

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MARSABIT

PETITION NO.5 OF 2018

GALMA DUBA GUFU.....APPELLANT

VERSUS

THE HON. ATTORNEY GENERAL.....1ST RESPONDENT

MINISTER INTERNAL SECURITY AND NATIONAL CO-ORDINATION.....2ND RESPONDENT

DIRECTIONS

I have read the pleadings and the submissions of both parties. I am satisfied that it will only be prudent to have the petition determined by way of viva voce evidence. This direction is informed of the following factors:-

1. According to the petitioner, he did undergo the vetting process and was issued with a valid Kenyan identity card number 23412154. This identity card was taken by the Police when he was arrested for loitering. He would like the court to issue orders directing the respondent to release his identity card. It is his contention that both his parents are Kenyans.
2. On the part of the respondent, it is stated that the Petitioner is an Ethiopian and was charged with the offence of being in Kenya illegally. He pleaded guilty and was fined Ksh.5000 or six (6) months imprisonment. He was to be repatriated to Ethiopia after paying the fine or serving the sentence.
3. I have checked with the Moyale Court and the record shows that the petitioner was charged in criminal case No.269/2004 with the offence of obtaining registration by false pretense Contrary to Section 320 of the Penal Code. The results of that case are not given. The Petitioner got his identity card in 2002 and was charged in 2004.

Due to the above scenario, I do find that it will be prudent to take oral evidence and have witnesses cross examined so as to come up with the truth. It is not the intention of the Court to declare a non-Kenya as a citizen of this Country and vice versa. Matter shall proceed by way of oral evidence.

Dated, Signed and Delivered at Marsabit this 14th of February, 2019

S. CHITEMBWE

JUDGE