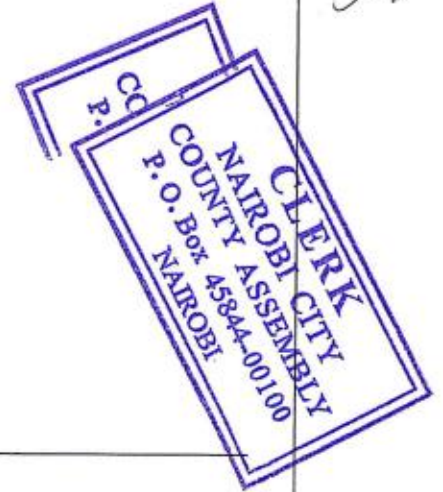




NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - SECOND SESSION



SECOND REPORT OF THE
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ON

ASSAULT OF HON. CLARENCE .K. MUNGA BY CITY
COUNCIL ASKARIS ON 18TH JUNE, 2013

Clerk's Chamber
City Hall
NAIROBI

APRIL, 2014

1.0 PREFACE

The County Assembly Sectoral Committee on Justice and Legal Affairs established under the provisions of Standing Order 191 and under the second schedule of the Nairobi City County Assembly Standing Orders is mandated to, among others, "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".

In accordance with the Second Schedule of the Standing Orders, the Sectoral Committee is mandated to cover subject areas related to Constitutional affairs, the administration of law and justice, including the city inspectorate and enforcement services, ethics, integrity, anti-corruption and human rights.

Mr. Speaker Sir, The Sectoral Committee on Justice and Legal Affairs takes great opportunity and pleasure to thank Members of County Assembly (MCA's) and the Speaker for the moral support they gave during the trying moments when Hon. Clarence K. Munga was brutally assaulted by the City County Askaris and locked up in the cells at Kamukunji Police Station. The incident took place on 18th June, 2013, inside the compound of the City County General Stores where the said Member of the County Assembly for Kabiro Ward had followed up on his car that had been towed away and impounded. It was at this juncture that the Committee mobilized its Members and convened a series of meetings in order to address the incident. The honorable Member of the County Assembly depicted a team spirit especially in arbitrating on the situation which might have otherwise degenerated into poor relations between the Assembly and the Executive.

1.1 Committee Membership

The Committee on Justice and Legal Affairs was constituted by the Assembly on Tuesday 7th May, 2013 with additional Members joining the committee on Wednesday, 28th August, 2013. The Committee comprises of the following Members;

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| 1. Hon. Jaffer Kassam, MCA | Chairperson |
| 2. Hon. Moses Nyangaresi, MCA | Deputy Chairperson |
| 3. Hon. Peter Migwi, MCA | |
| 4. Hon. Stephen.K Thuo, MCA | |
| 5. Hon. Muchiri Mwaniki, MCA | |
| 6. Hon. Maurice Akuk, MCA | |
| 7. Hon. Elkana Mauti, MCA | |
| 8. Hon. Martin Karanja, MCA | |
| 9. Hon. Jacqueline Awino, MCA | |
| 10. Hon. Martin Karanja King'ethu, MCA | |
| 11. Hon. Njoroge G. Maina, MCA | |

Hon. Speaker, It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Justice and Legal Affairs to table this report and recommend it to the Assembly for adoption.

SIGN: DATE: 2/4/2014

Hon. Jaffer A.Kassam,
MCA Chairman





He was informed that his vehicle had been towed away and taken to City Hall. On checking at City Hall, he was informed that his car had been taken to the General Stores.

He stated further that he went and identified his car at General Stores with the help of one of the car park attendants.

Hon. Clarence Munga alleged that he entered into his vehicle and drove it off from the car park. On reaching the gate, a lady security officer together with other officers harassed him at the gate and tried to get him out of his vehicle tearing his coat and painfully pulling at his private parts. As the situation degenerated, eight other officers joined in beat him up, broke the ankle of his leg and bundled him to the police cells at Kamukunji Police Station.

The Superintendent, Mr. Yego managed to persuade his colleagues to release Hon. Clarence Munga on the same day.

He was admitted at Nairobi Women's Hospital and later transferred to Agakhan Hospital where he was treated and paid over Ksh. 120, 000.

b).Director - City Inspectorate

Mr. Hillary Wambugu, the Director of City Inspectorate admitted that indeed the city county Askaris had been accused of use of force repeatedly in the discharge of their duties.

He was however remorseful for the manner in which Hon. Clarence K. Munga was handled and promised to ensure discipline prevailed from his officers at all times when dealing with the public.

The Director of Inspectorate gave out the names of the officers who participated in the assault. The director was accompanied by the 8 officers who were on duty on the day Hon. Clarence K. Munga was assaulted. They are as follows:

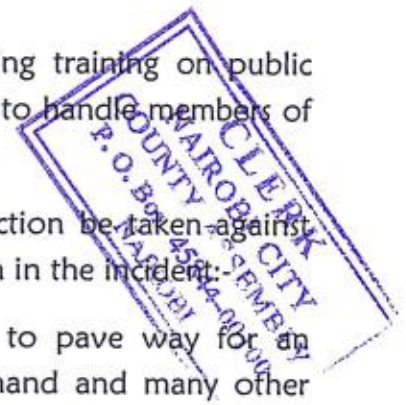
1. Ms. Dorcas Gathera-co218106
2. Mr. Fabiora Oroggi-co219445
3. Mr. Daniel Maraga-co232061
4. Ms. Mildred Wafula-co20668
5. Ms. Grace Kanja co-219612
6. Mr. John Lagat co-271360
7. Mr. Daniel Nyakiamo-co-273748
8. Mr. Nicholas Ondieki co-130454

Key issues raised by Members of the Committee to the Director of City Inspectorate

1. Public Relations

Members observed that the County City Askaris tend to manhandle the public generally

3. County Askaris be taken on refresher training including training on public relations course .This will enable them understand how to handle members of the public with dignity.
4. It is also recommended that appropriate disciplinary action be taken against the following for their actions of omission or commission in the incident:-
- a) **Mr.Hillary Wambugu**-Be suspended from duty to pave way for an independent investigation into the incident at hand and many other such complaints against the department.
 - b) **Mr. Jeremy Murungi**-Be prosecuted on charges of assault.
 - c) **Ms. Mildred Wafula**- Be prosecuted on charges of assault.



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