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THE NATIONAL ASSEMBLY

# NINTH PARLIAMENT - THIRD SESSION

## REPORT OF THE

### SELECT COMMITTEE INVESTIGATING CIRCUMSTANCES LEADING TO THE THE DEATH OF THE LATE HON. ANTHONY W. NDILINGE, M.P. MEMBER OF PARLIAMENT, KILOME CONSTITUENCY

Parliament Buildings  
NAIROBI

August, 2005

32736  
KNA



# **SELECT COMMITTEE INVESTIGATING THE CIRCUMSTANCES LEADING TO THE DEATH OF THE LATE HON. ANTHONY WAMBUA NDILINGE, MP**

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## **1.0 PREFACE**

**Hon. Speaker,**

- 1.1 On behalf of the Select Committee investigating the death of the late Hon. Anthony Wambua Ndilinge, MP for Kilome, I am happy to present our report to the House.
- 1.2 The Select Committee was established by a resolution of the House on Wednesday 12<sup>th</sup> November 2003.
- 1.3 The terms of reference of the Committee were:-

***THAT,** following the sudden disappearance and murder of the late Hon. Anthony Wambua Ndilinge, MP, on August 02, 2001 and the subsequent ruling by the High Court hearing the murder trial that the case is a **mistrial**; this House resolves that a Select Committee be established to investigate the circumstances leading to the murder of the late Hon. Anthony Wambua Ndilinge, MP and report its findings and recommendations within six months and that the Committee be composed of the following Members:-*

1. The Hon. John M. Mutiso, MP
2. The Hon. Benson Mbai, MP
3. The Hon. Kalembe Ndile, MP
4. The Hon. Moffat Maitha, MP
5. The Hon. Kiema Kilonzo, MP
6. The Hon. Ivuti Mwangi, MP
7. The Hon. Otieno Kajwang' MP
8. The Hon. Jimmy Angwenyi, MP
9. The Hon. (Dr.) Abdullahi Ali, MP
10. The Hon. Kahindi Kingi, MP
- The Hon. Daudi Mwanzia, MP

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12. *The Hon. David Mwenje, MP*
13. *The Hon. Ekwe Ethuro, MP*
14. *The Hon. Charles Kilonzo, MP*
15. *The Hon. Gor Sungu, MP*

1.4 Hon. Kahindi Kingi, MP ceased to be a Member of the Committee after being appointed an Assistant Minister.

1.5 The Committee commenced work on November 05, 2003 and elected **Hon. John Mutinda Mutiso, MP** as the Chairman.

1.6 The Committee was to submit its report and findings within six (6) months of its establishment. However, due to the nature of its investigations, the Committee was unable to do so and hence requested for additional time which was duly granted on April 14, 2004.

1.7 The Committee held a total of seventy-five Sittings and in that period summoned and heard evidence from one hundred and two (102) witnesses, some who appeared several times.

1.8 The Committee had a Secretariat comprising:

- (i) Staff of the National Assembly;
- (ii) Officers from the Attorney-General's Office; and
- (iii) Officers from the Kenya Police Department.

1.9 The Committee wishes to sincerely thank the Office of the Speaker, the Office of the Clerk, the office of the Attorney-General, the Department of Kenya Police, the witnesses, other persons and institutions who accorded the Committee the necessary information and services and enabled it to conclude its work and the Report.



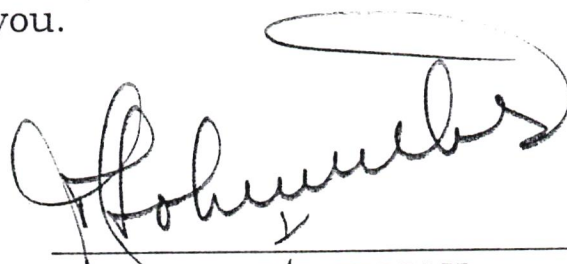
1.10 The Committee investigating the death of the late Hon. Anthony Wambua Ndilinge on advice from the Lead Counsel has made the decision to conceal the identities of some witness. This is in fear of the witnesses becoming targets of attack by whoever may have conspired to murder the late MP.

The Hansard Reports, committee Minutes are also kept secret since they disclose the identities of the persons/witnesses and will only be released on the recommendation of Mr. Speaker.

1.11 Once again on behalf of the Select Committee, I wish to thank the House for trusting us with this critical and vital task of attempting to unravel the circumstances surrounding the death of the late Hon. Anthony Wambua Ndilinge, a dear colleague and an astute parliamentarian who will always remain in the collective memory of this august House. It is now my honour and duty on behalf of the Select Committee to present our Report and recommendations to the House.

Thank you.

Signed:



**CHAIRMAN**  
**(Hon. John Mutinda Mutiso, MP)**

Date:

11. 08. 05

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2.0           **RATIONALE OF PARLIAMENT IN RESOLVING  
POLITICAL MURDERS**

2.1           Kenya has had an elected working Parliament since independence on December 12, 1963. In the last forty-one years, there have been eight distinct Parliaments. The current Parliament comprising two hundred and ten elected constituency Members, twelve Nominated and two Ex-Officio Members (224), is the Ninth.

2.2           A span of forty-one years is not a long period in the history of a nation. Yet, the Parliament of Kenya has had to contend with not fewer than four mysterious deaths of serving Members. On these occurrences, parliamentarians have risen to the occasion and sought with zeal to resolve the mysteries. The process which Parliament has used in seeking to resolve the mysterious deaths of its own Members has ranged from questions to Ministers on the floor of the House to the establishment of Select Committees.

2.3           Among the mysterious deaths have been those of:

- (i)   Hon. Pio Gama Pinto in 1965;
- (ii)  Hon. Thomas Joseph Mboya on July 05, 1969;
- (iii) Hon. Josiah Mwangi Kariuki on March 03, 1975;
- (iv)  Hon. Robert John Ouko on February 13, 1990.

2.4           It is in this regard that this Select Committee was established to unravel the murder of Hon. Ndilinge with a view to not only bringing to justice the perpetrators of the heinous crime, but also to deter future political murders.



3.0 **MODUS OPERANDI**

3.1 **Procedure**

3.2 The Committee carried out its mandate and terms of reference within the existing procedure, practices and modalities of the House, derived from the Standing Orders, the Constitution, Conventions, Practices, Procedures and Rulings from the Chair.

3.3 The National Assembly (Powers and Privileges) Act (Cap 6 of Laws of Kenya) and in particular Sections 14 and 16 which state *inter-alia*;

*14. (1) The Assembly or any standing committee thereof may, subject to the provisions of sections 18 and 20, order any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.*

*(2) The powers conferred by subsection (1) on a standing committee may be exercised by any other committee which is specially authorized by a resolution of the Assembly to exercise those powers in respect of any matter or question specified in the resolution.*

*16. The Assembly or any committee may require that any facts, matters and things relating to the subject of inquiry before it be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath, which the Speaker or the Chairman of the committee, as the case may be, or other person specially appointed for that purpose may administer.*

3.4 **Evidence**

3.5 Written and oral evidence was received and witnesses were summoned in the prescribed manner.

3.6 All the oral evidence received was recorded verbatim and is part of the journals of the House.

3.7 **Privilege**

3.8 The work of the Committee was done under privilege as provided in the National Assembly (Powers and Privileges) Act.

3.9 **List of Documents**

The Committee utilized and perused various documents received from among others, the Kenya Police, the Judiciary, the Attorney General:-

- (i) Statements of witnesses, - as contained in police file;
- (ii) Police file No. 324 of 2003;
- (iii) The Hutton Inquiry Report;
- (iv) The J. M. murder report;
- (v) Report from the Regional Centre for Mapping of Resources for Development;
- (vi) Raw videotape footage of the murder scene and scene where the late MP's vehicle was recovered in Dandora;
- (vii) Report of the firearms expert on the .38 Wesson and Smith pistol belonging to Hon. Ndilinge;
- (viii) Report of the Principal Criminal Registrar on the fingerprints lifted from the Hon. Ndilinge's vehicle;
- (ix) Postmortem Report of the deceased performed by Dr. Alex O. Olumbe, the then Government Chief Pathologist;

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- (x) Autopsy Report of Hon. Ndilinge by Dr. Geoffrey Zambezi-(family physician);
  - (xi) Report of the Government Chemist on various exhibits taken from the vehicle, murder scene and people;
  - (xii) An Investigative Report by the Independent Medico-Legal Unit (IMLU) on the deaths in Meru Prison;
  - (xiii) Ballistic Report from the FBI;
  - (xiv) Ballistic Report from the CID department.

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3.10 **Working Tours and Retreats**

3.11 The Committee made several working visits and retreats in the course of its investigations.

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- (i) On May 13 – 15, 2004, a three (3) day Retreat at Eden Roc Hotel, Malindi, to map the way forward.
  - (ii) On May 27, 2004 visited the scene of crime at Githurai 44 Estate where the body of the late Member was found lying.
  - (iii) On July 16, 2004 the Committee went to the Regional Center for Mapping Development, Kasarani, where it observed how satellite imagery works.

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However, the Committee was informed that the satellite technology employed in Kenya was of the commercial type that would be of little use to these investigations. The Centre availed a Report of the coordinates of the place where Hon. Ndilinge was shot and where the vehicle was recovered, which were forwarded to the Federal Bureau of Investigations in the USA for further analysis.

- (iv) On the same day, the Committee toured the Mwiki area and went to 'Texas' and 'Frontier' Bars where the late legislator had visited the same night. The

Committee also went to the Mwiki Police Post where the late Member had attempted to park his vehicle at about 3.00 p.m.

- (v) On September 23, 2004, the Committee made a comprehensive tour to re-trace the route that the late Hon. Ndilinge had taken. It started at Sagret Hotel (downtown Nairobi), Dama Bar, then to Roasters Inn along Thika Road, Texas Bar, Frontier Bar at Mwiki and, then to Dandora where the late legislator's vehicle was recovered. They interviewed the Managers of Dama Bar, Sagret Hotel, Roasters Inn, Texas and Frontier Bars.
- (vi) The Committee interviewed the Police Officers at Dandora Police Post and was apprised of the criminal activities and measures taken to combat it at the sprawling suburb.
- (vii) On February 20 – 25, 2005 the Committee retreated to Nyali Beach Hotel, Mombasa to finalize its Report.

### 3.12 **Expert Evidence and Opinion**

3.13 In addition to the evidence adduced, the Committee heard several expert opinions from the following:-

- (i) **Mr. Mike Forsee**, Federal Bureau of Investigations (FBI) Officer, based at the American Embassy who gave a brief on the advanced techniques used in exhibits analysis and promised to have the FBI look afresh the exhibits gathered from the murder scene and from the vehicle.
- (ii) **Dr. Kirasi Olumbe**, who was the then Government Chief Forensic Pathologist and who conducted the on the scene forensic examination and later the postmortem.

