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OUR REF: KHRC/023/2023

28TH FEBRUARY 2023,

YOUR REF:

THE DIRECTOR,
DIRECTORATE OF CRIMINAL INVESTIGATIONS,
MAZINGIRA COMPLEX, KIAMBU ROAD,
OPP. KENYA FOREST SERVICE HEADQUARTERS, KARURA
P.O. BOX 30036 – 00100,
NAIROBI.

Attention: Mr. Amin Mohamed Ibrahim

THE DIRECTOR OF PUBLIC PROSECUTIONS,
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS,
ODPP HOUSE, RAGATI ROAD,
UPPER HILL,
P.O. BOX 30701 – 00100,
NAIROBI.
Email: info@odpp.go.ke

Attention: Mr. Noordin M. Haji

Dear Sirs,

**RE: INQUIRY ON THE STATUS OF INVESTIGATIONS AND
RECOMMENDATION TO CHARGE ON THE OCCURRENCE OF A
DEADLY BLAST IN NANDI/CHEMASE/974**

Reference is made to the above subject matter wherein we act for the victims.

On 23rd January 2023 a deadly blast occurred in the mining shafts in
NANDI/CHEMASE/974 at around 1615hrs in Kibisem Location in Tinderet Sub-county
within Nandi County.

As a result of the blast, three (3) people namely Julius Kipchumba Agui, Geoffrey Onyango,
and Geoffrey Kipchirchir Rotich died until the time of their demise were employees of
Karebe Gold Mining and were working in the underground tunnel during the time of the

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incident. The deceased succumbed as a result of the injuries sustained due to the blasted explosive while six (6) others were seriously injured and rushed to Nandi Hills sub-county hospital where they were admitted and later discharged.

The suspects of the deadly blast after the occurrence of the fatal incident fled their homes and went into hiding in unknown residences and members of the community only got wind of their whereabouts when the suspects had converged at a house in Kibisem following a virtual court session on 6th February 2023 in criminal case No. E2298/2021 where they had been charged with Arson. The irate public members restrained the suspects by locking the door from outside and alerting the police.

The police immediately rushed to the scene and arrested ten (10) suspects, namely Alfred Magut, Simon Cheruiyot, Henry Kiptoo Ruto, Wilson Arap Tirgoi, Philemon Kipchumba Too, Shadrack Kipkoech Melilei, Daniel Kiplagat, Kennedy Kipkoech Kurgat, Zakayo Kimeli Korir and Hillary Kipchirchir who were later escorted to Songhor Police station for further questioning.

The ten (10) suspects were on 7th February 2023 arraigned before the Chief Magistrates Court at Kapsabet vide miscellaneous application no. E013/2023 when the court granted the Investigating Officer fourteen (14) days to hold the suspects in custody pending further investigations into the deadly blast.

Due to the nature and magnitude of the investigations, the investigations were taken up by Investigators from the DCI Headquarters who completed the Investigations and a recommendation of a charge of murder as against the suspects was made. A duplicate file was forwarded to the ODPP Nairobi for perusal, directions and further action in court.

However, we are greatly concerned and surprised that when the matter came up for Mention (Misc. E013/2023) on 22nd February 2023 the state made an application to continue holding the suspects for a further ten (10) days to allow the Director of Public prosecution peruse the file and recommend relevant charges as against the suspects. The court in a Ruling delivered on 24th February 2023 dismissed the application and released the suspects on a Kshs. 100,000/= cash bail each or an alternative bond of Kshs. 200,000/=

Therefore, we write on behalf of the victims whose family members died due to the deadly blast with great concern seeking answers to pertinent questions. What is the actual position of

the DCI file that investigations were made and a recommendation of a charge of murder made against the suspects? What is the current position of the file that was forwarded to the ODPP for perusal, directions, and further action in court? Why is it taking too long to charge?

Article 50 (9) of the Kenya Constitution 2010 as well as Sections 4, 9, 16, 19 & 20 of the Victims Protection Act, 2014 provides for the rights of victims.

As a matter of utmost urgency, we implore your office to act and give us answers to the questions raised within the next **THREE (3) DAYS** failure to which we shall have no other option but to explore other options as provided for under the law to compel your office to act and bring the perpetrators of the heinous offense to book.

Yours Faithfully,



Brian Olang

Programme Associate- Human Rights Monitoring and Rapid Response

Cc. The families of the Victims