

REPUBLIC OF KENYA

IN THE HIGH COURT AT KWALE

CONSTITUTIONAL & HUMAN RIGHTS DIVISION

CONSTITUTIONAL PETITION NO.....OF 2025

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLES 2,3,
10,19,20,21,22, 25 (a), 27 ,28, 29, 47,48, 55, 165, 244
AND 259 OF THE CONSTITUTION OF KENYA, 2010**

AND

IN THE MATTER OF: CHAPTER (4) BILL OF RIGHTS

AND

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLE 5 OF
AFRICAN CHARTER ON HUMAN AND PEOPLES'
RIGHTS (BANJUL CHARTER)**

AND

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLES 4 OF THE
CONVENTION AGAINST TORTURE AND OTHER
CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

AND

**IN THE MATTER OF: CONTEAVENTION OF SECTION 95, 61 AND PART A
OF THE SIXTH SCHEDULE OF THE NATIONAL
POLICE SERVICE ACT, NO.11A OF 2011**

BETWEEN

KENYA HUMAN RIGHTS COMMISSION.....PETITIONER

AND

**BAMBURI CEMENT PLC.....1ST RESPONDENT
INSPECTOR GENERAL OF POLICE.....2ND RESPONDENT
THE HON. ATTORNEY GENERAL.....3RD RESPONDENT**

AND

LAW SOCIETY OF KENYA.....1ST INTERESTED PARTY
KENYA NATIONAL COMMISSION
OF HUMAN RIGHTS.....2ND INTERESTED PARTY
INDEPENDENT POLICING OVERSIGHT
AUTHORITY (IPOA).....3RD INTERESTED PARTY

PETITION

TO: THE HIGH COURT OF KENYA AT KWALE

The humble Petition of **KENYA HUMAN RIGHTS COMISSION** whose address of service for purpose of this suit shall be care of: **MWANGI KIHIRA & CO. ADVOCATES, GRAND MOTEL BUILDING, GROUND FLOOR, ROOM 4, ALONG LIKONI LUNGA LUNGA ROAD, BEFORE CORNER BEACH, P.O BOX 1272-80400, UKUNDA** mwangikihiralaw@gmail.com ; is as follows:

A. PARTIES

1. The Petitioner, is a Non-governmental Organization whose core agenda is campaigning for the entrenchment of a human rights and a democratic culture in Kenya and beyond and institutes this petition in the public interest. Its address of service for purpose of this suit shall be care of **MWANGI KIHIRA & CO. ADVOCATES, GRAND MOTEL BUILDING, GROUND FLOOR, ROOM 4, ALONG LIKONI LUNGA - LUNGA ROAD, BEFORE CORNER BEACH, P.O BOX 1272-80400, UKUNDA, mwangikihiralaw@gmail.com.**
2. The Petitioner has brought forth this petition on behalf of Eleven (11) persons listed in paragraph 36 of this Petition whom have duly instructed the Petitioner (hereinafter referred to as '*victims*').
3. The 1st Respondent is a company that carries on business *inter alia* cement production in East Africa with branches in Kenya, Uganda and Tanzania. (*Service shall be effected through the Petitioner's Advocates Offices*).
4. The 2nd Respondent is the Inspector General of Police, a State Office established under Article 245(1) of the Constitution. The 2nd Respondent is the head of and in charge of the National Police Service under which falls several departments, including the General Service Unit (hereinafter GSU). (*Service shall be effected through the Petitioner's Advocates Offices*).

5. The 3rd Respondent is the legal advisor of the Government of Kenya. (*Service shall be effected through the Petitioner's Advocates Offices*).
6. The 1st Interested Party is the statutory body established under the Law Society of Kenya Act, Cap 18 Laws of Kenya. Its functions include *inter alia* to protect and assist the members of the public in Kenya in matters relating to or ancillary or incidental to the law. (*Service shall be effected through the Petitioner's Advocates Offices*).
7. The 2nd Interested Party is a commission established under Article 59 of the Constitution and Section 3 of the Kenya National Commission on Human Rights Act No. 14 of 2011. Its functions are to *inter alia* promote respect for human rights and develop a culture of human rights in the Republic.
8. The 3rd Interested Party is an Authority established under Section 3 of the Independent Policing Oversight Authority Act Cap 88 Laws of Kenya mandated to *inter alia* hold police accountable in their work and ensure independent oversight in the handling of complaints by the Service.

B. THE FACTUAL BACKGROUND

9. This Petitioner has brought forth this Petition for and on behalf Eleven (11) victims, who are male adults of sound mind aged between ages of 24 to 60 years residing in Denyenye Township.
10. Denyenye is a small township located in Kwale County, situated south of Mombasa County and lies in the middle of Ukunda Township and Likoni. It is located approximately Nine (9) kilometers from the Kenya ferry towards Ukunda Township in Kwale County.
11. In Denyenye Township, lies three vast parcels of land adjacent to each other, measuring approximately 1400 Acres in total belonging to the 1st Respondent. One of the Properties is **KWALE/TIWI BEACH BLOCK/2** measuring approximately 162 Hectares. It is believed that the company intends to set up a clinker processing plant on the vast land (hereinafter referred to as '*the property*').

12. The Denyenye residents are poor farmers who practice subsistence farming. They make a living through sale of crops such as cassava or coconuts and smoked fish, fished from the Indian Ocean.
13. The residents (victims included) reside in parcels next to the vast property and have from time immemorial used known routes to access the forest and the beach. In doing so, they have been purported to have traversed or trespassed the 1st respondent's property to access the beach.
14. The Kwale Department of Survey or County Land Registrar has not carried out official Boundary Identification of the area and the routes used have not been subject to any dispute at any material time whatsoever.
15. In the vast subject property exists a General Service Unit (GSU) camp (hereinafter referred to as G.S.U) with GSU officers stationed therein. The GSU officers patrol the general area including the property owned by the 1st Respondent. In addition to the GSU officers, the 1st Respondent has installed private security to secure and protect the property.
16. The Petitioner claims that on different occasions over the past five years, the victims have been brutally attacked, unlawfully detained and physically assaulted by the 1st respondent's private security guards and GSU officers while traversing through the property to access the beach or collect firewood.
17. The GSU officers and Private guards attacked the victims by kicks, blows and by hitting them with *rungus* and huge sticks occasioning very serious injuries on the victims.
18. On several other occasions, the GSU officers and private guards used excessive force during apprehension by releasing guard dogs to the victims, which occasioned dog bite injuries on their legs and arms which events were reported accordingly.
19. The amount of force used during arrest or apprehension was unnecessary as the officers at all times outnumbered the victims who were either alone or in the company of another victim and unarmed.

20. The Victims upon their arrest were not taken to the nearest police station or charged in court for any offences. Additionally, despite the injuries they sustained on arrest and attacks, they were not offered any emergency medical assistance.
21. Some victims after arrest were forced to part away with their catch (fish), firewood and in addition pay a bribe the GSU officers for their release.
22. The acts committed had the effect of intimidating the residents to deter them from accessing the beach using the routes they have used for many years and to suppress any of their historical claim to the property.
23. The victims suffered grievous harm as captured as summarized in the below table.

NO	NAME OF VICTIM	DATE OF INJURY	OB NO	INJURIES SUSTAINED
1.	Mohamed Salim Mwakongoa	30.10.2018		• Blunt force trauma to the head • Blunt force trauma to the nose with nose bleeding • Blunt force trauma to the left eye • Blunt trauma to lower abdomen/genital leading to inguinal hernia
2.	Ali Said	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the chest • Bruises/abrasions left forearm/hand • Blunt trauma to the right iliac area
3.	Abdalla Suleiman	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the chest • Blunt trauma to the waist • Blunt trauma to the left leg
4.	Hamadi Jumadari	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the neck • Blunt trauma to the chest • Blunt trauma to the waist • Blunt trauma lower abdomen leading to dysuria

5.	Abdalla Mohammed	27.7.2023		• Dog bites/lacerations left forearm • Dog bites on the left thigh
6.	Omari Mbwana Bahakanda	26.1.2022		• General body trauma • Dog bites left forearm • Dog bites left thigh
7.	Shee Said Mbimbi	1.9.2023		• Dog bites left leg/ankle
8.	Omar Mohamed	19.6.2023		• Dog bites on the left hand • Dog bites on the left leg
9.	Omar Ali Kalendi (Deceased)	5.8.2023		• Dog bites on the right thigh
10.	Abdalla Jumadari	6.4.2024		• Dog bites on the right leg
11.	Bakari Nuri Kassim	18.3.2019		• Blunt trauma to the left arm • Bruises and abrasions left arm • Blunt trauma to the waist • Blunt trauma to the lower limbs

24. Although the Victims reported the incidences at Kwale Police Station, the Police have never taken action on any of the complaints. The Police have failed to Investigate the complaints lodged, visit the scenes or arrest any of the perpetrators.

C. THE LEGAL FOUNDATIONS OF THE PETITION

I. The Constitution of Kenya, 2010

25. **Article 165 (3) (d)** clothes this honourable court with jurisdiction to determine any question whether a right or fundamental freedom in the Bill of Rights has been denied, violated, infringed or threatened and to grant appropriate reliefs including declaration of rights; injunctions; and compensation.

26. **Article 2(1)** on the supremacy of the Constitution, binds the Respondents whilst **Articles 2 (5) and (6)** provide that the general rules of international law and any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution. Kenya having ratified the Banjul Charter and United Nations Convention Against Torture, they apply and form part of our laws.
27. All state organs, State Officers and Public Officers are obligated to comply with the national values and principles of governance set out in **Article 10** of The Constitution of Kenya whenever they: (a). Apply the Constitution, (b). enact, apply or interpret any law; and make or implement or implement public policy. The values include **the rule of law, social justice, good governance, integrity, transparency, accountability, human dignity, human rights and protection of the marginalised.**
28. **Chapter Four** of the Constitution of Kenya entrenches the Bill of Rights as an integral part of Kenya's democratic state and the framework for social, economic and cultural policies. Amongst the rights contained in the Bill of Rights and relevant to this Petition are the following:
- a) **Under Article 19(2)** of the Constitution of Kenya, the victims are entitled to the full enjoyment of the rights and fundamental freedoms in the Bill of Rights and the Respondents are duty bound to ensure the realization of the said rights and freedoms in view of the obligation imposed upon him by the said Article as well as **Article 10 of the Constitution.**
 - b) **Article 20** on the Application on the Bill of Rights imposes and obliges the Respondents to uphold and protect the rights and Fundamental freedoms as set out herein above.
 - c) **Article 22** and **23** as read with **Article 258** entitles the Petitioner to institute these Proceedings on behalf of the victims to remedy the Respondents' violation and infringement of Rights and Fundamental freedoms.
 - d) **Article 25 (a)** entitles any person to the freedom from torture and cruel, inhuman or degrading treatment or punishment. This right is a fundamental freedom that cannot be taken away at any point whatsoever.

- e) **Article 27(1)** entitles the victims to equal treatment before the law and grants him the right to equal protection and equal benefit of the law. Equality includes the full and equal enjoyment of all rights and fundamental freedoms.
- f) **Article 28** grants every person the right to dignity and the right to have that dignity respected and protected at all times.
- g) **Article 29** guarantees every person of their right not to be deprived of freedom arbitrarily, detained without trial, subjected to any form of violence, subjected to torture in any manner, subjected to corporal punishment or treated or punished in a cruel, inhuman or degrading manner.
- h) **Article 47(1)** grants the Petitioner the right to fair administrative action under of the Constitution of Kenya which includes the right to fair administrative action that is **effective, efficient, lawful, reasonable and procedurally fair**;
- i) **Article 49** grants rights of an arrested person which includes to be informed promptly, the reason for the arrest; the right to remain silent; and to be brought before a court as soon as reasonably possible, but not later than twenty-four hours after being arrested;
- j) Every person has the right to fair hearing pursuant to **Article 50** This includes the right to have any dispute that can be resolved by the application of law be decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body.

29. **Article 244** of the Constitution of Kenya provides that the National Police Service shall comply with constitutional standards of human rights and fundamental freedoms.

II. African Charter On Human and Peoples Rights

30. **Article 2** provides that Every Individual shall be entitled to the enjoyment of the rights and freedoms recognized in the Charter without distinction to race, ethnic group, colour, sex, language, religion and social origin.
31. **Article 3** (1) and (2) provides that every individual shall be equal before the law and entitled to equal protection of the law.
32. **Article 4** calls for respect to life and integrity of every person.
33. **Article 5** of the African Charter on Human and Peoples' Rights (Banjul Charter) provides that every individual shall have the right to inherent dignity and free from all forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.
34. **Article 6** establishes that every Individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except by law.

III. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

35. Article 1 of the Convention defines "torture" to mean any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
36. **Article 4** criminalizes all acts of torture and **Article 14** creates the means for redress and compensation of victims of torture.