- (iii) **Dr. Mutuma G. Z. Ambisi**, the family doctor who was present during the post-mortem.
- (iv) **Mr. Stephen Lemoya ole Mpesha** formerly of Central Firearms Bureau who authorized the withdrawal of Hon. Anthony Ndilinge's gun and later reinstated it.
- (v) **Mr. Francis Njiru**, Ag. Assistant Commissioner of Police, who was in charge of Police Crime Tracking Unit at Nairobi.
- (vi) **Lt. Col. (Dr.) (Rtd) Henry Kathurima**, Ag. Director of Operations, National Security Intelligence Services, the organization alleged to have masterminded the killing of Hon. Ndilinge through an anonymous and undated letter circulated to Members a few days after the murder.
- (vii) **Mr. Mbogo Donald Mugo**, Firearm Examiner, Criminal Investigations Department who examined and identified both the murder weapon and the late legislator weapon - both recovered at Dandora on the same day.
- (viii) **Mr. Francis K. Sang**, Former Director of CID and currently Director of Small Arms Secretariat, who directed the investigation into the murder of the late legislator.
- (ix) **Mr. Albert Mwaniki**, Government Chemist representative who conducted tests on the specimen collected at the murder scene and the late Ndilinge's body.
- (x) **Mr. Namchanja Dickson**, Fingerprint expert who examined the presented fingerprints.
- (xi) **Brig. (Rtd) Wilson A. C. Boinet**, Director, NSIS, whose organization was allegedly implicated in the

murder of the Hon. Member through a letter written by anonymous person(s).

4.0 **BRIEF LIFE HISTORY OF HON. ANTHONY WAMBUA NDILINGE**

- 4.1 Hon. Anthony Wambua Ndilinge was born in 1954 at Kiou Location, Kasikeu Division, Makueni District. He went to school at Kiou Primary School and later joined Kyulu Secondary School in Machakos where he successfully completed his "O" level education. He came from Kiou village, Kasikeu division, a drought prone area. He was athletically gifted which saw him recruited into the Administration Police and left at the rank of a Sergeant in 1983 to contest for councillorship in the 1983 elections but lost.
- 4.2 However, he continued his political career as a KANU youth organizer. In 1988, he was elected a councillor to Machakos County Council and the KANU District Youth Leader for Machakos. This served as a preparatory ground to sharpen his organizational skills of mobilizing the masses in politics since he was a gifted orator and a fluent public speaker. As a councillor he spread out doubling as a soccer and KANU administrator in Machakos.
- 4.3 In 1992 during the first multiparty elections, he contested the Kilungu Constituency and won on a KANU ticket. He continued to serve as the District KANU Youth Leader for Machakos. At that time he was very close to the late Hon. Mulu Mutisya, the Ukambani political supremo.
- 4.4 In 1997, he was re-elected as an MP for Kilome (Kilungu had now been split into two constituencies - Kilome and Kaiti). Hon. Gideon M. Ndambuki was elected to the new Kaiti Constituency and was then appointed a Minister of State in the Office of the President While Hon. Ndilinge was appointed an Assistant Minister for Trade and

Industry in February 1998. He had become extremely critical of KANU following an attempted coup in the party by his detractors in Makueni where he was District Chairman. Since then, the two had an openly strained relationship.

4.5 Hon. Ndilinge became the new Makueni District KANU Chairman through a normal KANU election, after having competed against the late Hon. Johnston M. Makau, MP for Mbooni. Nevertheless, he was himself dislodged from the seat by Hon. Ndambuki through a political "coup d'etat" in 2000. This was because Hon. Peter Maundu, Hon. Ronald Kiluta and Hon. Anthony Ndilinge had formed the so-called rebel group by the name *Ukambani Solidarity Alliance* which was critical of the Government and the President. Indeed, Hon. Ndilinge was relieved from being an Assistant Minister in May 1999.

4.6 Hon. Ndilinge was a very good debater in Parliament. He was eloquent and always held on to what he believed was right. He often reminded the government to launch a water development programme in Ukambani, urging that it would be the keystone to sustainable irrigation to the famine-prone area.

4.7 **Hon. Anthony Wambua Ndilinge was found murdered on the morning of August 02, 2001 at Githurai 44 bus stage in Nairobi.**

5.0 **POLICE INVESTIGATIONS INTO THE DEATH OF THE LATE HON. ANTHONY WAMBUA NDILINGE**

5.1 To inquire into the murder of the late Hon. Ndilinge, an investigating team was formed by the police. The team was based at the Criminal Investigation Department offices at Kasarani Police Station. It was headed by Mr. Mutunga, Senior Assistant Commissioner of Police, then the Nairobi Area Provincial C.I.D. Officer. Officers from C.I.D. Headquarters and others from the Nairobi Area formed the team.

- 5.2 Their most immediate task was to trace the movement of the late Member from the time he had left his house at around 7.00 p.m. on August 01, 2001 up to the time he met his death at around 5.00 a.m. on the morning of August 02, 2001.
- 5.3 The team was able to chronicle the movements from the evidence by witnesses, all of whom were traced and recorded statements within 48 hours.
- 5.4 The possible motives were next to be investigated. Again most witnesses were willing to volunteer whatever information they had. Only on rare occasions, did the team encounter uncooperative witnesses.
- 5.5 Up to the time that the two suspects were taken to court, the investigating team was convinced that the two were directly involved in the murder, though the evidence was entirely circumstantial. However, the team held the opinion that it could be sustained.
- 5.6 However, latter events cast doubts on this evidence leading to the termination of the trial. First, a witness, Mr. Fred (not real name), then a suspect in a case of robbery with violence in remand at Kamiti Prison, gave information on the shooting, stating that he had spoken to the alleged killers, as "they were people known to him". He gave their names as "Mrefu" and "Mwalimu". He then requested that the robbery case he faced be terminated for him to be released to assist the police trace the two suspects.
- 5.7 When his request was considered it was not found reasonable in view of the fact that he had confessed of not knowing where the two lived. Secondly, in the month of November, 2001, two firearms, a Tokalev Pistol and a .38 Police special pistol were recovered within Dandora by two different units, the regular police of Dandora Police Post and the Tracking Unit of the C.I.D. The



Tokalev was identified as the weapon used to shoot the late Hon. Ndilinge. The .38 Police special pistol was reasonably confirmed to be that of the late Member that was stolen from him at the time of his death. These two incidents indicated to the investigating team that, there were culprits involved in the murder who were still at large.

5.8 Upon the death of the late Hon. Ndilinge the police set out to establish the motive of the murder. Three theories were examined. These were:-

5.8.1 **Political Assassination Theory**

Having been a politician it was necessary to investigate into the possibility that he was killed as a result of his stand in politics by his "political enemies".

Further it was also necessary to examine into the possibility that he was killed by a person or persons who were interested in his seat. For that, purpose the political situation in his Constituency and the larger Ukambani was examined. Preliminary investigation showed that in his Constituency, he was held in high regard. Among his political opponents, there was none who was found to have had a sinister ulterior motive or who could have planned his death.

However, in the larger Ukambani, it was found that there were two distinct groups of politicians, each vying for political supremacy.

One such camp was led or gravitated towards the Hon. Gideon Ndambuki, the then Minister for Planning and National Development. The other group leaned towards the Hon. Stephen K. Musyoka, the Minister for Foreign Affairs. The late Hon. Ndilinge belonged to the second group.

The Hon. Ndambuki had earlier on taken over the chairmanship of KANU Makueni District from the Hon. Ndilinge in a manner that the late Hon. Ndilinge found unfair. Actually the takeover that was orchestrated at KANU National Level fueled disagreement between the two politicians leading to accusations by the late Ndilinge, that the Hon. Ndambuki wanted to finish or was planning to kill him. A file to investigate the allegations was opened at C.I.D Headquarters.

However, the police investigations found no evidence to suggest that the political differences in Makueni or the larger Ukambani were such that they could have led to any of the politicians or their followers to plan to kill the late Hon. Ndilinge.

#### 5.8.2 **Love Triangle Theory**

When it was established that the last person to have been with the late Hon. Ndilinge was Ms. Margaret Wambui Njoroge a suspect in the murder case, it was found necessary to establish who she was and what she used to do in life.

It was established that Ms. Wambui could be referred to as a "twilight girl" and that she had multiple men friends. Further she was known to have been accused by some of her "clients" of stealing from them. During the period before the murder of the late MP, Ms. Wambui had befriended one Jackson who met her financial upkeep.

The police inquiries were to establish whether having "kept" Ms. Wambui, could Jackson have been secretly following her or could he have secretly followed her to see that she did not "misbehave"? Could he have then discovered that she had moved

with late Hon. Ndilinge and planned to kill him out of jealousy?

Further, could any other man who had been friendly to Ms. Wambui have decided to kill any other man who was seen as lover of Ms. Wambui and then had the Hon. Ndilinge killed?

### 5.8.3 **Robbery/Car Jacking Theory**

Lastly the theory that the late Hon. Ndilinge could have been a victim of robbery/carjacking was examined.

It was noted that when the late Hon. Ndilinge's body was found at 44 Githurai, the police found in his pocket, his wallet, which contained his National Identity Card, his Parliamentary ID Card, and about Kshs.26,000 in cash and a number of cheques. This created the impression that whoever shot the late MP was not after money. Still later, when his vehicle was found abandoned at Dandora, it was intact save for the battery, which had been removed. Again the impression that the killers were not after any property was reinforced.

