



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA CONSTITUTIONAL & JUDICIAL REVIEW DIVISION

PETITION NO. 78 OF 2012

IN THE MATTER OF: ARTICLES 21, 22, 23 & 165 (3) OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF: ALLEGED CONTRAVENTION OF THE FUNDAMENTAL RIGHTS AND FREEDOMS UNDER ARTICLES 2,3, 10, 19, 20, 25, 27, 28, 29 &39 OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF: THE CONSTITUTION OF KENYA (SUPERVISORY JURISDICTION AND PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL) HIGH COURT PRACTICE AND PROCEDURE RULES, 2006

AND

IN THE MATTER OF: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ARTICLES 5, 8, 9, 12, 13 (2), 15, 22 AND 28

BETWEEN

KHALID SALIM AHMED.....PETITIONER

VERSUS

THE ATTORNEY GENERAL

THE DIRECTOR OF PUBLIC PROSECUTION

MINISTRY OF FOREIGN AFFAIRS.....RESPONDENTS

JUDGMENT

1. The Petitioner claims to have been the spiritual leader of the Islamic Party of Kenya which was responsible for creating political awareness among the Muslim community in Kenya. As result of his activities in the said Party the Petitioner claims that in 1992 the State maliciously prosecuted him on a charge of treason of which he was later acquitted after spending along period in remand. Between the period of 1992 to 1997 the Petitioner alleges that he was charged on several occasions with incitement which charges were later dismissed by the court. The Petitioner claims that in 1994 he travelled to Germany for business and whilst visiting the Kenyan Embassy in Bon his passport was confiscated and he was forced to stay in Germany for 4 years relying on handouts for survival. The Petitioner claims that after the 4 years he was issued with a one way travel document which enabled him to return to Kenya where he was forcefully stripped of his Kenya Identity Card on the allegation that he was not a Kenyan citizen but the Identity Card was later returned to him and he was issued with another passport.

2. The Petitioner alleges that the above actions violated his fundamental rights and freedoms as espoused under the Constitution of Kenya and the Universal Declaration of Human Rights to which Kenya is a signatory. Reasons whereof the Petitioner prays for the following orders:

- a) A declaration that the Petitioner herein is entitled to the full protection from discrimination and that the same right has been violated.
- b) An official apology from the Government of Kenya.

- c) General Damages.
- d) Punitive and exemplary damages.
- e) Cost of this suit.

3. The Petition is premised on the grounds set out in the affidavit of KHALID SALIM AHMED sworn on 23rd July 2012.

4. The Petitioner alleges that the action by the government to deny him his passport and consequently claim that he was not a Kenyan citizen violates Articles 39 and 25 (a) of the Constitution read with Article 13 and 15 of the Universal Declaration of Human Rights.

5. The Petitioner contends that while stranded in Germany he was subjected to trauma and distress as he basically relied on handouts for survival in breach of Articles 28 and 29 of the Constitution which guarantee him respect of his dignity and security of his person.

6. The Petitioner claims that the state has without basis subjected him to discrimination by barring him from returning to Kenya and eventually denying his nationality as a Kenyan on the ground that he was a citizen of another country, which country had denied that the Petitioner was its citizen thus offending Article 27 of the Constitution.

7. The Petitioner affirms that this court has the jurisdiction to hear and determine this Petition by virtue of Articles 23 and 165 (3) of the Constitution and he has the locus to bring this Petition under Article 22 of the Constitution that stipulates that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.

Response

8. The 1st and 3rd Respondents opposed the Petition by way of Grounds of Opposition dated 11th February, 2013. The Respondents fault the Petitioner for not offering an explanation for the delay in instituting these proceedings and contend that the Petitioner is guilty of laches.

9. The Respondents argue that the prosecution of the Petitioner cannot be unconstitutional as he was involved in subversive activities thus the prosecution was reasonable and justifiable.

10. The Respondents claim that this court lacks the jurisdiction to hear this Petition as the current constitution has no retrospective application.

11. The Respondents contend that the fundamental rights and freedoms can be limited if their enjoyment infringes on fundamental rights and freedoms of others or on the public or state security.

12. The 2nd Respondent did not respond to the Petition.

Submissions

13. The Petitioner filed his submissions on 27th July, 2016 and further submissions on 24th May 2017 while the 1st and 3rd Respondents filed their submissions on 11th July, 2016. The submissions were highlighted in court on 25th January, 2018. **Ms. Wambani** appeared for the Petitioner while **Mr. Makuto** appeared for the 1st and 3rd Respondents.

