon, what did the Head of Government know? When did he get know it and what did he do? For what purpose was the Kiruki Commission of inquiry formed and was it stage managed to cover up? Refusal to make public its report for what it is worth and refusal to make a copy available to the Committee despite a request in writing! All these are issues to be addressed in order to unearth the truth.

117. There are many other witnesses who the Committee wishes to summon, in order for the Committee to unearth the truth and requests the House to resolve this issue of disobedience to summons. It is the Committee's view that the disobedience to Summons to appear before a House Committee is a contempt not just of the Committee but of the House itself. Such disobedience undermines the authority and the standing of Parliament as an institution. The refusal to appear is particularly regrettable when it is by police officers who are expected to enforce obedience to the law.

118. Section 3 of the National Assembly (Powers and Privileges) Act, Cap.6 of the Laws of Kenya provides that any person who disobeys summons to appear before a Committee shall be guilty of an offence punishable by up to 12 months imprisonment or a fine of Kshs. 2000/= or both.

119. The Committee asks the House to adopt this Report and given the gravity of the matter and threat to the Dignity, Standing and Authority of the House, to RESOLVE:-

- (1) that the attorney General be called upon to uphold the Authority of the House, of which he is an ex-officio Member, by speedily prosecuting

Messrs Isaiah Osugo, the PCIO Nairobi; David Kimaiyo, the Director of operations at the Police Headquarters and Patrick Lumumba, the OCPD Gigiri and any other individual disobeying summons duly served to appear before the Committee.

- (2) if for whatever reason the Attorney General does not prosecute and do so speedily, Parliament institutes a private prosecution of the three individuals and any others disobeying summon duly served.

Only in this way will the Authority and Dignity of the Institution of Parliament be upheld.

MINUTES

MINUTES OF THE FIRST SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES, AND ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY 16TH JUNE 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR COUNTY HALL, PARLIAMENT BUILDINGS AT 09:30 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - Co-Chair
Hon. Paul Muite, MP - Co-Chair
Hon. Musa Sirma, MP
Hon. Patrice Ivuti, MP
Hon. Noah arap Too, MP
Hon. Katoo ole Metito, MP
Hon. Joseph Korir, MP
Hon. Kenneth Marende, MP
Hon. Amina Abdalla, MP
Hon. Zaddock Syong'o, MP
Hon. Omingo Magara, MP
Hon. Njoki Ndung'u, MP
Hon. Bifwoli Wakoli, MP
Hon. Moses Cheboi, MP

ABSENT WITH APOLOGY

Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Alfred Nderitu, MP
Hon. Odhiambo Omamba, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Macharia Mukiri, MP

IN-ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Ms. Wanjiru Rubia	- Research Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern

MINUTE NO. 001/2006 REMARKS BY THE CLERK OF THE NATIONAL ASSEMBLY

Mr. Sialai, on behalf of the Clerk of the National Assembly started off the meeting by stating the objective of the joint meeting. He informed the Members that the objective of the joint session was to brain storm on the way forward on the Armenian issue. He asked the Members to speak freely

as the matter crosscuts the mandate of the two Departmental Committees.

MINUTE NO. 002/2006 **THE WAY FORWARD ON THE ARMENIAN ISSUE**

Members heard that the Departmental Committee on Administration of Justice and Legal Affairs had commenced investigations into the matter in March 2006 when the Government raided the Standard Group offices. Hon. Marende informed the Members that the Committee on Administration of Justice and Legal Affairs had met with witnesses who include the Minister for Internal Security, Hon. J. Michuki, the Permanent Secretary and Personal Adviser to the President, Mr. Stanley Murage and the management and employees of the Standard Group. However, Members of the Committee on Administration, National Security and Local Authorities felt that most issues at hand lie within the mandate of their Committee.

Members deliberated on the mandate of both Committees and agreed that the issues at hand crosscut the mandate of both Committees. Members resolved to have joint sessions of the two committees which will be co-chaired by their respective chairmen and the quorum of such meetings shall be three members.

It was also resolved that the Committee on Administration of Justice and Legal Affairs brief its new Members and Members of the Committee on Administration, National Security and Local Authorities on the progress so far made on the matter. This is to help the joint session strategize before summoning individuals in order to have an optimum output from the witnesses. The brief provided will also enable all the Members to decide on what to omit or retain when doing its report to the House. Members also resolved to consult the Speaker to allow them move a motion for the deliberations of the joint sessions to be exempted from the provisions of Standing Order 161.

Further, it was resolved that the Committee meets on Mondays and Fridays, and that its meetings be recorded by Hansard when taking evidence from witnesses. Hon. M. Sirma and Hon. K. Marende were mandated to come up with a list of witnesses which the Committee will summon.

MINUTE NO. 003/2006 **TERMS OF REFERENCE**

The Members resolved that the Joint Session shall investigate and inquire into the following issues:

- i. The circumstances in which the two foreigners, namely Artur Margayan and Artur Sargasyan and other persons connected to them entered the country, the purpose and the nature of their visit.
- ii. Their business and conduct during their residence in the country, business associates and /or partners that they interacted with.
- iii. Breaches of security committed by the said persons and their associates.
- iv. The circumstances and manner in which they were deported from the country.
- v. The role of various government agencies and certain individuals in all of the above.
- vi. Any other issues that the joint committee may determine to be of relevance to the investigations.

MINUTE NO. 004/2006 ADJOURNMENT

There being no other business, the Co-Chairs adjourned the meeting at forty minutes past eleven o'clock until Monday, 19th June, 2006 at 3:00 p.m.

**Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)**

**Signed: Hon. Paul Muite, MP
(Co-Chair)**

Date: 23rd June, 2006

MINUTES OF THE SECOND SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES, AND ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 19TH JUNE 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR COUNTY HALL, PARLIAMENT BUILDINGS AT 3.00 P.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Joseph Korir, MP
Hon. Kenneth Marende, MP
Hon. Amina Abdalla, MP
Hon. Zaddock Syong'o, MP
Hon. Omingo Magara, MP
Hon. Njoki Ndung'u, MP
Hon. Bifwoli Wakoli, MP
Hon. Moses Cheboi, MP
Hon. Kipkalya Kones, MP
Hon. Odhiambo Omamba, MP

ABSENT WITH APOLOGY

Hon. Musa Sirma, MP
Hon. Patrice Ivuti, MP
Hon. Katoo ole Metito, MP
Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Macharia Mukiri, MP

IN-ATTENDANCE

Mr. Michael Sialai
Mr. Zakayo Mogere
Mary Chesire
Mr. Bonnie Mathooko
Ms. Benedictus Rono
Dorcas Bungei

- KENYA NATIONAL ASSEMBLY

- Senior Clerk Assistant
- Clerk Assistant
- Clerk Assistant
- Research Assistant
- Parliamentary Intern
- Parliamentary Intern

MINUTE NO. 005/2006

CONFIRMATION OF MINUTES

The minutes of the first session held on Friday 16th June 2006 were confirmed by Members present as a true record of the deliberations of the meeting and signed by the Co-Chairmen having been proposed by Hon. Korir and Seconded by Hon. Syong'o.

MINUTE NO. 006/2006 **MATTERS ARISING**

The Members were informed that the Speaker had agreed that the Committee could sit on Tuesday and Thursday mornings and that the Hansard will be made available for the recording of the proceedings.

It was agreed that a motion will be moved in Parliament exempting the proceedings of the Committee from Standing Order No. 161.

MINUTE NO. 007/2006 **PROGRAMME OF SITTINGS**

The Members resolved to hold the meetings every Monday, Tuesday and Thursday mornings and Fridays.

MINUTE NO. 008/2006 **LIST OF WITNESSES**

The Members deliberated further on the list of witnesses and proposed a list of more witnesses to be summoned. The Members resolved to summon the following individuals;

- The Principal Immigration Officer
- The Protocol Officer at the Airport
- Officer incharge of the Police at the Airport
- The Minister and Permanent Secretary for Foreign Affairs
- The Minister for East African Affairs
- Baktash Akasha
- Naomi Cidi
- Winnie Wangui – shareholder Kensington Holdings Ltd
- Director of Intelligence
- Officers who opened the container at the port of Mombasa

Every other individual that was associated with the Armenian brothers will also be summoned by the Committee. It was also resolved that the Clerk of the National Assembly will issue an advertisement that will inform the Public of the Committee sittings. This will also invite any individual willing to testify before the Committee to do so.

A list of questions to be used during the questioning of the witnesses was presented to the Committee. The Members however were asked to come up with exhaustive questions

whenever necessary. This is to ensure that the Committee extracts intricate details from the witnesses that will help them come up with a conclusive report. Legal action will be taken against any witnesses that will fail to show up before the Committee. This is provided for by the Standing Orders of the National Assembly.

The Members also resolved to visit the Airport on Thursday, the residence of the Armenian brothers in Runda on Friday, and the Port of Mombasa on a later date in order to inspect the locations in relation to the issue at hand.

The Members also raised concern on the consultancy that Shadrack Kiruki is said to be providing the Ministry of Internal Security. The Members sought a clarification on the matter.

MINUTE NO. 009/2006 **ADJOURNMENT**

There being no other business, the Co-Chairs adjourned the meeting at forty five minutes past four o'clock until **Tuesday, 20th June, 2006 at 10:00 a.m.**

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE THIRD SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES, AND ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 20TH JUNE 2006 IN THE MAIN CONFERENCE ROOM, 1ST FLOOR COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**

Hon. Paul Muite, MP - **Co-Chair**

Hon. Noah arap Too, MP

Hon. Joseph Korir, MP

Hon. Zaddock Syong'o, MP

Hon. Omingo Magara, MP

Hon. Bifwoli Wakoli, MP

Hon. Moses Cheboi, MP

Hon. Kipkalya Kones, MP

Hon. Odhiambo Omamba, MP

Hon. Musa Sirma, MP

Hon. Patrice Ivuti, MP

Hon. Katoo ole Metito, MP

Hon. Macharia Mukiri, MP

ABSENT WITH APOLOGY

Hon. Daudi Mwanzia, MP

Hon. Alfred Nderitu, MP

Hon. Abdalla Ngozi, MP

Hon. Jim Choge, MP

Hon. Gideon Ndambuki, MP

Hon. Kenneth Marende, MP

Hon. Amina Abdalla, MP

Hon. Njoki Ndung'u, MP

IN-ATTENDANCE

- KENYA NATIONAL ASSEMBLY

Mr. Michael Sialai

- Senior Clerk Assistant

Ms. Mary Chesire

- Clerk Assistant

Mr. Zakayo Mogere

- Clerk Assistant

Mr. Bonnie Mathooko

- Research Assistant

Ms. Wanjiru Rubia

- Research Assistant

Ms. Benedictus Rono

- Parliamentary Intern

Ms. Dorcas Bungei

- Parliamentary Intern

MINUTE NO. 10/2006

MEETING WITH THE MINISTER FOR IMMIGRATION AND REGISTRATION OF PERSONS AND THE PRINCIPAL IMMIGRATION OFFICER

The Committee was scheduled to meet with the Minister for Immigration and Registration of Persons, Hon. Gideon Konchella, MP but the Minister wrote back

stating he had prior commitments in his constituency. He suggested that his next meeting with the Committee be scheduled after consultations with him.

The Committee therefore unanimously resolved to issue formal summons to each witness in future to ensure that all witnesses appear before the Committee as per schedule and also ensure that whoever does not honour the Committee summons will be held responsible.

Honourable Muite was requested to outline the consequences of not showing up before the Committee.

The Committee resolved to summon the witnesses as follows:

Friday, 23rd June 2006

10.00 a.m.

1. Hon Gideon Konchellah, MP
2. Mr. Joseph K. Ndathi -Principal Immigration Officer
3. Mr. James Gitonga-Suspended Immigration Officer 1-
Attached to JKIA

12.00 O'clock

4. Mr. George Muhoho- Managing Director Kenya
Airports Authority (KAA)
5. Ms. Naomi Cidi- the Suspended Deputy Managing
Director, KAA

Monday, 26th June 2006

- Hon Kalonzo Musyoka, MP
Hon. Raila Odinga,MP

The Committee further resolved that the following persons be included in the list of the persons to be summoned:

1. Chief Firearm Licensing Officer
2. Mr. Raju Sanghani

MINUTE NO. 11/2006 ADJOURNMENT

There being no other business, the Co-Chairs adjourned the meeting at six minutes past eleven o'clock until **Friday, 23rd June, 2006 at 10:00 a.m.**

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 23rd June, 2006

MINUTES OF THE FOURTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES, AND ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY 23RD JUNE 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - Co-Chair
Hon. Paul Muite, MP - Co-Chair
Hon. Joseph Korir, MP
Hon. Kenneth Marende, MP
Hon. Amina Abdalla, MP
Hon. Zaddock Syong'o, MP
Hon. Omingo Magara, MP
Hon. Moses Cheboi, MP
Hon. Odhiambo Omamba, MP
Hon. Musa Sirma, MP
Hon. Patrice Ivuti, MP
Hon. Gideon Ndambuki, MP
Hon. Kipkalya Kones, MP

ABSENT WITH APOLOGY

Hon. Noah arap Too, MP
Hon. Njoki Ndung'u, MP
Hon. Bifwoli Wakoli, MP
Hon. Katoo ole Metito, MP
Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Macharia Mukiri, MP

IN-ATTENDANCE

- KENYA NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Anita Thurair	-Senior Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Ms. Mary Chesire	- Clerk Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

MINUTE NO. 012/2006

CONFIRMATION OF MINUTES

Minutes of the second and the third sessions were confirmed by Members present as a true record of the deliberations of the meetings and signed by the Co-Chairmen having been proposed by Hon.