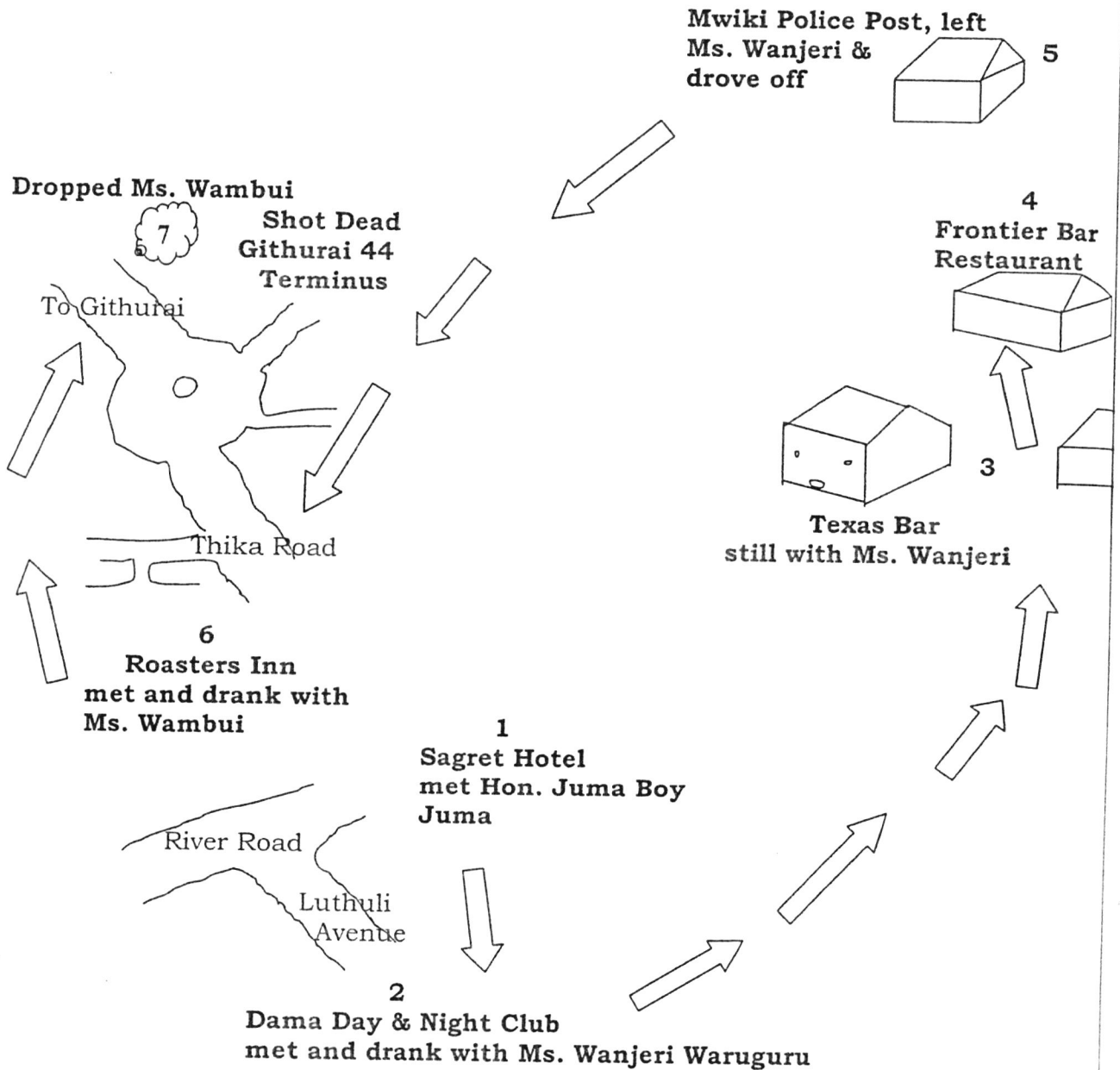
Investigations seemed to suggest that the person(s) who shot the late Hon. Ndilinge had wanted to rob him but when they realized that he was armed, they shot him, and then took his gun and fled the scene. This may explain why the late MP's personal documents and money were intact in his pockets when the body was found.

It is still plausible that the three motives could be interlinked in such a way that the perpetrators of the murder would conceal their conspiracy.

6.0

### MOVEMENTS OF THE LATE HON. ANTHONY WAMBUA NDILINGE, MP

The following sketch map depicts the route taken by the Member on August 01 and 02, 2001:-



6.1

The following is a brief synopsis of the known events and circumstances surrounding the death/murder of the late Hon. Ndilinge.

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6.2 On August 01, 2001, he left his Kimathi Estate house at around 7.00 p.m., for the city centre. He was driving his motor vehicle KAM 037E-Mitsubishi Pajero green in colour.

6.3 Before leaving the house at around 7.00 p.m. he informed his wife Sarah Nduku Wambua, that he had an appointment at Parliament Buildings with the Hon. Peter Maundu. Just before leaving the house he received a call from one of his constituents James Muli Musinga who reminded him of a meeting at the Kenyatta International Conference Centre at 7.45 p.m. He promised the caller that he would attend the meeting. When he finally set off from the house at 7.00 p.m. he was carrying with him a pistol, make Smith and Wesson .38 Special serial No. CAA7816 for which he was a holder of licence No. 741421 issued to him on March 05, 2001.

6.4 However, he never went to Parliament Buildings. At around 9.00 p.m., a former MP for Matuga Hon. Boy Juma Boy coincidentally met the Hon. Ndilinge at the Sagret Hotel along River Road. The two had tea at the hotel. The MP mentioned to Hon. Boy Juma Boy that he was waiting for a lady friend who he was trying to get in touch with through his mobile phone. The two exchanged pleasantries before finally parting ways at 9.45 p.m. when Hon. Boy Juma Boy retired to a nearby Guest House.

6.5 From the Sagret Hotel the Hon. Ndilinge moved to the Dama Hotel along Luthuli Avenue off Tom Mboya Street. At Dama he met a waiter Francis Nderitu Maingi whom he knew. The Member noticed a lady who was seated alone. He enquired from the waiter about her lady and later bought her a beer. According to the lady, Miss Rahab Wanjeri Waruguru, she arrived at Dama Hotel at around 8.00 p.m. and decided to take one drink before proceeding to her house at Mwiki. However, before she finished her drink, the waiter whom she knew casually brought her another guinness beer. He urged her not to

decline it, as it had been offered to her by someone called Tony.

- 6.6 Having finished the beer, Ms. Waruguru moved to Hon. Ndilinge's table to thank him for the drink. He offered her another beer and they continued drinking up to around 11.30 p.m. when the lady said that she wanted to leave for home.
- 6.7 The Hon. Ndilinge then told her that he would escort her to the Mwiki stage in the city centre where she would take a matatu home. Unfortunately all matatus had gone. Therefore, he offered to drive her up to Roysambu roundabout where she would take a matatu to Mwiki. The duo drove up to Roysambu, then he offered to drop her at Mwiki, since there were no matatus.
- 6.8 The two finally reached Mwiki and proceeded to Texas Bar. Unfortunately the bar did not stock the brand of drink the Member wanted. At the same time some patrons known to the lady were preparing to move out to the next bar, Hon. Ndilinge invited them to join him.
- 6.9 The group consisted of Mr. Muturi - who worked at Frontier butchery and lived at Mwiki, Rose Mueni, a resident at Mwiki - and works in town, Mr. Kawaya a matatu driver - plying the Nairobi-Mwiki route, and lived at Mwiki, a lady nicknamed "Box", and a mechanic at Mwiki.
- 6.10 At Frontier Bar they found Ms. Rachel Wamaitha, Ms. Winnie Wambui Muhu and Ms. Margaret Wanjiku Mbuthia, whom they joined and started drinking. At one point, the Member inquired whether there were police officers around. He was informed that there was a Police Post nearby. He then sent Zakayo Karangi Robi alias *Kawaya* to go and look for police officers to guard his vehicle. The officers were called but declined to go to the bar saying that they were the only two at the Police Post as the rest had gone out on patrol.

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- 6.11 Hon. Ndilinge then decided to drive to Mwiki Police Post together with Ms. Waruguru, with the intention of leaving the vehicle under the care of the police. At the Police Post, he wanted to park the vehicle immediately at the front of the Post. However, the policemen objected to this saying that this would block another vehicle parked there. This upset him and he angrily drove off leaving Ms. Waruguru at the Post.
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- 6.12 It would appear that from Mwiki, Hon. Ndilinge drove to Roasters Inn along Thika Road, located about one kilometre from the Nairobi GSU Headquarters. The exact time he entered Roasters Inn is not known but it must have been before 4.00 a.m.
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- 6.13 While there, he chanced upon Ms. Margaret Wambui Njoroge who says that she noticed him enter and even described the type of clothes he had on. She said he first went to the toilet and when he came out he joined her at the counter. He initiated conversation by introducing himself and buying her a beer.
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- 6.14 Ms. Wambui said that the Member ordered a beer for himself and one for her. She could also remember that he introduced himself as Tony Ndilinge, MP for Kilome Constituency.
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- 6.15 According to her, they took drinks up to around 5.00 a.m. when she said she wanted to go home, and he offered to drop her at Githurai where she resided. The two left Roasters Inn and proceeded to the parking yard where they boarded the vehicle and drove off to Githurai 44.
- 6.16 They left Roasters Inn between 5.00 a.m. and 5.30 a.m. and arrived at Githurai 44 a few minutes later. She said that he just dropped her and drove off, and that, she thereafter went to a building known as IKINU "B" and walked upstairs to her room.

6.17 Several people, residents of IKINU "A", namely, Mr. Paul, Ms. Helen, and Mr. Newton (not real names), said that Ms. Margaret Wambui Njoroge was escorted up to IKINU "B" by a man who had a Pajero vehicle and moments later, they heard a gunshot and the Pajero vehicle took off at a high speed leaving the body of a man on the ground whom they later identified as the person who had escorted Ms. Wambui moments earlier. A resident of IKINU "A" alerted the police by calling through the emergency number 999.

6.18 By 7.30 a.m. police officers identified the body of the shot man as that of Hon. Anthony Wambua Ndilinge, MP for Kilome. Thereafter, investigations commenced.

7.0 **ANALYSIS OF THE MOVEMENTS OF THE LATE HON. NDILINGE**

7.1 It would appear that the deceased left his house most likely to meet a lady friend, although when he left the house he was emphatic to his wife Sarah that he had an appointment to meet Hon. Peter Maundu at Parliament. The Member did not meet Hon. Maundu as he was out of Nairobi. He also did not meet his constituents who were holding a meeting at the Kenyatta International Conference Centre (KICC), though he had promised Mr. James Muli Musinga through the mobile phone that he would attend. He was seen at Sagret Hotel by Hon. Juma Boy and he mentioned to him that he was waiting for a lady friend whom he made frantic efforts to contact using his mobile phone.

7.2 On failing to meet this lady, the late MP moved to Dama Bar where he met Miss Rahab Wanjeri Waruguru and had drinks together before he decided to drop her at her residence in Mwiki area. However, before reaching her house, they decided to make a stop at Texas Bar in Mwiki but moved on to Frontier bar since his Whisky brand was missing. Whilst still at this bar, he ostensibly for



security reasons sent for police officers from Mwiki Police Post. Unfortunately there were only two officers at the Post and therefore they could not go to the bar as requested.

7.3 Later the Member drove to the Police Post together with Ms. Waruguru. He did not reveal any information to the effect that his life was in danger. His only request to the police was about the parking of his vehicle at the Police Post. When he was directed to park his vehicle at the visitors park yard, he got annoyed and drove off leaving Ms. Waruguru behind.

7.4 It may be construed that his going to Mwiki Police Post had nothing to do with his insecurity, other than safe keeping of his vehicle.