IV. The National Police Service Act, No.11A of 2011

37. **Section 61** (1) provides that a police officer shall perform the functions and exercise the powers conferred by the Constitution and this Act by use of non-violent means. Subsection (2) provides that a police officer may use force and firearms in accordance with the rules on the use of force and firearms contained in the Sixth Schedule. discourages the use of force or violent methods by police officers during the exercise of their mandate except as provided for under the sixth schedule of the Act
38. **Section 95** of The National Police Service Act, No.11A of 2011 prohibits a police officer to subject any person to torture or other cruel, inhuman or degrading treatment.
39. The Sixth Schedule more specifically Part A:- Rules 1 to 11 provide the means to use force.
- i. Rule 1 provides that the police officer shall always attempt to use non-violent means first and force may be used only when non-violent means are ineffective.
 - ii. Rule 2 provides that the force used should be proportional to the objective to be achieved.
 - iii. Rule 3 provides that when the force results in injuries, the police officer shall provide medical assistance immediately failure of which is a criminal offence.
 - iv. Rule 5 provides that any use of force which leads to serious injury and grave consequences shall be reported immediately by the officer to the Independent Policing Oversight Authority (3rd Interested Party) who shall investigate the case.

D. THE CONSTITUTIONAL VIOLATIONS

40. The Victims have been subjected to torture, cruel, inhuman, degrading treatment and punishment, contrary to **Article 25(a) of the Constitution** by the 1st and 2nd Respondents. The 1st and 2nd Respondents unlawfully beat up and injured the victims, unlawfully detained them without proffering charges against them and further inflicted injuries on them while in custody by treating them inhumanly and giving them degrading treatment.

41. The Victims' right to Human dignity guaranteed by **Article 28** of the Constitution was infringed. The assault on various parts of the bodies including the genital organs was degrading. The act of releasing guard dogs to the victims causing them to bite them was brutal and unnecessary as to the circumstances of the situation given that the victims were not armed or posed any threat to the GSU.
42. The actions of the 1st and 2nd Respondents violate **Article 29 of the Constitution** that guarantees every person of their right not to be deprived of freedom arbitrarily, detained without trial, subjected to any form of violence, subjected to torture in any manner, subjected to corporal punishment or treated or punished in a cruel, inhuman or degrading manner. The victims were unlawfully detained without being charged with any offence, were beaten up and suffered injuries.
43. The Victims have the right to a fair administrative action as espoused under **Article 47** and the same was infringed by the 2nd Respondents actions by use of excessive force during arrest and the same was made in bad faith, and abuse of the power. The Police refused to investigate the Victims' complaints thereby denying them any form of justice.
44. The Victims were not accorded the rights of arrested persons as guaranteed in **Article 49 (a), (b), (c) and (f) of the Constitution** of Kenya. The 1st and 2nd Respondents after arresting the victims disregarded their right to be informed of the reason for arrest, the right to communicate with an advocate or other persons whose assistance is necessary and the victims were not brought before a court within twenty-four hours after being arrested.
45. The Victims were denied a right to fair hearing contrary to Article 50 of the Constitution of Kenya. The Victims were arrested, beaten, tortured, subjected to punishment and were denied a chance to be brought before a court or an Independent body to determine any of their violations. The Victims were condemned unheard.
46. The Victims suffered degradation of man and degrading punishment and treatment contrary to **Article 5** of African Charter on Human and Peoples' Rights (Banjul Charter).

47. The Police used extra force on the victims that was unnecessary in the circumstances contrary to Section 95, 61 and the sixth schedule of The National Police Service Act, No.11A of 2011. The GSU inflicted injuries on the victims through blows, kicks and sticks. They further caused their guard dogs to bite them during the arrest. The amount of force was unnecessary as the GSU officers outnumbered an individual victim who was unarmed and not resisting arrest.
48. The GSU officers failed to offer medical assistance to those injured contrary to Rule 3 of Part A of the Sixth Schedule of The National Police Service Act, No.11A of 2011. Despite injuring the victims during arrest the GSU officers did not offer any emergency medical treatment.

E. YOUR PETITIONER THEREFORE PRAYS THAT:

- a. A *Declaration* that the brutal arrest, cruel, inhuman and degrading treatment and physical assault causing grievous harm inflicted on the Victims upon being apprehended by the 1st and 2nd Respondents amounted to breach of fundamental right to human dignity and freedom from torture in contravention of Articles 25 (a), 27, 28 and 29 of the Constitution of Kenya, 2010, Article 5 of the *African Charter On Human and Peoples' Rights*, Article 4 of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and Section 95 of The National Police Service Act, No.11A of 2011.
- b. A *Declaration* that the arrest of the Victims without being arraigned before a Court of law or without being accorded a trial, constitute unlawful, illegal detention and a violation of the fundamental rights as to human dignity, right to liberty and a right to fair trial in contravention of the Article 27 (1), (2), 28 and 29 (a), (c), (d), (f) 47, 49 and 50 of the Constitution of Kenya, 2010.
- c. A *Declaration* that the release of guard dogs to bite the Victims during arrest amounts to the worst forms of use of excessive force in contravention of Articles 28 and 29 (a), (c), (d), (f) of the Constitution of Kenya, 2010 and Article 5 of the *African Charter On Human and Peoples' Rights*, Article 4 of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Section 61 and Part A of the Sixth Schedule of The National Police Service Act, No.11A of 2011.

- d. An Order of compensation for general damages consequential to the declarations of violations of the fundamental rights of the Petitioners in prayers (a), (b) and (c) above as may be assessed by this Honourable Court.
- e. An Order of compensation of Aggravated, punitive and/or exemplary damages for the arbitrary inhumane and oppressive conduct of the security officers towards the Victims.
- f. This being a public interest case there be no order as to costs.
- g. Interest on all monetary awards.
- h. Any other relief deemed fit by the court to uphold the rule of law and constitutionalism.

Dated at **UKUNDA** this.....29thday ofJanuary.....2025



.....
MWANGI KIHIRA & CO. ADVOCATES
ADVOCATES FOR THE PETITIONER

DRAWN & FILED BY
MWANGI KIHIRA & CO. ADVOCATES,
GRAND MOTEL BUILDING,
GROUND FLOOR, ROOM 4,
ALONG LIKONI LUNGA - LUNGA ROAD,
BEFORE CORNER BEACH,
P.O BOX 1272-80400,
UKUNDA mwangikihiralaw@gmail.com

TO BE SERVED UPON:-

1. BAMBURI CEMENT PLC
KITUI ROAD, OFF KAMPALA ROAD,
INDUSTRIAL AREA, NAIROBI
P.O. BOX 10921 – 00100
NAIROBI, KENYA
TEL: +254 (0) 20 6614358/ 2893000/ 709 724000
Email: corp.info@lafarge.com

2. THE INSPECTOR GENERAL
THE NATIONAL POLICE SERVICE
VIGILANCE HOUSE
P. O. BOX 30083
NAIROBI
3. THE HON. ATTORNEY GENERAL
ATTORNEY GENERAL'S CHAMBERS,
NSSF BUILDING, 9TH FLOOR,
P.O BOX 82427-00100
MOMBASA
Email: agmombasa@gmail.com
4. LAW SOCIETY OF KENYA
LAVINGTON, OPPOSITE VALLEY ARCADE,
GITANGA ROAD,
P.O BOX 72219 – 00200
NAIROBI
5. KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
IMAARA BUILDING,
UNIT 10D, 10TH FLOOR,
DEDAN KIMATHI AVENUE,
KIZINGO, MOMBASA
6. INDEPENDENT POLICING OVERSIGHT
AUTHORITY (IPOA)
ACK GARDEN ANNEX,
1ST NGONG AVE,
NAIROBI

REPUBLIC OF KENYA

IN THE HIGH COURT AT KWALE

CONSTITUTIONAL & HUMAN RIGHTS DIVISION

CONSTITUTIONAL PETITION NO.....OF 2025

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLE 5 OF THE
AFRICAN CHARTER ON HUMAN AND PEOPLES'
RIGHT**

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLES 4 OF THE
CONVENTION AGAINST TORTURE AND OTHER
CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLES 2,3,
10,19,20,21,22, 25 (a), 27 ,28, 29, 47,48, 55, 165, AND
259 OF THE CONSTITUTION OF KENYA, 2010**

AND

IN THE MATTER OF: CHAPTER (4) BILL OF RIGHTS

AND

**IN THE MATTER OF: CONTRAVENTION OF SECTION 95, 61 AND PART A
OF THE SIXTH SCHEDULE OF THE NATIONAL
POLICE SERVICE ACT, NO.11A OF 2011**

BETWEEN

KENYA HUMAN RIGHTS COMMISSION.....PETITIONER

AND

**BAMBURI CEMENT PLC.....1ST RESPONDENT
INSPECTOR GENERAL OF POLICE.....2ND RESPONDENT
THE HON. ATTORNEY GENERAL.....3RD RESPONDENT**

AND

**LAW SOCIETY OF KENYA.....1ST INTERESTED PARTY
KENYA NATIONAL COMMISSION
OF HUMAN RIGHTS.....2ND INTERESTED PARTY**

INDEPENDENT POLICING OVERSIGHT

AUTHORITY (IPOA).....3RD INTERESTED PARTY

SUPPORTING AFFIDAVIT

I, **DAVIS MALOMBE**, care of **P.O. Box 41079-00100** Nairobi swear this affidavit and state as follows **THAT**:

1. I am the Executive Director of the 1st Petitioner and duly authorized and hence competent to swear this affidavit.

Introduction

2. The Petitioner is a Non-governmental Organization whose core agenda is campaigning for the entrenchment of a human rights and a democratic culture in Kenya and beyond and institutes this petition in the public interest
3. The Petitioner has been duly instructed by 11 victims listed in paragraph 28 (hereinafter referred to as “victims”) to file this petition on their behalf. *(Attached and Marked as D 1 a – k are copies of the instructions)*
4. The 11 victims are male adults of sound mind and are between the various ages of 24 to 60. The victims reside in Denyenye Township. *(Attached and Marked as D 2 a – h are copies of their IDs)*
- 4a. At the time of swearing this affidavit, I was made aware of the death of one, Omar Ali Kalendi who passed on 18.1.2025. *(Attached and Marked as D 3 a – b are copies of his last medical report and burial permit respectively)*

Background

5. Denyenye is a small township located in Kwale County, situated south of Mombasa and lies in the middle of Ukunda Township and Likoni. It is located approximately Nine (9) kilometers from the Kenya ferry towards Ukunda Township in Kwale County.
6. In Denyenye Township, lies three vast parcels of land adjacent to each other, measuring approximately 1400 Acres in total belonging to the 1st Respondent. One of the Properties is **KWALE/TIWI BEACH BLOCK/2** measuring approximately 162 Hectares. It is believed that the company intends to set up a clinker processing plant on the vast land. (hereinafter referred to as ‘the property’). *(Attached and Marked as D 4 is a copy of the Title Deed)*
7. The Denyenye residents are poor farmers who practice subsistence farming. They make a living through sale of crops such as cassava or coconuts and smoked fish, fished from the Indian Ocean.

8. The residents (the victims included) reside in parcels next to the vast property and have from time immemorial used known routes to access the forest and the beach. In doing so, they have been purported to have traversed or trespassed the 1st respondent's property to access the beach.
9. The Kwale Department of Survey or County Land Registrar has not carried out an official Boundary Identification of the area and the routes used have not been subject to any dispute at any material time whatsoever.
10. In the vast subject property exists a General Service Unit (GSU) camp (hereinafter referred to as G.S.U) with GSU officers stationed therein. The GSU officers patrol the general area including the property owned by the 1st Respondent. In addition to the GSU officers, the 1st Respondent has installed private security to secure and protect the property.

Violations

11. On different occasions over the past five years, the victims have been brutally attacked, unlawfully detained and physically assaulted by the 1st respondent's private security guards and GSU officers while traversing through the property to access the beach or collect firewood.
12. The GSU officers and Private guards attacked the victims by kicks, blows and by hitting them with, rungs and huge sticks occasioning very serious injuries on the victims.
13. On several other occasions, the GSU officers and private guards used excessive force during arrest by releasing guard dogs to the victims to apprehend them, which occasioned dog bite injuries on their legs and arms which events were reported accordingly.
14. The amount of force used during arrest or apprehension was unnecessary as the officers at all times outnumbered the victims who were either alone or in the company of another victim and unarmed.
15. The Victims upon their arrest were not taken to the nearest police station or charged in court for any offences. Additionally, despite the injuries they sustained on arrest and attacks, they were not offered any emergency medical assistance.
16. Some victims after arrest were forced to part away with their catch (fish), firewood and in addition pay a bribe to the GSU officers for their release.

17. The acts committed had the effect of intimidating the residents to deter them from accessing the beach using the routes they have used for many years and to suppress any of their historical claim to the property.