Korir and Seconded by Hon. Omamba.

MINUTE NO. 013/2006 **MATTERS ARISING**

Under Min. No. 02/2006

The Members sought to clarify that the resolution made by the Committee was that they will sit the whole day Mondays and Fridays and every Tuesday and Thursday mornings.

Under Min. No. 07/2006

i) The Motion that sought to allow the Joint Committee to conduct its deliberations in public has already been drafted by the Clerks office. The Committee however was informed that the Motion cannot be moved before the end of the seven days of the Budget. The Committee will be advised as to when to move it by the Clerks office. The Members however requested that it should be treated as an urgent matter.

ii) The Members resolved to set the date for the visit to the Airport after their meeting with the Speaker on Monday 26th June 2006.

MINUTE NO. 014/2006 **PROGRAMME OF SITTINGS**

Hon. Muite informed the Committee that Hon. Konchellah had called him the previous night and confirmed that he will be appearing before the Committee to give his evidence. He however did not show up neither could he be reached. The proceedings could therefore not go on as planned. The Committee made it clear that they have not been stopped from receiving evidence. They are therefore expecting to have Hon. Raila and Hon. Kalonzo give their evidence on Monday, 26th June 2006.

The Members resolved to ask the government to facilitate for the Armenian brothers to come and give their evidence in Kenya or make travel arrangement for members to receive their evidence in the United Arab Emirates. The Clerks office is to make the necessary arrangements to facilitate this.

All the letters from Hon. Karua and the Attorney General and the reply from the Committee to Hon. Karua's letter were circulated to the Members concerning the Armenian issue. Hon. Muite briefed the Committee on the content of the letters. The Members resolved that all correspondence will be subject to ratification by the entire Committee before they are dispatched. Hon. Muite

presented the Committee with the Press Release for ratification.

The Committee as a whole resolved to meet with the Speaker on Monday, 26th June 2006 to show concern on the length of time he is taking to make his ruling and to inquire as to why he has not advised the Executive to postpone the Commission of Inquiry's' sittings.

MINUTE NO. 015/2006 **ANY OTHER BUSINESS**

The issue concerning the letter from Hon. Martha Karua was raised. Hon. Karua, who is also the Minister of Justice and Constitutional Affairs wrote to the Speaker with the intentions of halting the proceedings of the Joint Committee. The Speaker requested the Committee to respond to the said letter. Hon. Muite, Hon. Marende and Hon. Sirma drafted the letter and presented it to the Speaker. The response was tabled in the House on Wednesday, 21st June 2006. The three Members were meant to meet the Speaker concerning the same matter on Thursday 22nd June 2006 but it was rescheduled for Monday 26th June 2006. The Speaker is supposed to make his ruling on this date. The Committee thinks that the other Commission of Inquiry on the same issue should be suspended as they await the ruling of the Speaker.

MINUTE NO. 016/2006 **ADJOURNMENT**

There being no other business, the Co-Chairs adjourned the meeting at fifty five minutes past eleven o'clock until

Signed: **Hon. Ramadhan Kajembe, MP**
(Co-Chair)

Signed: **Hon. Paul Muite, MP**
(Co-Chair)

Date: **4th August, 2006**

MINUTES OF THE FIFTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 3RD JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Kenneth Marende, MP
Hon. Amina Abdalla, MP
Hon. Zaddock Syong'o, MP
Hon. Katoo ole Metito, MP
Hon. Moses Cheboi, MP
Hon. Macharia Mukiri, MP
Hon. Njoki Ndung'u, MP
Hon. Gideon Ndambuki, MP
Hon. Alfred Nderitu, MP
Hon. Kipkalya Kones, MP
Hon. Patrice Ivuti, MP
Hon. Daudi Mwanzia, MP
Hon. Omingo Magara, MP

ABSENT WITH APOLOGY

Hon. Joseph Korir, MP
Hon. Bifwoli Wakoli, MP
Hon. Odhiambo Omamba, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Musa Sirma, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Wanjiru Rubia	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESSES

Hon. Gideon Konchella, MP - Minister for Immigration & registration of Persons.

MINUTE NO. 017/2006

**EVIDENCE FROM THE MINISTER FOR
IMMIGRATION & REGISTRATION OF PERSONS**

The Minister for Immigration & Registration of Persons, the Hon. Gideon Konchella, MP, accompanied by his lawyer, Mr. Charles Kanjama, appeared before the Joint Committee and gave evidence on the Armenians saga.

The minister informed the Committee that:-

- i. Artur Sargasyan first entered the country on Passport No.AF0599780 on 13th December, 2005 from Dubai by flight EK721 at 2020hrs and did not leave the country until deported on 9th June 2006.
- ii. Artur Margaryan first entered the country on Passport No.AB0322223 on 10th November 2005 by flight EK719 at 1318 hrs from Dubai and subsequently made two departures and two arrivals as follows:-
 - a) Departure 15th Nov.2005 2324hrs BA064 to London
 - b) Arrival 13th Dec.2005 1929hrs EK721 from Dubai
 - c) Departure 22nd Dec.2005 2326hrs EK722 to Dubai
 - d) Arrival 22nd Jan.2006 1656hrs KQ435 from Kinshasha
- iii. The names of the two Armenians were not reflected on passenger manifest of any flights from Dubai on the day they held press conference at the VIP lounge at the JKIA on 13th march 2006.
- iv. Both Artur Sargsyan and Artur Margaryan were issued with a Kenya Visitor's Pass valid for 3 months.
- v. The two had registered a company (Brother Link International Ltd) on 1st December 2005 and each had been issued with a PIN number on 16th December 2005.
- vi. They applied for entry permits on 18th January 2006.The applications were sent to NSIS for vetting on 18th January 2006 by the Inter Ministerial Entry Permit Steering Committee. The NSIS recommended them by 19th January 2006 and were later granted entry permit Class H (valid for 2 years) on 23rd January 2006. A fact that the Minister finds 'funny'.
- vii. The Minister does not ordinarily approve entry permits. He only comes in when there is an appeal.
- viii. On 9th June 2006, the Principal Immigration Officer informed the Minister that the Commissioner of Police had telephoned requesting that the following four persons be declared Prohibited Immigrants and deported forthwith. They are Artur Sargasyan, Artur Margaryan, Dimitri Tasch, and Alexander Pack.
- ix. The Minister subsequently issued deportation orders (which did not have reference to their Passport numbers) to Armenia (for Sargasyan and Margaryan), Moldova (for Tasch) and Russia (for Pack). However the Minister later varied his instructions verbally contrary to Section 8(4) of the Immigration Act, and the four were deported to Dubai.
- x. On the way out, Artur Margaryan used a USSR passport in the names of Artur Gevorkiyanyan while Artur Sargasyan failed to produce his passport and was issued with a one way Kenyan travel document.
- xi. On 9th June 2006 the four travelled in business class on flight KQ310 to Dubai at 7.40 pm.

The Minister tabled the following papers:-

- 1) Immigration entry procedures into the country
- 2) Permits brief
- 3) Entry to the country memo
- 4) Copies of Deportation Orders
- 5) Air ticket coupons
- 6) Memo on Air tickets
- 7) Circular on lost Passports.

The Members observed that the manner in which the process of acquiring permits by the two Armenians was fast-tracked, was in itself suspicious.

MINUTE NO. 018/2006 **ADJOURNMENT**

The Co-Chairs adjourned the meeting at fifteen minutes past one o'clock until 2:30 pm.

AFTERNOON SSITTING

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Amina Abdalla, MP
Hon. Zaddock Syong'o, MP
Hon. Katoo ole Metito, MP
Hon. Moses Cheboi, MP
Hon. Njoki Ndung'u, MP
Hon. Gideon Ndambuki, MP
Hon. Kipkalya Kones, MP
Hon. Omingo Magara, MP
Hon. Odhiambo Omamba, MP
Hon. Daudi Mwanzia, MP
Hon. Patrice Ivuti, MP

ABSENT WITH APOLOGY

Hon. Alfred Nderitu, MP
Hon. Macharia Mukiri, MP
Hon. Kenneth Marende, MP
Hon. Joseph Korir, MP
Hon. Bifwoli Wakoli, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Musa Sirma, MP

IN-ATTENDANCE

Mr. Joseph K. Ndathi	-Principal Immigration Officer
Mr.Charles Kanjama	-Muma & Kanjama Advocates
Ms.Evalyne Cheluget	-Assistant Principal Immigration Officer (in charge of Permits)

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms.Wanjiru Rubia	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

MINUTE NO. 019/2006 EVIDENCE FROM THE PRINCIPAL IMMIGRATION OFFICER

The Principal Immigration Officer, Mr. Joseph Ndathi, accompanied by his lawyer, Mr. Charles Kanjama, appeared before the Joint Committee and gave evidence on the Armenian matter. The Principal Immigration Officer informed the Committee that:-

- i. Artur Sargasyan and Artur Margaryan first entered the country on Passport No.AF0599780 and No.AB0322223 on 13th December, 2005 and 10th November 2005 respectively from Dubai.
- ii. He never saw the original passports for the two and as such can not ascertain their authenticity.
- iii. The two applied for entry permits and enclosed the Certificate of Incorporation of the Company, the PIN Numbers, and their bank statements from Emirates Bank in Dubai. However, a trade license, physical office location (LR.No.) and the investment certificate were not attached.
- iv. The Entry Permits Steering Committee met on 18th and 19th January 2006 and granted them Class H permits valid for two years.
- v. Three blank Passports Nos.A1031195, A1031196 and A1031194 were reported stolen from the office of a Mr. James Gitonga, Immigration Officer I by a cleaner in the office who has since been arrested. Two of the passports were with the Artur brothers while the third has not been traced.
- vi. The Principal Immigration Officer does not sit in the Entry Permits Steering Committee but Ms. Evalyne Cheluget does.
- vii. He prepared the deportation orders for the Minister and later advised him to vary the instructions verbally.

The Committee observed that the Immigration Department was not aware of the Interpol report on the two Armenians.

The Committee stood down the Principal Immigration Officer from giving evidence and asked him to come with more information on Tuesday 4th July 2006 at 10:00 am.

MINUTE NO. 020/2006

EVIDENCE FROM THE ASSISTANT PRINCIPAL IMMIGRATION OFFICER

The Assistant Principal Immigration Officer in charge of permits, Ms. Evalyne Cheluget, appeared before the Joint Committee and gave evidence on how the work permits of the Armenians were processed. She informed the Committee that:-

- i. She chaired the Entry Permits Steering Committee which met on 18th January 2006 and on 19th January 2006. However, the two meetings were recorded as one meeting held on 19th January 2006.
- ii. In the particular meeting, the Committee worked on 316 files including the permits of the two Armenians.

She tabled the minutes of the meeting held on 19th January 2006.

The Committee stood down the Assistant Principal Immigration Officer in charge of Permits from giving evidence and asked her to come with more information on Thursday 6th July 2006 at 10:00 am.

The information sought include:-

- a) The breakdown of all 316 cases that were handled.
- b) Analysis when each file was applied.
- c) Specific names of officers who handled the files of the two Armenians.

MINUTE NO. 021/2006

DEFERRED EVIDENCE

The Committee deferred taking of evidence from the following witnesses:-

- i. Mr. James Gitonga – suspended Immigration Officer I to Tuesday 4th July 2006 at 10:00 am.
- ii. Ms. Naomi Cidi – suspended Deputy Managing Director, Kenya Airports Authority to Thursday 6th July 2006 at 10:00 am.

MINUTE NO. 022/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at ten minutes past six o'clock until Tuesday 4th July 2006 at 9:30 am.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTE NO. 023/2006

SITTING ALLOWANCES FOR MEMBERS

Due to the long sitting hours of the Joint Committee, Members expressed their wish to be paid for two sittings (morning & afternoon) in a day when the meeting takes a whole day. However, Members were informed that rules allow for sitting allowances to be paid once a day.

MINUTE NO. 024/2006

PUBLIC HEARINGS OF THE JOINT SESSIONS

The Members were informed that the co-chairs had signed a Motion seeking resolution of the House to have hearings of the Committee in Public. The Committee was further informed that Hon. Uhuru Kenyatta had agreed to sign the Motion as a Party Motion to give it priority.

The Members went through a draft letter to the Speaker requesting him to grant permission for public hearings and asking him to let the Committee to decide on the witnesses to be summoned. The contents of the letter was adopted by Members and signed by the co-chairs.

The Hon. Z. Syong'o informed the Committee that he had received a call from a concerned Kenyan that two more containers associated with the Artur brothers are still held in the Port of Mombasa. Members resolved to have the containers inspected in their presence on Friday 7th July 2006. The secretariat was asked to coordinate the logistics including arrangements for a meeting at the Kenya Ports Authority to hear evidence from witnesses in Mombasa.

Consequently, the Committee resolved to summon the Registrar General to appear on Thursday 6th July 2006 to give evidence on the directors of Kensington Holdings Ltd and Brother Link International Ltd.