7.5 The late MP's movement from Mwiki to Roasters Inn where he arrived at around 3.00 a.m. was re-traced. His arrival was noticed by Ms. Margaret Wambui Njoroge who kept the late MP company while drinking until around 5.00 a.m. when they left Roasters Inn for Githurai 44 Estate. The most intriguing factor is that the late MP's arrival at Roasters Inn was not reflected anywhere in the register maintained at the gate by the watchman. Further scrutiny of the vehicle register revealed that the page where the MP's vehicle registration number could have been entered was missing from the register. The explanation received from the watchman is that the page was torn when some people who had been involved in a motor vehicle accident at the yard wanted a piece of paper to write an agreement on. It's a wonder why only the page containing the vital details of this case was selectively plucked out. Could it be that the management of Roasters Inn did not want to show that the Member was there during the said hours? Could it also be that the management was in some collusion with the killers? Or could it be that the management was in apprehension of victimization after the registration

number of the motor vehicle was announced in the media?

- 7.6 It is not known how many people the late MP gave a lift alongside Ms. Margaret Wambui from Roasters Inn to Githurai 44 stage.
- 7.7 Later on at Githurai 44 where Wambui used to live, her neighbour Karimi (now deceased) and whose evidence is available on videotape informed her that the man who had brought her home had just been shot dead outside the plot. She did not even bother to go and find out whether it was true or not.
- 7.8 When Ms. Wambui finally got up after being pestered by the same Karimi, she walked to where the body was, viewed it, and just walked away. Considering that she was the last person to have seen the deceased alive, one would have expected that she would have at least volunteered any information or made an effort to get in touch with the police as soon as possible but she never did so. Was it that she was so shaken or feared being implicated in the murder?
- 7.9 After leaving the scene where the MP's body was lying Ms. Margaret Wambui Njoroge went and called her boyfriend one Jackson (not real name). By the time Police went to her house, the two were in the room.
- 7.10 After her arrest, she vehemently denied to have been in the company of the late MP. She told the police that on that fateful night she took a matatu home from Roasters Inn. She later changed that version of her story by admitting that she was in the company of the deceased, when she realized that other eyewitnesses had already told the police that she was brought home by the deceased.

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- 7.11 Investigations revealed that the deceased's vehicle was driven to Dandora Estate where it was dumped and the assailants disappeared. Other than the battery which had been removed from the vehicle it appeared intact but for a bullet hole on the right handside of the passenger door. The vehicle was towed to Nairobi Area Headquarters for forensic examination.
- 7.12 Witnesses who were interviewed subsequent to the recovery of the vehicle mentioned Mr. Joakim Ngure Kagema (alias baba Njeri) to have been among the people who alighted from the vehicle at the time it was abandoned.
- 7.13 Derick (not real name), said that on August 02, 2001 at around 6.00 a.m. he saw the vehicle drive into the plot where he was sleeping and saw three people leaving the vehicle among, whom he recognized one as *baba* Njeri (Joakim Ngure Kagema), the second suspect charged with the murder in the **mis-trial** case. Derick described what clothes he was wearing. Julius talks about seeing two people one of them resembling Baba Njeri. Carol (not real name), a house girl who was working nearby at the time when the vehicle was being abandoned talks about seeing two people. One alighted from the vehicle and carried away a handbag and a brief case and about fifteen (15) minutes later or so, she saw one of the two people come back and remove a battery from the bonnet. She was observing the events from a neighbouring house balcony.
- 7.14 Mr. Joakim Ngure when questioned about his movements on the night of August 01, 2001, maintained that he was at home and sick. However, further inquiry into his movement failed to confirm whether he spent the night at home.
- 7.15 It is upon these facts that the police opened a case file and commenced investigations and subsequently arrested Ms. Margaret Wambui Njoroge and Mr. Joakim

Ngure and charged them with the murder of Hon. Anthony Ndilinge.

- 7.16 The trial was later declared a **mis-trial** when the trial Judge Justice Samuel Oguk resigned from the bench and the two suspects were released.

However, a Parliamentary Select Committee was constituted immediately thereafter to investigate the murder.

8.0 **RESULTS OF SCIENTIFIC (FORENSIC) EVIDENCE**

- 8.1 The Police collected various materials and exhibits for scientific/forensic examination at the CID Headquarters and Government Chemist with the following results:-

8.2 **Ballistic Evidence**

- 8.3 On August 02, 2001, the following were recovered at the scene where the body of the late Hon. MP was found lying dead at Githurai 44, near Ikinu "A" building; one round of ammunition in calibre 7.62 x 25 mm and a spent cartridge in calibre 7.62 x 25 mm.

- 8.4 The spent cartridge and ammunition were forwarded to the Government Firearms expert for analysis.

- 8.5 On November 09, 2001 at about 7.30 p.m., police officers from Dandora Police Post on patrol within Dandora Phase Five came across a group of three men who on seeing the officers ran away. The three officers chased and arrested one of them who identified himself as Julius Chege Mwangi and a .38 Special revolver with three spent cartridges recovered from him. This was after an exchange of fire between the officers and the gang.

- 8.6 Similarly on the same day and about the same time Police officers from the Tracking Unit recovered on a tip-off a 7.62 mm calibre Tokalev pistol which had been

tion. dropped by two unknown persons near the Dandora Phase Five Market.

trial and 8.7 The ammunition, and the spent cartridge of calibre 7.62 x 25 mm that were recovered at the scene of murder were forwarded to the ballistic expert who did comparative microscopic examination on the Tokalev pistol recovered at Dandora. It revealed sufficient matching firing identification markings and sufficient matching breech face markings that confirmed that one spent cartridge and one live bullet that were recovered at the murder scene were fired from the Tokalev Pistol 7.62 x 25 mm. This proved that the Tokalev was the murder weapon.

s for 8.8 The .38 Special revolver and the same three spent cartridges were also submitted to the ballistic expert for analysis. The revolver's serial number was found to have been obliterated but was in good mechanical condition and was capable of being fired. The .38 Special revolver was later confirmed to be Hon. Ndilinge's that was taken from him after the killing.

ent 8.9 **Medical Evidence**

ed to On the 3<sup>rd</sup> August 2001, an autopsy was performed at the Lee funeral home parlour, Nairobi on the body of the late Hon. Ndilinge by Dr. Alex Kirasi Olumbe and Dr. Geoffrey Mutuma who formed a joint opinion that Hon. Anthony Wambua Ndilinge died of a single gunshot to the head. There was a bullet wound to the back of the head in the lower occiput straddling the midline, with the projectile entering and exiting at back of the head. The wound was associated with bleeding in the cranium due to multiple bone spicules entering the brain substance.

icers 8.10 Dr. Olumbe, also, attended and examined the scene where the deceased's body was found. From the scene, Dr. Olumbe was able to determine that it was a homicide by firearm and the death occurred at the scene. The

latter deduction was by the amount of blood that was found next to the body. Examination of the warm body at the scene and by flexing and extension of the joints indicated that it was in the flaccid period hence a delay period of up to three hours and therefore the death must have occurred at about 5.40 a.m.

8.11 Blood, urine, bile, liver, kidney and stomach contents were on August 06, 2001 submitted to Government Chemist and a report stated that alcohol (ethanol) detected in the blood and urine of the deceased had a concentration of 175 mg per 100m/s. The blood alcohol level indicated a minimum intake of four and a half litre bottles of beer or 9 (nine) tots of whisky. No other chemically toxic substances were detected.

8.12 **Fingerprint Evidence**

8.13 The motor vehicle, KAM 037E Pajero belonging to the deceased was recovered at Dandora Phase Five on August 02, 2001 and later towed to Nairobi Area Police Headquarters.

8.14 On August 03, 2001, the vehicle was examined for finger prints and fibres. Finger prints were lifted on the vehicle and upon classification yielded negative results. Similarly, fingerprints were lifted from envelopes and papers found in the deceased's vehicle. They were forwarded to the Kenya Police Criminal Records Office Nairobi for classification.

8.15 Another set of photographic fingerprint lifts found on the deceased's vehicle were submitted to the office of the Principal Registrar of Persons. The office reported that both their manual and automated finger prints data base relied on physical fingers of a set of ten fingers, unlike the submitted ones which had only three (3) finger print impressions. Therefore, there was incompatibility of the systems at the Principal Registrar Office and the Criminal Record Office (CRO).

8.16 **Government Chemist Evidence**

8.17 The following exhibits were submitted to Government Chemist for analysis:-

- (i) A black coat of the deceased;
- (ii) A black pair of long trousers of the deceased;
- (iii) A blue pair of underpants of the deceased;
- (iv) A brown (with grey patterns) pair of socks of the deceased;
- (v) A pair of shoes of the deceased;
- (vi) A pair of skirt of Ms. Rahab Wanjeri Waruguru;
- (vii) A red pullover of Ms. Rahab Wanjeri Waruguru;
- (viii) A black (with yellowish brown patterns) sweater of Ms. Margaret Wambui;
- (ix) A cream dress of Ms. Margaret Wambui;
- (x) Blood sample of Ms. Margaret Wambui;
- (xi) A blue pair of long trousers of suspect Mr. Joakim Ngure Kangema;
- (xii) A blue coat of Mr. Joakim Ngure Kangema;
- (xiii) A red cap of Mr. Joakim Ngure Kangema;
- (xiv) A green checked coat of suspect Mr. Amos Kuruma Ng'ang'a;
- (xv) Blood stains from the scene (where the body of the deceased was found);
- (xvi) A cigarette filter collected from the scene;
- (xvii) Blood stains collected from right front wheel tyre of deceased vehicle;
- (xviii) Fibres collected from driver seat of deceased's vehicle;
- (xix) Fibres collected from rear right side of deceased's vehicle;
- (xx) Fibres collected from rear left side seat of deceased's vehicle.

8.18 The report of the Government Chemist was as follows:-

1. The blood sample of the deceased, Anthony Wambua Ndilinge (item A) and that of

suspect, Joakim Ngure Kangema (item A-1) were both found to be of group B.

2. The blood sample of suspect, Margaret Wambui (item B-1) was found to be of group O.
3. The coat (item F-1) and the pair of long trousers (item F-2) both of the deceased were each moderately stained with human blood of group B.
4. The underpants (item F-3) and one sock (item F-4) (i) both of the deceased were each heavily stained with human blood of group B.
5. One sock of the deceased (item F-4 (ii)) was slightly stained with human blood of group B.
6. The left black shoe of the deceased (item F-5) was moderately stained with human blood. **A-B-O grouping results were inconclusive.**
7. The red pullover of Rahab Wanjeri Waruguru (item C-2) was very slightly stained with human blood. **A-B-O grouping results were inconclusive.**
8. The bloodstains collected from the scene (item N-1) were all found to be of human origin and of group B.
9. The cigarette filter collected from the scene was stained with saliva from a group B secretor.
10. The bloodstains collected from the right front wheel tyre of M/V Reg. No. KAM 037E were found to be of human origin and of group B.