18. The victims suffered grievous harm as captured as summarized in the below table.
(Attached and Marked as D 5 a – i are copies of the treatment notes, D 6 a- k the medical reports and D 7 a-k are the receipts for the medical reports respectively)

NO	NAME OF VICTIM	DATE OF INJURY	OB NO	INJURIES SUSTAINED
1.	Mohamed Salim Mwakongoa	30.10.2018		• Blunt trauma to the head • Blunt trauma to the nose with nose bleeding • Blunt trauma to the left eye • Blunt trauma to lower abdomen/genital leading to inguinal hernia
2.	Ali Said	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the chest • Bruises/abrasions left forearm/hand • Blunt trauma to the right iliac area
3.	Abdalla Suleiman	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the chest • Blunt trauma to the waist • Blunt trauma to the left leg
4.	Hamadi Jumadari	19.3.2019	17/19/3/2019 Kwale Police Station	• Blunt trauma to the neck • Blunt trauma to the chest • Blunt trauma to the waist • Blunt trauma lower abdomen leading to dysuria
5.	Abdalla Mohammed	27.7.2023		• Dog bites/lacerations left forearm • Dog bites on the left thigh

6.	Omari Mbwana Bahakanda	26.1.2022		• General body trauma • Dog bites left forearm • Dog bites left thigh
7.	Shee Said Mbimbi	1.9.2023		• Dog bites left leg/ankle
8.	Omar Mohamed	19.6.2023		• Dog bites on the left hand • Dog bites on the left leg
9.	Omar Ali Kalendi (Deceased)	5.8.2023		• Dog bites on the right thigh
10.	Abdalla Jumadari	6.4.2024		• Dog bites on the right leg
11.	Bakari Nuri Kassim			• Blunt trauma to the left arm • Bruises and abrasions left arm • Blunt trauma to the waist • Blunt trauma to the lower limbs

19. The purpose of the atrocities was to intimidate the residents from accessing the property and punishing them as a deterrence mechanism.
20. The Victims have been subjected to torture, cruel, inhuman, degrading treatment and punishment, contrary to **Article 25(a) of the Constitution** by the 1st and 2nd Respondents. The 1st and 2nd Respondents unlawfully beat up and injured the victims, unlawfully detained them without proffering charges against them and further inflicted injuries on them while in custody by treating them inhumanly and giving them degrading treatment.
21. The Victims' right to Human dignity guaranteed by **Article 28** of the Constitution was infringed. The assault on various parts of the bodies including the genital organs was degrading. The act of releasing guard dogs to the victims causing them to bite them was brutal and unnecessary as to the circumstances of the situation given that the victims were not armed or posed any threat to the GSU.
22. The actions of the 1st and 2nd Respondents violates **Article 29 of the Constitution** that guarantees every person of their right not to be deprived of freedom arbitrarily, detained without trial, subjected to any form of violence, subjected to torture in any manner, subjected to corporal punishment or treated or punished in a cruel,

inhuman or degrading manner. The victims were unlawfully detained without being charged with any offence, were beaten up and suffered injuries.

23. The Victims have right to a fair administrative action as espoused under **Article 47** and the same was infringed by the 2nd Respondents actions by use of excessive force during arrest and the same was made in bad faith, and abuse of the power. The Police refused to investigate the Victims' complaints thereby denying and form of justice to the Victims.
24. The Victims were not accorded the rights of arrested persons as guaranteed in **Article 49 (a), (b), (c) and (f) of the Constitution** of Kenya. The 1st and 2nd Respondents after arresting the victims disregarded their right to be informed of the reason for arrest, the right to communicate with an advocate or other persons whose assistance is necessary and the victims were not brought before a court within twenty-four hours after being arrested.
25. The Victims were denied a right to fair hearing contrary to Article 50 of the Constitution of Kenya. The Victims were arrested, beaten, tortured, subjected to punishment and were denied a chance to be brought before a court or an Independent body to determine any of their violations. The Victims were condemned unheard.
26. The Victims suffered degradation of man and degrading punishment and treatment contrary to **Article 5** of African Charter on Human and Peoples' Rights (Banjul Charter).
27. The Police used extra force on the victims that was unnecessary in the circumstances contrary to Section 95, 61 and the sixth schedule of The National Police Service Act, No.11A of 2011. The GSU inflicted injuries on the victims through blows, kicks and sticks. They further caused their guard dogs to bite them during the arrest. The amount of force was unnecessary as the GSU officers outnumbered an individual victim who was unarmed and not resisting arrest.
28. The GSU officers failed to offer medical assistance to those injured contrary to Rule 3 of Part A of the Sixth Schedule of The National Police Service Act, No.11A of 2011. Despite injuring the victims during arrest the GSU officers did not offer any emergency medical treatment.
29. I pray for justice and compensation of the victims.

30. The facts deponed herein are true to the best of my knowledge, information and belief save as to information sources whereof have been disclosed.

SWORN by the said

DAVIS MALOMBE

at Ukunda this ^{29th} day of January 2025

BEFORE ME



COMMISSIONER FOR OATHS

~~Signature of Davis Malombe~~

DRAWN & FILED BY

**MWANGI KIHIRA & CO. ADVOCATES,
GRAND MOTEL BUILDING,
GROUND FLOOR, ROOM 4,
ALONG LIKONI LUNGA - LUNGA ROAD,
BEFORE CORNER BEACH,
P.O BOX 1272-80400,
UKUNDA mwangikihiralaw@gmail.com**

TO BE SERVED UPON:-

1. BAMBURI CEMENT PLC
KITUI ROAD, OFF KAMPALA ROAD,
INDUSTRIAL AREA, NAIROBI
P.O. BOX 10921 – 00100
NAIROBI, KENYA
TEL: +254 (0) 20 6614358/ 2893000/ 709 724000
Email: corp.info@lafarge.com
2. THE INSPECTOR GENERAL
THE NATIONAL POLICE SERVICE
VIGILANCE HOUSE
P. O. BOX 30083
NAIROBI

3. THE HON. ATTORNEY GENERAL
ATTORNEY GENERAL'S CHAMBERS,
NSSF BUILDING, 9TH FLOOR,
P.O BOX 82427-00100
MOMBASA
Email: agmombasa@gmail.com
4. LAW SOCIETY OF KENYA
LAVINGTON, OPPOSITE VALLEY ARCADE,
GITANGA ROAD,
P.O BOX 72219 – 00200
NAIROBI
5. KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
IMAARA BUILDING,
UNIT 10D, 10TH FLOOR,
DEDAN KIMATHI AVENUE,
KIZINGO, MOMBASA
6. INDEPENDENT POLICING OVERSIGHT
AUTHORITY (IPOA)
ACK GARDEN ANNEX,
1ST NGONG AVE,
NAIROBI

KWALE SUB-COUNTY HOSPITAL

NAME: OMAR ALI

AGE: 29 YRS-MALE

ABDOMINOPELVIC ULTRASOUND.

The liver is normal in size and echo-texture with no focal lesion seen.
Portal and hepatic veins are normal.

Gall bladder is normal in size, wall thickened with no calculi seen.

Pancreas appears normal.

The spleen is slightly increased size 14.3.

Both kidneys show normal echo-textures.
No hydronephrosis calculi seen.

No visceral or para-aortic lymphadenopathy seen.

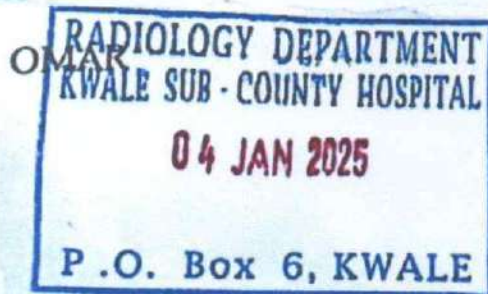
Urinary bladder wall appears well outlined shows internal urine debris seen.

The prostate gland appears normal in size

CONCLUSION

Urinary bladder debris .

cholecystitis



This is the exhibit marked 'D 3(9)'
Referred to in the annexed affidavit statutory
Declaration of Dawu Matembe
Sworn / declared before me at Ukunda
his 29th Day of January 2025

FORM D2

REPUBLIC OF KENYA

THE BIRTHS AND DEATHS REGISTRATION ACT
(Cap. 149)

PERMIT FOR BURIAL

Serial No. **1750223**

1. NAME OF DECEASED

First Name

Middle Name

*Father's or husband's name

2. IDENTIFICATION / PASSPORT NUMBER

4. SEX: Male ☐ Female ☒

5. AGE

31 years

6. DATE OF DEATH

18/1/2025

Day Month Year

9. USUAL RESIDENCE

Sub-location, village and town

Sub-county

After making due inquiry as to cause of the death of the above named deceased person, I hereby authorize the interment of the body.

17. DATE

23/1/2025

Day/Month/Year

18. REGISTRATION ASSISTANT FOR

(Signature and location)

19. SIGNATURE

PERMIT ISSUED TO (NAME)

Tatum M. Mwangi

SIGNATURE

Note — To obtain death certificate, present this permit to the Sub-county Registrar where this death occurred

This is the exhibit marked "D3(b)"
 Referred to in the annexed affidavit statutory
 Declaration of Daniel Malombe
 Sworn / declared before me at Ukunda
 this 29th Day of January 2025



REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Certificate of Lease

TITLE No. KWALE/TIWI BEACH BLOCK/2

LESSOR GOVERNMENT OF KENYA

RENT KSHS. 35,000/- P.A.

TERM 50 YEARS FROM 1.8.2001

This is to certify that BAMBURI PORTLAND CEMENT COMPANY LIMITED

is ~~(as)~~ now registered as the proprietor(s) of the leasehold interest above referred to, subject to the agreements and other matters contained in the registered lease, to the entries in the register relating to the lease and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land comprised in the lease.

GIVEN under my hand and the seal of the

K W A L E District Registry

this 7th day of July, 2005

Land Registrar

This is the exhibit marked D4
Referred to in the annexed affidavit statutory
Declaration of Darius Malombe
Sworn / declared before me at ukunda
his 29th Day of January 2025

At the date stated on the front hereof, the following entries appeared in the register relating to the land —

[illegible]

[Signature]
Land Registrar

MOH501

COUNTY GOVERNMENT OF KWALE
DEPARTMENT OF HEALTH SERVICES
KWALE SUB-COUNTY HOSPITAL
PRESCRIPTION FORM

DATE 31/01/2020

Name Mwalid Salu

Age 39 Sex male

Res. Bungu

IP/OP No.

DIAGNOSIS HIV/AIDS

Rx.

① Tabs Buserpin
7 flx 3/2

This is the exhibit marked 'D5(a)'
Referred to in the annexed affidavit statutory
Declaration of Law Nalomba
Sworn / declared before me at Ukunda
this 29th Day of January 2020

CLINIAN

[Signature]



MOH 227

31 JUL 2024

KWALE SUB-COUNTY HOSPITAL

LABORATORY REQUEST FORM

PATIENT NAME: <u>MICHAEL SALIM</u>	RES: <u>Dengenge</u>	HOSPITAL NO:
AGE: <u>39yrs</u> MALE ☒ FEMALE ☐ OPD ☒ WARD/CLINIC ☐	WARD/CLINIC <u>Dengenge</u>	RECEIPT NO:
REQUESTING CLINICIAN: <u>Bayo</u>	Sign: <u>[Signature]</u>	SPECIMEN COLLECTION
DATE: <u>31/7/24</u>		LAB NO:
CLINICAL INFORMATION/DIAGNOSIS: <u>Painful urination</u>		DATE:
		TIME:

Patient History (including drugs used)

SPECIMEN DETAILS		PRIORITY	SPECIMEN	
RECEIVED			DATE:	
BLOOD ☐	URINE ☒	NORMAL ☐	TIME:	AM ☐ PM ☐
SPUTUM ☐	SWAB FLUIDS ☐	URGENT ☐		
OTHER, NAMELY:			BY:	

Haematology	Biochemistry	Microbiology	Parasitology	
☐ Full Haemogram ☐ Haemoglobin Level ☐ ESR ☐ Sickling Test Coagulation Profile ☐ Prothrombin Test ☐ Fibrinogen Test ☐ ACT ☐ APTT Blood Bank ☐ Blood Grouping ☐ Cross Match ☐ D ⁴ Testing ☐ Direct Coombs Test ☐ Indirect Coombs Test Other.....	☐ RFTs ☐ LFTs Blood Sugar ☐ RBS ☐ FBS ☐ HbA1C ☐ ALT ☐ AST ☐ ALP ☐ Direct Bilirubin ☐ Total Bilirubin ☐ Serum Albumin ☐ Serum Protein ☐ Calcium ☐ Mg ☐ Fasting Lipid Profile ☐ Amylase ☐ Lipase Other..... LAB REPORT	☐ Gamma GT ☐ Sodium ☐ Potassium ☐ Chloride ☐ Phosphorus ☐ Cc-MB Serology/Immunology ☐ Rheumatoid Factor ☐ ASGT ☐ Hepatitis B ☐ Hepatitis C ☐ Hepatitis A ☐ Brucella ☐ HIV Rapid ☐ CD4 ☐ VDRL ☐ CRP ☐ Serum CrAg ☐ Adeno- Rota Virus Other..... LAB REPORT	☒ Urinalysis ☐ PT ☐ Urine Culture ☐ Stool for O/C ☐ Stool Culture ☐ CSF Culture/ Gene Ksert ☐ HVS Wet Prep /Culture ☐ Semenalysis ☐ Salmonella Stool Ag ☐ H.pylori Stool Ag ☐ Fecal Occult Blood ☐ Pus Swab Culture Other..... LAB REPORT	☐ Blood Slide for Malar ☐ Stool for O/C Endocrinology ☐ Thyroid Function Test ☐ TSH ☐ T3 ☐ T4 ☐ & HCG ☐ D-Dimer ☐ Progesterone Hormone ☐ Procalcitonin ☐ N-Terminal prohormone ☐ Myo Rapid ☐ PSA ☐ CEA ☐ CA 125 ☐ CA15-5 Other.....

Test done by(name).....sign.....designation.....date.....

Approved by(name).....sign.....designation.....date.....



COUNTY GOVERNMENT OF KWALE
DEPARTMENT OF HEALTH SERVICES
Office of the Medical Superintendent

Cell phone: 0780336837
Email: kwalehospital@gmail.com
When Replying please quote

P.O. BOX 6 - 80101
KWALE

Ref. No.

