

Ombudsman wants Uhuru to sack Lands PS for laxity

By MOSES NJAGIH

The Ombudsman has asked President Uhuru Kenyatta to immediately sack Lands Principal Secretary Mariamu el Maawy, accusing her of inefficiency in discharging her duties as the ministry's accounting officer.

The Commission on Administrative Justice has written to the President, protesting the manner the PS was handling her duties, and notably complaining about her failure to assist in resolving the many complaints filed with the Ombudsman relating to the ministry.

The commission chaired by Otiende Amollo (below) accused the PS of failing to respond to many correspondences sent or copied to her as the accounting officer, regarding the many complaints on land made by Kenyans, hence frustrating the efforts by the commission to resolve the matters.

The commission cites Ms El Maaway for "prejudicial and improper conduct through inaction, unresponsiveness, inefficiency and ineptitude", thus asking President Kenyatta to relieve her of the job and give it to a more efficient Kenyan.

The commission states that the recommendation was out of its constitutional mandate to "investigate any conduct in State affairs



or any act of omission in any public administration".

In his recommending letter to the President, Dr Amollo said the commission had received numerous complaints of maladministration relating to the Ministry of Lands, but despite numerous efforts to have the PS respond to the issues, she has "persistently" failed to act.

He said that the PS's failure had occasioned the complainants' suffering, as she was hindering enhanced service delivery and public administration.

"The continuous unresponsiveness by the ministry, not only impinges on the constitutional values and principles of leadership, integrity and service delivery but also other relevant laws such as the Commission on Administrative Justice Act, Leadership and Integrity Act, Fair Administrative Action Act and Public Service (Values and Principles) Act," states the letter.

Amollo has informed the acting Lands CS Fred Matiang'i of the recommendation sent to the president.

The commission has also given background to the numerous complaints that they have sought responses on from the PS without success.

12 teachers charged with leaking KCPE examination



Some of the 12 teachers of Star of the Sea Primary School at the Mombasa Law Courts, yesterday. They denied leaking copies of the Kenya Certificate of Primary Education English and mathematics examinations. They were released on a Sh500,000 bond or a cash bail of Sh200,000. [PHOTO: KELVIN KARANI/STANDARD]

Magistrate says due to sensitivity of case, it should be concluded before the results are out

By JOACKIM BWANA

Twelve primary school teachers have been charged with being illegally in possession of Kenya Certificate of Primary Education (KCPE) examination papers.

Yesterday, Senior Principal Magistrate Lydia Mochache ordered that the case be fast-tracked and determined before KCPE results are out in December.

The magistrate said the examination leak was sensitive and should be given priority and overruled the defence lawyers' plea to have the suspects released on a Sh5,000 cash bail. Instead, the court released them on a Sh500,000 bond or Sh200,000 cash bail.

"The issuance of bond is within the court's discretion and there are guidelines the court considers as far as the seriousness and nature of the offence is concerned and it is upon the court to determine the size of the bond," said Ms Mochache.

The teachers, 11 of them women, from Star of the Sea Primary School in Mombasa were arrested on Wednesday with Mathematics and English examination papers, which they allegedly shared via text message.

Zillah Wacharo Mwaghogho, Edda Wakio Mwarema, Margaret Nyamvula Dzombo, Agatha Wafula Nyamonga, Newton Mwalamisi Mwatua, Mary Evereso Kavehere, Beth Wangui Wambugu, Pili Omar Salim, Janet Maro Nuru, Asli Ibrahim Abass, Edith Mutambu Mwandihhi and Beatrice Busaka Kedogo denied the charges.

After their arrest, the teachers were released on a police bond of Sh5,000 which the prosecution petitioned the court to have it increased, saying the offence attracts a jail term of 10 years or a Sh2 million fine or both.

The magistrate appeared to agree with State prosecutors Eugene Wangila and Erick Masila who called on the court to take stern action against the

suspects because they were facing serious offences that affected the youths and education sector.

"The court should send a clear message that corruption through exam cheating is a vice that will not be tolerated, therefore strict measures should be taken against the teachers as an example," said Mr Wangila.