MINUTE NO. 025/2006

EVIDENCE FROM THE PRINCIPAL IMMIGRATION OFFICER

The Principal Immigration Officer, Mr. Joseph Ndathi, appeared before the Joint Committee and gave evidence on the deportation of the two Armenians and their associates. He informed the Committee that:-

- i. The police escorted the four deportees to the Airport as the law recognizes police officers in such situation as immigration officers.
- ii. On 8th June 2006 the following persons believed to be associates of the Artur brothers arrived at Jomo Kenyatta International Airport by flight EK721 from Dubai;
 - b) Manish Yadav PP No.A245167 – Indian National
 - c) Aman Mohammed Umar Qureshi PP No.E7608026 – Indian National
 - d) Arthur Gevorkyan PP No.7610149 – Russian National
- iii. He handed the deportation orders to an Assistant Principal Immigration Officer in charge of investigations and prosecutions, Mr. Fred Mbayya who later handed them over to a police rider to take them to the Airport.

- iv. The four deportees were held in different police stations and as such the Principal Immigration Officer could not serve them with the orders as he did not know the exact police stations they were held in.
- v. Lack of storage space and modern software to track down visitors whose visas had expired has to a large extent hampered the accuracy of the records.
- vi. The Immigration department did not discuss the merits and demerits of prosecuting the foreigners before deportation.

The Committee observed that the variation of the deportation destination has not been communicated to all Embassies and Missions. It was further observed that a lawyer brought tickets with the changed destination before the variation was made, and that even though the return segments of the tickets were plucked, they can be re-issued.

The Principal Immigration Officer was asked to appear before the Committee on Thursday 6th July 2006 with the following information:-

- a) The list of officers who handled the entry permit files for the two foreigners.
- b) The name of the NSIS officer who vetted the applications of the two foreigners.
- c) Particulars of pending applications of class H permits as at 18th January 2006 and those carried forward to 20th January 2006.
- d) Particulars of persons who were in the Presidential entourage to Uganda to attend president Museveni's inauguration.

MINUTE NO. 026/2006

EVIDENCE FROM THE ASSISTANT PRINCIPAL IMMIGRATION OFFICER

The Assistant Principal Immigration Officer based in Jomo Kenyatta International Airport Mr. John Cheruiyot, appeared before the Joint Committee and gave evidence on the deportation process in the Airport. He informed the Committee that:-

- i. He handled Dmitri Tasci and Alexander Pack and locked them up in the Prohibited Room. However, he only saw the Artur brothers when escorting them to the plane.
- ii. The deportation orders were never delivered to him to serve the deportees. He only received declarations prohibiting the four from Kenya by a fax from the head office.
- iii. Kenya Airways processed the boarding passes even without seeing deportation orders.
- iv. The four tickets had discrepancies as the names were different with those in the passports and the declarations prohibiting them.
- v. The travel documents were never stamped 'prohibited' in line with international procedures.

The Committee asked Mr. Cheruiyot to appear again on Thursday 6th July 2006 with information on the four deportees and their associates as entered in the PISCES system.

MINUTE NO. 027/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at ten minutes past two o'clock until Thursday 6th July 2006 at 9:30 am.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE SEVENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY 6TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Zaddock Syong'o, MP
Hon. Odhiambo Omamba, MP
Hon. Musa Sirma, MP
Hon. Njoki Ndung'u, MP
Hon. Moses Cheboi, MP
Hon. Amina Abdalla, MP
Hon. Patrice Ivuti, MP
Hon. Bifwoli Wakoli, MP
Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Omingo Magara, MP

ABSENT WITH APOLOGY

Hon. Kenneth Marende, MP
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Katoo ole Metito, MP
Hon. Gideon Ndambuki, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

Mr. Michael Sialai
Ms. Mary J. Chesire
Mr. Zakayo Mogere
Mr. Bonnie Mathooko
Ms. Wanjiru Rubia
Ms. Benedictus Rono
Ms. Dorcas Bungei

NATIONAL ASSEMBLY

- Senior Clerk Assistant
- Clerk Assistant
- Clerk Assistant
- Research Assistant
- Research Assistant
- Parliamentary Intern
- Parliamentary Intern

WITNESSES

Ms. Bernice W. Gachegu -Registrar General
Mr. Joseph K. Ndathi -Principal Immigration Officer
Ms. Naomi Cidi -Deputy Managing Director, Kenya Airports Authority

MINUTE NO. 028/2006

EVIDENCE FROM THE REGISTRAR GENERAL

The Registrar General, Mrs. Bernice Gachigu, appeared before the Committee and gave evidence on the process of registration of companies and how the companies associated with the Artur brothers were registered.

She took the Committee through the process of registration of a company and tabled a paper detailing such procedure. She also informed the Committee that a company known as Kensington Holdings Ltd had been registered long time ago and as such another company should not have been registered in that name.

The Registrar General informed the Committee that the relevant files from her office were in the 'Kiruki Commission' and was asked to appear before the Committee on Thursday 13th July 2006 with the following information:-

- i. The date when the two companies were incorporated and their registration number.
- ii. When and amount of stamp duty paid.
- iii. The location of the registered office of the two companies.
- iv. Names of shareholders and directors of the two companies.
- v. Other registration details of Kensington Holdings Ltd which was registered earlier.

MINUTE NO. 029/2006

EVIDENCE FROM THE PRINCIPAL IMMIGRATION OFFICER

The Principal Immigration Officer, Mr. Joseph Ndathi, appeared before the Joint Committee and gave evidence on the deportation of the two Armenians and their associates. He informed the Committee that:-

- i. He had written to the Director of NSIS requesting the name of the officer who vetted the application of the foreigners.
- ii. Details of the Presidential entourage were not captured in the PISCES system as they were cleared in the Presidential Pavilion.
- iii. The flight manifest of the Presidential entourage to Uganda was with the Kenya Air Force.

He tabled the following documents:-

- i. Flights manifest report of 12th June 2006.
- ii. Copies of the deportation orders for the four deportees.
- iii. Copies of the tickets used by the four deportees.
- iv. Copies of the passports for the two brothers.
- v. Copy of the passenger manifest on the day of deportation (9th June 2006).
- vi. Copy of a letter to all Immigration Officers to black list the four deportees.
- vii. Copies of the stop list documents.
- viii. Copy of a letter to the Director General, NSIS requesting for the name of the officer who signed the General Index for the two brothers.
- ix. PISCES copies of the movement of the four deportees.
- x. Copy of the letter to all Immigration Officers and embassies to watch list the three stolen passports.

- xi. Copies of the entry cards for the three people who were the subject of the fracas at customs area on 8th June 2006.
- xii. Names of officers who dealt with the Artur brothers' files in the processing of their entry permits.

MINUTE NO. 030/2006

EVIDENCE FROM THE DEPUTY MANAGING DIRECTOR, KENYA AIRPORTS AUTHORITY

The Suspended Deputy Managing Director, Kenya Airports Authority, Ms. Naomi Cidi, appeared before the Joint Committee and gave evidence on the procedure of acquiring security passes in Airports in Kenya. She informed the Committee that:-

- i. She was suspended from duty on 13th June 2006.
- ii. Her working relationship with the Managing Director (MD) has been frosty. The MD on several occasions told her that he did not need a Deputy.
- iii. She was not the sole custodian of the process of the issuance of the control passes despite the fact that her signature appears in all such pass.
- iv. The MD instructed her on phone to meet the Artur brothers and issue them with Passes as they had intention of looking at investments in Malindi and Eldoret Airports. She referred them to the Passes office to fill the forms but their application forms did not come back to her.
- v. It is possible for a Pass to be issued without her knowledge since her signature is in the computer at the Passes office.
- vi. The MD called and asked her to implicate Ms. Mary Wambui and her daughter, Ms. Winfred Wangui as the people who introduced the Artur brothers to her, but declined to do so.

She tabled a copy of her suspension letter and the Committee asked her to bring a copy of her contract as the Deputy Managing Director of Kenya Airports Authority.

MINUTE NO. 031/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at twenty minutes past one o'clock until Friday 7th July 2006 at 10:00 am.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE EIGHTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY 7TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Kenneth Marende, MP
Hon. Zaddock Syong'o, MP
Hon. Odhiambo Omamba, MP
Hon. Musa Sirma, MP
Hon. Njoki Ndung'u, MP
Hon. Moses Cheboi, MP
Hon. Amina Abdalla, MP
Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Omingo Magara, MP
Hon. Gideon Ndambuki, MP

ABSENT WITH APOLOGY

Hon. Noah arap Too, MP
Hon. Bifwoli Wakoli, MP
Hon. Patrice Ivuti, MP
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESS

Mr. James R. Gitonga - Immigration Officer I

MINUTE NO. 032/2006

EVIDENCE FROM THE IMMIGRATION OFFICER I

The Suspended Immigration Officer I, Mr. James Gitonga, appeared before the Joint Committee and gave evidence on the loss of three Kenya blank Passports. He informed the Committee that:-

- iv. Three blank Passports Nos. A1031194, A1031195, and A1031196 were stolen from Issue Room 'C' where he is the in-charge, on 12th may 2006.
- v. He had vacated his sitting area for a cleaner, Ms. Beatrice Akoth Odongo, to clean. It was at this time that the cleaner stole the blank Passports from the drawer which he had not locked.
- vi. The cleaner was arrested and arraigned in court on 11th may 2006 but pleaded not guilty.
- vii. The loss of the passports was circulated to all Immigration Controls and to all Missions abroad.
- viii. An advertisement in the media would prevent the culprits from using the documents.
- ix. Passport Nos. A1031195 and A1031196 were recovered at the residence of the Artur brothers when the police raided the residence on the night of 8th June 2006. The third passport no. A1031194 has not been recovered to date.
- x. The two passports were fraudulently processed and issued to Arman Sarkissyan (A1031195) and Artak Sarkissyan (A1031196) who are Artur Margaryan and Artur Sargasyan respectively.
- xi. The signature on the cover pages of both passports is that of Mr. Joseph B. Gachau, an Immigration officer I who had retired by the time of the theft; while the signature on page 29 of both passports is that of Mr. Herbat Holi, an assistant Immigration Officer III, of Issue Room 'B'.
- xii. No new files were opened for the processing of the two passports. Instead, file nos. 806778 and 806778 belonging to Mr. Salesio Njeru and Edith Kahaya respectively, were used.

Mr. Gitonga tabled a copy of his suspension letter and a copy of his response to the Permanent Secretary, Ministry of Immigration and Registration of Persons.

The Committee resolved to write to the Principal Immigration Officer to forward certified copies of the two passports. The Committee observed that there was silence for a month before action was taken on Mr. Gitonga, and that this would appear to have been an 'arranged theft' to conveniently give the Armenians Kenyan passports.

MINUTE NO. 033/2006 **ADJOURNMENT**

The Co-Chairs adjourned the meeting at fifteen minutes past one o'clock until Monday 10th July 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE NINTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 10TH JULY 2006 IN THE MANAGING DIRECTOR'S BOARDROOM 6TH FLOOR, KENYA PORTS AUTHORITY AT 2:20 P.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Kenneth Marende, MP
Hon. Zaddock Syong'o, MP
Hon. Odhiambo Omamba, MP
Hon. Musa Sirma, MP
Hon. Njoki Ndung'u, MP
Hon. Moses Cheboi, MP
Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Gideon Ndambuki, MP
Hon. Noah arap Too, MP
Hon. Bifwoli Wakoli, MP
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Abdalla Ngozi, MP
Hon. Alfred Nderitu, MP
Hon. Jim Choge, MP
Hon. Patrice Ivuti, MP

ABSENT WITH APOLOGY

Hon. Amina Abdalla, MP
Hon. Omingo Magara, MP
Hon. Katoo ole Metito, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESSES

Mr. James Oluoch Rarieya	- Manager, Container Terminal, KPA.
Mr. Moses Edwin Owuor	- Chief Internal Auditor, KPA.
Mr. Alphonse Ntogaiti	- Senior Deputy Commissioner, KRA.

Mr. Julius N. Musyoki
Mr. Stephen K. Munguti
Mr. Benard Nguyo

Mr. Nicholas M. Nzesya

- Ag. Deputy Commissioner of Customs, KRA.
- OCPD, Kilindini Police Division.
- Assistant Officer in Charge, Kilindini Harbour, Kenya Bureau Standards.
- Quality Inspector, Kenya Bureau Standards.

MINUTE NO. 034/2006

EVIDENCE FROM THE MANAGER, CONTAINER TERMINAL AND CHIEF INTERNAL AUDITOR, KPA

The Manager, Container Terminal, KPA Mr. James Oluoch Rarieya, and the Chief Internal Auditor, Mr. Moses Edwin Owuor appeared before the Joint Committee and gave evidence on the containers imported by the Artur brothers. They informed the Committee that:-

- i. Companies associated with the Artur brothers imported the following 5 containers through the port of Mombasa:-
 - a) Container No. GLDU 0621624-7 which arrived on 21st March 2006 from Dubai. It was given a waiver of Kshs.93704 being 50% waiver on port charges by the Waiver Committee. It was lying at the Mombasa Port Police yard after it was verified.
 - b) Container No. MSKU 925940-4 which arrived on 30th April 2006 from Hong Kong. It was lying in the Mombasa Port Police yard awaiting verification.
 - c) Container No. PONU 761388-5 which arrived on 29th May 2006. It was lying in the Mombasa Port Police yard but was destined for Nairobi ICD where the necessary documents were expected to be lodged from.
 - d) Container No. PONU 815020-8 which arrived on 29th May 2006. The lodgment of necessary documents was being awaited even though the container had already been railed to ICD Nairobi.
 - e) Container No. PONU 801448-0 which arrived on 4th June 2006 from Dubai. It was lying in the Mombasa Port Police yard as it was yet to be claimed.
- ii. The Clearing Agents involved were Marketing Bureau Services Ltd and Millenium Agencies Ltd.