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11. There were no bloodstains on the rest of the items submitted.
12. Red wool fibres collected from the Driver's seat of M/V Reg. No. KAM 037E (item P-1) were found to be similar to red wool fibres on the pullover of Rahab Wanjeri Waruguru.
13. There were no contact fibres in the M/V Reg. KAM 037E similar to any of the fibres of the clothes of the suspects submitted.

8.19 According to the technology available at the Government Chemist at that time, the fibres of a pullover worn by Ms. Rahab Wanjeri Waruguru were found on the driver's seat of the deceased's motor vehicle. However, DNA tests were not done as requested by the police.

8.20 **Further Analysis by (Federal Bureau of Investigation) FBI**

8.21 All the enumerated exhibits including the firearms were re-submitted to FBI for further investigation. The .38 special pistol which had its serial number obliterated was to have its serial number restored if possible by use of advanced technology.

8.22 **FBI Ballistic Report**

8.23 The following specimens were examined in the firearms/tool marks unit:

Q16 Bullet (Item O)

Q17-Q29 Thirteen (13) cartridges cases (Item M-1-M-13)

Specimens received March 24, 2005

Q30 Cartridge (Item N)

K1 7.62 x 25 mm Tokalev pistol, serial number obliterated, with magazine (Item K)

K2 .38 Special caliber Smith & Wesson revolver, Model 36, serial number obliterated (Item L)

- 8.24 Although the K1 pistol functioned during testing, it would not completely go into battery. The K2 revolver functioned normally when test fired in the FBI laboratory.
- 8.25 Specimen Q16 is a jacketed bullet like those loaded into 7.62 x 25 mm cartridges. However, this bullet shows no indication of having been fired from the barrel of a firearm.
- 8.26 Specimen Q21 is a 9 mm Luger (9 x 19 mm) cartridge case manufactured for/by KOF. This cartridge case exhibits good microscopic marks of value for comparison purposes. Specimen Q21 was eliminated from comparison to specimens Q17 through Q20 and Q22 through Q29, as well as the K1 pistol and the K2 revolver.
- 8.27 Specimens Q19, Q20, Q24, Q26, Q27 and Q29 are .38 Special caliber cartridge cases manufactured for/by Winchester. Specimens Q23 and Q25 are .38 Special caliber cartridge cases manufactured for/by Dominion and S&B. Specimens Q19, Q20, Q24, Q26, Q27 and Q29 were identified as having been fired in the K2 revolver. It could not be determined whether or not specimen Q23 or Q25 were fired in the K2 revolver.
- 8.28 Specimen Q17, Q18, Q22 and Q28 are 7.62 x 25 mm (Tokalev) cartridge cases. Specimens Q17 and Q18 were identified as having been fired in the K1 pistol. The Q22 cartridge case was identified as having been loaded into and extracted from the same firearm as specimen Q18. It could not be determined whether or not specimen Q28 was fired in the K1 pistol.

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**Serial Number Restoration of K1 and K2 Pistols**

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Examination and chemical processing of the K1 pistol partially restored the original obliterated serial number to read “?39041949” (the question mark represents unrestored digits).

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Examination and chemical processing of the K2 revolver determined the original obliterated serial number could not be restored. However, an alternate serial number location was restored to read “CAA78?” (the question mark represents an unrestored digit).

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Hon. Ndilinge set off from his house at 7.00 p.m. carrying a pistol, Smith and Wesson .38 Special Serial No. CAA7816 for which he was a holder of licence No.7412421 issued to him on March 05, 2001. The Chief Firearms Officer, Ole Mpesha gave evidence that he saw the gun and confirmed it was the one issued to Hon. Ndilinge. The FBI advanced technology of Serial Number Restoration confirmed again using chemical restoration that the gun is the one licenced to Hon. Ndilinge. The ballistic microscopic examination report further affirms the identity of the gun licenced to Hon. Ndilinge.

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**Satellite Imagery Evidence**

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The Committee deemed it necessary to find out whether satellite imagery of both the murder scene and the scene where the deceased’s vehicle was recovered could be obtained. The Regional Mapping Center at Kasarani availed co-ordinates of the two specific locations. These were sent alongside other exhibits to the FBI through the US Embassy in Nairobi. *The Report of the FBI is being awaited.*

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## 9.0 LEGAL OBSERVATIONS

9.1 The following legal observations are premised on the evidence adduced by witnesses who testified before the Parliamentary Select Committee investigating the murder of the late Hon. Anthony Wambua Ndilinge. The evidence relied upon is both direct and circumstantial. Five people have been directly implicated in the murder of the late Member of Parliament.

These are:-

1. **Ms. Margaret Wambui Njoroge**
2. **Mr. Joakim Ngure Kangema**
3. **"Mwalimu"** }
4. **"Mrefu"** } Nicknames
5. **Mr. Julius Chege Mwangi - as per police and court records**

9.2 Ms. Margaret Wambui was the last person to be seen with the late Anthony Ndilinge according to the evidence of three witnesses namely: Paul Njenga Meja, Hellen Karoki and Mr. Newton Mwai Githinji, (not real names). However, she denied having been in the company of the late MP on the material morning.

9.3 She recorded a statement under caution in which she confessed to have met the late Member at Roasters Inn and travelled in his car from the Inn up to her house.

9.4 Prior to the enactment of the Criminal Law Amendment Act (2003), confessions such as the one made by Margaret Wambui was admissible in evidence. It only required other independent evidence to corroborate the material particulars so that the court could rely on it to find a conviction. With the enactment of the **Criminal Law Amendment Act (2003)**, confessions were outlawed unless they are made in court.

- 9.5 This new law has drastically changed the position of the law in this country. Previously, confessions were admissible if made in the presence of a police officer of the rank above sub-inspector or a magistrate. Section 25A of the *Criminal Law Amendment Act* which essentially outlaws confessions generally and unless made in court should be re-examined and repealed if possible. **If the previous law of confession is re-enacted then the evidence against Margaret Wambui implicating her with the death of the late Hon. Ndilinge shall be virtually watertight.**
- 9.6 Section 20 of the Penal Code defines a Principal offender as every person who aids or abets another person in committing an offence.
- 9.7 Wambui's conduct immediately the deceased was shot was very suspicious. When she was informed about the death of the late MP she showed a singular lack of interest. This behaviour smacks of what she expected to happen which actually happened, and the death of the deceased was not news to her.
- 9.8 Moreover, Hellen, (not real name) puts Margaret Wambui at the scene of the shooting. She saw her standing next to a kiosk when the shooting occurred. She gave a description of the dressing of Wambui. Wambui herself confirmed that she was dressed as described.
- 9.9 According to the evidence of Mr. Fred, an eye witness to the murder of the late MP, the two killers namely "Mwalimu" and "Mrefu" emerged from inside the deceased's car and shot him dead. This happened immediately after the deceased had dropped Margaret Wambui. The killers might have been with the deceased and Margaret Wambui in the deceased's car. The only reasonable conclusion is that Margaret Wambui at all material times acted in concert with the two killers to commit an unlawful act to rob the deceased of his car together with his firearm and ammunition.

- 9.10 When Margaret Wambui realized that her accomplices had successfully executed the Member and taken away his car and firearm with ammunition, she started covering up her involvement. She invited her man friend Jackson for lunch and sex.
- 9.11 After the murder of the deceased, his car registration **KAM 037E**, make Mitsubishi Pajero was recovered in Dandora. The person who parked the car and came out of it was one Joakim Ngure. He was wearing a red cap. Derick saw and identified Joakim Ngure as the person who emerged from the car. They even recorded statements to that effect but they were later threatened and they retracted their statements during the trial of the case at the High Court.
- 9.12 Immediately the Member's car was recovered, the witnesses spoke to the pressmen and they were captured on video tape doing so. They said that they saw the arrival of the car and Mr. Ngure getting out of it. Mr. Ngure had attempted to give a false alibi that he was indoors feeling unwell when the car was driven to Dandora. Ngure has talked about his supposedly son-in-law having been arrested and detained at Kinyago Police Post and that he went there to check on him. This false alibi has been disapproved by the Occurrence Book (OB) and Cell's Register Entries. Ngure's son-in-law namely one Mdenda Oduor does not appear in the two books. Therefore, Ngure is a liar. He was found in recent possession of the Member's car a few hours after the murder. He did not give any explanation as to how he came into possession of the car. Hence he either stole it or dishonestly handled it. The same car was stolen immediately after the Member was murdered. In the absence of an explanation regarding the possession of the car, Ngure could have been one of the killers of the Member. The doctrine of recent possession applied to this case. Therefore, Joakim Ngure is a prime suspect in the death of the late MP.

9.13 According to Fred (not real name), the persons who actually murdered the Member were "Mrefu" and "Mwalimu" (not real names). On August 02, 2001 at about 5.30 a.m. while at a matatu stage in Githurai intending to board a matatu to the city centre, he said he saw a big car parked near the stage.

9.14 He saw a man come out of the car, whom he recognized as "mwalimu" a person he knew. "Mwalimu" approached Hon. Ndilinge who was standing next to the driver's door. Mwalimu asked him, "**who are you**"? The man replied that he had no problem. Mwalimu started frisking the man. "Mwalimu" then shouted in Kikuyu that the man had a pistol (**ena nyamu**). He called another person who was in the car. "Mrefu" then jumped out of the car and went to where "Mwalimu" and Hon. Ndilinge were standing. When "Mrefu" got there a loud bang similar to a gunshot sound was heard by Fred.

9.15 Immediately afterwards, a matatu stopped at the stage and Fred boarded it together with other passengers for town.

9.16 Fingerprint impressions lifted from the late Hon. MP's Pajero registration KAM 037E have not been identified save for those of the deceased.

## 10.0 **CONCLUSIONS AND RECOMMENDATIONS**

After thorough examination and scrutiny of the evidence presented before it and examining the witnesses who appeared before it, and after studying several reports, the Committee makes the following conclusions and recommendations:-

10.1 **Lack of Police Homicide Squads:** According to the Annual Police Report 2003 issued by the Commissioner of Police, 296 murder cases were reported in Nairobi in the year 2001 as compared to 271 and 215 in 2002 and 2003 respectively. It is apparent that at the time of Hon.

Ndilinge's death, violent crimes were very high. To combat crime, it emerged that there is need to set up permanent homicide squads, not only in Nairobi but in all provinces. The homicide squads are formed on an *ad hoc* basis by the police department. This renders them ineffective since they lack institutional memory to resolve murder cases.