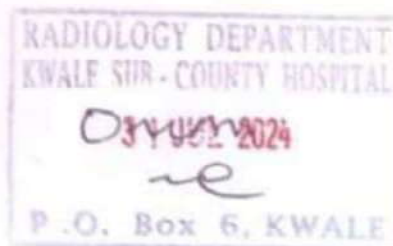
Date 31/07/2024

NAME: Mohammed Salim AGE: 39 GENDER: Male
C/Hx:

- Right inguinal canal appx shows defect allowing bowel loops hernia through spinning at 2.3cm.
- Right testis and Epididymis appx normal in echotexture and vascularity. It measures - 3.2 x 1.7cm.
- Left testis and epididymis show normal position, size and echotexture no mass seen. It measures 2.1 x 2.3 cm.
- No lymphocyst is seen

imp

Right inguinal hernia (2.3cm)

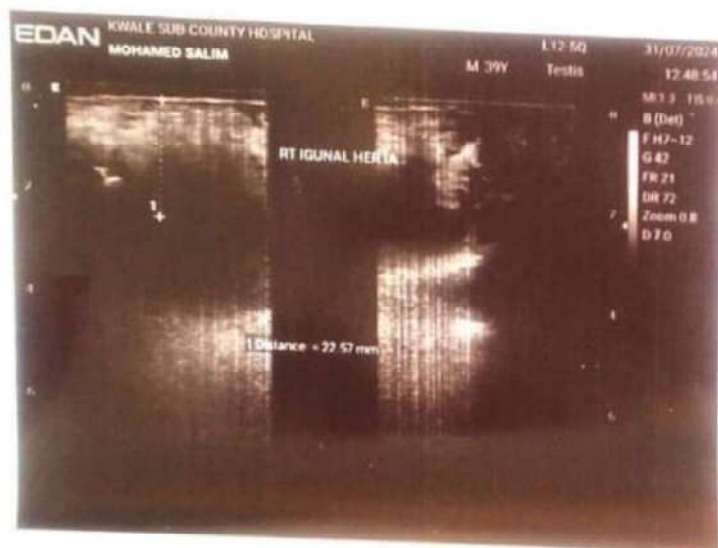




MINISTRY OF HEALTH SERVICES
Kwale
Medical Superintendent

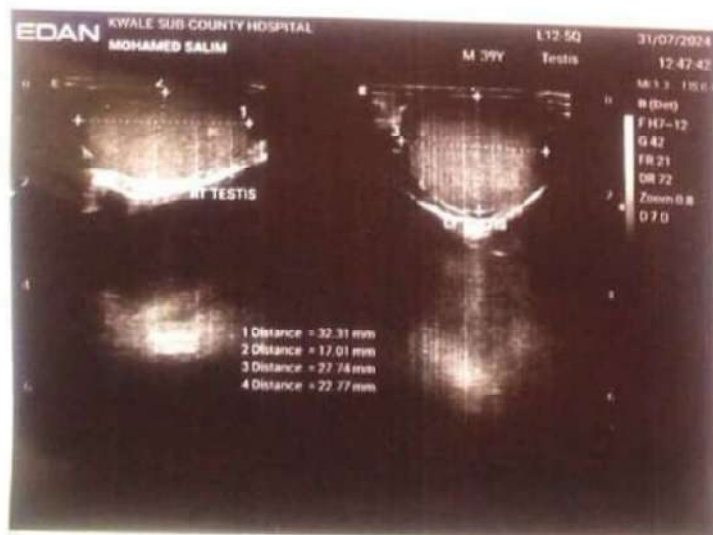
P.O. BOX 6
KWALE

Date 31/7



AGE: 39 GENI

Appr shows defect
ough spinning at
hulymis appr run
ing. It mens - 3
lps show nand p
no mens seen. It



& seen

hernia (2.3cm)

Dr



COUNTY GOVERNMENT OF MOMBASA

DEPARTMENT OF HEALTH SERVICES
COAST GENERAL TEACHING & REFERRAL HOSPITAL

Phone : 2314202/5, 2222148, 2225845
Mobile No : 0722207868
Fax : 2220161, Mombasa
Email : cacoastpgh@yahoo.com
When replying please quote :

P O Box 90231 – 80100
Mzizima Street
MOMBASA

Ref. No. PTN/GEN/OP/NO.

DATE: 16/10/ 2024

NAME: MOHAMED MWAKONGA

AGE: A SEX: M

PELVIC ULTRASOUND

The prostate gland is normal in size with a volume of ...1.9...grams and homogeneous parenchymal echogenicity.

No evidence of bladder base indentation is noted. no calcification or nodules are noted within. The prostatic urethra is normal.

The urinary bladder is well distended with no obvious evidence of bladder mass or calculus seen.

The wall thickness is within normal limits. No bladder base calculi are evident.

Pre void ...120...mls

Post void...0...mls.

CONCLUSION:

Normal pelvic examination

D. Dominic



DEPARTMENT OF HEALTH SERVICES
COAST GENERAL TEACHING & REFERRAL HOSPITAL

Phone : 2314202/5, 2222148, 2225845
Mobile No: 0722207868

Fax : 2220161, Mombasa

Email : cacoastpgh@yahoo.com

When replying please quote :

P O Box 90231 - 80100

Mzizima Street

MOMBASA

Ref. No. PTN/GEN/OP/NO.

DATE:

2024

REPORT

NAME:

AGE:

SEX: M

SCROTAL ULTRASOUND

— Right epididymis is slightly prominent measuring 1.2 cm with increased vascularity. Both testes and both epididymis are normal in size and echogenicity. No focal solid or cystic lesion is seen.

Right testis 3.53 cm x 2.56 cm x 1.76 cm.

Left testis 3.65 cm x 2.54 cm x 2.07 cm.

Blood flow on Doppler studies is normal and symmetrical bilaterally.

No hydrocele or varicocele is evident.

— Bilateral hydrocele / fluid collection noted more significant in the right scrotum.

CONCLUSION:

→ Right epididymitis
→ Bilateral hydrocele more significant in the right.

Sonographer

Dominic



COUNTY GOVERNMENT OF NAIROBI

DEPARTMENT OF HEALTH SERVICES

Client Consultation Request Form

Date 06/02/24 Time 12.53 pm

(Tick appropriately)

☐ Emergency ☐ Urgent ☒ Routine
☐ Intra-County ☐ Inter-county ☐ Overseas

The opinion of Surgeon in the SOPC Consultant
 Clinic/unit would be appreciated in the case of: Reputation

Client Details:

Name Mohamed Salim Age 39 Sex male

Ward/Clinic: Bed Number (if IP):

Current IP/OP Number: 1185 314/24

Previous IP/OP Number(s): a) b) c)

*Specify/ OP

Diagnosis Right epidermitis, Bilateral hydrocele

Investigations more significant in the skin
Send for

Reasons for Consultation request:

for Surgical team Review & further management

Requesting Officer Details:

Name mar Designation RW Phone No.

Facility Name CGRH Unit DPP Signature [Signature]

Date

To: Ward 4 - Surgical

Re: Mortimer Szym.

Admit the above on 29/10/2024
for Laparoscopic hernia
repair on 30/10/2024.

Dr. Alghubakaran Sreath
A

MINISTRY OF HEALTH

P.O.BOX 200, KWALE

Serial Number.....

OUT PATIENT'S CARD/BOOKLET

GENERAL PROJECT

This is the exhibit marked 'D 5(b)'
 Referred to in the annexed affidavit, statutory
 Declaration of Law Nalumbo
 Sworn / declared before me at Ukunda
 his 24th Day of January 2025
[Signature] Commissioner for oaths

NAME..... Ali Said

AGE..... 27 SEX male

OPD NO

Denyenge

20

wt 55kg
H-170cm
Bmr 19.2

2063/19



hx of being assaulted 19/3/79 ago

On neck pain
- waist pain
- upper limb pain

It reports to have been beaten by
person known to him now complains
of the above condition.
On full spine go stable
local exam - Rt upper limb swollen
at tenders on touch

Imp: STI of Assault.

- ① flexor digitorum profundus
- ② Pkt of tendons

mld

25/03/19

History of assault-

dr

- orthopedic review

Abdominal Plan

CXR - normal

~~R~~. xys - normal

~~R~~

~~T~~

ct & mri

↳ Referred for P3

KENYA POLICE SERVICE

P3

MEDICAL EXAMINATION REPORT

PART I—(To be completed by Police Officer requesting examination)

From DCS KWALE Ref. 17
Bvt 3 KWALE Date 19/3/2019
 To the DDH-KWALE SUB DIVISION Hospital/Dispensary 17

I have to request the favour of your examination of:—

Name ARI SONS Age 27 years (if known)
 Address C/O DENYENYE Date and time of alleged offence 18/3/2019
VILLAGE At 18 30 Hrs
 Sent to you/hospital on the 25/3/2019 under escort of SELF

and of you furnishing me with a report of the nature and extent of bodily injury sustained by him/her.

Date and time reported to police 19/3/2019 AT 11 35 Hrs

Brief details of alleged offence HE ALLEGES TO HAVE BEEN ASSAULTED BY A PERSON KNOWN TO HIM WHOSE STAMINE HEW FOR FURTHER POLICE ACTION

PART II—MEDICAL DETAILS—(To be complete by Medical Officer or Practitioner carrying out examination)

(Please type four copies from the original manuscript)

SECTION "A"—THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref. No.

1. State of clothing including presence of tears, stains (wet or dry) blood, etc.

Worn Black T-shirt and Black jeans. Also Torn

2. General medical history (including details relevant to offence)

Alleged history of assault by persons well known to him (Security Officers). Assaulted with blunt objects & knife and Blows sustaining multiple body injuries.

3. General physical examination (including general appearance, use of drugs or alcohol and demeanour)

Stable general condition, well oriented in time place & person.

COMPLETION OF SECTION "A"

1. Details of site, situation, shape and depth of injuries sustained:—

(a) Head and neck

Bruised neck.

(b) Thorax and abdomen

Tender chest

(c) Upper limbs

① Right upper limb swollen & tender (x-ray)

(d) Lower limbs

Bruised and tender

2. Approximate age of injuries (hours, days, weeks)

10 days

3. Probable type of weapon(s) causing injury

Blunt objects

4. Treatment, if any, received prior to examination

5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", "main", or grievous harm".*

HARM

*DEFINITIONS—

"Harm" means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or internal organ, member or sense.

"Grievous Harm" means any harm which amounts to maim, or endangers life or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or any permanent or serious injury to any external or internal organ.

Signature of Medical Officer/Practitioner

28 MAR 2013

Date

2013

SECTION C — TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES AFTER THE COMPLETION OF
SECTIONS

"A" AND "B"

1. Nature of offence Estimated age of person examined

2. FEMALE COMPLAINANT

(a) Describe in detail the physical state of and any injuries to genitalia with especially reference to labia majora, labia minora, vagina and cervix conclusion.....

(b) Note presence of discharge, blood or venereal infections, from genital or on body externally

3. MALE COMPLAINANT

(a) Describe in details the physical state of and any injuries to genitalia.....

(b) Describe in detail injuries to anus.....

(c) Note presence of discharge around anus, or thighs, etc; whether recent or of long standing

4. MALE ACCUSED OF ANY SEXUAL OFFENCE

(a) Describe in details the physical state of and any injuries to genitalia especially penis

(b) Describe in details any injuries around anus and whether recent or of long standing

5. Details of specimens or smears collected in examinations 2, 3, or 4 of Section "C" including pubic hairs and vaginal hairs

6. Any additional remarks by the doctor

Confirmed soft tissue injury
2nd suspected assault.

Signature of Medical Officer/Practitioner
28 MAR 2013
Date P.O. Box 6-80403, KNE
2579

MINISTRY OF HEALTH

P.O.BOX 200, KWALE

Serial Number.....

OUT PATIENT'S CARD/BOOKLET

GENERAL PROJECT

This is the exhibit marked 'D5 (C)'
Referred to in the annexed affidavit statutory
Declaration of Dani Nalonde
Sworn / declared before me at ukunda
this 29th Day of January 2025
Commissioner for oaths

NAME Abdalla Suleima

AGE.....27..... SEX Male

OPD NO
Denyenge

20

mt - 67-34

B-173

SMR 22-4

2065/19



Wp of being assaulted 19/3/19

Alc - waist pain
- chest pain
- lower limb pain

Pt reports to have been beaten by persons known to him and now complains of the above condition. He has a fracture of the

Wp. STI 2^o Assault

① ~~flexor~~ ~~corner~~ ~~area~~

② plot 8 hrs 3/4

mt

KENYA POLICE SERVICE

P3

MEDICAL EXAMINATION REPORT

PART I—(To be completed by Police Officer requesting examination)

From DCS KWALE Ref. 17BOB 3 KWALEDate 19/3/2019To the MOH KWALE SUB-CAMP Hospital/Dispensary.

I have to request the favour of your examination of:—

Name ABDULLA SULKIMAN Age 27 years (if known)Address C/O BERNIERE Date and time of alleged offence 18/3/2019VILLAGEAT 18 30 HrsSent to you/hospital on the 25/3/2019 under escort of SELF

and of you furnishing me with a report of the nature and extent of bodily injury sustained by him/her.

Date and time reported to police 19/3/2019 AT 11 35 HrsBrief details of alleged offence HE ALLEGES TO HAVE BEEN ASSAULTED BY A PERSON KNOWN TO HIM WHOSE NAME HE CANNOT REMEMBER FOR FURTHER ACTION.KWALE POL. ST.
25 MAR 2019
Signature of Police Officer
80403
KWALE

PART II—MEDICAL DETAILS—(To be complete by Medical Officer or Practitioner carrying out examination) P.O.

