

*Done*  
*28/10*



**STATEMENT ON THE KILLING OF MR. JOSHUA MUNGAI**

**Hon. Speaker Sir**, at a sitting of the Senate held on Thursday, 15<sup>th</sup> October, 2015, Senator Henry Ndiema, requested for a Statement on the killing of Mr. Joshua Mungai, son of Mr. Kariuki of Khalwenge Village in Trans Nzoia. The Honourable Senator sought to be informed on;

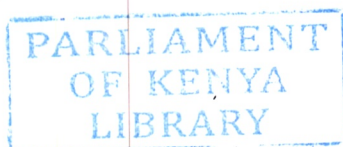
- a) if the Government is aware that Mr. Joshua Mungai who was a first year student in Maseno University was recently killed at the University;
- ✓ b) the circumstances that led to the killing and who was responsible for the same;
- c) what measures have the Government taken to ensure that the murderers are prosecuted;
- d) if the Government will ensure that the family is fully compensated arising from the offence of commission or omission by any of its officers leading to the cruel death of the student; and,
- e) what measures have been put in place by the Government to ensure that such tragic incidences do not occur again in our institutions of learning?

**I wish to state as follows;**

**Mr. Speaker Sir**, the Government is aware of the death of Mr. Joshua Mungai, a first year student at Maseno University which occurred on 12<sup>th</sup> October 2015 at Jaramogi Oginga Odinga Teaching and Referral Hospital, Kisumu.

The circumstances leading to the unfortunate and fatal death of the student are that on 12<sup>th</sup> October 2015 at around 5.30pm, a group of the University students aligned to one of the candidate vying for Students Organization of Maseno University chairmanship blocked the main Kisumu- Busia highway, before harassing and robbing motorists and other road users. The students were protesting against the launching of elections' campaign by other contesters, while their preferred candidate had not been cleared to contest by the university authority, allegedly for failing to meet the qualification.

Consequently, Police officers from Maseno Police Station immediately moved to restore law and order. However, the students started throwing stones and



other crude weapons to the police officers, prompting the officers to fire tear gas canisters to disperse them. A stampede ensued, resulting to injuries to ten students, who were treated at the University dispensary. Later, four of them, including the deceased, were referred to Jaramogi Oginga Odinga Teaching and Referral hospital. However, the deceased died while undergoing treatment, while the other three students were admitted and discharged the next day, 13<sup>th</sup> October 2015.

**Mr. Speaker Sir**, investigations were commenced immediately and an inquest file No 6/2015 opened. A postmortem was conducted on 13<sup>th</sup> October 2015 which revealed the cause of death was due to severe head injury secondary to blunt force trauma. I wish to table a copy of the postmortem results. Investigation to establish the cause of death, and if any person was culpable are ongoing.

*who is possible suspect*

**Mr. Speaker Sir**, compensation to the family can only be determined by a court of competent jurisdiction and only after investigations are completed.

Lastly **Mr. Speaker Sir**, the Government has taken the following measures to enhance security in learning institutions in the country;

- Deployment of security officers to some of the learning institutions upon request by the administration;
- Frequent meetings between stakeholders in education sector and local leaders to discuss the modalities of addressing any concerns in the learning institutions;
- Enhanced police patrols;

Thank you **Mr. Speaker Sir**.



**HON. MAJ. GEN. (RTD) JOSEPH NKAISSERRY, MGH, CBS**  
**CABINET SECRETARY**  
**MINISTRY OF INTERIOR AND**  
**COORDINATION OF NATIONAL GOVERNMENT**

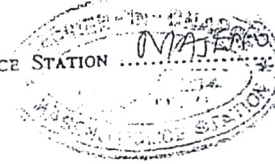
26<sup>th</sup> October, 2015

*Sen. Dedeama*

THE KENYA POLICE  
(Section 386 C.P.C.)  
POST-MORTEM FORM

Reference No. INQUEST NO 6.

POLICE STATION



TO: THE PATHOLOGIST/MEDICAL OFFICER

J.O.O.T.R.H.

I have to request that you ascertain the cause of the death of JOSHUA MUNKAI KARIU  
whose body is sent herewith under escort of NO. 78623 CPL JOSEPH TULIAT.

The undermentioned witnesses are able to identify the body to you:—

(1) RAPHAIL KARIUKI MUNKAI (2) JOHN MWANGI

The body was found at (Place) ISOSTRA on (Date) 12<sup>TH</sup> OCT. 15 at (Time) 9:50 P.M

Date and Time of Death (if known) 12/10/15 AT 9:50 P.M

The circumstances of the death are as follows:—

(If natural causes is probable, give also a brief medical history, including the name and address of any medical officer consulted.)

ON THE 12<sup>TH</sup> OCTOBER 2015 AT ABOUT 9:00 P.M THE DECEASED DIED WHILE UNDERGOING TREATMENT AT JARAWOGI OGINGOM ODINGA TRACHINA AND REFERRAL HOSPITAL

Note.—If death from poisoning is suspected, the officer requesting the examination should also give the following details (see also page 4).

