

Ombudsman's bid to join suit opposed

By CAROLINE RWENJI

Two judges have asked the court to reject the Commission on Administrative Justice's attempt to be enjoined in a suit, where they are challenging attempts to retire them.

Supreme Court judge Philip Tonui and High Court's Justice David Onyancha want the court to dismiss an application by the commission, also known as Office of the Ombudsman to be enjoined in the matter, saying it disadvantages them.

The two want the Judicial Service Commission stopped from removing them from office. Through their defense lawyers Fred Ngatia and Pheroze Nowrojee, the judges pointed that the involvement of the Ombudsman will tip the level playing field. "There are three similar matters before the court. Ombudsman has not made an identical participation with the other two but desires participation in this one," Ngatia told judge Justice George Odunga. Nowrojee said Ombudsman had not given the court any specific reason to intervene. But the Ombudsman said whatever opinion they would table would not be binding to the court. Ruling is on November 3.

Koinange's widow testifies in murder case

Eddah Wanjiru defends herself, says powerful people in Government killed a land activist

By BOAZ KIPNGENOH

Former powerful Cabinet minister Mbiyu Koinange's widow Eddah Wanjiru has testified in court that powerful people in Government killed Maasai land rights activist Moses Mpoe.

Ms Wanjiru, who is facing twin murder charges with six others including her step son, defended herself yesterday in the presence of their lawyer Paul Muite before Nakuru High Court judge Hellen Omondi, saying powerful people killed Mpoe.

She said Mpoe was killed for opposing the resettlement of Internally Displaced Persons at the centre of a controversial 4,923-acre farm in Mau Narok owned by her family. "I had employed Mpoe in my farm and could

not have killed him as I had a good relationship with him," she said.

Wanjiru said there were rumours against her and her co-administrator in the farm David Njuno, who is among the accused in the case. The late Cabinet minister's widow said the rumours emerged after their objection to sell the farm to then Juja MP William Kabogo.

Wanjiru, Njuno and five other people, Nicholas Ngetich, Johnstone Sigei, Stephen Mwanga, Sanaga Mbu-koi and Kiragu Macharia are on trial for allegedly killing Mpoe and another man, Parsaiyia ole Kitu on December 3, 2010 in Nakuru.

She further told the court that since 2009 to Mpoe's death in December 2010, he had called her many times to say he was fearing for his life. "When I first heard news of his death, I felt so bad. I remembered the many times he had called to say people in Government wanted him dead because he was opposing the sale of our farm," she testified.

She noted that during her business trip to China in November 2010, Kabogo prevailed upon beneficiaries



Eddah Wanjiru at the Nakuru High Court yesterday during the hearing of a case she is charged alongside six others with the murder of land activists Moses ole Mpoe in December 2010 at Soilo in Nakuru. (PHOTO: BONIFACE THUKU/STANDARD)

of the estate led by David Waiganjo to sack Mpoe against her wishes.

Wanjiru further informed the court there was a scheme by Kabogo to acquire the land despite objections from part of the administrators of the late Mbiyu's estate.

She said an agreement of Sh214

“When I first heard news of his death, I felt so bad. I remembered the many times he had called to say people in Government wanted him dead because he was opposing sale of our farm

million to purchase the property was reached and Kabogo paid a Sh21 million deposit and gave them a guarantee of Charter Bank, which closed its business about 24 hours later.

According to her, they discovered within the 24 hours that Kabogo had transferred the farm's title to his company despite a debt of Sh193 million. "We moved to court immediately but the case is still pending," said Wanjiru.

Mpoe and a fellow passenger were shot dead by a gunman riding on a motorcycle at Soilo Junction on the Nakuru-Eldoret Highway. At the time of his killing, he was leading a campaign seeking to repossess thousands of acres of land allegedly taken away from the Maasai community by colonialists. Hearing of the defence case continues today.

Woman sues German Embassy over photo in tourism promotion

By KAMAU MUTHONI

A Samburu woman is demanding compensation from the German Embassy over a photograph that was used to advertise Lake Turkana Festival.

The 32-year-old woman, who filed a case in the High Court through her lawyer Ham Lagat, claims the picture was used without her consent. Worse still, she said her husband kicked her out of her home upon learning of the advertisement.

Telaso Lepalat told the court the use of her photograph to advertise the event infringed on her private life and the right to make a choice as to whether she wanted her photo in the advert. "The petitioner is constrained to make this humble petition on the main reason that there were human rights violations that occurred to her during 2012 to-date, when the respondent unlawfully procured her photograph without her consent," the petition read in part.

She said the event dubbed Lake Turkana Festival and held in Loiyangalani, Marsabit County, was commercial in nature. The photograph is said to have been used in Habari Magazine, which is al-

legedly owned by the Embassy.

In the case where Attorney General Githu Muigai is an interested party, the court heard that the embassy pulled out the photo after the woman issued them with a demand letter on April 28 this year.

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The petition before Justice Mumbi Ngugi states that Talaso's husband assaulted her for a month for disrespecting him due to her failure to consult him as the head of the family.

Lagat said Talaso's husband eventually rejected her and the whole community shunned her. He said according to Samburu customs, taking photographs without consent from elders or the head of the family is taboo.

"Actions by the respondent were shameful and disrespectful to her culture and she has suffered humiliation, embarrassment, psychological and physical anguish," the court heard.

According to court papers, Talaso was kicked out of her matrimonial home together with her three children and had to seek refuge in her mother's home. The case will be mentioned before Justice Isaac Lenaola on October 28.

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