(Please type four copies from the original manuscript)

SECTION "A"—THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref. No.

1. State of clothing including presence of tears, stains (wet or dry) blood, etc.

Soiled Black jeans & checked shirt

2. General medical history (including details relevant to offence)

History of assault on the 18/3/2019 by persons well known to him. Suffering multiple body injuries. Assaulted with Kicks & blows & objects.

3. General physical examination (including general appearance, use of drugs or alcohol and demeanour)

Safe, well oriented in time place

SECTION "B" — TO BE COMPLETED IN ALL CASES OF ASSAULT, INCLUDING SEXUAL ASSAULTS, AFTER THE COMPLETION OF SECTION "A"

1. Details of site, situation, shape and depth of injuries sustained:—

(a) Head and neck

Minimal

(b) Thorax and abdomen

Chest tenderness & bruising

(c) Upper limbs

upper
bruising ~~no~~ lower limbs
No signs of H

(d) Lower limbs

Tender lower limbs. No signs
of fracture

2. Approximate age of injuries (hours, days, weeks)

10 days

3. Probable type of weapon(s) causing injury

Blunt objects

4. Treatment, if any, received prior to examination

Analgesic

5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", "main", or grievous harm" *

Harm

*DEFINITIONS—

"Harm" means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or internal organ, member or sense.

"Grievous Harm" means any harm which amounts to maim, or endangers life or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or any permanent or serious injury to any external or internal organ.

Signature of Medical Officer/Practitioner



Date

SECTION "C" — TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES AFTER THE COMPLETION OF SECTIONS

"A" AND "B"

1. Nature of offence Estimated age of person examined

2. **FEMALE COMPLAINANT**

(a) Describe in detail the physical state of and any injuries to genitalia with especially reference to labia majora, labia minora, vagina and cervix conclusion

(b) Note presence of discharge, blood or venereal infections, from genital or on body externally

3. **MALE COMPLAINANT**

(a) Describe in details the physical state of and any injuries to genitalia

(b) Describe in detail injuries to anus

(c) Note presence of discharge around anus, or thighs, etc; whether recent or of long standing

4. MALE ACCUSED OF ANY SEXUAL OFFENCE

(a) Describe in details the physical state of and any injuries to genitalia especially penis

(b) Describe in details any injuries around anus and whether recent or of long standing

5. Details of specimens or smears collected in examinations 2, 3, or 4 of Section "C" including pubic hairs and vaginal hairs

6. Any additional remarks by the doctor

Confirmed soft tissue
injuries 2^o Assault.

Signature of Medical Officer/Practitioner

Date...



MINISTRY OF HEALTH

P.O.BOX 200, KWALE

Serial Number.....

OUT PATIENT'S CARD/BOOKLET

GENERAL PROJECT

This is the exhibit marked 'D 5(d)'
 Referred to in the annexed affidavit statutory
 Declaration of Dani Nalanda
 Sworn / declared before me at Ukunda
 this 29th Day of January 2025

NAME Hamadi Jumadari

AGE 34 SEX male

OPD NO

Denyeye 20

wt - 61.2 kg
 H - 167 cm
 BMI - 21.9

2064/19



1st of being assaulted & agg

etc - Chest pain
 - waist pain
 - Backache
 - Dysuria

He reports to have been
 been beaten by persons known
 to him and now complain
 of the above condition

etc. Pres. afebrile 1st R

Wt. 61 2^o Assault.

- ① flaccid - 500mg Amox
- ② Pler 1g 3x
- ③ Nucleable 1gr od x 3/4 m'd

MEDICAL EXAMINATION REPORT

PART I—(To be completed by Police Officer requesting examination)

From DCS KWALERef. 17Box 3 KWALEDate 19/3/2019To the MOH-KWALE SUB COUNTY Hospital/Dispensary.

I have to request the favour of your examination of:—

Name HAMASU JUMASARIAge 84 years (if known)Address C/O DENYENYEDate and time of alleged offence 18/3/2019VILLAGEAT 18 30 HrsSent to you/hospital on the 25/3/2019 under escort of SELF

and of you furnishing me with a report of the nature and extent of bodily injury sustained by him/her.

Date and time reported to police 19/3/2019 AT 11 35 HrsBrief details of alleged offence HE ALLEGED TO HAVE BEEN ASSAULTED BY A PERSON KNOWN TO HIM PLEASE EXAMINE HIM FOR FURTHER POLICE ACTION.

KWALE POLICE

25 MAR 2019

Signature of Police Officer

P.O. 80403

KWALE

PART II—MEDICAL DETAILS—(To be complete by Medical Officer or Practitioner carrying out examination)

(Please type four copies from the original manuscript)

SECTION "A"—THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref. No.

1. State of clothing including presence of tears, stains (wet or dry) blood, etc.

Sorted Black shirt and Blue T-shirt

2. General medical history (including details relevant to offence)

History of assault by persons well known to him on the 18/03/2019. Assaulted with blunt object sustaining injuries on Buttocks and both legs.

3. General physical examination (including general appearance, use of drugs or alcohol and demeanour)

Solore well oriented in time, place and person.

1. Details of site, situation, shape and depth of injuries sustained:—

(a) Head and neck

Purulent mass, nodule

(b) Thorax and abdomen

Normal Swollen, Hypoalbumic Both
Abdominal (Blutausch.)

(c) Upper limbs

Normal

(d) Lower limbs

Normal

2. Approximate age of injuries (hours, days, weeks)

10 days

3. Probable type of weapon(s) causing injury

Blunt objects

4. Treatment, if any, received prior to examination

Analgesic

5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", "maim", or grievous harm" *

HARM

*DEFINITIONS—

"Harm" means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or internal organ, member or sense.

"Grievous Harm" means any harm which amounts to maim, or endangers life or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or any permanent or serious injury to any external or internal organ.

Signature



Date

28/03/2013

1. Nature of offence Estimated age of person examined

2. FEMALE COMPLAINANT

(a) Describe in detail the physical state of and any injuries to genitalia with especially reference to labia majora, labia minora, vagina and cervix conclusion

(b) Note presence of discharge, blood or venereal infections, from genital or on body externally

3. MALE COMPLAINANT

(a) Describe in details the physical state of and any injuries to genitalia

(b) Describe in detail injuries to anus

(c) Note presence of discharge around anus, or thighs, etc; whether recent or of long standing

(a) Describe in details the physical state of and any injuries to genitalia especially penis

(b) Describe in details any injuries around anus and whether recent or of long standing

5. Details of specimens or smears collected in examinations 2, 3, or 4 of Section "C" including pubic hairs and vaginal hairs

6. Any additional remarks by the doctor

Confirmed soft tissue injuries
20 Assault

Signature of Medical Officer/Practitioner

28 MAR 2019

Date P.O. Box 6-68413, N

S/NO. 53399

LIKONI DISTRICT HOSPITAL**P. O. Box 96239
MOMBASA**OP/NO MCP 13171/23.NAME ABDALLA MUHAMMED AGE 40 SEX MRESIDENCE: NG'OMBENI ADDRESS

IDENTITY CARD NO.

THIS BOOK TO BE RETAINED IN HOSPITAL**Ksh. 50/=**

'DS(e)'
 This is the exhibit marked
 Referred to in the annexed affidavit statutory
 Declaration of Daw Nalumb
 Sworn / declared before me at ukunda
 this 29th Day of January 2025

HISTORY, PHYSICAL EXAMINATION AND TREATMENT 27/7/23

Age - 40 yrs

Wt - 63 kgs

Time - 12:02 P.M.

TEMP.: 36.2°C .

PULSE.: 82 b/min.

RESP.: $\text{SpO}_2 - 100\%$.

BP.: 114/55 mmHg

cat wound 20
Ct²⁰ dog bite

Plan - stitch under LA.

- Rub on the wound.

- 1m tramadol 100mg

- 1m T.T. 0.5m stat

- cap. Maxipen 1000

DIAGNOSIS & TREATMENT

TO bring vaccination center 17th day
tomorrow

1st day. 0 day.

1st day
to

2nd 11

3rd 11

4th 11

5th 11

DATE: CLINICIAN

TIME: SIGN:

DIAGNOSIS & TREATMENT

19/09/13

Brought for P3 fishing

Easy

DATE: CLINICIAN

TIME:

SIGN:

S/NO. 71

LIKONI DISTRICT HOSPITAL**P. O. Box 96239
MOMBASA**

This is the exhibit marked "D5(f)"
 Referred to in the annexed affidavit statutory
 Declaration of Bani Malombe
 Sworn / declared before me at ukunda
 this 29th Day of January 2025
[Signature]
 Commissioner for C.F.

OP/NO MOP 1571/22NAME Omara Mbwana AGE..... SEX MRESIDENCE: Seungu ADDRESS.....

IDENTITY CARD NO.....

THIS BOOK TO BE RETAINED IN HOSPITAL**Ksh. 50/=**

578/22

26/1/2022

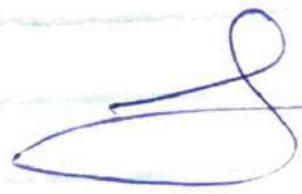
HPL Hx of being attacked by G4S Dogs
and their personnel - They battered Him
and the dogs gave Him Several Bites
O/E Deep wound Lt Hand
and Thigh, clothes badly
stained w/ Blood

KWALE COUNTY GOVERNMENT
NGOMBEZI DISPENSARY
28 JAN 2022
P.O. Box 200, KWALE

G.c. fair, ARM Has
limited movement
Has been bandaged

- ① 1st Tr O-Sm's
stat
- ② Anti Rabies vaccin
1st stat
- ③ Referred to K.S.C.H
for surgical Toiletting
and further mnx
- 5/4/20
18/4/22
14 28
7
16/3/2022

2nd
30/10/2022
5/2/2022
3rd



HISTORY, PHYSICAL EXAMINATION AND TREATMENT

4/2/22

Age - 40y

WT - 49.5 kg

TEMP.: 37.1°C

PULSE.: 100 b/min

RESP.: SpO₂ - 100% M - 99

BP.: 156 / 108 mmHg

Advice to Repeat BP after 30 mins.

RPT.

BP - 131 / 96 mmHg P - 92 @ 09.52 am

DIAGNOSIS & TREATMENT

24/2/2022

cc- left hand pain

he got injured attracted by dog

26/1/2022

he went to ngombani dispensary
there he got pt dose of
Ant rabies

GLE post f. de h. o. u.

multiple small wounds on the hand

and left thigh

Rx

1st

NAD

Pain

Dr:

dog bite

has

* ① Continue Ant rabies dose 3 ✓
② clean and dress the wound

DATE: CLINICIAN

TIME:

SIGN:

DIAGNOSIS & TREATMENT

③ 120 Fluoxetine 50mg 2x 24
 ④ 120 120mg 40mg 2x 24
 ⑤ Advice accordingly on TCA.

RPI RP - 128/83 mmHg Call ✓
 Pulse - 74 bpm

wt - 49.0 kg 5/8/2022
 Temp - 36.6 Time 9:53
 BP - 145/102
 Pulse - 92
 SpO2 - 96%

DATE: _____ CLINICIAN

TIME: _____ SIGN: _____

MOMBASA COUNTY GOVERNMENT
LIKONI STREET COUNTY HOSPITAL

P.O. BOX 96239

MOMBASA

Patient's Name

umar Mwan

Age

Sex

Referral

dog bite
5/4/2022

Rx

* ~~anti~~ rabies vaccine
+

✓ anti rabies immunoglobulin

Clinician Name

Mayana

Signature

Neti

DATE: CLINICIAN

TIME:

SIGN:



Map 187 84

'05(6)'

This is the exhibit marked
 Referred to in the annexed affidavit statutory
 Declaration of Dani Malsma
 Sworn / declared before me at Ukunda
 this 29th Day of January 2025
 Commissioner for Oaths



SINGLE RULED EXERCISE BOOK

Name SHEE SAID MBIMBI

School Denyenye

Class _____ Year 3rd

Subject 0716362540

NEWSPRINT PAPER
 NOT FOR USE
 WITH
 FOUNTAIN PEN

For Star Achievers!

11:59 am

TB ACTIVE CASE FINDING (ACF) HEALTH FACILITY	
DATE	AGE
SYMPTOMS	
1. COUGH	
2. FEVER	
3. NIGHT SWEATS	
4. NOTICEABLE WEIGHT LOSS	
5. HAEMOPTOE	
6. CONTINUED	
7. SNU	



WT - 56.7 kgs.

T - 36.9°C

BP - 135/73 mmHg.

PR - 55 bpm

Dx ~ DiBite.

Plan

- 1m 0.5mls T.C STAT given
- 1m Anti-Rabies

13:40 PM . 11

ACTIVE CASE (ACF)	
DATE	19 SEP 2023
1. COUGH OF ANY DURATION	✓
2. FEVER	✓
3. RIGID SWELLING	✓
4. NOTICEABLE WEIGHT LOSS	✓
5. LOSS OF APPETITE	✓
6. CONTACT WITH CASE	✓
7. SHORTNESS OF BREATH	✓



for B filing

/saul.

1/9/2023

65

NAME

STEE SAID MBIMBI

AGE/SEX

38/M

RES:

Danyenge.

