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19th July, 2019

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Mr. Noodin Haji
Director Of Public Prosecutions
N.S.S.F Buiding, 19th Floor
NAIROBI



Dear Sir,

RE: COMPLAINT AGAINST DCI OFFICERS IN KISUMU AND PROSECUTION COUNSEL MS.CAROLINE(TEL. No.0721213692) CHIEF MAGISTRATE COURT AT KISUMU- CR. NO:542/2015.

I am the below mentioned person, a German National and an investor in Kenya since 2009 to date. However, due threats in my life following my Kisumu case I had to relocate temporarily to my country of birth.

Further to my many complaints to your office over the above case, allow me to submit another complaint against DCI officers, namely; Simba Charo tel. no. 0716986367, Jeff Njeru, tel. no. 0722942450, Henry Ndombi (former DCIO Kisumu), tel. no.0722685867 and 0738561861, Alfred Shibeka Tel. No. 0722804118, officer Tamba Tel.N.0721302055 and Ms. Caroline of the ODPP Kisumu. For conspiracy to defeat justice, sabotage, concealing evidence from court and aiding a suspect to escape justice.

I filed several criminal complaints at Kisumu central police against Ms. Vallery Jimoi Khazalwa tel-No. 0710194629, 0729983349 for fraudulently transferring my two parcels of land Reg. Nos. Kisumu/Konya/4794 and 5087 to herself without my consent. Further, I complained to the Police that the Ms. Vallery had conspired with a Lawyer to sold all my properties. The case was marked for the Mr. Henry Ndombi who by then was the Incharge of

criminal investigations at Kisumu Central Sub County to investigate my allegations against Ms. Vallery. Following my complaints, Mr. Ndombi assigned the cases to his junior officers, Simba Charo and Jeff Njeru above. The officers dealt with cases at some point and were later replaced by officers Tamba and Alfred Shibeka respectively.

As it is the practice in Kenya, the officers gathered enough evidence and later found out that I was justified in my complaint against Ms. Vallery. Towards this end Ms. Vallery was arrested and charged in court with three counts, i.e fraudulent transfers of my pieces of land and Obtaining money. Trial for the case began in Kisumu Magistrate court, however much to my disappointment the investigating officers deliberately failed to avail evidence in court to assist the court enter a proper verdict.

The Documents which included my certified copies of the title deeds by Notary Public, A letter from the Land Registrar which confirmed that I was the bonafide owner of the land (copy attached for ease of reference) and potential witnesses were not availed before the Magistrate during the trial. Further, the DCI officers mentioned above denied me access to the Occurrence Book number where the entries were made.

During the trial I noticed that Mr. G.G. Gachihi had changed his position from where he stated that I was the rightful owner of the land by defending Ms. Vallery in the whole saga. He had without colour of right allowed the fake documents to be presented before the Magistrate bearing his signature. I brought the issue to the attention of the investigating officer, Alfred Shibeka and the Prosecution Counsel Ms. Caroline but nothing was done to put Registrar on his defense. I also complained to Mr. Ndombi, the Investigating officer and the Prosecutor that Ms. Vallery was assisted in fraudulent move by one Lawyer called Mr. Musomba but as usual the Police and the Prosecution refused to summon and interrogate the Lawyer.

On 17th May, 2019 sent a friend to Kisumu law courts to find out whether the matter had been ruled upon. The answer I got was that

there was a ruling and the case was dismissed for lack of evidence. On hearing the same I travelled to Kenya on 16th July, 2019 to witness for myself what had happened.

However, on receipt of the ruling itself, I was disappointed in that reasons for the dismissal of my case was stated by the Magistrate as that the police poorly investigated the matter and crucial evidence were not presented before the court. To the best of my recollection I gave out the original land documents showing ownership to Alfred Shibeka after I was instructed to do so by Mr. Gachomo who was by then the CCIO in Kisumu and Mr. Henry Mwatata Munga who is now currently working at Inspector General's of Police at Jogoo house.

After perusing and authenticating the documents, I further handed over sealed and certified copies of the same by Notary public for his retention and further appropriate action. Even Ms. Caroline, the Prosecutor, confirmed to me that the documents were in the file when the file was taken to her for her analysis. How the documents disappeared in the file it is only the officers who can tell. It is for this reason that I would wish your team to take serious steps against the said officers.

While I was in Germany, Ms. Caroline the Prosecutor communicated to me a lot via WhatsApp giving me the progress of the case (Attached are some of the communication to prove my point). However, I was completely disappointed with her when she refused to inform me that the case had been dismissed for lack of evidence. In view of Ms. Caroline misconduct, I wrote to your good office complaining against her for teaming up with police officers to deny me justice. I have visited NSSF Building twice on this matter where I met your officers at Complaints and Compliments office but they seem not to be interested in assisting me.

As is it now I have genuine ownership documentations of land but I cannot access my properties in Kisumu. It has dismayed me more

that the officials entrusted with legal authority to protect genuine investors in this country are the same ones colluding with criminals to chess away investors. By writing this complaint I have hope and belief that your office will go into the bottom of conduct of police officers and assisting in my quest for justice.

Finally, I wish to inform you that I made a similar complaint to the Director of Internal Affairs Unit on the advise from the office of the of Inspector General of Police. They promised me that they will investigate the complaint against the DCI officers. However, my prayers to your office is to;

1. Investigate the conduct of Ms. Caroline the officer who prosecuted this case from Kisumu.
2. Appeal the decision entered by the Magistrate in Kisumu Court and if possible, transfer the case to be tried in Nairobi. Reason for the transfer is because I feel threatened in Kisumu. The case also took too long in Kisumu to be decided despite overwhelming evidence.
3. Request an appointment with you in person or any officer subordinate to you at any day convenience to you but before 25th July, 2019. I will leave the country to Germany on 26/7/2019.

Yours faithfully,



Rudolf Marquardt,

Cc,

The Commission Secretary
Commission of Administrative Justice
West End Towers, Waiyaki Way

Westlands- NAIROBI- *In line with your statutory mandate, I will appreciate if you could kindly go into the bottom of this matter and help me get justice.*