The Committee observed that there is no coordination between Kenya Ports Authority, Kenya Revenue Authority, Kenya Bureau of Standards and the Port Police thus providing avenues of corruption.

MINUTE NO. 035/2006

EVIDENCE FROM THE SENIOR DEPUTY COMMISSIONER AND THE ACTING DEPUTY COMMISSIONER OF CUSTOMS, KRA

The Senior Deputy Commissioner of KRA, Mr. Alphonse Ntogaiti and the Acting Deputy Commissioner of Customs appeared before the Joint Committee and

gave evidence on the containers imported by the Artur brothers. They informed the Committee that:-

- i. The two companies associated with the Artur brothers imported the following 7 containers through the port of Mombasa:-
 - a) Container No.TGHU 4763604 which arrived on 6th march 2006 with refrigerators and Hi-Fi systems. This was released on payment of tax of Kshs.174,956.
 - b) Container No.CLHU 8544548 which arrived on 4th April 2006 with radio cassettes, microwaves, tape recorders, iron boxes, Chinese blankets and black and white television sets. This was destined to a godown operated by Rapid Kate Services in Nairobi but they never reached there.
 - c) Container No.FSCU 6078480 which arrived on 4th April 2006 with radio cassettes, microwaves, tape recorders, iron boxes, Chinese blankets and black and white television sets. This was destined to a godown operated by Rapid Kate Services in Nairobi but they never reached there.
 - d) Container No.GLDU 0621624 which arrived on 29th April 2006 with assorted electrical goods. This was fully verified on 16th June 2006.
 - e) Container No.PONU 8150208 which arrived on 2nd June 2006 with 14" colour television sets and DVD players. This was seized in Nairobi as deposited in ICD.
 - f) Container No.PONU 7613885 which arrived on 2nd June 2006 with 14" colour television sets and DVD players. This was seized in deposited with Kilindini Port Police awaiting verification.
 - g) Container No.PONU 8014480 which arrived on 4th June 2006 with 1115 packages of assorted electronic goods. This was deposited with the port police awaiting a claimant.
- ii. Three clearing companies were used. They are marketing Bureau Services Ltd, Maple Freight Services and Maps Investment Services.

The Committee observed that no action has been taken since the two containers were reported lost/diverted.

MINUTE NO. 036/2006

EVIDENCE FROM THE OCPD, KILINDINI POLICE DIVISION

The OCPD, Kilindini Police Division, Mr. Stephen Munguti, appeared before the Joint Committee and gave evidence on the containers imported by the Artur brothers. He informed the Committee that four containers were brought to the police station by Customs officers. He also informed the Committee that no request was made to have the two containers escorted by police as required by law.

The Committee observed that the law was broken as the two containers were never escorted by the police.

MINUTE NO. 037/2006

**EVIDENCE FROM KENYA BUREAU OF
STANDARDS OFFICIALS**

The Assistant Officer in Charge, Kilindini Harbour, Mr. Bernad Nguyo and a Quality Inspector, Mr. Nicholas Nzesya, appeared before the Joint Committee and gave evidence on the containers imported by the Artur brothers. They informed the Committee that they inspect imported goods to check if they comply with the required standards. The Committee heard that they did not inspect any goods associated with the Artur brothers apart from the container that was stripped in the police station.

The Committee observed that Kenya Bureau of Standards was not involved in all times by other players in the clearing process leading to contra bands being released to the market.

MINUTE NO. 038/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at seven o'clock until Tuesday 11th July 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE TENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 13TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Kenneth Marende, MP
Hon. Zaddock Syong'o, MP
Hon. Omingo Magara, MP
Hon. Moses Cheboi, MP
Hon. Odhiambo Omamba, MP
Hon. Kipkalya Kones, MP

ABSENT WITH APOLOGY

Hon. Noah arap Too, MP
Hon. Njoki Ndung'u, MP
Hon. Bifwoli Wakoli, MP
Hon. Katoo ole Metito, MP
Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Macharia Mukiri, MP
Hon. Joseph Korir, MP
Hon. Gideon Ndambuki, MP
Hon. Musa Sirma, MP
Hon. Amina Abdalla, MP
Hon. Patrice Ivuti, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai	-	Senior Clerk Assistant
Ms. M. J. Chesire	-	Clerk Assistant
Mr. Zakayo Mogere	-	Clerk Assistant
Ms. Benedictus Rono	-	Parliamentary Intern
Ms. Dorcas Bungei	-	Parliamentary Intern

WITNESSES

Mrs. Barnice Wanjiku Gachegu-		Registrar General
Ms. Jane Njeri Joram	-	Senior Registrar, Head of Companies Section

Mr. Henry Ruhiu - Sheria House

Ms. Milka Aloo Ondiek - Sheria House

MINUTE NO. 039/2006 - **EVIDENCE FROM REGISTRAR**
GENERAL

Mrs. Barnice Wanjiku Gachegu, Registrar General accompanied by the following:-

Jane Njeri Joram - Senior Registrar, Head of Companies Section

Mr. Henry Ruhiu - Sheria House

Ms. Milka Aloo Ondiek - Sheria House, appeared before the Joint Committee to give evidence regarding the registration and Directors of Brother Link International Ltd, Kensington Holdings Ltd and M/S Express Procurement Services.

She informed the Committee as follows:

- i) That M/S Express Procurement Services Company Ltd was registered on 3rd November 1992 (Registration No. 51287) and that the file was lost. The Committee will be informed of the directors of the company as soon as the actual file is found.
- ii) That Brother Link International Ltd was registered 1st December 2005 (Registration No. 1209005) and its Directors are Artur Margaryan, Artur Sargasyan and Mohammed Zakor Oomer and all were listed as Kenyans.
- iii) That Kensington Holdings Ltd was registered under certificate of incorporation on 8th January 2006 after the first incorporation was registered on 13th February 2004.

Directors of the 1st Incorporated Kensington Company are Mr. Karim Gulanhusein Bhamji and Amirali Gulanhusein Bhamji.

Directors of the 2nd Incorporated Kensington Company are Mr. Artur Margaryan, Artur Sargasyan, Mr. Julius Maina Mwangi, Ms. Winfred Wangui Mwai, Alois Otieno Omita and Mr. Antony K. Macharia as Advocate and the company Secretary.

That during computerization of the Department some indexes (between 104209 and 110598) went missing and that this may have necessitated the registration of the two companies using the name Kensington.

The Committee instructed the Registrar General to appear before it on Tuesday 18th July 2006 to furnish the Committee on the following:

- i) Actual file and the type of business registered by M/S Express Procurement Services
- ii) Physical address of Brother Link International Ltd.

The Committee resolved to summon the following officers from

the Registrar General's office on Monday, 17th July, 2006 to give

evidence regarding the registration and issuance of certificate

of incorporation to Kensington Holdings.

Mr. S. N. Ndisya, Deputy Registrar

Mr. Henry Ruhiu,

Mr. Joseph Mwangi, and

Ms. Rachael Nyamori.

MINUTE NO. 40/2006 - SITE VISIT

The Committee visited the Inland Container Depot (ICD), Embakasi, to verify goods which were imported by Brother Link International. This was one of the containers that had been railed to ICD, Embakasi from Mombasa.

The following institutions were represented as follows:

Kenya Revenue Authority

Mr. Alex Kabuga - Manager, Inland Container Depot

Mr. Benson Chacha - Assistant Commissioner of Customs

Mr. Benson Kitur - Manager, Operations, KRA

Kenya Bureau of Standards

Ms. Jane Maina - Officer in Charge, ICD

Maple Freight Services

Mr. Felix Kimathi Mwarania (Director)

The goods had been declared as follows:

- assorted "14" colour TVs – 217 packages
- assorted DVD players 335 packages

After the goods in container No. PONU 8150208 were verified done *vis-à-vis* the declaration form the Committee observed that the goods were under declared as the actual verification was as follows:

- TV's =733
- DVD's =225 packages x 4 pieces each= 900pieces
- Gas Cookers= 195 pieces

Officer in charge of Kenya Bureau of Standards ICD office undertook to furnish the Committee with verification report on **the goods**.

MINUTE NO. 041/2006 **ADJOURNMENT**

There being no other business, the Co-Chairs adjourned the meeting at ten minutes past three o'clock until Friday 14th July 2006 at 10.00 a.m.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE ELEVENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY 14TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Zaddock Syong'o, MP
Hon. Moses Cheboi, MP
Hon. Omingo Magara, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Musa Sirma, MP
Hon. Kenneth Marende, MP
Hon. Odhiambo Omamba, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Gideon Ndambuki, MP
Hon. Noah arap Too, MP
Hon. Bifwoli Wakoli, MP
Hon. Patrice Ivuti, MP
Hon. Macharia Mukiri, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESSES

Mr. David Bosire	- Security Supervisor, JKIA
Mr. Stanley Mutungi	- General Manager, Security Services, KAA

MINUTE NO. 042/2006

**EVIDENCE FROM THE SECURITY SUPERVISOR,
JKIA**

The Security Supervisor Mr. David Bosire, based in JKIA, appeared before the Joint Committee and gave evidence on the press conference in JKIA by the Artur brothers. He informed the Committee that:-

- i. He was given an assignment by the duty officer Mr. Moses Wanyonyi to process passes for the press and Artur Margaryan.
- ii. Initial arrangements were being done a Mr. Julius Maina 'from State House' who later handed over to Mr. Alois Omita and Mr. Fred Ngatia.
- iii. He escorted Mr. Omita to the Deputy Managing Director's office where her secretary typed the press statement.
- iv. The Artur brothers were not in any flight and the whole idea of them arriving was stage managed.
- v. Mr. Omita asked Mr. Wanyonyi to open Gate 6 for the media to capture pictures of the Artur brothers 'arriving'.

The Committee observed that the use of the VIP Lounge was irregular.

MINUTE NO. 043/2006

**EVIDENCE FROM THE GENERAL MANAGER,
SECURITY SERVICES, KAA**

The General Manager in charge of Security Services, Kenya Airports Authority, appeared before the Joint Committee and gave evidence on the issuance of the Airport entry passes to the Artur brothers. He took the Committee through the process of issuing passes at the Airport and informed the Committee that:-

- i. The Deputy Managing Director approves the applications for passes which are then issued by the Passes Office.
- ii. The following are among persons issued with passes:-
 - a. Artur Margaryan Pass No. AS0101 on 10th February 2006.
 - b. Arman Sarkisyan Pass No. AS0194 on 8th June 2006.
 - c. Julius T. Lucas Pass No. AL1315 on 10th February 2006.
 - d. Shifana Alarakyia Pass No. AS0193 on 8th June 2006.
- iii. The above named persons did not have any business at the Airport to warrant issuance of airport passes.
- iv. The passes have since been cancelled together with those of others associated with the Artur brothers.
- v. He had received a telephone call from the Deputy Managing Director, Ms. Naomi Cidi to arrange a press conference for visitors who were coming from Dubai.
- vi. He did not attend the press conference nor bothered to inquire about it on that day.

The Committee instructed Mr. Mutungi to avail copies of application forms for passes by Mr. Omita, and Mr. J. Maina and also a copy of the report to the Managing Director on the incident.

MINUTE NO. 044/2006 **ADJOURNMENT**

The Co-Chairs adjourned the meeting at thirty minutes past one o'clock until Monday 17th July 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE TWELVETH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 17TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Kenneth Marende, MP
Hon. Joseph Korir, MP
Hon. Noah arap Too, MP
Hon. Zaddock Syong'o, MP
Hon. Moses Cheboi, MP
Hon. Omingo Magara, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Bifwoli Wakoli, MP
Hon. Patrice Ivuti, MP

ABSENT WITH APOLOGY

Hon. Daudi Mwanzia, MP
Hon. Kipkalya Kones, MP
Hon. Musa Sirma, MP
Hon. Gideon Ndambuki, MP
Hon. Odhiambo Omamba, MP
Hon. Macharia Mukiri, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

Ms. Mary J. Chesire
Mr. Zakayo Mogere
Ms. Benedictus Rono
Ms. Dorcas Bungei

NATIONAL ASSEMBLY

- Clerk Assistant
- Clerk Assistant
- Parliamentary Intern
- Parliamentary Intern

WITNESSES

Mr. Henry Ruhiu
Ms. Rachel Nyamori
Mr. Joseph Mwangi
Mr. S. N. Ndisya

REGISTRAR OF COMPANIES

- Senior Clerical Officer
- Senior State Counsel
- Clerical Officer
- Deputy Registrar of Companies.

MINUTE NO. 045/2006

EVIDENCE FROM THE SENIOR CLERICAL OFFICER

The Senior Clerical Officer, Mr. Henry Ruhiu appeared before the Joint Committee and gave evidence on the registration of companies associated with the Artur brothers. He informed the Committee that:-

- vi. He is in charge of reservations of business names and limited companies.
- vii. He searched for a company by name 'Kensington Holdings Ltd' and on finding none he signed for the registration of a company by that name.
- viii. He made an application upon request by one a Mr. Macharia, a lawyer by profession.
- ix. The advocate sent signed blank forms and he (Ruhiu) filled them.
- x. Indexes in the registry got lost and as such he missed to note that there was another company registered under the same name in 2004.
- xi. Details on the earlier Kensington were not captured in the computer.