Client came to the facility reporting to have been
bitten by a dog & a deep wound on the left lower
limb

Imp Dog bite & deep wound

Plan

- (i) Cleaning and dressing
- (ii) IM 0.5mls T.T Start.
- (iii) Refer for Anti Rabbits and further Mx
- (iv) Ampiclox 500mg QID x 5/7
- (v) Brufen 400mg TDS x 5/7
- (vi) IM Tramadol 100mg Start.
- TCA for dressing after every 3/7.



0729162095



County Government
of Mombasa

S/NO.

LIKONI DISTRICT HOSPITAL



MINISTRY OF HEALTH

P.O. BOX 96239, MOMBASA

This is the exhibit marked "DS(h)"
Referred to in the annexed affidavit statutory
Declaration of Dan Malombe
Sworn / declared before me at ukunda
this 29th Day of January 2025

OP/NO

OUT-PATIENT ATTENDANCE BOOKLET

NAME Omar Mohammed AGE 32 SEX M

RESIDENCE Ngombeni ADDRESS

IDENTITY CARD NO

THIS BOOK TO BE RETAINED IN HOSPITAL

KSH. 50/-



LIKONI SUB COUNTY HOSPITAL LABORATORY

P.O BOX 96239-80110 MOMBASA

LABORATORY REQUEST AND REPORT FORM

NOTE: Incompletely filled forms will not be processed FORM NO: LSCHL-FRM-GEN-035 Version 1.0

I. Patient Details

Name OMAR MOHAMMED

Age: (yrs/months) 32yrs

Sex:

M ☒

F ☐

Residence/ Village

IP/OP No.

Report to (specify clinic/ward/clinician)

III. Specimen:

IV. Collection Date/Time:

V. Collected by:

II. Specimen Destination

Tick appropriate box

Blood Bank ☐

Histology/cytology ☐

Serology ☐

Hematology/ CD4 ☐

Bacteriology ☐

Parasitology ☐

Biochemistry ☐

Others (specify)

Lab No:

VI. Investigation requested

FTG

VII. History (include drugs used)

VIII. Diagnosis

dog bite

IX. Requesting clinicians name

DR. HEMED

Signature [Signature]

Date

19/6/2023

X. Report (including microscopic examination)

Test done by(Initials)

Sign

Date

Approved by(Initials)

Sign

Date

HISTORY, PHYSICAL EXAMINATION AND TREATMENT

Age-32

Wt-60kgs

e-9500alt

TEMP: 36.6°C

PULSE: 64 bl/min

RESP: SpO2-100%

BP: 135/79 mmHg

DIAGNOSIS & TREATMENT

19/6/2013

P.C - Dog bite 2/7

- Patient came with Hx of dog bite 2/7 days ago, swelling on the areas of bite on the Rt hand and leg, No fever of body

O/E: FGC B.P = $\frac{135}{79}$

P.R - 64
(TACCOLD)

Temp - 36.6°C

- Local Exam - swelling on the right hand with discharge
Scar tissue on the mid leg

- CVS
RESP
CNS / Unremarkable
P/A

DATE:

CLINICIAN:

TIME:

SIGN:

DIAGNOSIS & TREATMENT

Imp: Animal bite (dog).

PLAN

- ① T.T 0.5mls
- ② ~~Intradermal~~ ^{Antirabies} vaccine 0.1mls at day 0, 3, 7.
- * ③ Amoxiclav 1g B.D s/7
- ④ cleaning and dressing
- ⑤ FHG

DR. HE MED
~~HE~~

DATE: CLINICIAN:

TIME: SIGN:



SANTA-FE MEDICAL CENTRE.
P.O BOX 96787, KWALE
CONTACT: 0727 316 066
EMAIL: msvokifester57@gmail.com

MEDICAL REPORT

Name: Omar Ahi Keleendi Date: 5/8/2023
 Age: 25 yrs
 Res: Denteme

Brief history;

The above named person was attacked by dog on 30/3/2022 and attended in our facility. He was given anti-rabies vaccine for wound management.

Yours;

Clinician Name

D. K. N. T. Yako

Rubber stamp

Signature

.....TUNAJALI AFYA YAKO.....



This is the exhibit marked D5(i)
 Referred to in the annexed affidavit statutory
 Declaration of Dans Nalombé
 Sworn / declared before me at ukunda
 this 24th Day of January 2025
 Commissioner for Oaths



**THE KENYA POLICE
MEDICAL EXAMINATION REPORT**

P3

PART 1-(To be completed by the Police Officer Requesting Examination)

From O.C.S. KWALE Ref. 013 16
P.O. P.O. 3 KWALE Date 19/7/23
 To the M.O. H. SUB COUNTY Hospital/Dispensary
 I have to request the favour of your examination of:-
 Name OMAR ALI FEDIHAI Age 28 YRS (If known)
 Address C/O DENYENGE Date and Time of the alleged offence 30/08/23 AT 11:00 HRS
 Sent to you/Hospital on the 19/09/23 under escort of FRIENDS
 and of your furnishing me with a report of the nature and extent of bodily injury sustained by him/her.
 Date and time report to police 19/09/23 AT 1215 HRS
 Brief details of the alleged offence The complainant was attacked by a dog of well known person who was examined by the doctor to assist for medical action.
 Name of Officer Commanding Station PHILIP NCAHO Signature of the Officer Commanding Station

PART II-MEDICAL DETAILS - (To be completed by Medical Officer or Practitioner carrying out examination)

(Please type four copies from the original manuscript)

SECTION "A"-THIS SECTION MUST BE COMPLETED IN ALL EXAMINATIONS

Medical Officer's Ref.NO. 533/2023 (santh-fe medical centre)

1. State of clothing including presence of tears, stains (wet or dry) blood, etc.
wearing clean & decent clothes, no tears, no stain
no blood
2. General medical history (including details relevant to offence). Report he had been attacked by a dog of well known person on the day of 5th Aug 2022 while he was fetching firewood at Mawen-Denyenge.
3. General physical examination (including general appearance, use of drugs or Alcohol and demeanour)
very fit, healthy person with no other vices as oriented to the place and person. no use of drugs, alcohol and demeanour at time of examination.

**SECTION "B" - TO BE COMPLETED IN ALL CASES OF ASSAULT,
INCLUDING SEXUAL ASSAULTS, AFTER THE
COMPLETION OF SECTION "A"**

1. Details of site, situation, shape and depth of injuries sustained:-

- a) Head and neck..... NO injuries
- b) Thorax and Abdomen..... NO injuries
- c) Upper limbs..... NO injuries
- d) Lower limbs..... (R) thigh - visible of multiple marks (bites)
(L) - NO injuries
2. Approximate age of injuries (hours, days, weeks)..... 44 days
3. Probable type of weapon(s) causing injury..... NONE
4. Treatment, if any, received prior to examination..... Antibiotics, vaccine, wound management
5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", or 'grievous harm'.* HARM

DEFINITIONS:-

"Harm" Means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or organ, member or sense

"Grievous Harm" Means any harm which amounts to maim, or endangers life, or seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent, or serious injury to external or organ.

19 SEP 2023

Said Ram Narayan

Name & Signature of Medical Officer/Practitioner

Date..... 19/09/2023

**SECTION "C"-TO BE COMPLETED IN ALLEGED SEXUAL OFFENCES
AFTER THE COMPLETION OF SECTIONS "A" AND "B"**

1. Nature of offence.....Estimated age of person
examined.....
2. **FEMALE COMPLAINANT**
 - a) Describe in detail the physical state of and any injuries to genitalia with
special reference to labia majora, labia minora, vagina, cervix and
conclusion.....
 - b) Note presence of discharge, blood or venereal infection, from genitalia or
on body externally.....
3. **MALE COMPLAINANT**
 - b) Describe in detail the physical state of and any injuries to
genitalia.....
 - c) Describe in detail injuries to anus.....
 - d) Note presence of discharge around anus, or/ on thighs, etc.; whether recent
or of long standing.....

SECTION "D"**4. MALE ACCUSED OF ANY SEXUAL OFFENCE**

- a) Describe in detail the physical state of and any injuries to genitalia especially penis.....

.....

- b) Describe in detail any injuries around anus and whether recent or of long standing.....

.....

5. Details of specimens or smears collected in examinations 2,3 or 4 of section "C" including pubic hairs and vaginal hairs.....

.....

6. Any additional remarks by the doctor.....

.....

.....
Name & Signature of Medical Officer/Practitioner

Date.....

PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

RE: MEDICAL EXAMINATION REPORT FOR MOHAMED SALIM MWAKONGOA; OUR REF: 8050/24**NAME:** MOHAMED SALIM MWAKONGOA **IDNO:** 26192495**SOCIAL DATA:** 36 Years old Male **OCCUPATION:** CASUAL

I have today examined Mohamed and reviewed the attached treatment notes from Tiwi Rural Health Training Centre, P3 form and his own collaborative history in order to make this report.

EXEUTIVE SUMMARY;

Soft tissue injuries due to assault. No permanent disability or incapacity is anticipated. He will however incur future medical expenses related to repair of right inguinal hernia.

HISTORY: Mohamed informed me that he was assaulted by person(s) known to him on 30th October, 2018 at around 1700 hours sustaining the following injuries.

1. Blunt trauma to the head.
2. Blunt trauma to the nose with nose bleeding.
3. Blunt trauma to the left eye.
4. Blunt trauma to lower abdomen/genital leading to inguinal hernia.

TREATMENT: At Tiwi Rural Health Training Centre, given analgesics, tetanus toxoid injection and antibiotics.

PRESENT POSITION: complains of occasional right inguinal/genital area.

EXAMINATION: I examined Mohamed my office approximately 5 years 5 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following;

1. Right sided inguinal hernia (indirect) – Fig 1


My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email; info@myclinic.co.ke | web; www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

This is the exhibit marked "D6(a)"
 Referred to in the annexed affidavit statutory
 Declaration of David Kalombe
 Sworn / declared before me at ukunda
 this 2nd Day of January 2025

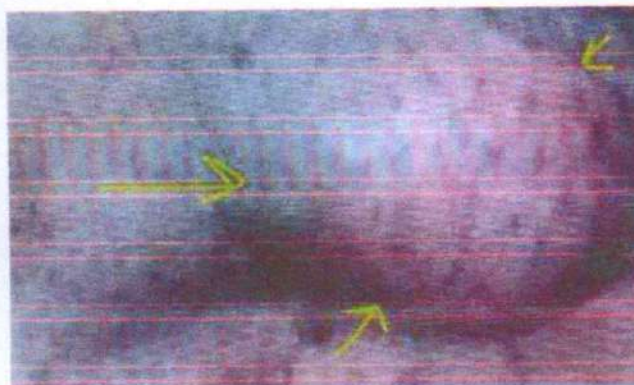


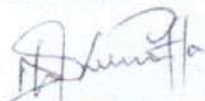
Fig 1

CONCLUSION: Assault by person(s) known to him leading to;

1. Blunt trauma to the head.
2. Blunt trauma to the nose with nose bleeding.
3. Blunt trauma to the left eye.
4. Blunt trauma to lower abdomen/genital leading to inguinal hernia.

OPINION: Mohamed suffered from above injuries which will not confer permanent disability or incapacity. He will however incur future medical costs related to repair of right sided inguinal hernia estimated at KES 120,000 at a public hospital as per NHIF surgical package.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBchB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)

PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALONG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR ALI SAID; OUR REF: 8048/24****NAME:** ALI SAID**IDNO:** 27993519**SOCIAL DATA:** 27 Years old Male**OCCUPATION:** CASUAL

I have today examined Ali and reviewed the attached treatment notes from Waa Dispensary, P3 form and his own collaborative history in order to make this report.

EXECUTIVE SUMMARY;

Soft tissue injuries due to assault. No permanent disability or incapacity is anticipated.

HISTORY: Ali informed me that he was assaulted by person(s) known to him on 18th March, 2019 at around 1700 hours sustaining the following injuries.

1. Blunt trauma to the chest.
2. Bruises/abrasions left forearm/hand.
3. Blunt trauma to the right iliac area.

TREATMENT: At Waa Dispensary, given analgesics. Chest x-ray done at Kwale Sub-County Hospital was normal.

PRESENT POSITION: complains of occasional chest pains.

EXAMINATION: I examined Ali my office approximately 5 years after his injuries. He had no palor, jaundice or oedema. His blood pressure, vital signs, local and systemic examination were essentially normal.

CONCLUSION: Assault by person(s) known to him leading to;

1. Blunt trauma to the chest.
2. Bruises/abrasions left forearm/hand.


 A handwritten signature in dark ink, appearing to read "David Malambo".
My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web; www.myclinic.co.ke

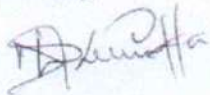
This is the exhibit marked (D66) Referred to in the annexed affidavit statutory Declaration of David Malambo

Sworn / declared before me at ukunda this 29th Day of January 2025

3. Blunt trauma to the right iliac area.

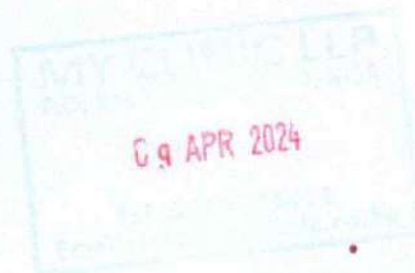
OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR ABDALLA SULEIMAN; OUR REF: 8044/24****NAME:** ABDALLA SULEIMAN**IDNO:** 32730974**SOCIAL DATA:** 27 Years old Male**OCCUPATION:** FISHERMAN

I have today examined Abdalla and reviewed the attached treatment notes from Waa Dispensary, P3 form and his own collaborative history in order to make this report.