**The Committee, therefore, recommends that there is need to set up an information/data network where criminal information including photographs can be downloaded at any station throughout the country and that while it is an expensive undertaking it should be considered as vital tool. Further it recommends that permanent homicide squads should be established in every province at the police headquarters.**

10.2

**Lack of coordination:** The Committee observed that there is lack of proper coordination between various police departments. The recovery of the murder weapon and the failure to share out this information despite a request having been made by one arm of the police, shows that operations within the Nairobi Area were not properly coordinated. Had the information on the recovery of the guns passed on at the earliest opportunity, the arrested person could have been handed over to the investigators for interrogation. As it were, Julius Chege Mwangi managed to have himself charged for a lesser offence for which he absconded after his release on bond.

**The Committee recommends that an efficient and effective information collection and collation system should be established at the police headquarters.**

10.3

**Lack of cooperation:** The Committee observed that there is lack of cooperation and poor information networking between the various police units.



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Apart from the lack of proper coordination, the recovery of the firearm proved that there was no proper cooperation within the neighbouring police divisions. Information relating to the recovery by the **Tracking Unit** should have been made available with due speed to the police in the area of recovery and the neighbouring divisions. Had the information been timely relayed, there would have been a possibility of linking the two firearms with real persons and hence prosecuting the culprits being in possession of illegal firearms.

**The Committee recommends that the police should establish proper cooperation and co-ordination in its department in regard to sharing information and that an update database be established.**

10.4

**Lack of Forensic Facilities:** The Committee observed that the police forensic facilities were ill equipped to handle normal ballistic and forensic examinations.

**The Committee, therefore, recommends that a fully functional forensic facility be availed to the police.**

10.5

**Lack of Supervision:** The Committee observed that there was lack of proper supervision in the police units.

The activities relating to the recovery of the firearm at Dandora Police Post point at lack of proper supervision. There is evidence that the Divisional Criminal Investigator Officer, Buruburu never received any information on the recovery of the firearm despite there being instructions on the action to be taken in the event that a firearm was recovered. It is also incomprehensible how the firearm remained at the Dandora Police Post from 9<sup>th</sup> November 2001 to March 2002. It is only when the investigator in the case went looking for it after linking it to the recovery of the murder weapon which had been positively identified by the Ballistics expert that he obtained it. The firearm should have been submitted immediately it was seized so that a proper decision on

the correct charge could be made against the person in whose possession it was found. There was therefore negligence on the part of the Officer Commanding Police Post (OCP), Dandora Inspector Shikuku.

**The Committee, therefore, recommends that effective supervision by the police department should be enhanced and streamlined and further recommends that the then OCP Dandora, Inspector Benson Shikuku Ogute be dismissed from the police force and be also charged with serious dereliction of duty.**

10.6 **Police Attitude:** The Committee was gravely concerned over the lackadaisical manner in which police officers conduct murder investigations. Generally, the approach, attitude and procedure of the police is extremely lethargic and simply resort to the casual, "business as usual style".

**The Committee is of the view that a serious change of attitude and approach to investigations is required from police if acceptable standards are to be met and maintained.**

10.7 **Police Prosecution Failure:** The Committee observed two typical examples of deliberate laxity on the part of the prosecution. These are:-

- (i) The Prosecutor in Julius Chege Mwangi's case at Makadara Law Courts, Chief Inspector Kimanzi, failed to object to the granting of bond/bail to the accused person. Julius Chege Mwangi was found in possession of a firearm, a .38 special pistol later confirmed to be Hon. Ndilinge's. The court proceedings indicated quite clearly that he had "No objection" yet he was arrested after attempting to shoot police officers.

**The Committee recommends that the officer be held responsible for the absconding of Mr. Julius**

**Chege Mwangi's and accordingly be charged under the Police Force Standing Orders.**

- (ii) The prosecutor in a completely different case relating to one Francis Maina Wamuyu who was charged with a gun-related offence after being arrested within Githurai, that during his plea on 10<sup>th</sup> February 2003, no objection on his release on bond/bail was made by the Prosecutor, Superintendent Odongo. He was subsequently released on a bond of Kshs.100,000 with a fake surety of the same amount, but never turned up in court again.

**The Committee concluded that such prosecutions were conducted in a sloppy manner and recommends that stringent procedures be put in place to curb this prosecution lapses.**

- 10.8 **Scene of Crime Negligence:** The Committee also observed that the scene of crime officers failed to dust the bonnet of the deceased's' vehicle, despite having information that the battery of the vehicle had been stolen and the bonnet opened.

**The Committee concludes that the scene of crime officers Sergeant Sirengo and Corporal Mwangi were therefore negligent regarding the removal of the vehicle from the scene before dusting, and recommends that the officer who ordered for its removal be held responsible and punished.**

- 10.9 **Negligence of OCS, Muthaiga Police Station:** The Committee was informed that in May, 2002, three criminal suspects were shot dead in Huruma Estate after a lady informer told the police that there was a possibility that one of the culprits was involved in Hon. Ndilinge's murder. The informer was later killed by unknown people in her house in Dandora. The dead suspects' fingerprints were never taken, contrary to the laid down

police procedures. The Committee observed that this was a gross incident of dereliction of duty since that could have been a vital link to Hon. Ndilinge's murder.

**The Committee, therefore, recommends that the then OCS, Muthaiga, Chief Inspector Lagat be held directly responsible for this gross negligence and that the case be further investigated to establish any vital link to Hon. Ndilinge's murder.**

10.10 **Bail Conditions:** The Committee once observed with concern that courts do not have stringent bail conditions for suspects arrested with illegal firearms.

The granting of a Kshs.25,000 cash bail to the suspect Mr. Julius Chege Mwangi is a good example of the laxity of courts in such cases. The Committee noted that in most cases courts grant bond without involving the investigator in examining the surety such that when an accused person jumps bail or bond, the case investigator is then sought by the court to look for a surety whom he has never met and in the event he is unable to trace the surety, the investigator may be called to court to explain why he cannot serve the summons or execute the warrant. Property offered as surety, such as vehicles are not verified before being accepted as sureties.

**The Committee recommends that there is urgent need to streamline the process of granting bail and for courts to consider involving the investigating officer in examining sureties if the accused person has to be released. It is further recommended that the Chief Justice should address this lacuna by reviewing the Criminal Justice Procedure in the granting of bails.**

10.11 **Government Chemist Limitations:** The Committee observed that there was government chemist failure due to its inability to carry out DNA testing on exhibits submitted. It was also noted that the ABO blood

classification system used in examining the exhibits could not give conclusive results and that the speed at which the examinations were carried out was rather slow possibly due to their lack of capacity.

**The Committee therefore recommends that the Government provides and equips the government chemist with adequate personnel and equipment.**

10.12 **National Registration Bureau Limitations:** The Committee observed that the National Registration Bureau only identifies persons using the ten finger system which is not compatible with the single or multiple fingerprints lifted by the police. The fingerprints obtained by the scene of crime officers at the murder scene were of poor quality and they could not be used by the National Registration Bureau.

**The Committee recommends the National Registration Bureau should harmonize the ten and single finger system. It further recommends that it should also work closely with Criminal Records Office (CRO) at the CID.**

10.13 **Lack of Cooperation from the Public:** The Committee observed that after the murder of the late MP, an appeal was sent out through the media, and to the public in general to come forward and give information on those who may have been involved in the murder. A lot of information was received and sieved. Within the local area, useful information was received from the outset leading to the arrest of Ms. Margaret Wambui. More information was sought within Githurai, Dandora and Huruma areas. The information trickling in led to several other arrests which were cleared after investigations.

However, the public had the perception that it was the police duty to solve the case without their input. Possibly there is mutual suspicion and mistrust of the police and the public over reasons, real or imagined. **There is urgent and critical need for more cooperation**

**between the public and the police**, if such crimes will be solved and even prevented. **In this regard, the Committee wishes to commend and encourage the recently launched Community Policing Initiative.**

- 10.14 **Repeal of Evidence Act:** The Committee was concerned at the current system used in obtaining evidence from suspects. Initially, the evidence confessed to a police officer was admissible in court, but with the amendment of the Evidence Act, such admission is now no longer necessarily admissible.

The repeal of Sections 28 and 29 of the Evidence Act which relates to confession and admission has seriously affected investigations and outcomes of cases. It has greatly hindered and hampered the work of the police in obtaining evidence from suspects. In the case of Ms. Margaret Wambui she made a statement to the investigating officer where she admitted having met the late MP and even rode in his car from Roasters Inn to her residence in Githurai.

- 10.15 Although she denied having made the statement freely, it is evident that the information and details in the statement could not have come from any other person other than herself. However, with the repeal of the two sections, evidence relating to her admission could not be produced in the court.

- 10.16 It should be noted here that most countries have their courts admitting as evidence, confessions and admissions made by a person in custody.

**The Committee recommends that Parliament should re-enact sections 28 and 29 of the Evidence Act to enable speedy, timely and factual evidence to be obtained from suspects.**

- 10.17 **Firearm Laws:** The Committee noted with grave concern that Firearms Laws were weak. A person arrested in

possession of an illegal firearm is easily granted bond or bail only for him to acquire another firearm. There is need to deter this offence which is reprehensible and dangerous to the public by making it difficult for a person charged to easily get back to society. At the moment, offenders charged under section 4(2)(a) of the Firearms Act (Cap 114) Laws of Kenya, attract a sentence of 15 years. Possession of any other firearm other than a prohibited firearm, attracts a fine of Kshs.20,000 or imprisonment to a term not exceeding 10 years.

**The Committee recommends:-**

- (i) **That, there is urgent need to consider making legal enactments in this regard, making being in possession of a firearm a non-bailable offence.**
- (ii) **That, the offence, for police purposes should be classified as a serious offence where the offender would be subjected to fingerprinting and his details entered in the serious charge register. An amendment should therefore be made to the Firearms Act (Cap 41) to provide for the treatment of those cases as serious ones.**

10.18

**Makadara Law Courts:** The Committee was extremely appalled at the apparent lax system of granting bail to suspects and in particular at the Makadara Law Court where suspects were not even required to have identification documents. The Committee was informed that on very many occasions persons paying the bond did not have the requisite identification documents.

**The Committee noted that the Makadara Law Courts need to be streamlined to ensure transparent procedure and in this regard, the Committee recommends:-**

- (i) That, action be taken against Ms. Serah Kiilu, former cashier at the Makadara Court in relation to her role in processing the release of Mr. Julius Chege Mwangi who was charged with being in possession of a firearm later confirmed to belong to the late Hon. Ndilinge without taking proper identification documents.
- (ii) That, the then Magistrate handling the case, Mr. Muga Apondi, through the Chief Justice, confirmed the authenticity of the extra paper in the court file No. 22630/2001 which initially granted Kshs.200,000 surety and later changed to Kshs.25,000 for Mr. Julius Chege Mwangi, who had been caught with Hon. Ndilinge's firearm at Dandora on November 2001 and released without identification card.
- (iii) That, should Judge Muga Apondi fail to clarify the issue, then a tribunal should be set up to establish the bail that was granted and the circumstances under which it was changed.

