

Take libraries to the grass roots, managers

BY COLLINS OMULO

Librarians have been urged to promote a reading culture in the country by bringing information closer to the public.

Sports, Culture and Heritage chief administrative secretary Hassan Noor challenged the managers of libraries and information resource centres to build strategic alliances, inclusive and welcoming environments — both virtual and physical — to stimulate reading.

"As a ministry, we are encouraging the development of good libraries and archival centres not only at the national level but also in all counties as this is a sign of bringing information closer to the people," Mr Noor said.

He was speaking during Maktaba Awards ceremony held at the Kenya Institute of Curriculum Development in Nairobi on Friday evening.

Commission for University Education chief executive Prof Mwenda Ntarangwi challenged Kenyans to read at least one book every month.

"The Kenyan society can only grow if it makes use of information — right information at the right time," Prof Ntarangwi said.

On his part, Kenya Libraries Association (KLA) chairman Prof Constantine Nyamboga reiterated the importance of libraries, saying the modern library is essential to the community's success.

Nduru Girls Secondary School library — the winner in the state school libraries category — emerged the

overall winner.

Pine Breeze community library, set up by a youth group engaged in the car wash business, won the special commendation award. The group bought a grounded bus and transformed it into a community library to serve Kariobangi residents.

Nation Media Group library was first runners up in the special libraries category while the Aga Khan Academy Mombasa library won in the private school libraries category.

KLA executive officer Edward Oswe said: "As part of the judges, I am happy and satisfied with this year's assessment but I want to ask many other libraries to become members of the association so that we can assess them."

Police officer kills self over domestic row

BY STEVE NJUGUNA

Police in Rumuruti town in Laikipia County are investigating an incident in which a police officer committed suicide over a domestic dispute.

The Administration Police officer died on the spot after pumping several bullets into his mouth using his G3 rifle while on duty with his colleagues.

According to Laikipia County police commander Simon Kipkeu, the officer is suspected to have committed suicide over a domestic dispute.

"The officer, who was among a group of officers who were protecting workers from a Chinese road construction company, is said to have called his colleagues and told them to shoot his wife to carry on with his job. He then shot himself," said Kipkeu.

A police officer who spoke to the *Nation* said: "The deceased was with his colleagues since morning and was in a jovial mood all day. He did not show any worrying signs."

Mr Kipkeu advised police officers to look for better ways of resolving their issues instead of taking their lives.

"We are urging those in the police service and residents in general to find better ways of resolving their issues instead of taking their own lives. There are many ways to resolve issues rather than killing yourself," the police boss added.

The body is lying at the Nyahururu County Referral Hospital mortuary.

Suits > 10 cases of suspects who have been released in Mombasa alone documented

Loopholes in terror court cases allow suspects to be freed in droves

Inability by police to link the accused of the offences is a major setback

BY BRIAN OCHARO

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They seated anxiously in a fairly attended courtroom in Mombasa as they awaited their judgment.

At around 1pm on Thursday, Halima Adan, Ummulkehr Sadri Abdalla and Ms Khadija Abubakar Abdulkadir, who were facing terror charges, were acquitted.

Chief Magistrate Evans Makori said the prosecution had failed to prove 20 terror-related charges the accused persons were facing.

The release of the three came five days after widow of slain cleric Aboud Rogo, Hania Sagar, was also acquitted.

The unfolding events have elicited questions in the prosecution of terror cases or suspects. The *Nation* has documented at least 10 cases of terror suspects, who have been released in Mombasa alone.

An analysis by *Nation* established that inability by police to link the suspects with the offences, lack of witnesses to give testimony and prove membership to terror groups and weak evidence are among the loopholes in a majority of terror cases that have seen the suspects being acquitted.

Other loopholes are poor handling of electronic items and articles allegedly recovered from the accused, poor chain of custody and prolonged time in extraction.

Failure to contact mobile services subscribers to present the content of conversations between the suspects and their alleged accomplices, and or to prove M-Pesa transactions, have also left the prosecution with no evidence to link the suspects with offences.