(a) Date and time of onset and duration of symptoms

(b) Main symptoms. Please put a tick against any of the following symptoms that apply:—

- |                     |                |                      |                      |
|---------------------|----------------|----------------------|----------------------|
| Diarrhoea           | Constipation   | Shivering            | Delirium             |
| Vomiting            | Cyanosis       | Convulsions          | Sweating             |
| Thirst              | Jaundice       | Eye pupil dilated    | Unconsciousness      |
| Blindness           | Loss of weight | Eye pupil contracted | Internal pains/cramp |
| Any Odour of Breath | Fever          |                      |                      |

(c) Details of food, drink or drugs taken before and after onset of symptoms including times and quantities of any medicine given whilst under treatment

(d) Were other persons affected

(e) Suspect poison or class of poison

Signature

[Signature]  
(Police Officer)

Date 12/10/15

Note.—Complete form in quadruplicate. One copy to be retained by the station and three copies to be supplied to Medical Officer. One is for his retention, one to be returned to Station with completed report, one to be forwarded with any exhibits submitted for toxicological or histological examination.

REPORT OF PATHOLOGIST/MEDICAL OFFICER

Reference No. JootH/M/02/10/2015 Address 849-4010  
Kusumu

To: Officer in Charge, MASENO Police Station,

Date 13/10/15

Reference Body of JOSHUA MUNGAI KARIJKI

Place of Post-Mortem JOOTH MORTUARY KUSUMU

Date and Time of Post-Mortem 13/10/15 - 1630hrs.

General Observations on Body -

Clothing: Naked

Sex: Male

Race: African

Apparent Age: Early thirties to late teens

Nutrition: Good

Physique: Good

Height: 173cm

Post-Mortem Changes and Assessment of Time of Death -

Limbic done, body well preserved  
in formalin

Rigor mortis present

Post mortem interval in 24hrs.

External Appearance of Body (give details of condition, presence or absence of petechiae, cyanosis, etc., and position, nature and dimensions of all external injuries).

- Body in good physical state.
- No obvious marks.
- No signs of external physical injuries.
- No limb fractures.
- Right temporal scalp edema.
- Anterior scrotal skin laceration.
- Both testes intact.

INTERNAL APPEARANCE OF BODY

(1) Respiratory System:

No chest wall injuries; Rib cage intact; Lungs & pleural intact

(2) Cardio-Vascular System:

- Heart & large vessels intact.

(3) Digestive System:

No haemoperitoneum; Intact visceral organs.

(4) Genito-Urinary System:

- Intact.

(5) Head:

- Bilateral subgaleal haematoma;

- Skull intact

- Right temporal epidural haematoma.

(6) Nervous System:

- Right temporo-parietal subdural haematoma with bilateral subarachnoid haematoma

(7) Spinal Column:

Bilateral diffuse brain edema

(8) Spinal Cord:

Intact.

As a result of my examination, I formed the opinion that the cause of death was .....

SEVERE HEAD INJURY SECONDARY TO  
BLUNT FORCE TRAUMA

Death Certificate No. 0074509

The following specimens have been removed for further examination (see notes for guidance on page 4).

None

Dr. Dixon Muthana

*(Signature)*

PATHOLOGIST

Signed

Designation

MEDICAL SUPERINTENDENT  
JARAMOGI OGINGA ODINGA TEACHING  
& REFERRAL HOSPITAL  
P.O. Box 1049 - 40100, KISUMU.

*(Signature)*

Medical Officer

## SPECIMENS FOR CHEMICAL ANALYSIS

1. Where the nature of the poison is completely unknown as much material as possible should be submitted for examination including samples of vomit, suspect food, plants, etc.
2. In general, generous samples of the following should be supplied:—
  - (a) Complete stomach and contents (Ligatured both ends).
  - (b) Upper portion of intestine and contents (Ligatured both ends).
  - (c) Liver (the whole organ or as much as possible).
  - (d) Kidney (at least one whole kidney).
  - (e) Urine (if any).
  - (f) Blood (as large a sample as possible).
  - (g) Vomit (particularly the early vomit if available).
3. If arsenic is suspected, portions of hair, nails, and muscle should be additionally supplied.
4. If parenteral administration of a drug is suspected, samples of tissue surrounding the injection site should be taken.
5. Separate wide-mouthed containers should be used for packing, but (a) and (b) can be placed together as can also (c) and (d).
6. Suitable containers can be supplied by the Police. They must be securely closed and sealed and properly labelled.
7. Rectified Spirit (alcohol), Chloroform, or industrial methylated spirit (not mineralized methlated spirit, i.e. the coloured completely denatured spirit), in that order of preference, should be used as preservative when there is likely to be more than a four-hour delay in the sample arriving at the Police Laboratory. The containers should be not more than  $\frac{3}{4}$  full including the preservative. A sample of the preservative should also be sent for control purposes. (Formol-saline should *not* be used for specimens for chemical analysis.)
8. If alcoholic poisoning is suspected only samples of urine or blood need be sent.

## SPECIMENS FOR HISTOLOGICAL EXAMINATION

These should be preserved in 10 per cent Formol-Saline.

## SUBMISSION OF ALL SPECIMENS

- (1) They should be signed and sealed and given into the custody of a police officer.
- (2) They should in the first instance be submitted by the Police to *Laboratory, C.I.D H.Q., P.O. Box 30036, Nairobi*, and must be accompanied by a copy of the Post-Mortem Report and Exhibit Memo Forms.