10.19

**Identity of three (3) persons known as "Mrefu":** During the interview with witnesses, it emerged that there were three persons known as "mrefu". One of the "Mrefu's" used to do business of a kiosk at Githurai. He sold his business plot and went back home to Muranga. He was arrested by police during the initial investigation in connection with the murder of the late MP. He was released after investigations revealed that he was not involved. The second "Mrefu" used to live in Githurai and shifted to Dandora where he was allegedly killed by gangsters. The third "Mrefu" who used to live in the Githurai area was allegedly shot dead together with his accomplices by police near the Kariobangi roundabout in a police ambush. The true identity of "Mrefu" is yet to be established.



10.20

**The Committee recommends:-**

- (i) That, the police should carry out further investigation on actual identities of the three "Mrefus" and establish their role in Hon. Ndilinge's murder.
- (ii) That, the facial profiles of "Mwalimu" and "Mrefu" which were drawn by the Police Artist should be circulated to the police and public for purposes of identifying and arresting them.

10.21

**Hon. Gideon M. Ndambuki, MP for Kaiti:** The Committee received the following evidence concerning the firearm and political rivalry between Hon. Ndambuki and Hon. Ndilinge:-

- (i) On May 24, 1999 Hon. Ndambuki influenced the withdrawal of the firearm licenced to Hon. Ndilinge on the grounds that Hon. Ndilinge was threatening some people with it. The Committee noted that this was totally unprocedural since Hon. Ndambuki was not in charge of the Firearm Licensing Bureau. This of course left Hon. Ndilinge vulnerable and an easy target.
- (ii) The Hon. Ndilinge firearm file together with the confidential memos attest to this unprocedural withdrawal. The orders were issued at JKIA Airport to Permanent Secretary in-charge of Internal Security and Provincial Administration who in turn instructed the Chief Licensing Officer to withdraw the firearm.
- (iii) The fallout between Hon. Ndambuki and Hon. Ndilinge was particularly vicious after the ouster of Hon. Ndilinge as the Makueni KANU Chairman by Hon. Ndambuki, and this fallout was said to have taken a physical dimension, such that the two could not even greet each other.

- (iv) On December 07, 2000 at the Serena Hotel, Kamba legislators while having a breakfast meeting at the hotel they witnessed a bitter confrontation between Hon. Ndilinge and Hon. Ndambuki. Hon. Ndilinge angrily accused Hon. Ndambuki of plotting to kill him and also having him trailed by suspicious looking characters.
- (v) Hon. Ndambuki recorded a statement with the police, who carried out inconclusive investigations. **Hon. Ndilinge categorically stated that if he died, Hon. Ndambuki should be held responsible.** He repeated the same threat on his life on the floor of the House and severally in public meetings.
- (v) Hon. Ndambuki recorded a statement with the police on the happenings at Serena Hotel. The police carried out inconclusive investigations on the vehicle alleged to have trailed Hon. Ndilinge, motor vehicle registration number KLL 133. However the investigations only revealed that the owner was deceased, the widow was mentally unstable and the surviving son was a minor. Therefore it proved virtually difficult to ascertain the gang trailing Hon. Ndilinge. Was it a design by professional hit squad or a mere coincidence?
- (vi) Several witnesses testified on the bitter acrimony between Hon. Ndilinge and Hon. Ndambuki and raised their fears of the alleged shooting by Hon. Ndambuki of two people during the 2002 General Elections and which cases are still under police investigations.
- (vii) During an early morning meeting with Hon. Kalonzo Musyoka on July 30, 2001 at Machakos Mulu Mutisya's residence, Hon. Ndambuki accused him of using Hon. Ndilinge to destabilize

Hon. Ndambuki in Makueni District. This incensed Hon. Ndambuki so much so that he vowed to "**fight back**". Within two days Hon. Ndilinge was dead. Was this another coincidence?

**The Committee recommends:-**

- (i) **That thorough and conclusive investigations on the inquiry file involving motor vehicle registration number KLL 133 (Datsun) be carried out.**
- (ii) **That, investigations on each of the issues touching on Hon. Ndambuki be carried out.**

10.22

**Mr. John Harun Mwau**, a former Director of the Kenya Anti-Corruption Authority. The Committee received the following evidence:-

- (i) That Mr. Mwau had shown an inordinate interest in the Kilome Parliamentary seat and immediately Hon. Ndilinge died, John Harun Mwau sponsored a candidate with his own party PICK in the ensuing by-election where he used sophisticated communication gadgets for campaigning. In 2002, he became a candidate, for the same seat, yet Kilome is not his birth place nor is he settled there. The witnesses who appeared before the Committee were puzzled as to his interest in the seat.
- (ii) That on diverse occasions and meetings with different people and councillors he made some remarks concerning Hon. Ndilinge which were:-

- (a) That the then government did not want Hon. Ndilinge.

- (b) That Hon. Ndilinge was only fit to be in a mental hospital.
- (c) That something drastic would happen to Hon. Ndilinge.

The Committee was greatly concerned that Mr. Mwau consistently and adamantly refused to appear before the Committee despite being procedurally summoned four times. In all instances, he demanded that he be furnished with the issues to be questioned about. This was accordingly done, yet he refused to appear before it completely.

10.23 **The Committee therefore recommends:-**

- (i) That the Attorney-General institute legal proceedings against Mr. Harun Mwau for violating the National Assembly Powers and Privileges Act (Cap 14) regarding appearance before National Assembly or a Committee of the Assembly.
- (ii) That the Police should conduct further investigations on Mr. Harun Mwau in view of the evidence availed to the Committee and in particular on the utterances made about Hon. Ndilinge.

10.24 **Ms. Margaret Wambui, first suspect:** The Committee received the following evidence:-

- (i) That, she was seen and was at Roasters Inn on August 01, 2001.
- (ii) That, she arrived at 8.30 p.m. and left about 3.30 a.m.
- (iii) That, there is irrefutable evidence and proof that Ms. Wambui was in the company of Hon. Ndilinge

on August 01, 2001 at Roosters Inn and they had several drinks together.

- (iv) That, at about 5.30 a.m., Hon. Ndilinge and Ms. Wambui left together in his Mitsubishi Pajero KAM 037E. This can be corroborated by Mr. Newton, Mr. Paul and Mrs. Hellen, (not real names) who positively saw Hon. Ndilinge and Ms. Wambui alight from the vehicle and later heard a gunshot. They also saw the vehicle drive off, leaving a dead body on the ground, which they identified as that of the man who had accompanied Ms. Wambui.
- (v) That, Ms. Wambui had a previous history of crime, i.e. at one time she stole Kshs.50,000 from a high profile client while in bed who later withdrew the case for fear of publicity.
- (vi) That, on being informed of the shooting of the man who had brought her home and even after being pestered by one Karimi, Ms. Wambui was indifferent and even denied having been dropped home by anybody and instead insisted that she came by a matatu and in particular her behaviour and mien was very disturbing and highly suspicious.
- (vii) That, upon release from prison she visited Mr. Jackson Muhia Kimani's hotel business in June 2004 and told the manager and a barman, "**do you know who I am?, I am Ndilinge's killer**". She then showed photographs of her with Mr. Jackson.

**The Committee therefore recommends that Ms. Wambui Njoroge be investigated and charged afresh.**

10.25 **Mr. Joakim Ngure, second suspect:** The Committee received the following evidence:-

- (i) That, on August 02, 2001, Mr. Joakim Ngure together with two other men were spotted driving

Hon. Ndilinge's Mitsubishi Pajero into the small field next to his house and later emerged carrying a briefcase.

- (ii) That, Mr. Joakim Ngure was spotted wearing a red cap and the police later recovered from his house a similar red cap.
- (iii) That, his wife contradicted him when the police were gathering evidence, and when he was challenged by the police to state what time he came back to the house that night, he said just about 11.00 p.m., to which his wife contradicted by saying "**si umekuja asubuhi**", meaning you have just come in the morning.
- (iv) That, Mr. Joakim Ngure's claim that he visited his brother-in-law a Mr. Evans Mudenda the previous day, i.e. August 01, 2001 at Kinyago Police Post, Dandora was found to be false since Evans Mudenda was not even listed in the Occurrence Book or the cell Register.

The Committee noted that Mr. Joakim Ngure appeared before the Committee on two occasions and gave evidence which contradicted each other.

**Therefore, the Committee strongly recommends that Mr. Joakim Ngure should be charged afresh with the murder of Hon. Anthony Wambua Ndilinge, MP.**

10.26 **Roasters Inn:** The Committee observed that the vehicle entry/exit register page that should have contained vital details of the entry and exit of the MP at Roasters Inn had been torn out ostensibly to assist some people who had a motor vehicle accident to write an agreement on. The management explanation was not convincing and credible.

**The Committee therefore recommends that the management of Roasters Inn be investigated further**

**with the aim of establishing the exact reason why the page was torn out and by whom.**

10.27

**Taita-Taveta By-Election and NSIS Letter:** The Committee observed that Hon. Peter Maundu, Minister of State in-charge of Internal Security, Maj. (Rtd.) Marsden Madoka, were involved in Taita-Taveta KANU campaign and that there were allegations that there was a fallout among senior KANU campaigners after the party defeat in Taveta by-election and that Hon. Ndilinge was being blamed for loss of the Taveta seat to the opposition. The Committee also observed that on August 07, 2001 typed and unsigned copies of leaflets/letters were sent to MPs from the Ronald Ngala Post Office in manila envelopes and were received by the Parliament registry and placed in MPs' pigeon holes at Parliament.

At the back of the envelope, the sender indicated it was from the Board of governors of Mathare Valley Primary School. The post office box number was given as 16264, Nairobi.

The letter claimed Hon. Ndilinge had been trailed for days and his telephone tapped before the murder and that Hon. Ndilinge campaigned for the KANU candidate Mr. Mnene at the Taveta by-election.

The Committee notes:-

- (i) That it appears his involvement in Taita Taveta by-election may not be connected to his killing.
- (ii) That, the allegations made in an unsigned letter by "a worried NSIS staff" that the NSIS used to tap Hon. Ndilinge's phones with a view to monitoring his movements were not substantiated although one Mr. Gaichuia Maina of Telkom Kenya was very evasive and appeared to know something about the telephone tapping of Hon. Ndilinge lines.