In at least five cases familiar to *Nation* between last year to date, terror suspects have secured their freedom after the prosecution failed to prove terror charges against them. Among the cases are that of Nassir Abdallah Skanda, Hania Sagar Rogo, Sheikh Mo-



BRIAN OCHARO / NATION

Terror suspects, from left: Ummulkehr Sadri Abdalla, Khadija Abubakar Abdulkadir and Halima Adan after they were acquitted last week on Thursday.

ammed Khalid, Samuel Wanjala Wabwile alias Salim Mohamed, Abdirazak Salah Sala, Luul Ali Tahli, Nasteheo Ali Tahli and Zamzam Abdallah. Others are Mohamed Ibrahim Noor, Nargis Ararat Gulan, Mwanajuma Mweru Tayari and Saumu Ali Athman. They all faced terror related charges including being members of Al-Shabaab and possessing articles believed to be used in commission of terror activities. However, they were all acquitted.

For these charges to be proven, the prosecution must present evidence to show watching and distribution of videos and photos by the accused persons for the purposes of propagating and spreading the tentacles of terrorism under Al-Shabaab or any other terror group banner.

Mr Makori notes that to connect one to be a member of a terror

group or possessing articles like extreme literature for purposes of instigation of terror activities, the prosecution has to prove or show through circumstantial evidence that point membership or possession of articles for use is for instigation of terrorism.

Also, he argues that for prosecution to successfully link an accused of terror groups, there must be a trend, for example; to show some form of association, camaraderie or training with the group a nexus with its leadership.

"The link must show support for the operations of the group in the past, present or the future activities. The literature found must be connected to a targeted operation or sympathy with the operations of the group," he says.

He said it is imperative for the prosecution to show for what purposes are the materials found in possession of the accused, adding it's not enough to just present the materials as evidence.

In the case of Ummulkehr, Khadija and Adan, who were acquitted last week, the magistrate noted that nothing incriminating was found in the video clips, audio files and images extracted from their mobile phones.

"The videos did not show who sent them to the devices and from what device or groups and whether there was sharing. How the videos and messages were linked to instigation of terrorism was also not clearly explained by

witnesses. The terror group is not mentioned," Mr Makori said.

On the allegations that the accused communicated with Al-Shabaab in Somalia, the magistrate noted that the calls allegedly to or from the accused were missed calls to the phone reportedly recovered from them.

The prosecution had painted a picture and theory that the accused were planning to leave Kenya and were headed to Somalia to join a terror group, and that they were in constant communication with the terrorists.

The prosecution said mobile phones, laptops and flash disks were found to contain photographs and videos, which could be used for instigation of terrorist activities.

In determining these issues, the court asked itself the following questions: Did the extreme graphic materials lead to the conclusion that the accused were members of Al-Shabaab? Were the contents in use for instigation or propagation of terror? Were the articles recovered for gathering information for terror activities?

"At this stage it will suffice to state other than the extreme content in the phones and saved mobile numbers bearing Somalia call code, there were no any other items like explosives, guns or any other materials ordinarily used for terror attacks or likely to have been used to organise terror activities," Mr Makori said.

Background

ROGO'S WIDOW

The judge quashed the 10-year jail term that was handed to Ms Sagar, arguing that the circumstantial evidence against the appellant was insufficient and could not be used to sustain the charge of conspiracy.

He added that a person cannot conspire alone.

BRIEFLY

KIRINYAGA

County officers arrested over Sh300,000 bribe

The anti-graft agency has arrested two Kirinyaga County government officials for allegedly demanding and receiving a bribe of Sh300,000 so as to issue a liquor licence to a trader. Mr Samuel Mwangi Mureithi, the Kirinyaga Central director of liquor licensing, and Mr Joseph Mureithi Njeru, the sub-county administrator, were arrested on Saturday night at a hotel in Karatina town. Nyeri County, Ethics and Anti-Corruption Commission Central region manager Charles Rasugu said the two officials were locked up at Karatina police station as investigations continue.

— Joseph Wangui

MANDERA

Leaders rail at State over runaway insecurity

Mandera leaders have criticised the national government for doing little to address the runaway insecurity in the region. This comes barely a week after two teachers were killed in a suspected al-Shabaab raid at Arabia Boys Secondary School. Mandera East MP Omar Maalim attributed the many attacks in the area to government's failure to provide the much-needed personnel and machinery at Arabia. "Arabia is a gazetted sub-county but since its elevation last year, we are yet to have functioning offices," he said.

— MANASE OTSIALO

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