MINUTE NO. 046/2006

EVIDENCE FROM OFFICERS OF THE REGISTRAR OF COMPANIES DEPARTMENT

The Senior State Council, Ms. Rachel Nyamori, Mr. Joseph Mwangi and the Deputy Registrar of Companies, Mr. S. Ndisya, appeared before the Joint Committee and gave evidence on the registration of companies associated with the Artur brothers. She informed the Committee that:-

- vii. It is common in their department to have duplication of company names.
- viii. Kensington Holdings Ltd was registered first on 13th February 2004 and again on 18th January 2006, while Brother Link International Ltd was registered on 1st December 2005.
- ix. She approved the registration of the 'second' Kensington Holdings Ltd and not Brother Link International Ltd.
- x. The registered offices are in LR.209/1212/ Koinange Street (Uniafric House) and LR.209/7155/ Bruce House, Standard Street for Kensington and Brother Link International Ltd respectively.
- xi. The application for Brother Link International Ltd was done by Maobe and Kiplangat Advocates and Mr. James Musee Nduna as the Company Secretary. The Directors Artur margaryan, Artur Sargsyan and Mohamed Zakir were listed as being Kenyans.
- xii. A letter was written on 5th April 2006 to the later Kensington asking them to change their name within six weeks or risk prosecution. However nothing has been done to date.

The Committee observed that the Memorandum and Articles of Association and the list of Directors in respect of Kensington Holdings Ltd were missing from the file. The Committee further observed that members of the public are not monitored when searching the files in the registry and that no member of the

MINUTES OF THE THIRTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 18TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Gideon Ndambuki, MP
Hon. Noah arap Too, MP
Hon. Kenneth Marende, MP
Hon. Moses Cheboi, MP
Hon. Omingo Magara, MP
Hon. Kipkalya Kones, MP
Hon. Zaddock Syong'o, MP
Hon. Musa Sirma, MP
Hon. Macharia Mukiri, MP

ABSENT WITH APOLOGY

Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Bifwoli Wakoli, MP
Hon. Patrice Ivuti, MP
Hon. Daudi Mwanzia, MP
Hon. Odhiambo Omamba, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

-

NATIONAL ASSEMBLY

Mr. Michael Sialai - Senior Clerk Assistant
Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Ms. Benedictus Rono - Parliamentary Intern
Ms. Dorcas Bungei - Parliamentary Intern

WITNESSES

- | | |
|-----------------------------|--|
| Ms. Judy Chepkor | - Secretary to the Deputy Managing Director, KAA |
| Ms. Barnice Wanjiku Gachegu | - Registrar General. |
| Ms. Jane N. Joram | - Senior Registrar, Head of Companies Section |
| Mr. Johnson Otieno Adero | - State Council, Registrar of Companies. |

MINUTE NO. 048/2006

EVIDENCE FROM THE SECRETARY TO THE DEPUTY MANAGING DIRECTOR, KAA.

The Secretary to the suspended Deputy Managing Director, KAA, Ms. Judy Chepkor, appeared before the Joint Committee and gave evidence on the operations of the Artur brothers in the Airport. She informed the Committee that:-

- xii. In February 2006 Artur Margaryan, Julius Maina and a lady visited their office and she was later asked to escort them to the Passes Office.
- xiii. In March she met Mr. Omita in the lift who requested to print some documents in her office. She declined but her boss intervened and he was allowed to print from a diskette. She does not know the contents of the documents printed.
- xiv. On 8th June 2006 she was asked to escort two persons (Arman and Shevan) to the passes office where Mr. Mutai issued them with passes.
- xv. She is not aware of the friendship between her boss and Mary Wambui and her daughter Winnie Wangui.

MINUTE NO. 049/2006

EVIDENCE FROM THE REGISTRAR GENERAL

The Registrar General, Ms. Barnice Gachegu, accompanied by Ms. Jane N. Joram the Senior Registrar, Head of Companies Section and Mr. Johnson Otieno Adero a State Council in the Department appeared before the Joint Committee and gave evidence on the registration of companies associated with the Artur brothers. They informed the Committee that:-

- xiii. The file of Express Procurement Services Ltd is missing from the registry.
- xiv. The computer database on the company shows that it was incorporated on 3rd November 1992 under registration No. C.51287 with its registered office being in LR209/549, Chiromo Road, Nairobi.
- xv. The nominal share capital of the company is Kshs.100,000 divided into 1,000 shares of Kshs.100 each.
- xvi. The computer data relating to this company does not include particulars of directors and the Company Secretary as should be the case.

- xvii. Cases of missing files are common in the registry as files are filed along the corridors and anyone can access them without being noticed especially when the specific files have issues like court cases.

The Committee instructed the Registrar to look for the missing information in relation to the three companies associated with the Artur brothers and send the information in writing to the Committee.

MINUTE NO. 050/2006 **ADJOURNMENT**

The Co-Chairs adjourned the meeting at forty minutes past twelve o'clock until Thursday 20th July 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE FOURTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 24TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Amina Abdalla, MP
Hon. Moses Cheboi, MP
Hon. Musa Sirma, MP
Hon. Odhiambo Omamba, MP
Hon. Daudi Mwanzia, MP
Hon. Patrice Ivuti, MP
Hon. Zaddock Syong'o, MP
Hon. Bifwoli Wakoli, MP
Hon. Joseph Korir, MP

ABSENT WITH APOLOGY

Hon. Paul Muite, MP - **Co-Chair**
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Njoki Ndung'u, MP
Hon. Omingo Magara, MP
Hon. Kipkalya Kones, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Macharia Mukiri, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

-

NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Mr. Bonnie Mathooko	- Research Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESS

Mr. Edward Mutai - Security Warden, KAA

MINUTE NO. 051/2006

EVIDENCE FROM THE SECURITY WARDEN, KAA.

The Security Warden with the Kenya Airports Authority, Mr. Edward Mutai, appeared before the Joint Committee and gave evidence on the issuance of airport Security Passes to the Artur brothers. He informed the Committee that:-

- i. He reports to the General Manager, Security Services but on the issuance of Passes, he reports to the Deputy Managing Director who is the approving authority.
- ii. On 10th February 2006 he received a telephone call from the Deputy Managing Director, Naomi Cidi, informing him that she was sending two people to be issued with Passes.
- iii. The two (Artur Margaryan and Julius T. Lucas) were escorted by the Secretary to the Deputy Managing Director and a Mr. Julius Maina. They were issued with application forms and their pictures taken.
- iv. The Deputy Managing Director called and instructed that they be issued with Passes to all airports.
- v. The Passes were given under Kensington Holdings Ltd.
- vi. The Deputy Managing Director instructed that the application forms be given to the applicants who will take them to her office. However, the forms were never brought back to the Passes office for filing as required.
- vii. He only carried out instructions from the Deputy Managing Director and did not bother to check whether the applicants were Kenyans or not.

The Committee observed that the normal procedure was not followed in the issuance of airport security passes to the people associated with the Artur brothers.

MINUTE NO. 052/2006

ADJOURNMENT

The Co-Chair adjourned the meeting at thirty five minutes past eleven o'clock until Thursday 27th July 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE FIFTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY 27TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Noah arap Too, MP
Hon. Patrice Ivuti, MP
Hon. Amina Abdalla, MP
Hon. Njoki Ndung'u, MP
Hon. Odhiambo Omamba, MP

ABSENT WITH APOLOGY

Hon. Zaddock Syong'o, MP
Hon. Moses Cheboi, MP
Hon. Musa Sirma, MP
Hon. Daudi Mwanzia, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Bifwoli Wakoli, MP
Hon. Joseph Korir, MP
Hon. Omingo Magara, MP
Hon. Kipkalya Kones, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Macharia Mukiri, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

- NATIONAL ASSEMBLY

Mr. Michael Sialai	- Senior Clerk Assistant
Ms. Mary J. Chesire	- Clerk Assistant
Mr. Zakayo Mogere	- Clerk Assistant
Ms. Benedictus Rono	- Parliamentary Intern
Ms. Dorcas Bungei	- Parliamentary Intern

WITNESSES

Mr. Nicodemus Musyoka Ndalana	- Principal Intelligence Officer, NSIS
Mrs. Agnes Shikuku	- Principal Intelligence Officer, NSIS

Mr. Naphtaly K. Rono	- Senior Intelligence Analyst, NSIS
Mr. Eliud Mafubo	- Senior Intelligence Officer, NSIS
Mr. Ibrahim Sheikh Khanyane	- Director, Akarim Agencies Ltd
Mr. Jackson Omwenga	- Advocate
Mr. Naphtali Sawe Oseko	- Security Warden, KAA
Mr. Kennedy Muema	- Head of Nairobi Hub, Kenya Airways

MINUTE NO. 054/2006

EVIDENCE FROM THE NATIONAL SECURITY INTELLIGENCE SERVICE (NSIS)

The Principal Intelligence Officer, Mr. Nicodemus Ndalana, accompanied by Mrs. Agnes Shikuku a Principal Intelligence Officer, Mr. Naphtaly Rono a Senior Intelligence Analyst and Mr. Eliud Mafubo a Senior Intelligence Officer appeared before the Joint Committee and gave evidence on the clearance of the Artur brothers. He informed the Committee that:-

- i. NSIS received a request from the Immigration Department on 18th January 2006 to do Security Check Index on 3 foreigners who had applied for Entry Permits.
- ii. They checked the 3 names and their particulars in their electronic database and cleared them on 19th January 2006.
- iii. Their attention on the Artur brothers was first drawn to them in mid-February 2006 when they were informed that the two were installing CCTV cameras in their hotel room in Grand Regency Hotel.
- iv. They started to collect information on them and linked them to drug dealers.
- v. On 26th April 2006, the National Security Intelligence Advisory Committee chaired by Amb. Francis Muthaura, was advised to have the Artur brothers deported as they were likely to lower the country's image with their activities. Those who attended the meeting were the Director General, NSIS, the Commissioner of Police, the Chief of General Staff, the Attorney General, the Permanent Secretary, Internal Security and the Permanent Secretary, Foreign Affairs.
- vi. They did not associate the two with the raid on the Standard Group.
- vii. After their deportation, it has been established that the two first went to United Arab Emirates in 1991 using Armenian Passports under the names Andrei Priluskiy and Artur Sargasyan.
- viii. In 1994, the two were deported from United Arab Emirates for allegedly bribing a Customs Officer.
- ix. On diverse dates, they re-entered the United Arab Emirates as Russian citizens using the names Arthur Gevorkiyian Passport no. 7610149 and Artus Argasyan alias 'Andrei Priluskiy' Passport no. 7610126 for Artur Margaryan and Artur Sargasyan respectively.
- x. The two did not establish any businesses in Dubai.
- xi. The contact person for the two in Kenya was a prominent businessman Mr. Raju Sanghan

The Committee observed that the Russian passport no.7610149 used by Artur Margaryan to enter Dubai as Arthur Gevorkiyan was the same Passport that was used to deport him from Kenya. At the same time one of the 3 passengers who caused the fracas at the airport on 8th June 2006 had been traveling to Kenya using the same name and Passport number.

The Committee asked the NSIS Officers to collect intelligence information on how the Artur brothers were issued with Police Identification Cards, Kenyan Passports and any information on the 3 passengers that were the subject of the fracas in the Airport.

MINUTE NO. 055/2006

EVIDENCE FROM THE DIRECTOR, AKARIM AGENCIES LTD

The Director of Akarim Agencies Ltd, Mr. Ibrahim Khanyane, accompanied by his lawyer, Mr. Jackson Omwenga, appeared before the Joint Committee and gave evidence on the issuance of air tickets that were used to deport the Artur brothers and their associates. He informed the Committee that:-

- i. The four business class tickets were bought on 9th June 2006 at about 3.00 pm and paid for in cash (Kshs.495,100).
- ii. The customer dealt with the front office only and never gave any contacts.
- iii. He knew that the tickets were for the deportees.
- iv. The Immigration Department had called to inquire about one-way economy class tickets which later were not sold to them.

The Committee instructed the Director to get more information on the transaction and appear with the two front office staff who handled the transaction, at a date to be communicated.

MINUTE NO. 056/2006

EVIDENCE FROM A SECURITY WARDEN, KAA

A Security Warden with Kenya Airports Authority, Mr.Naphtali Oseko, appeared before the Joint Committee and gave evidence on the issuance of air port Passes to the Artur brothers and their associates. He informed the Committee that:-

- i. On 10th February 2006 he had taken application forms to Mr. Edward Mutai's office when he saw 3 people in the office who were demanding to be issued with 'All Airports' Passes. One of the persons called the Deputy Managing Director on her cellphone and asked Mr. Mutai to speak to her. After the telephone conversation, Mr. Mutai issued two Passes which were entered as Artur M.N. Director-Pass No. AS 0101 and Julius T. Lucas-Security Chief-Pass No. AL 1315 both under Kensington Holdings Ltd.

- ii. On 8th June 2006 the Deputy Managing Director's secretary brought 2 people who were sent by the Deputy Managing Director to be issued with Passes. Mr. Mutai attended to them and issued two passes in the names Shifana Alarakyia –GM-Pass No. AS 0193 and Arman Sarkissyan – MD-Pass No. AS 0194 both under Brotherlink International Ltd.