EXEUTIVE SUMMARY;

Soft tissue injuries due to assault. No permanent disability or incapacity is anticipated.

HISTORY: Abdalla informed me that he was assaulted by person(s) known to him on 18th March, 2019 at around 1830 hours sustaining the following injuries.

1. Blunt trauma to the chest.
2. Blunt trauma to the waist.
3. Blunt trauma to the left leg.

TREATMENT: At Waa Dispensary, given analgesics and antibiotics.

PRESENT POSITION: , complains of occasional chest pains.

EXAMINATION: I examined Abdalla my office approximately 5 years after his injuries. He had no palor, jaundice or oedema. His blood pressure, vital signs, local and systemic examination were essentially normal.

CONCLUSION: Assault by person(s) known to him leading to;

1. Blunt trauma to the chest.
2. Blunt trauma to the waist.
3. Blunt trauma to the left leg.


My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

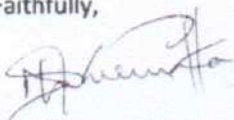
Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

This is the exhibit marked "D66"
 Referred to in the annexed affidavit statutory
 Declaration of David Malombo
 Sworn / declared before me at ukunda
 this 29th Day of January 2025

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

RE: MEDICAL EXAMINATION REPORT FOR HAMADI JUMADARI; OUR REF: 8045/24**NAME:** HAMADI JUMADARI**IDNO:** 27631955**SOCIAL DATA:** 34 Years old Male**OCCUPATION:** FISHERMAN

I have today examined Hamadi and reviewed the attached treatment notes from Waa Dispensary, P3 form and his own collaborative history in order to make this report.

EXECUTIVE SUMMARY;

Soft tissue injuries due to assault. No permanent disability or incapacity is anticipated.

HISTORY: Hamadi informed me that he was assaulted by person(s) known to him on 18th March, 2019 at around 1830 hours sustaining the following injuries.

1. Blunt trauma to the neck.
2. Blunt trauma to the chest.
3. Blunt trauma to the waist.
4. Blunt trauma lower abdomen leading to dysuria.

TREATMENT: At Waa Dispensary, given analgesics and antibiotics.

PRESENT POSITION: complains of occasional ear pains, backache and numb right hand.

EXAMINATION: I examined Hamadi my office approximately 5 years after his injuries. He had no palor, jaundice or oedema. His blood pressure, vital signs, local and systemic examination were essentially normal.

CONCLUSION: Assault by person(s) known to him leading to;

1. Blunt trauma to the neck.
2. Blunt trauma to the chest.

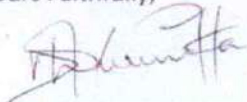
This is the exhibit marked My Clinic | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |
 Referred to in the annexed affidavit statutory P.O: Box 88930-8100 | Mombasa-Kenya
 Declaration of David Malombe email: info@myclinic.co.ke | web: www.myclinic.co.ke
 Sworn / declared before me at ukunda Tel: 0721419526/0736419526/0716844414
 this 29th Day of January 2025

Examination for BOC

3. Blunt trauma to the waist.
4. Blunt trauma lower abdomen leading to dysuria.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

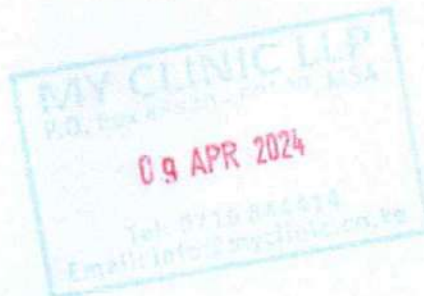
GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR ABDALLA MOHAMMED; OUR REF: 8042/24****NAME:** ABDALLA MOHAMMED**IDNO:** N/A**SOCIAL DATA:** 40 Years old Male**OCCUPATION:** FISHERMAN

I have today examined Abdalla and reviewed the attached treatment notes from Likoni Sub-County Hospital and his own collaborative history in order to make this report.

EXEXECUTIVE SUMMARY;

Soft tissue injuries due to dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Abdalla informed me that he was attacked by dog(s) on 27th July, 2023 at around 0900 hours sustaining the following injuries.

1. Dog bites/lacerations left forearm.
2. Dog bites on the left thigh.

TREATMENT: At Likoni Sub-County Hospital, given analgesics, antibiotic, tetanus toxoid injection, antirabies and wound care.

PRESENT POSITION: No major complains.

EXAMINATION: I examined Abdalla my office approximately 9 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite/scratch marks left forearm – Fig 1.
2. Multiple bite marks left thigh – Fig 2.


My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

This is the exhibit marked "D660"
 Referred to in the annexed affidavit statutory
 Declaration of David Malombo
 Sworn / declared before me at ukunda
 this 29th Day of January 2025



Fig 1

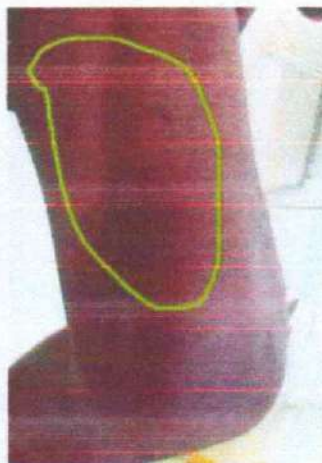


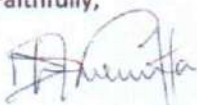
Fig 2

CONCLUSION: Dog bites leading to;

1. Dog bites/lacerations left forearm.
2. Dog bites on the left thigh.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

RE: MEDICAL EXAMINATION REPORT FOR OMARI MBWANA BAHAKANDA; OUR REF: 8046/24**NAME:** OMARI MBWANA BAHAKANDA **IDNO:** 11139597**SOCIAL DATA:** 51 Years old Male **OCCUPATION:** CASUAL

I have today examined Omari and reviewed the attached treatment notes from Ngombeni Dispensary, Likoni Sub-County Hospital and his own collaborative history in order to make this report.

EXEXUTIVE SUMMARY;

Soft tissue injuries due to assault and dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Omari informed me that he was assaulted by security guards reportedly belonging to G4S Company and at the same time guard dogs set on him on 26th January, 2022 at around 1800 hours sustaining the following injuries.

1. General body trauma.
2. Dog bites left forearm.
3. Dog bites left thigh.

TREATMENT: At Ngombeni Dispensary, given analgesics, antibiotic, tetanus toxoid injection, antirabies and wound care. Followed up at Likoni Sub-County Hospital, continued with antibiotics, antirabies, wound care and analgesics.

PRESENT POSITION: complains of recurring pains left forearm

EXAMINATION: I examined Omari my office approximately 2 years 3 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite and scratch marks left forearm – Fig 1.

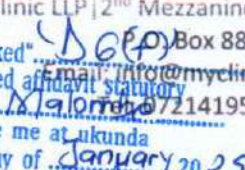
My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Declaration of David Malombe 0721419526/0736419526/0716844414

Sworn / declared before me at ukunda

this 29th Day of January 2025



2. Multiple bite/scratch marks left thigh – Fig 2, 4.

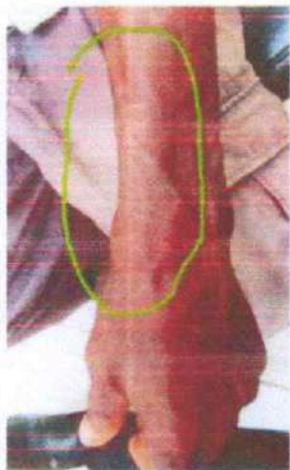


Fig 1



Fig 2

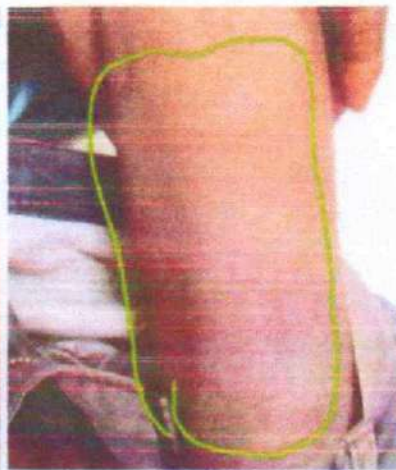


Fig 3

CONCLUSION: Assault and dog bites leading to;

1. General body trauma.
2. Dog bites left forearm.
3. Dog bites left thigh.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR SHEE SAID MBIMBI; OUR REF: 8047/24****NAME:** SHEE SAID MBIMBI**IDNO:** N/A**SOCIAL DATA:** 38 Years old Male**OCCUPATION:** CASUAL

I have today examined Shee and reviewed the attached treatment notes from Reachout Centre Trust, Kwale Sub-County Hospital and his own collaborative history in order to make this report.

EXECUTIVE SUMMARY;

Soft tissue injuries due to dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Shee informed me that he was attacked by dog(s) on 1st September, 2023 at around 1800 hours sustaining the following injuries.

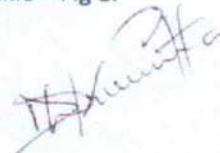
1. Dog bites left leg/ankle.

TREATMENT: At Reachout Centre Trust, given analgesics, antibiotic, tetanus toxoid injection and wound care. Followed up at Kwale Sub-County Hospital, given antirabies, wound care and tetanus toxoid injection.

PRESENT POSITION: complains of recurring pains left leg.

EXAMINATION: I examined Shee my office approximately 7 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite/scratch marks left leg/ankle – Fig 1.


 A handwritten signature in dark ink, appearing to be 'David Malombo'.
My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

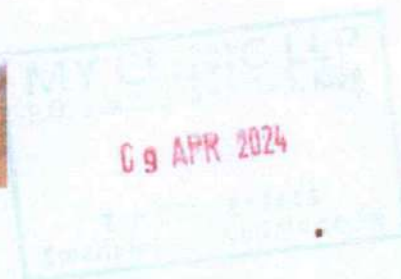
This is the exhibit marked 'A6 (g)' referred to in the annexed affidavit statutory Declaration of David Malombo

Sworn / declared before me at ukunda this 29th Day of January 2025

Commissioner for



Fig 1

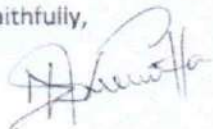


CONCLUSION: Dog bites leading to;

1. Dog bites left leg/ankle.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBchB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)

PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR OMAR MOHAMED; OUR REF: 8049/24****NAME:** OMAR MOHAMED**IDNO:** 23391815**SOCIAL DATA:** 33 Years old Male**OCCUPATION:** CASUAL

I have today examined Omar and reviewed the attached treatment notes from Likoni Sub-County Hospital and his own collaborative history in order to make this report.

EXEXECUTIVE SUMMARY;

Soft tissue injuries due to dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Omar informed me that he was attacked by dog(s) on 19th June, 2023 at around 1130 hours sustaining the following injuries.

1. Dog bites left hand.
2. Dog bites left leg.

TREATMENT: At Likoni Sub-County Hospital, given antirabies, wound care, antibiotics, analgesics and tetanus toxoid injection.

PRESENT POSITION: complains of recurring pains left hand.

EXAMINATION: I examined Omar my office approximately 9 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite and scratch marks left hand – Fig 1.
2. Multiple bite/scratch marks left leg – Fig 2.


My clinic LLP | 2nd Mezzanine Floor, Blashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

This is the exhibit marked "D 6 (h)"

Referred to in the annexed affidavit statutory

Declaration of David Malombe

Sworn / declared before me at Ukunda

his 29th Day of January 2025

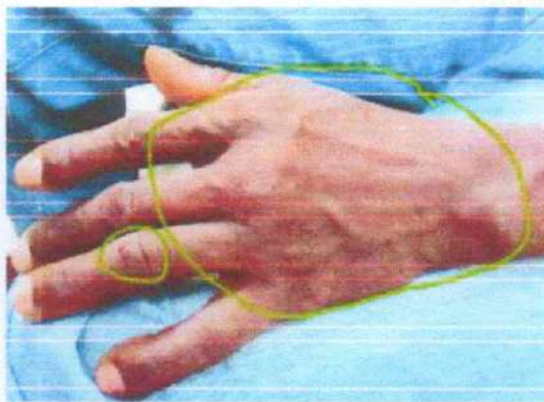


Fig 1

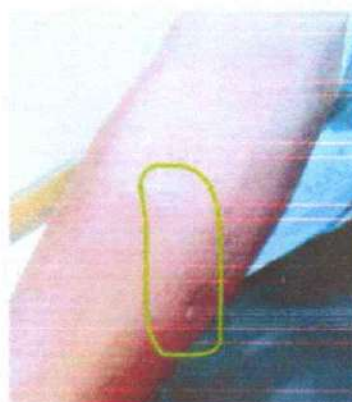


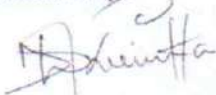
Fig 2

CONCLUSION: Dog bites leading to;

1. Dog bites left hand.
2. Dog bites left leg.

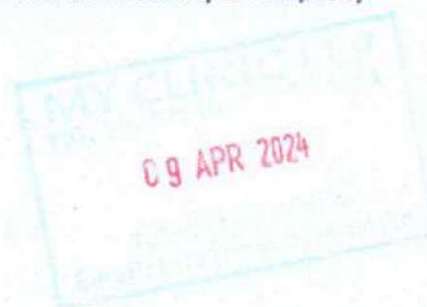
OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBchB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KIHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

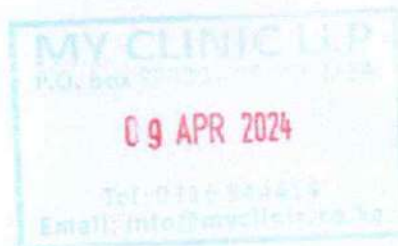
GROUND FLOOR, ROOM 4

ALOMG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR OMAR ALI KALENDI; OUR REF: 8043/24****NAME:** OMAR ALI KALENDI**IDNO:** 31045391**SOCIAL DATA:** 25 Years old Male**OCCUPATION:** CASUAL

I have today examined Omar and reviewed the attached treatment notes from Santa-fe Medical Centre and his own collaborative history in order to make this report.