He said the teachers failed to report the exam leak, which is an offence in itself. "Possession of exams is an offence under the Kenya National Examination Council (KneC) Act and having such materials without authorisation is an offence," said Wangila.

Defence lawyer Francis Kadima said the teachers were only in possession of the examination papers and did not disseminate them to anyone. "The Government should bring to book the real thieves from KneC who stole and leaked the exams, not the teachers who received the exams on their phones," said Mr Kadima.

He added: "It is hard to say you can control the hacking of information. It is not clear if the teachers accessed and disseminated the materials."

The case will be heard for three days from December 14 to 16.

Cotu lauds Uhuru's move on teachers

By SOPHIAH MUTHONI

The Central Organisation of Trade Unions (Cotu) has lauded President Uhuru Kenyatta for stepping in to resolve the row on the teachers' pay.

The President's move comes after months of a standoff between the two unions representing teachers – Kenya National Union of Teachers (Knut) and Kenya Union of Post-Primary Education Teachers (Kuppet) – and the Teacher Service Commission (TSC) over pay rise.

Cotu Secretary General Francis Atwoli, however, asked the President to ensure that the discussions between unions and TSC were genuine.

He made the appeal in a statement to newsrooms from Geneva Switzerland where he is attending the ongoing 325th International Labour Organisation (ILO) meeting.

Mr Atwoli advised that in the spirit of give and take, the negotiations should remain fair and independent from any forces.

"Both Knut and Kuppet should work closely with their attorneys so that every bit of the regulations and law is invoked and fully understood," he said.

He, however, cautioned the teachers' unions to remain united and speak with one voice in the interest and benefit of their members.

Seroney book to be launched

By JACOB NGETICH

A book on the life and times of former outspoken MP for Tinderet Jean Marie Seroney will be launched in London tonight.

CORD leader Raila Odinga, Bomet Governor Isaac Ruto, Tinderet MP Julius Melly and Ngugi Wa Thiong'o are among the guests who are expected to grace tonight's event at Oxford University, Jesus College in London.

The book written by Godfrey Sang captures the political life of Mr Seroney who was a vibrant politician from Rift Valley. At one time he was detained for his outspokenness by the Jomo Kenyatta regime.

Kipruto Kirwa, Koigi Wamwere, Gitobu Imanyara and former British high commissioner to Kenya Edward Clay will also attend the launch.

Ngilu, Kamau claim executive influenced their prosecution

By KAMAU MUTHONI

Suspended Cabinet secretaries Michael Kamau (Roads) and Charity Ngilu (Lands) have criticised the decision of the Director of Public Prosecutions Keriako Tobiko to prosecute them over graft allegations.

The two accused Mr Tobiko of working at the behest of the Executive.

They told the court that the DPP bent the law in a bid to fulfill demands from the Executive whilst knowing that the report by the Ethics and An-

ti Corruption Commission (EACC) could not be acted on without the complete number of commissioners.

Through their lawyers Paul Njuguna, Wanja Wambugu, Paul Muite and Kioko Kilukumi, the former CSs told judges Mumbi Ngugi, Joseph Onguto and George Odunga that Mr Tobiko had admitted in 2013 that EACC could not carry out investigations and complete them it was not a full commission.

Mr Kamau and Ms Ngilu had filed a letter from the DPP to the EACC

chairman dated August 23, 2013, indicating that he could not act on a file that had been forwarded to him for lack of the requisite number of commissioners required by the law.

"The DPP admitted that EACC could not function without the commissioners. He is bound by his own admission that the commission could not carry out investigations and file reports. Surprisingly, one year later, he took another stand when it came to the report that was tabled before the Parliament," the judges were told.

Mr Njuguna said his client, Mr Kamau, was prosecuted 'to beat the deadline' issued by President Uhuru Kenyatta.

He argued that EACC was under pressure to reveal names of those accused of graft but in the process did not follow the required law for initiating investigations and preparing reports. The lawyer told the court that EACC went against the law when it obeyed the President's directive to reveal names of the officials accused of graft.