MINUTE NO. 057/2006

EVIDENCE FROM KENYA AIRWAYS

The Head of Nairobi Hub (Ground Services) of Kenya Airways, Mr. Kennedy Muema, appeared before the Joint Committee and gave evidence on the deportation of the Artur brothers and their associates. He informed the Committee that:-

- i. On 9th June 2006 at around 4.30 pm, a Police Officer, Mr. Mwambia and Mr. John Cheruiyot of Immigration Department went to his office and informed him that 4 persons were to be deported that evening using Kenya Airways Flight KQ 310 to Dubai.
- ii. He plucked the return coupons of the tickets as required by law.
- iii. He processed boarding passes without seeing deportation orders and put comments in the system showing that the 4 were deportees and provided for a security officer to travel incognito.
- iv. Faxes of Declarations prohibiting the 4 as unwanted immigrants came in at 7.03 pm.
- v. The names in the tickets were not tallying with the names in their Passports and the declarations prohibiting them.
- vi. In deportation cases valid visas are not a requirement.

The Committee observed that the security officer, a Mr. Wanyonyi, who accompanied the deportees has not briefed the Airline on what happened when the flight landed in Dubai.

MINUTE NO. 058/2006

ADJOURNMENT

The Co-Chair adjourned the meeting at ten minutes past two o'clock until Friday 4th August 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 4th August, 2006

MINUTES OF THE SIXTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY 4TH AUGUST 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Daudi Mwanzia, MP
Hon. Njoki Ndung'u, MP
Hon. Joseph Korir, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Patrice Ivuti, MP
Hon. Noah arap Too, MP
Hon. Odhiambo Omamba, MP
Hon. Zaddock Syong'o, MP
Hon. Moses Cheboi, MP
Hon. Musa Sirma, MP
Hon. Kenneth Marende, MP
Hon. Bifwoli Wakoli, MP
Hon. Omingo Magara, MP
Hon. Kipkalya Kones, MP
Hon. Katoo ole Metito, MP
Hon. Alfred Nderitu, MP
Hon. Macharia Mukiri, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern
Ms. Muthoni Waihenya - Parliamentary Intern

MINUTE NO. 059/2006

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of minutes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and, fifteenth sittings were deferred to the next sitting.

MINUTE NO. 060/2006

THE WAY FORWARD ON THE ARMENIAN ISSUE

The Committee was informed that the Motion to have the Committees' hearings held in public had been dismissed by the House Business Committee. The Members were of the opinion that once the Speaker has approved a motion, the role of the House Business Committee is to allocate time and not to discuss the motion. Members were also of the opinion that the Motion is a procedural one and the Leader of Government Business was obligated to move it and resolved that the Motion should be moved to the floor of the House when Parliament resumes in October.

The Committee noted with concern that the 'Kiruki Commission' had failed to summon or compel the attendance of key witnesses to the inquiry. The Committee then resolved to summon all persons who can help to unravel this mystery including the taking of evidence from the Artur brothers. Consequently, the Secretariat was instructed to write to the Kenyan Ambassador to the United Arab Emirates to have the Artur brothers confirm in writing that they would be willing to give evidence to the Committee if Members were to travel to Abu Dhabi.

The Committee resolved to finish with 'minor' witnesses in a few sittings, after which it would adjourn until when the House resumes. The Members then resolved to issue a press statement on Tuesday 15th August 2006 to inform the public why the Committee is adjourning.

MINUTE NO. 061/2006

ADJOURNMENT

The Co-Chair adjourned the meeting at eleven o'clock until Tuesday 15th August 2006.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 17th September, 2007

MINUTES OF THE SEVENTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 15TH AUGUST 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 12:00 P.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Njoki Ndung'u, MP
Hon. Joseph Korir, MP
Hon. Amina Abdalla, MP
Hon. Odhiambo Omamba, MP
Hon. Gideon Ndambuki, MP
Hon. Patrice Ivuti, MP
Hon. Kenneth Marende, MP
Hon. Omingo Magara, MP
Hon. Katoo ole Metito, MP

ABSENT WITH APOLOGY

Hon. Noah arap Too, MP
Hon. Daudi Mwanzia, MP
Hon. Zaddock Syong'o, MP
Hon. Moses Cheboi, MP
Hon. Musa Sirma, MP
Hon. Bifwoli Wakoli, MP
Hon. Kipkalya Kones, MP
Hon. Alfred Nderitu, MP
Hon. Macharia Mukiri, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern
Ms. Muthoni Waihenya - Parliamentary Intern

MINUTE NO. 062/2006

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of minutes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sittings were deferred to the next sitting.

MINUTE NO. 063/2006

ANY OTHER BUSINESS

It was resolved that the Joint Committee Sessions be adjourned until Parliament reconvenes in October to await its decision on the Motion to have hearings of the Committees in public. This resolution was also reached due to the fact that most Members would not be present as their Committees will be making foreign visits. Members also resolved to hold a press conference to inform Kenyans of the decision to adjourn the Joint Sessions.

Members of the Committee on Administration, National Security and Local Authorities pledged to support the Committee on Administration of Justice and Legal Affairs on the issue of minimum constitutional reforms.

MINUTE NO. 064/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at one o'clock.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 17th September, 2007

MINUTES OF THE EIGHTEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 31ST OCTOBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Moses Cheboi, MP
Hon. Odhiambo Omamba, MP

ABSENT WITH APOLOGY

Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP
Hon. Patrice Ivuti, MP
Hon. Kenneth Marende, MP
Hon. Omingo Magara, MP
Hon. Katoo ole Metito, MP
Hon. Noah arap Too, MP
Hon. Daudi Mwanzia, MP
Hon. Zaddock Syong'o, MP
Hon. Musa Sirma, MP
Hon. Bifwoli Wakoli, MP
Hon. Kipkalya Kones, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern

MINUTE NO. 065/2006

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of minutes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sittings were deferred to the next sitting.

MINUTE NO. 066/2006

THE WAY FORWARD ON INVESTIGATIONS BY THE COMMITTEE

Members deliberated on the way forward in investigations into the conduct of the 'Artur Brothers' and their associates. The Speaker had informed the Committee that he does not have powers to force the House Business Committee to allot time for the Committee's Motion seeking the approval of the House to hold its sittings in public.

Members resolved to resume hearing of evidence from witnesses in camera as provided in the Standing Orders. Members also resolved to hold sessions every Monday (afternoon), Tuesday, Thursday and Friday mornings starting Friday 10th November 2006.

MINUTE NO. 067/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at forty five minutes past ten o'clock until Friday 10th November 2006 at 10:00 am.

**Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)**

**Signed: Hon. Paul Muite, MP
(Co-Chair)**

Date: 20th September, 2007

MINUTES OF THE NINETEENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 14TH NOVEMBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Odhiambo Omamba, MP
Hon. Patrice Ivuti, MP
Hon. Katoo ole Metito, MP
Hon. Daudi Mwanzia, MP
Hon. Bifwoli Wakoli, MP
Hon. Alfred Nderitu, MP

ABSENT WITH APOLOGY

Hon. Njoki Ndung'u, MP
Hon. Moses Cheboi, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Omingo Magara, MP
Hon. Noah arap Too, MP
Hon. Zaddock Syong'o, MP
Hon. Musa Sirma, MP
Hon. Kipkalya Kones, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

- NATIONAL ASSEMBLY

Mr. Michael Sialai - Senior Clerk Assistant
Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern
Mr. Kevin Majuek - Parliamentary Intern

MINUTE NO. 068/2006

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of minutes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth seventeenth and eighteenth sittings were deferred to the next sitting.

MINUTE NO. 069/2006

EVIDENCE FROM THE DIRECTOR OF OPERATIONS, POLICE HEADQUARTERS, THE NAIROBI P.C.I.O AND THE O.C.P.D GIGIRI

The Director of Operations at Police Headquarters, Mr. David Kimaiyo, the Nairobi Provincial Criminal Investigation Officer, Mr. Isaiah Osugo and the Officer Commanding Police Division Gigiri, Mr. Patrick Lumumba who had been summoned to give evidence before the Committee did not turn up even though the summons had been duly delivered to them.

Members expressed concern that the failure to appear undermines the authority and dignity of Parliament as an institution.

Members resolved to petition the Speaker to ask the Attorney General to take action by prosecuting the said witnesses in accordance with Section 23 of the National Assembly (Powers and Privileges) Act Cap.6 of the Laws of Kenya for disobeying the summons of the Committee.

Members also resolved to have summons issued to the Commissioner General of Kenya Revenue Authority, Mr. Michael Waweru and the Managing Director of Kenya Airport Authority, Mr. George Muhoho to appear before the Committee on Monday 20th November, 2006 at 10.00 am.

MINUTE NO. 070/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at forty five minutes past ten o'clock until Monday 20th November, 2006 at 10:00 am.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTIETH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 20TH NOVEMBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Moses Cheboi, MP - **Acting Chairman**
Hon. Jim Choge, MP
Hon. Patrice Ivuti, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Macharia Mukiri, MP
Hon. Odhiambo Omamba, MP
Hon. Katoo ole Metito, MP
Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Bifwoli Wakoli, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Omingo Magara, MP
Hon. Noah arap Too, MP
Hon. Zaddock Syong'o, MP
Hon. Musa Sirma, MP
Hon. Kipkalya Kones, MP
Hon. Abdalla Ngozi, MP

IN-ATTENDANCE - KENYA REVENUE AUTHORITY (KRA)

Mr. Mumo Matemu - Commissioner, Support Services, KRA

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai - Senior Clerk Assistant
Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant

MINUTE NO. 071/2006

**EVIDENCE FROM THE COMMISSIONER GENERAL,
KENYA REVENUE AUTHORITY AND THE MANAGING
DIRECTOR, KENYA AIRPORTS AUTHORITY**

The Committee was informed that summons had been served to the Commissioner General of Kenya Revenue Authority, Mr. Michael Waweru and the Managing Director of Kenya Airports Authority, Mr. George Muhoho.

Commissioner Matemu in charge of Support Services in KRA informed the Committee that the Commissioner General was out of the country on official business and unable to appear before the Committee. The Managing Director of Kenya Airports Authority was reportedly out of Nairobi for official engagements.

The Committee resolved to have fresh summons issued to the Commissioner General of Kenya Revenue Authority, Mr. Michael Waweru and the Managing Director of Kenya Airports Authority, Mr. George Muhoho to appear before the Committee on Monday 27th November, 2006 at 2.00 p.m.

Members were informed that as instructed by the Committee, a letter had been sent to the Attorney General asking him to consider instituting prosecution to the Director of Operations at Police Headquarters, Mr. David Kimaiyo, the Nairobi Provincial Criminal Investigation Officer, Mr. Isaiah Osugo and the Officer Commanding Police Division Gigiri, Mr. Patrick Lumumba for disobeying summons issued by the Committee.

MINUTE NO. 072/2006

ADJOURNMENT

The Co-Chairs adjourned the meeting at forty minutes past ten o'clock until Monday 27th November, 2006 at 2:00 p.m.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTY FIRST SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 21ST NOVEMBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Bifwoli Wakoli, MP
Hon. Jim Choge, MP
Hon. Macharia Mukiri, MP
Hon. Noah arap Too, MP
Hon. Musa Sirma, MP
Hon. Moses Cheboi, MP
Hon. Joseph Korir, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Odhiambo Omamba, MP
Hon. Daudi Mwanzia, MP
Hon. Patrice Ivuti, MP
Hon. Alfred Nderitu, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Omingo Magara, MP
Hon. Zaddock Syong'o, MP
Hon. Kipkalya Kones, MP
Hon. Abdalla Ngozi, MP

IN-ATTENDANCE

- NATIONAL ASSEMBLY

Mr. Michael Sialai - Senior Clerk Assistant
Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern

WITNESS

Mr. Richard Ombwayo Nerima - Former driver to Mr. Raju Sanghani, the Executive Chairman, Real Management Services (2002) Ltd.

MINUTE NO. 073/2006 EVIDENCE FROM MR. RICHARD NERIMA

The former driver to Mr. Raju Sanghani, Mr. Richard Nerima appeared before the Joint Committee and gave evidence on the activities of the Artur Brothers. He informed the Committee that:-

- i) He was enrolled in the police force in 26th November 1986 (Force No.53135). He later worked as traffic police officer until January 24, 2003 when he was sacked on allegations of corruption. He appealed to the Commissioner of police but this did not yield any fruits. He later moved to court.
- ii) On 15th September 2005 he got a job as a driver with Real Management Services (2002) Ltd, where he was seconded as driver to the Company's Executive Chairman, Mr. Raju Sanghani. He resigned on 6th November 2006.
- iii) One day in November 2005, he was instructed by Mr. Sanghani to pick 4 visitors from the Grand Regency Hotel and show them around Nairobi using a Mercedes Benz registration number KAP 300R. The following day he took them for a dinner in Mr. Ali Noor's residence in Highridge using Bhaktash Akatsha's car registration number KAH 980 M.
- iv) He was at their service for about a week taking them to places including Nakumatt Junction, Karen and Bhaktash's residence (No.80 General Mathenge Road). When they came back, they stayed in the Presidential Suite, 3rd floor, Grand Regency Hotel.
- v) Among the frequent visitors at the Hotel were Ms. Winnie Wangui and Mr. Joseph Kamau (former CID Director).
- vi) They held numerous meetings with Mr. Sanghani and Ms. Mary Wambui at various venues including the Grand Regency, Smokies (Highridge) Spice Roots (Parklands) and Acapulco (Muthithi Road). Ms. Wambui used to send Mr. Aloise Omita her Personal Assistant to attend the meetings.
- vii) At some point they started using vehicles belonging to Ms. Wambui such as KAQ 010W a white Toyota Lexus which they used to mount a different number plate (KAU 383 Y). The vehicles were being driven by a Mr. Kinyua and Mr. Gideon Kirimi both of Presidential Escort attached to Ms. Wambui.
- viii) Ms. Wambui identified a house for them to buy/let in Lavingtone near the Cuban Embassy but they declined as it was 'too open'. Mr. Sanghani then identified one in Runda which they eventually rented.