EXEXUTIVE SUMMARY;

Soft tissue injuries due to dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Omar informed me that he was attacked by dog(s) on 5th August, 2023 at around 1100 hours sustaining the following injuries.

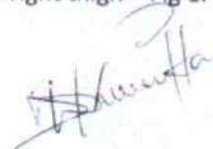
1. Dog bites on the right thigh.

TREATMENT: At Santa-fe given analgesics, antibiotic, tetanus toxoid injection and wound care. Followed up at Kwale Sub-County Hospital, given antirabies and wound care.

PRESENT POSITION: No major complains.

EXAMINATION: I examined Omar my office approximately 8 months after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite/scratch marks right thigh – Fig 1.


My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |

P.O. Box 88930-8100 | Mombasa-Kenya

Email: info@myclinic.co.ke | web: www.myclinic.co.ke

Tel: 0721419526/0736419526/0716844414

This is the exhibit marked "D6(i)"
 Referred to in the annexed affidavit statutory
 Declaration of David Malombe
 Sworn / declared before me at ukunda
 this 3rd Day of January 2025

Commissioner for oaths



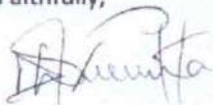
Fig 1

CONCLUSION: Dog bites leading to;

1. Dog bites on the right thigh.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBChB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL9th April, 2024

MWANGI KHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALONG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

**RE: MEDICAL EXAMINATION REPORT FOR ABDALLA JUMADARI; OUR REF: 8041/24****NAME:** ABDALLA JUMADARI**IDNO:** 330583419**SOCIAL DATA:** 24 Years old Male**OCCUPATION:** CASUAL

I have today examined Abdalla and reviewed the attached treatment notes from Likoni Sub-County Hospital and his own collaborative history in order to make this report.

EXEXECUTIVE SUMMARY;

Soft tissue injuries due to dog bites. No permanent disability or incapacity is anticipated.

HISTORY: Abdalla informed me that he was attacked by dog(s) on 6th April, 2024 at around 0500 hours sustaining the following injuries.

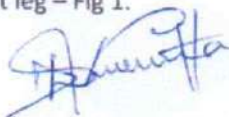
1. Dog bites on the right leg.

TREATMENT: At Likoni Sub-County Hospital, given analgesics, antibiotic, tetanus toxoid injection and wound care. Followed up at Kwale Sub-County Hospital given analgesics, tetanus toxoid injection, antibiotics and wound care.

PRESENT POSITION: , Complain of pains right leg.

EXAMINATION: I examined Abdalla my office approximately 3 days after his injuries. He had no palor, jaundice or oedema. His blood pressure and vital signs were essentially normal. Further examination revealed the following.

1. Multiple bite/scratch marks right leg – Fig 1.



This is the exhibit marked **(D6G)**
 Referred to in the annexed affidavit statutory
 Declaration of **David M. Mwalimu**
 Sworn / declared before me at ukunda
 this **29th** Day of **January 20 25**
 Commissioner for oaths

My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |
 P.O. Box 88930-8100 | Mombasa-Kenya
 Email: info@myclinic.co.ke | web: www.myclinic.co.ke
 Tel: 0721419526/0736419526/0716844414



Fig 1

CONCLUSION: Dog bites leading to;

1. Dog bites on the right leg.

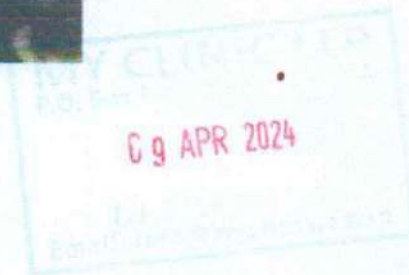
OPINION: These were soft tissue injuries and are expected to heal with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBchB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)



PRIVATE & CONFIDENTIAL2nd May, 2024

MWANGI KHIRA & CO ADVOCATES

GRAND MOTEL BUILDING

GROUND FLOOR, ROOM 4

ALONG LIKONI – LUNGA LUNGA RD

BEFORE CORNER BEACH; P.O BOC 1272 – 80400

UKUNDA

Dear Sir,

RE: MEDICAL EXAMINATION REPORT FOR BAKARI NURI KASSIM; OUR REF: 8178/24

NAME: BAKARI NURI KASSIM

IDNO: 27492398

SOCIAL DATA: 32 Years old Male

OCCUPATION: CASUAL

I have today examined Bakari and reviewed the attached treatment notes from Waa Dispensary, Kwale Sub-County Hospital and his own collaborative history in order to make this report.

EXEXECUTIVE SUMMARY;

Soft tissue injuries due to assault: No permanent disability or incapacity is anticipated.

HISTORY: Bakari informed me that he was assaulted by person(s) known to him on 18th March, 2019 at around 1830 hours sustaining the following injuries.

1. Blunt trauma to the left arm.
2. Bruises and abrasions left arm.
3. Blunt trauma to the waist.
4. Blunt trauma to the lower limbs.

TREATMENT: At Waa Dispensary, given analgesics, antibiotics and tetanus toxoid injection, reviewed at kwale Sub-County Hospital, given analgesics. X-rays done were normal.

PRESENT POSITION: Complain of pains left leg on and off.

EXAMINATION: I examined Bakari my office approximately 5 years after his injuries. He had no palor, jaundice or oedema. His blood pressure, vital signs, local and systemic examination were essentially normal.

(D610)

This is the exhibit marked My clinic LLP | 2nd Mezzanine Floor, Biashara Building | Nyerere Avenue |
 Referred to in the annexed affidavit statutory P.O. Box 88930-8100 | Mombasa-Kenya
 Declaration of Dard Malombe info@myclinic.co.ke | web; www.myclinic.co.ke
 Sworn / declared before me at ukunda. 0721419526/0736419526/0716844414
 this 29th Day of January 2025.

CONCLUSION: Assault by person(s) known to him;

1. Blunt trauma to the left arm.
2. Bruises and abrasions left arm.
3. Blunt trauma to the waist.
4. Blunt trauma to the lower limbs.

OPINION: These were soft tissue injuries and have healed with no permanent disability or incapacity.

Yours Faithfully,



Dr. Darius Wambua Kiema

MBchB(Moi)2002, PgDip-Diabetes, Royal Liverpool Academy(UK)





www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwaji Kihirwa two advocates Date: 9/1/24
the sum of Shillings Two thousand only

Being payment of Washed Asalin Mwakenge
With Thanks

Shs.

2000

No:

14493

CPM/LMSEI ZPS XMEI

For, MY CLINIC LLP

This is the exhibit marked 'D7(q)'
Referred to in the annexed affidavit statutory
Declaration of David Marambe
Sworn / declared before me at ukunda
this 29th Day of January 2025

[Signature]
Commissioner for Oaths



www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwngi Kihirika & Associates Date: 24.24
the sum of Shillings Two thousand only

Being payment of Ali Said

Shs. 2000

No:

14491

With Thanks

CPM/MSE/ZPC/XM

For, MY CLINIC LLP

This is the exhibit marked 'D 7(b)'
Referred to in the annexed affidavit statutory
Declaration of David Matembe
Sworn / declared before me at ukunda
this 29th Day of January 2025


www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from

Mwangi Kihir ~~has always~~ Date: 9.4.24

the sum of Shillings

Two thousand only

Being payment of

Abdulla Suleiman

Shs.

2000

No:

14496

With Thanks

GPM/MSH ZPC XMI

For, MY CLINIC LLP

This is the exhibit marked "D 7(c)"
Referred to in the annexed affidavit statutory
Declaration of David Malombe
Sworn / declared before me at ukunda
his 29th Day of January 20.25

[Signature]
Commissioner for oaths


www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwengi Eshic & co. directors Date: 9.4.24
the sum of Shillings Two thousand only

Being payment of Hamed Jumaari

Shs. 2000

No: 14495

With Thanks

For, MY CLINIC LLP

CPM/LM/2024/2024

This is the exhibit marked 'D7(d)'
Referred to in the annexed affidavit statutory
Declaration of Dani Malombe
Sworn / declared before me at ukunda
his 29th Day of January 2025

Commissioner for oaths



www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Murungi Kehira & Co. Advocates Date: 9.4.24
the sum of Shillings Two thousand only

Being payment of Abdulla Mohamed

Shs. 2000

No:

14498

With Thanks

CPMVL MCH ZPS XMI

For MY CLINIC LLP

This is the exhibit marked D7(c)
Referred to in the annexed affidavit statutory
Declaration of Paul Matombe
Sworn / declared before me at ukunda
his 29th Day of January 2025


www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwengi Kihira & Co Advocates Date: 24/2/25
the sum of Shillings 1400 thousand only

Being payment of Omari Mbwene Bahakanda

Shs. 2000

No:

14492

With Thanks

For MY CLINIC LLP

This is the exhibit marked 'D7(+)'
Referred to in the annexed affidavit statutory
Declaration of Dani Matembe
Sworn / declared before me at ukunda
his 29th Day of January 2025

Commitment for office



www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from

Mwengi Kihira Geo Aburake S.A. 24

the sum of Shillings

Two thousand only

Being payment of

Shoe Srid Mlani

Shs.

2000

No:

14493

With Thanks

CPM/LMEE/IPS XMI

For, MY CLINIC LLP

This is the exhibit marked D 7(9)
Referred to in the annexed affidavit statutory
Declaration of Dan Nalombe
Sworn / declared before me at ukunda
his 29th Day of January 2025
[Signature]


www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwengi Kihir & Co Advocates Date: 9.9.24
the sum of Shillings Two thousand only

Being payment of Order withdrawn

Shs.

2000

No:

14494

With Thanks

OFFICIAL RECEIPT

For MY CLINIC LLP

(D 76)
This is the exhibit marked
Referred to in the annexed affidavit statutory
Declaration of Dani Malombe
Sworn / declared before me at Ukunda
his 29th Day of January 2025
[Signature]


www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414,
Email: info@myclinic.co.ke

Received from Mwaji Kehia & Co. Akiba Date 9.4.24
the sum of Shillings Two Thousand only

Being payment of Owner Mr. Keleneli

With Thanks

Shs. 2000

No:

14497

CPM/L MOMBASA ZPS/ XN/1

For: MY CLINIC LLP

'D 7(c)'
This is the exhibit marked
Referred to in the annexed affidavit statutory
Declaration of Dani Matembe
Sworn / declared before me at ukunda
this 29th Day of January 2025



www.myclinic.co.ke

My Clinic LLP, 1st Floor Biashara Bank Bldg, Nyerere Ave.,
P.O. Box 88930 - 80100 Mombasa
Tel: +254 716 844 414.
Email: info@myclinic.co.ke

Received from Mwengi Kihire Leo Ashwari Date: 9.4.24
the sum of Shillings Two thousand only

Being payment of Abdalla Jumaadi

Shs. 2000

No: 14490

CPH/LMCH/IPS/XM/1

With Thanks

For MYCLINIC LLP

This is the exhibit marked D701
Referred to in the annexed affidavit statutory
Declaration of Dan Malombe
Sworn / declared before me at Ukunda
his 20th Day of January 2025

My Clinic LLP - Mombasa Town Branch

RECEIPT



Mombasa, Mombasa, Mombasa
Kenya
Tel. +254736419526

Paybill 247247 Ac 144171

Bill to

MWANGI KHIRA & CO ADVOCATES
GRAND MOTEL BUILDING GROUND
FLOOR, ROOM 4 ALONG LIKONI -
LUNGA LUNGA RD BEFORE CORNER
BEACH; P.O. BOX 1272 - 80400
UKUNDA



Order no.
05/24-G5LUTC

Issue date
02 May 2024 - 11:34 am

Served by
Ms Henrietta Mbinya

Name
Bakari Kassim

Gender
MALE

Date of birth
02 Mar 1992

Phone Number
+254716900638

Patient no.
8178/24

Description	Unit price (KES)	Quantity	Amount(KES)
MEDICAL EXAMINATION REPORT	2000.00	1	2000.00
TOTAL			2000.00

Amount Paid - CREDIT SALE - CHEQUE/MPESA PAYMENT 2000.00
BALANCE DUE 0.00

Notes

LOCATION: BIASHARA BUILDING, 2ND MEZZANINE FLOOR, NYERERE AVENUE, MOMBASA P.O. BOX 88930-80100; TELEPHONE +254736419526/721419526/716844414; EMAIL; INFO@MYCLINIC.CO.KE
PAYBILL 247247; ACCOUNT; 144171

This is the exhibit marked D71D
Referred to in the annexed affidavit statutory
Declaration of Mrs. Nalumbo
Sworn / declared before me at ukunda
*his 29th Day of January 2025
[Signature]
Commissioner for oaths