The Committee therefore recommends that Mr. Gaichuia Maina be investigated further and appropriate prosecution initiated.

10.28 Finally, the Committee strongly recommends that the Attorney General should expeditiously direct further investigations against any person(s) who may have been implicated either directly or indirectly in the murder of Hon. Anthony Wambua Ndilinge.

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**WITNESSES WHO HAVE TESTIFIED BEFORE THE SELECT COMMITTEE SINCE IT STARTED IN MAY 2004**

1. Mrs. Sarah Nduku Wambua  
June 08, 2004 (wife to Hon. Ndilinge)
2. Mr. Paul  
June 08, 2004
3. Ms. Hellen  
June 08, 2004
4. Mr. Newton  
June 15, 2004
5. PC Reuben Kieti  
June 10, 2004 (visited the scene of Githurai 44)
6. PC Boniface Mutiso  
June 10, 2004 (First to arrive at the murder scene)
7. CPL Robert Nthiwa  
June 15, 2004 (was at the Mwiki Police Post when Hon. Ndilinge went there)
8. Mr. David Gichuki (Alias Manyatta)  
June 16, 2004 (was found at Texas Bar)
9. Mr. John Muturi Njihia  
June 16, 2004 (was found at Texas Bar)
10. Derick  
June 16, 2004
11. Miss Rahab Wanjeri Waruguru  
July 05, 2004 (Met Hon. Ndilinge at Dama Bar and went with him to Mwiki)

12. Mr. Zakayo Karangi Robi (Kawayaya)  
July 13, 2004 (was found at Texas Bar by Hon. Ndilinge)
13. CPL Peter Obonyo  
July 13, 2004 (was sent by the DCIO to Mwiki to bring Ms. Wanjeri and Mr. Kawayaya for statement recording)
14. PC Charles Bwire  
July 29, 2004 (was on duty at Mwiki Police Post)
15. Hon. Boy Juma Boy  
July 09, 2004 (former MP for Matuga. Met Hon. Ndilinge at Sagret Hotel)
16. Hon. Peter Maundu  
July 09, 2004 (former MP for Makueni and friend to Hon. Ndilinge)
17. Miss Rose Mueni Kilonzo  
July 13, 2004 (was found at Texas Bar)
18. Miss Jane Wahu  
July 12, 2004
19. Mr. Felix Muriithi Ngatia  
July 14, 2004 (waiter at Roosters Bar Inn)
20. Mr. Muli Musinga  
July 15, 2004 (Cousin to Hon. Ndilinge)
21. Mrs. Mbatha Musomba  
July 22, 2004 (wife to Mr. Musomba, former Kenya High Commissioner in Zambia)

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22. CLLR John Kisuna Musyoki (Burma)  
July 29, 2004 (former Councillor Mukaa Location)
  23. CLLR Mark Mutwiwa Sammy  
July 30, 2004 (former Councillor Kitise Location)
  24. Dr. Kirasi Olumbe  
July 30, 2004 (fomer Chief Government Pathologist  
conducted the postmortem on Hon. Ndilinge)
  25. Mr. Leonard Muli Kyumbisyo  
July 23, 2004 (Kilome Parliamentary Aspirant)
  26. Mr. Ezekiel Kinyanjui Ngae  
July 27, 2004 (waiter at Roosters Bar)
  27. Ms. Nyaboke  
(Executive Officer, Makadara Court) July 29, 2004
  28. Mr. Elvas Gaichuia Maina  
August 06, 2004 (Telkom Technician)
  29. PC Enock Omuse  
August 18, 2004 (recovered the suspected late Hon.  
Ndilinge's Revolver .38 special)
  30. PC Masangai  
August 18, 2004 (recovered the suspected late Hon.  
Ndilinge's Revolver .38 special)
  31. Mr. Jackson  
August 05, 2004 (Ms. Wambui's man-friend)
  32. Mr. Dickson Chumari  
August 19, 2004 (Chief Security Officer, Roosters Inn)
  33. Hon. Samuel Kali Kiminza (former MP, Kitui South  
Constituency)

34. Mr. Jumamosi Mbele  
August 25, 2004 (resident of Taita Taveta)
35. Miss Serah Kiilu  
August 25, 2004 (Clerical Officer of Makadara Court)
36. Mr. David Nthale Musau (Mashambani)  
August 29, 2004 (former Councillor Kima-Kiu Location)
37. Mr. Francis Makumi Kitili  
August 26, 2004 (Businessman at Salama Market)
38. Mr. Francis Njiru (former o/c Tracking Unit)
39. Mrs. Beatrice Masila  
September 02, 2004 (business lady at Sultan Hamud)
40. PC Wycliffe Asava (arrested Mr. Joakim Ngure Kagema)
41. Mr. Stephen Ole-Mpesha (Former Chief Firearms Licencing Officer)
42. Mr. Robert Wamunyinyi  
September 08, 2004 (National Security Intelligence Services (NSIS) Officer)
43. Hon. Petkay Miriti  
September 08, 2004 (former NSIS Officer)
44. Lt. Col. (Rtd.) Dr. Henry Kathurima  
September 08, 2004 (NSIS Officer)
45. PC Arnold Mauna (recovered the Tokalev Pistol at Dandora Market)
46. Mr. Jackson Kihurunjo Kibe  
(former watchman at Roasters Inn)
47. Mr. Fred (witnessed the shooting of Hon. Ndilinge by "Mwalimu" and "Mrefu")

48. Hon. Frederick Mulinge Kalulu  
(former MP, Mbooni Constituency)
49. Mr. Donald Mugo  
(Ballistic expert CID Headquarters)
50. Mr. Kilonzo Kimau  
(Kilome politician)
51. IP Benson Shikuku  
September 29, 2004 (investigated Julius Chege Mwangi's case)
52. Mrs. Tabitha Wairimu Mwathi  
October 02, 2004 (business lady within city centre)
53. Mrs. Elizabeth Nyakaru Kibochi (Musso)  
October 02, 2004
54. Mr. Japheth Koome (former OCPD Buruburu)
55. Mr. Sebastian Ndaru (former DCIO Buruburu)
56. Mr. Nangila  
November 12, 2004 (Criminal Records Officer Police Headquarters)
57. Mr. Joakim Ngure Kagema  
November 19, 2004 (the murder suspect)
58. Mrs. Rose Ngure  
November 19, 2004 (the suspect's wife)
59. PC Daniel Njuki (police artist)
60. John (resident of Dandora)

by

61. Mr. Okore (SACP)  
(Conducted first inquiry threats to kill Hon. Ndilinge)
62. Miss Margaret Wambui Njoroge  
November 30, 2004 (murder suspect)
63. Mr. George Ng'ang'a Njoroge  
December 10, 2004 (brother to Wambui and student at  
Dima College)
64. Dr. Zambezi Mutuma (late Hon. Ndilinge's family doctor)
65. Miss Winnie Wambui Muhu  
January 11, 2005 (served Hon. Ndilinge at Frontier Bar)
66. Mr. John Irungu Chege  
January 11, 2005 (Chief, Githurai 44)
67. Mr. Andrew Atandi Atandi  
January 11, 2005 (Asst. Chief, Mwiki)
68. Mr. Jackson Wainaina Ngunyi  
January 11, 2005 (Elder, Githurai 44)
69. SGT Frederick Ngutari  
January 12, 2005 (searched the house of Nguire)
70. Mr. Joseph Njuguna Kimani  
January 12, 2005 (Elder Njiru)
71. Mr. Maina Karanja  
January 12, 2005 (Elder, Githurai 44)
72. Hon. Mutua Katuku, MP, Mwala  
January 13, 2005 (MP, Mwala Constituency)

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73. Mr. Eston Ndungu  
January 14, 2005 (Elder, Mwiki)
  74. Mr. Jackson King'ori  
January 14, 2005 (Elder, Mwiki)
  75. PC Abdi Rashid Ali  
January 17, 2005 (had arrested Wambui on other matters before)
  76. Mr. David Kimaiyo (S/DCP)  
January 17, 2005 (S/DCP - represented the Police Commissioner)
  77. Mr. Kithome Kitevu  
January 17, 2005 (resident of Sultan Hamud)
  78. Mr. Peter Kamuti  
January 18, 2005 (cousin to the late Hon. Ndilinge)
  79. Mrs. Esther Kanini Ndilinge  
January 18, 2005 (wife to late Hon. Ndilinge)
  80. Mr. Peter Ndilinge  
January 18, 2005 (brother to Hon. Ndilinge)
  81. Mrs. Amina Ndilinge  
January 18, 2005 (wife to late Hon. Ndilinge)
  82. Mrs. Elizabeth Ndilinge  
January 18, 2005 (wife to late Hon. Ndilinge)
  83. Mr. Namchanja (National Registration Bureau)  
January 18, 2005 (Chief finger prints officer)
  84. Mrs. Lilian Muingai  
January 18, 2005 (owner of Roosters Inn)

85. Hon. Gedion Ndambuki, MP, Kaiti  
January 21, 2005 (MP, Kaiti Constituency and former Minister)
86. Mr. Albert Mwaniki  
January 21, 2005 (Government Chemist Officer)
87. SGT Sirengo  
January 24, 2005 (scenes of crime officer)
88. IP Kitunguu (CID Kasarani)  
January 24, 2005 (attached to CID Kasarani)
89. Chief George Kibera  
January 28, 2004 (Chief, Ruai)
90. Mr. Oliver Kamuti Maitivo  
January 28, 2004 (late Hon. Ndilinge's driver)
91. Mr. Michael Mutuku Kasati  
January 28, 2004 (Hon. Ndilinge's drive)
92. Mrs. Pauline Njoki Ngandu  
January 26, 2005 (NSIS Officer)
93. Hon. Marsden Madoka  
January 26, 2005 (MP, Mwatate)
94. Mr. Arnest Jamhuri Isinge (NSI)  
January 31, 2005 (NSIS Officer)
95. Mr. Evans Mudenda Oduor  
January 31, 2005 (resident of Dandora Estate and brother-in-law to Joakim Nguire)
96. Mr. George Githinji Chege  
January 31, 2005 (KANU Youth Winger, Dandora)



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97. Brigadier (Rtd) Wilson Boinet (NSIS Director)  
February 01, 2005 (Head of NSIS)
  98. Hon. Kalonzo Musyoka, MP  
February 02, 2005 (MP, Mwingi North Constituency)
  99. Mr. Zakayo Cheruiyot  
February 02, 2005 (former PS Internal Security)
  100. Hon. Grace Mwewa  
February 04, 2005 (former KANU nominated MP)
  101. Mr. Francis Sang' (former CID Director)  
February 09, 2005 (former Director of Criminal  
Investigations Department)
  102. Mr. Daniel Mutunga Nzivo  
Resident of Kitaingo

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