- ix) At their Runda residence they used to hold parties with Winfred Wangui, Raju Sanghani and Joseph Kamau attending (Driving a VW Passat KAT 220H).
- x) One day they went to State House to meet the President who they missed but were asked to do so the following day. They were taken by Mr. Kinyua and Gideon Kirimi who confided in him that they actually met with the President.
- xi) After seeing the president they were to go to Uganda, Mr. Stanley Murage and the Presidential Escort Commander were to organize the processing of their passports.
- xii) They had met with Hon. John Michuki at the Windsor Golf and Country Club where they were taken by Mr. Sanghani.
- xiii) They were also introduced to Hon. Kalonzo Musyoka one morning after the referendum in Serena Hotel where Hon. Kalonzo gave them an appointment at the Grand Regency Hotel for the following day. Hon. Kalonzo was to help them with contacts in the region being a former Foreign Affairs Minister.
- xiv) One Sunday morning, the Artur Brothers went to Mr. Sanghani's residence with a vehicle with no number plate and Mr. Nerima was directed to have the number plate attached to the vehicle (GK A333H). They left with this vehicle but in the evening they came back with another one GK A222H Subaru white.
- xv) One day in Twiga Towers fifth floor in Mr. Sanghani's office the Artur Brothers, 2 Tanzanians and Ms. Shirvana were taken photographs by a Mr. George of the 'Scenes of Crime' at the CID Headquarters. On the eve of the Standard and KTN raid George brought certificates of police appointing the Artur Brothers as Deputy Commissioners of Police, Ms. Shirvana as a Chief Inspector and the Tanzanians as Police Corporals.
- xvi) He had witnessed the purchase of forty (40) reflector jackets (from a shop in Kijabe Street), twenty (20) wireless radios (Nakumatt) and mask caps (Kimathi Street).
- xvii) On the day of the raid at 6:00pm he was directed by Mr. Sanghani to take the Brothers and their friends to I & M Building. Thereafter they were taken to Likoni Road by Mr. Kirimi using the KAQ 010W Toyota Lexus. In the very evening they also requested to be assisted with a pick up KAP 848Z with empty cartons.

- xviii) The following morning he was told to go and bring back the pick up from the brothers' Runda house. He heard that Standard and KTN had been raided. The computers were taken to Mr. Sanghani's office where they checked for some information.
- xix) He took them to Jomo Kenyatta International Airport where they held a press conference claiming to have arrived from Dubai.
- xx) He was at the Airport with a pick-up belonging to Mr. Daudi Nijub (an associate of Mr. Sanghani) on the day of the fracas. He had gone to pick their luggage.
- xxi) They are currently based in Singapore. They are in touch with Mr. Sanghani and that between 1st and 6th November 2006, one of them (Artur Margaryan) could have been in the country and may have met with Mr. Sanghani.
- xxii) Mr. Sanghani had paid to save their household items from auctioneers in August 2006.
- xxiii) He believes that Ms. Wambui interfered with his case challenging his dismissal. Mr. Kirimi called and asked for the case number. After a lot of frustrations, he was awarded Kshs. 38,748 as damages.

The Committee noted that the information given by the witness is sensitive and owing to his previous assignments, Members resolved that it is necessary that he is provided with personal security.

The Committee also noted that Mr. Nerima's dismissal from the police force was irregular he was NOT issued with a dismissal letter, certificate of discharge, Gate clearance certificate, Government liability certificate and above all he has his certificate of appointment.

MINUTE NO. 074/2006 ADJOURNMENT

The Co-Chair adjourned the meeting at fifty five minutes past twelve o'clock until Monday 27th November, 2006 at 2:00 p.m.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTY SECOND SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 27TH NOVEMBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 2:00 PM

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Patrice Ivuti, MP
Hon. Njoki Ndung'u, MP
Hon. Omingo Magara, MP
Hon. Jim Choge, MP
Hon. Amina Abdalla, MP
Hon. Moses Cheboi, MP
Hon. Bifwoli Wakoli, MP
Hon. Macharia Mukiri, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Joseph Korir, MP
Hon. Odhiambo Omamba, MP
Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Noah arap Too, MP
Hon. Zaddock Syong'o, MP
Hon. Musa Sirma, MP
Hon. Kipkalya Kones, MP
Hon. Abdalla Ngozi, MP

IN-ATTENDANCE

Mr. Michael Sialai
Ms. Mary J. Chesire
Mr. Zakayo Mogere
Mr. Christopher Gitonga

NATIONAL ASSEMBLY

- Senior Clerk Assistant
- Clerk Assistant
- Clerk Assistant
- Parliamentary Intern

WITNESSES

Mr. Michael Waweru - Commissioner General, KRA
Mr. Fidelis Mulei - Ag. Senior Deputy Commissioner, Domestic Revenue
Mr. Julius Musyoki - Ag. Deputy Commissioner, Customs Department
Mr. David M. Malla - Assistant Commissioner, Domestic Tax Department

Mr. Bernard M. Mukenye - Assistant Revenue Officer, Domestic Tax
Mr. George Muhoho - Managing Director, Kenya Airports Authority
Mr. Stanley Mutungi - General Manager, Security Services, KAA
Mr. Dominic Ngigi - Communication Manager, KAA.

**MINUTE NO. 075/2006 EVIDENCE FROM THE COMMISSIONER GENERAL,
KENYA REVENUE AUTHORITY.**

The Commissioner General of KRA, Mr. Michael Waweru, accompanied by the following officers appeared before the Joint Committee and gave evidence on the containers imported by the Artur brothers.

- i. Mr. Fidelis Mulei - Ag. Senior Deputy Commissioner, Domestic Revenue
- ii. Mr. Julius Musyoki - Ag. Deputy Commissioner, Customs Department
- iii. Mr. David M. Malla - Assistant Commissioner, Domestic Tax Department
- iv. Mr. Bernard M. Mukenye - Assistant Revenue Officer, Domestic Tax

They informed the Committee that:-

- iii. The two companies associated with the Artur brothers imported the following 7 containers through the port of Mombasa:-
 - a) Container No.TGHU 4763604 which arrived on 6th march 2006 with refrigerators and Hi-Fi systems. This was released on payment of tax of Kshs.174, 956 while upon verification, it was found out that the tax liability was Kshs.1.9 million.
 - b) Container No.GLDU 0621627 which arrived on 26th May 2006 with assorted electrical goods. This was fully verified and found to have an under declaration of Kshs. 3 million. The license of the Clearing and Forwarding agent has been suspended.
 - c) Container No.PONU 8150208 which arrived on 2nd June 2006 with 14" colour television sets and DVD players. This was seized in Nairobi and deposited in ICD. It is pending processing.
 - d) Container No.CLHU 8544548 which arrived on 4th April 2006 with radio cassettes, microwaves, tape recorders, iron boxes, Chinese blankets and black and white television sets. This was destined to a godown operated by Rapid Kate Services in Nairobi but they never reached there.
 - e) Container No.FSCU 6078480 which arrived on 4th April 2006 with radio cassettes, microwaves, tape recorders, iron boxes, Chinese blankets and black and white television sets. This was destined to a godown operated by Rapid Kate Services in Nairobi but they never reached there.
 - f) Container No.PONU 7613885 which arrived on 2nd June 2006 with 14" colour television sets and DVD players. This was seized in deposited with Kilindini Port Police awaiting verification.
 - g) Container No.PONU 8014480 which arrived on 4th June 2006 with 1115 packages of assorted electronic goods. This was deposited with the port police awaiting a claimant.

- iv. Three clearing companies were used. They are marketing Bureau Services Ltd, Maple Freight Services and Maps Investment Services.
- v. The two containers No. CLHU 8544548 and FSCU 6078480 that were diverted were not escorted by police as required. KRA relied on the security bond that was deposited.
- vi. The godown where the goods were off loaded is in Alfa Centre along Mombasa Road.
- vii. The normal application procedures for VAT and PIN numbers for the companies were followed.

The Committee noted that the godown in Alfa Centre along Mombasa Road is owned by Real Management Services (2002) Ltd which is associated with Mr. Raju Shangani.

The Committee directed the witness to forward the documents in relation to the VAT and PIN application by Kensington holdings Ltd which was owned by "Artur Brothers".

**MINUTE NO. 076/2006 EVIDENCE FROM THE MANAGING DIRECTOR,
KENYA AIRPORTS AUTHORITY**

The Managing Director, Kenya Airports Authority, Mr. George Muhoho accompanied by the General Manager in charge of Security Services, Mr. Stanley Mutungi and Mr. Dominic Ngigi, the Communications Manager, appeared before the Joint Committee and gave evidence on the issuance of the Airport entry passes to the Artur brothers. He took the Committee through the process of issuing passes at the Airport and informed the Committee that:-

- i) The two Artur Brothers together with Mr. Alois Omita and Julius Maina were issued with passes to all areas.
- ii) The Deputy Managing Director was in charge of the issuance of airport passes. He had given his deputy the mandate to sign the passes.
- iii) According to Mr. Mutai, who processed the passes, the Artur Brothers and their associates never filled application forms for the passes.
- iv) He was informed that a protocol officer from the Ministry of Foreign Affairs was involved in the arrangement of a press conference.
- v) He had formed a committee of 4 people to scrutinize the passes issued. The Committee comprised of the Deputy Managing Director KAA, the Airport manager JKIA, the Manager Security Services, KAA and an officer from NSIS. This Committee brought down the number of valid passes from 13000 to 8600.
- vi) He did not ask his deputy (Naomi Cidi) to implicate Ms. Mary Wambui and her daughter as alleged by Ms. Cidi.
- vii) An airport pass does not absolve one from security checks in the airport.
- viii) The police found it prudent to let the Artur Brothers leave the Airport and be arrested later so as not to tarnish the name of the airport.

The Committee noted that the Managing Director never issued instructions to his deputy in writing as required by Legal Notice No. 231 of 1986.

The Managing Director tabled the Kenya Airports Authority Security Division Management and Policy Guidelines; and an Incident Report on 8th June 2006 by a Mr. Justus Kabaka to the General Manager in charge of security services.

MINUTE NO. 077/2006 **ADJOURNMENT**

The Co-Chairs adjourned the meeting at forty minutes past ten o'clock until Monday 4th December, 2006 at 2:00 p.m.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTY THIRD SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 4TH DECEMBER 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 2:00 PM

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Patrice Ivuti, MP
Hon. Zaddock Syong'o, MP
Hon. Kenneth Marende, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Bifwoli Wakoli, MP
Hon. Kipkalya Kones, MP
Hon. Joseph Korir, MP
Hon. Daudi Mwanzia, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Omingo Magara, MP
Hon. Odhiambo Omamba, MP
Hon. Moses Cheboi, MP
Hon. Macharia Mukiri, MP
Hon. Alfred Nderitu, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Noah arap Too, MP
Hon. Musa Sirma, MP
Hon. Abdalla Ngozi, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Christopher Gitonga - Parliamentary Intern

MINUTE NO. 078/2006 MEETING WITH THE ATTORNEY GENERAL

Members were informed that the Attorney General had written informing the Committee of his unavailability to attend the Session.

The Co-Chair informed the Committee that he had a discussion with the Attorney General who advised him that the Committee can undertake private prosecution

of the police officers who refused to appear before the Committee. The Attorney General also reportedly promised to take the matter with Minister in the Office of the President in charge of security and the Commissioner of Police. Further, the Committee heard that the Attorney General had promised not to oppose the prosecution in case the Committee institutes such prosecution. However, the Committee resolved to request him to confirm the same in writing.

The Committee also resolved to request Hon. Mutula Kilonzo to spearhead the prosecution as procurement services in the National Assembly will take time. Hon. Z. Syong'oh was asked to follow up the matter with the Clerk.

MINUTE NO. 079/2006 ANY OTHER BUSINESS

The Committee resolved to summon the following witnesses to appear as from 13th December 2006:-

- 1) Mr. Baktash Akatsha.
- 2) Mr. Julius Maina
- 3) Mr. Alois Omita
- 4) The Registrar of Motor Vehicles
- 5) The landlord of the Runda residence of the Artur Brothers
- 6) The House keeper of the Runda residence.

MINUTE NO. 080/2006 ADJOURNMENT

The Co-Chair adjourned the meeting at fifty minutes past two o'clock until Wednesday 13th November, 2006 at 10:00 a.m.

**Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)**

**Signed: Hon. Paul Muite, MP
(Co-Chair)**

Date: 20th September, 2007

MINUTES OF THE TWENTY FOURTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY, 13TH APRIL 2007 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 A.M.

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Moses Cheboi, MP
Hon. Odhiambo Omamba, MP
Hon. Joseph Korir, MP
Hon. Omingo Magara, MP
Hon. Macharia Mukiri, MP

ABSENT WITH APOLOGY

Hon. Noah arap Too, MP
Hon. Amina Abdalla, MP
Hon. Gideon Ndambuki, MP
Hon. Kenneth Marende, MP
Hon. Njoki Ndung'u, MP
Hon. Kipkalya Kones, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Daudi Mwanzia, MP
Hon. Patrice Ivuti, MP
Hon. Zaddock Syong'o, MP
Hon. Bifwoli Wakoli, MP
Hon. Musa Sirma, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Ms. Mary Chesire - Clerk Assistant

WITNESS

Mr. David Kimaiyo - Director of Operations, Police Headquarters

MINUTE NO. 078/2006 EVIDENCE FROM DIRECTOR OF OPERATIONS, POLICE HEADQUARTERS

The Director of Operations, Police Headquarters, Mr. David Kimaiyo, appeared before the Joint Committee and gave evidence on the on his facilitation towards the deportation of the Artur brothers and their associates.

Mr. Kimaiyo informed the Committee, from the onset, that he had not prepared for the meeting because he had just been called by the Commissioner of Police and instructed to come before the Committee to give evidence. He had not received summons calling him to the meeting.

He asked the Committee to give him more time to prepare his briefs before appearing before the Committee when the Committee summons him. The Committee obliged.

With regard to appearance of Mr. Isaiah Osugo, Nairobi Provincial Intelligence Officer and Patrick Lumumba OCPD Gigiri who had been summoned to appear together with him, Mr. Kimaiyo informed the Committee that Mr. Osugo was out of the country on a peace-keeping mission in Darfur in Sudan for a period of one year. Mr. Lumumba was going for one-month attachment course in United States of America. The Committee stated that Mr. Lumumba should be summoned before he goes for his attachment.

He undertook to brief the Commissioner of Police on the issues raised by the Committee, especially with regard to identifying other officers who could give evidence on behalf of Messrs. Osugo and Lumumba. These officers should be who those who worked together with the above officers in the various investigations regarding the two foreigners.

However, he informed the Committee as follows that:

- a) On June 8th June he was instructed by the Commissioner of Police to investigate into a fracas at the Jomo Kenyatta International Airport caused by the Arturs and their associates
- b) The Airport Commandant Police Unit confirmed to him that there was fracas at the Airport where the Artur brothers had refused to allow their luggages to be checked at the Airport Arrivals Terminal. Realizing that that was a serious security breach at the Airport they decided to investigate the issue
- c) At 5.00 a.m. on 9th June 2006 he was informed that the two foreigners had been arrested
- d) In the evening of 9th June 2006 they were informed that there were firearms found in the Runda residence of the two foreigners
- e) The Government decided to deport them and the Principal Immigration Officer was instructed to do so. They were deported at 9.00 p.m. to Dubai where they had requested to be deported to.
- f) The Police Commissioner was not aware of the raid at the Standard Newspaper and Printing press

MINUTE NO. 079/2007

ADJOURNMENT

The Co-Chair adjourned the meeting at fifty five minutes past eleven o'clock.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTY FIFTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY 3RD MAY 2007 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Kipkalya Kones, MP
Hon. Joseph Korir, MP
Hon. Noah arap Too, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Patrice Ivuti, MP
Hon. Zaddock Syong'o, MP
Hon. Kenneth Marende, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP
Hon. Daudi Mwanzia, MP
Hon. Bifwoli Wakoli, MP
Hon. Omingo Magara, MP
Hon. Odhiambo Omamba, MP
Hon. Moses Cheboi, MP
Hon. Macharia Mukiri, MP
Hon. Alfred Nderitu, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Musa Sirma, MP
Hon. Abdalla Ngozi, MP

IN-ATTENDANCE - NATIONAL ASSEMBLY

Mr. Michael Sialai - Senior Clerk Assistant
Ms. Mary J. Chesire - Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Edward Anguche - Parliamentary Intern
Mr. Julius Mwinzi - Parliamentary Intern

MINUTE NO. 003/2007 EVIDENCE FROM THE COMMISSIONER OF POLICE AND TWO OTHER OFFICERS

The Commissioner of Police and two police officers who had been summoned to give evidence before the Committee did not turn up even though the summons had been duly delivered to them.

Members expressed concern that the failure to appear undermines the authority and dignity of Parliament as an institution.

The Co-chair noted with concern that the investigations would not go forward without the evidence of the Commissioner of Police and other police officers.

MINUTE NO. 004/2007 **INTERIM PROGRESS REPORT**

The Committee resolved to report to the House the progress of its findings and have the House resolve on the way forward including asking the Attorney General to prosecute those who defied the summons and to compel the other witnesses to appear.

The Secretariat was asked to prepare an interim progress report detailing the following:-

- i) the synopsis of the evidence received so far;
- ii) the names of witnesses who had appeared and given evidence;
- iii) the names of witnesses who the committee intends to summon and the reasons for being summoned;
- iv) the difficulties faced by the committee in carrying out its mandate.

MINUTE NO. 005/2007 **ADJOURNMENT**

The Co-Chair adjourned the meeting at thirty minutes past eleven o'clock until Thursday 10th May, 2007 at 10:00 a.m.

Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)

Signed: Hon. Paul Muite, MP
(Co-Chair)

Date: 20th September, 2007

MINUTES OF THE TWENTY SIXTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 17TH SEPTEMBER 2007 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 3:00 PM

PRESENT

Hon. Paul Muite, MP - **Co-Chair**
Hon. Zaddock Syong'o, MP
Hon. Kenneth Marende, MP
Hon. Njoki Ndung'u, MP
Hon. Amina Abdalla, MP

ABSENT WITH APOLOGY

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Patrice Ivuti, MP
Hon. Daudi Mwanzia, MP
Hon. Bifwoli Wakoli, MP
Hon. Omingo Magara, MP
Hon. Odhiambo Omamba, MP
Hon. Moses Cheboi, MP
Hon. Macharia Mukiri, MP
Hon. Alfred Nderitu, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Musa Sirma, MP
Hon. Abdalla Ngozi, MP
Hon. Kipkalya Kones, MP
Hon. Joseph Korir, MP
Hon. Noah arap Too, MP
Hon. William K. Mirugi, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

Mr. Michael Sialai - Principal Clerk Assistant
Ms. Mary J. Chesire - First Clerk Assistant
Mr. Zakayo Mogere - Clerk Assistant
Mr. Timothy Muli - Parliamentary Intern

MINUTE NO. 006/2007 - CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Minutes of the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, twenty second and twenty third sittings were confirmed as a true record of deliberations by Members present and signed by the Co-Chairman.

Confirmation of minutes for the eighteenth, nineteenth, twentieth, twenty first, twenty fourth and twenty fifth sittings was deferred to the next sitting.

MINUTE NO. 007/2007 - CONSIDERATION OF THE DRAFT REPORT ON THE 'ARTUR BROTHERS' AND THEIR ASSOCIATES

Members went through the draft report and resolved that it be put in the agenda for the next meeting for adoption by the Committee.

MINUTE NO. 008/2007 ADJOURNMENT

The Co-Chair adjourned the meeting at thirty minutes past four o'clock until Thursday 20th September, 2007 at 10:00 a.m.

**Signed: Hon. Ramadhan Kajembe, MP
(Co-Chair)**

**Signed: Hon. Paul Muite, MP
(Co-Chair)**

Date: 20th September, 2007

MINUTES OF THE TWENTY SEVENTH SITTING OF THE JOINT SESSION OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION, NATIONAL SECURITY AND LOCAL AUTHORITIES AND, ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 20TH SEPTEMBER 2007 IN THE MAIN CONFERENCE ROOM 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

Hon. Ramadhan Kajembe, MP - **Co-Chair**
Hon. Paul Muite, MP - **Co-Chair**
Hon. Zaddock Syong'o, MP
Hon. Omingo Magara, MP
Hon. Bifwoli Wakoli, MP
Hon. Moses Cheboi, MP
Hon. Kipkalya Kones, MP
Hon. Odhiambo Omamba, MP

ABSENT WITH APOLOGY

Hon. Daudi Mwanzia, MP
Hon. Alfred Nderitu, MP
Hon. Abdalla Ngozi, MP
Hon. Jim Choge, MP
Hon. Gideon Ndambuki, MP
Hon. Macharia Mukiri, MP
Hon. Musa Sirma, MP
Hon. Patrice Ivuti, MP
Hon. Noah arap Too, MP
Hon. Joseph Korir, MP
Hon. Kenneth Marende, MP
Hon. Amina Abdalla, MP
Hon. Njoki Ndung'u, MP

IN-ATTENDANCE

Ms. M. J. Chesire
Mr. Timothy Muli

-

KENYA NATIONAL ASSEMBLY

Clerk Assistant
Parliamentary Intern

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MINUTE NO.009/2007

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CONFIRMATION OF MINUTES

Minutes of the eighteenth, nineteenth, twentieth, twenty first, twenty fourth, twenty fifth and twenty sixth sittings were confirmed by the Members present and signed by the Co-Chairs.

MINUTE NO. 10/2007

**- CONSIDERATION AND ADOPTION OF
THE REPORT ON THE ARTUR
BROTHERS' AND THEIR ASSOCIATES**

The Committee considered and adopted its report on the Artur brothers and their associates. It was agreed that the report be laid on the Table of the House on Tuesday, 25th September 2007.

MINUTE NO. 11/2007

- ADJOURNMENT

There being no other business, the Co-Chairs adjourned the meeting *sine die* at forty Minutes past eleven O'clock.

Signed:
(Co-Chair)

Signed:
(Co-Chair)

Date:



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GAZETTE NOTICE NO 4308

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

APPOINTMENT OF COMMISSION OF INQUIRY

IN EXERCISE of the powers conferred by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, being of the opinion that it is in the public interest, do appoint a commission of inquiry into the various wrongful, criminal or otherwise unlawful acts and omissions including but not limited to breaches of security and security procedures involving the following persons namely: Artur Margayan, Artur Sargasyan, Arman Damidri, Alexander Tashchi and others, to be headed by:

Shadrack Kiruki—*Chairman*

Horace Etemesi (Bishop)—*Vice-Chairman*

Ahmed Isaac Hassan—*Commissioner*

Joint Secretaries:

Kennedy Kihara

Lillian Mahiri

as members of the Commission.

Dated the 13th June, 2006.

MWAI KIBAKI,
President.

- (a) to generally inquire into the circumstances and events leading to the deportation of the said persons and in particular—
- (i) breaches of security and security procedures involving the said persons;
 - (ii) the security breach at the baggage hall at Jomo Kenyatta International Airport on the 8th June, 2006 leading to the assault of a Criminal Investigation Department officer and a customs officer and abuse and provocation of members of the public;
 - (iii) possession of firearms and suspected illegal activities at their Runda Estate residence;
 - (iv) any other unlawful, criminal or wrongful act or omission perpetrated by the said persons;
 - (v) any other matter that is incidental to or connected with the foregoing terms of reference.
- (b) to recommend—
- (i) criminal investigation or prosecution to be taken against persons involved in the said various wrongful, criminal or otherwise unlawful acts or omissions;
 - (ii) disciplinary action to be taken against persons involved in the said various wrongful, criminal or otherwise unlawful acts or omissions;
 - (iii) legal and administrative measures for the prevention and elimination of such breaches of security and security procedures, criminal or unlawful acts or omissions;
 - (iv) such other measures as the Commission may deem necessary.

and, in accordance with section 7(1) of the said Act, to report thereon to me on or before 31st Day of July, 2006.

And I direct that—

Shadrack Kiruki,

Horace Etemesi (Bishop),

Ahmed Isaac Hassan,

shall be commissioners and that Shadrack Kiruki shall be the Chairman of the said Commission and Horace Etemesi (Bishop), shall be the Vice-Chairman.

And I do appoint—

GAZETTE NOTICE NO 4309

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

COMMISSION OF INQUIRY

Citation

A COMMISSION to inquire into the various wrongful, criminal or otherwise unlawful acts and omissions including but not limited to breaches of security and security procedures involving the following persons namely: Artur Margayan, Artur Sargasyan, Arman Damidri, Alexander Tashchi and others.

NOW THEREFORE, in exercise of the powers conferred upon the President by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do direct the commissioners to hold an inquiry at Nairobi with immediate effect.

Lillian Mahiri,

to be the joint secretaries to the Commission.

And further, I do appoint—

Dorcas Oduor,

Mungai Warui,

to be assisting counsels to the said Commission.

And I do direct that, in the performance of its task, the Commission shall receive views from members of the public and receive oral and/or written statements from any person with relevant information, and may—

- (a) use official reports of any previous investigations into the said breaches;
- (b) use any investigation report by any institution or organization;
- (c) commission reports from experts in any relevant areas.

And I do direct that in accordance with the provisions of section 10(1) of the said Act, the commissioners shall summon any person or persons concerned to testify on oath and to produce any books, plans and documents that the commissioners may require.

And I do direct that after its commencement, the said inquiry may be held at such times and in such places as the said commissioners may, from time to time, determine and shall be held in public or in private as the said commissioners may, from time to time, determine.

And I do direct that the said commissioners shall execute the said inquiry with all diligence and speed and make their report without undue delay.

And I do command all other persons whom it may concern to take due notice hereof and to give their obedience accordingly.

Dated the 13th June, 2006.

MWAI KIBAKI,
President.