14. Ms. Wambani submitted that there was no sufficient explanation as to why the Petitioner's passport was confiscated and the only reason offered was that the Petitioner was not a Kenyan citizen but a Yemeni citizen yet there was no proof to support that assertion. Counsel further submitted that due process was not followed in the confiscation of the passport. According to Counsel, under the old Constitutional dispensation the Minister in charge was required to publish an order in the Kenya Gazette depriving citizenship to any person who was a citizen by registration or naturalization which did not happen in this case.

15. Ms. Wambani submitted that the Petitioner was born and brought up in Kenya and to that effect had a Kenyan birth certificate, identity card and passport proving that he was a citizen of Kenya and not of Yemen. Counsel contended that the Petitioner had siblings who also had the aforementioned requisite Kenya identity documents but their citizenship as Kenyans has never been questioned. Further, Counsel opined that the Petitioner would not have been charged with treason without the application of international law if he was not a Kenyan citizen.

16. Ms. Wambani submitted that the attack on the Petitioner's citizenship was as a result of ideological differences in the country's politics between the Petitioner and the State. The State, Ms. Wambani contended, sought to silence and destroy the Petitioner politically by revoking his citizenship.

17. Ms. Wambani submitted that under the old constitution, the Petitioner's right to liberty under Section 74 of the Constitution had been infringed as the Petitioner had been forced to remain in Germany for four years without any possible means of travelling back to Kenya.

18. Ms. Wambani submitted that the decision to confiscate the Petitioner's passport was an administrative decision in which the Petitioner should have been afforded an opportunity to be heard before the decision was reached.

19. Ms. Wambani contended that the Petitioner was subjected to inhumane treatment when he was forced to stay in Germany for four years

while hardly getting by in terms of food and shelter.

20. As regards the remedies sought, Ms. Wanbani submitted that an award of Kshs. 100,000,000 would be sufficient for the unjustified withdrawal of the Petitioner's passport. Counsel urged the court to take into consideration that the Petitioner was forcefully confined in another country for 4 years and unable to work while his family was back in Kenya.

21. Counsel opined that a sum of Kshs. 50,000,000 would be reasonable for the malicious prosecution of the Petitioner. Counsel pointed out that the charges were preferred on the Petitioner in both Mombasa and Voi Law courts and all charges were later dismissed. However, Counsel urged the court to note that the case in Voi violated the Petitioner's right to a fair trial as the offence was committed in Mombasa yet the Petitioner was charged in Voi and taken away from his family and friends during the period of the trial.

22. Mr. Makuto, learned Counsel for the 1st and 3rd Respondents submitted that the Petitioner was born on 22nd March 1958, and that under Sections 97(1) and 88(1) of the former Constitution the Petitioner had 21 years to take up Kenyan citizenship or shun it but the Petitioner failed to take up the citizenship and as a result travelling documents and his purported citizenship were revoked.

23. Counsel argued that a person did not automatically acquire citizenship from his or her place of birth. Counsel submitted that the Petitioner being born in Kenya and being in possession of a Kenyan national identity card and a passport was not sufficient proof that the Petitioner was a Kenyan citizen.

24. Mr. Makuto submitted that the Petitioner was a Yemen citizen as his father was Yemeni. Counsel explained that Article 3 (a) of Yemeni Nationality Law No. 6 of 1990 provided that children of a Yemeni man are automatically Yemeni and the citizenship of the mother is immaterial. Counsel pointed out that the Petitioner had made an application to be registered as a Kenyan citizen and this amounted to an admission that he was not a Kenyan citizen.

25. Mr. Makuto submitted that under the old constitution there was no provision for dual citizenship. Counsel argued that the Petitioner had not proved that he had renounced in accordance with the law his Yemeni nationality so as to be able to take up the Kenyan citizenship. Further, Mr. Makuto opined that it was lawful to deprive the Petitioner of his citizenship under Section 94(1) of the former Constitution as the Petitioner had demonstrated by act or speech disloyalty to the Republic of Kenya.

26. Mr. Makuto submitted that the Petitioner had the right to enter Kenya but this right was subject to limitations which limitations the state exercised when deporting the Petitioner back to Kenya as the Petitioner did not have a valid entry permit or valid pass. Further, Counsel submitted that the Petitioner in Media Report of 9th June, 1997 admitted that the police did not use any violence when deporting him and that he willingly boarded the plane.

27. Mr. Makuto urged this court to apply the former Constitution to this matter as Counsel claimed that the legal position on citizenship especially on dual citizenship is substantially different under the old Constitution. Counsel in conclusion submitted that the Respondents did not in any way violate the Petitioner's rights. Alternatively, Counsel argued that if any violation occurred it did so under the limitations expressed in the law.

28. In rejoinder, Ms. Wambani submitted that Article 3 of the Yemeni Nationality Law did not connote that it was mandatory for all persons born of a Yemen father to automatically become Yemen Nationals. Counsel argued that a proper interpretation of the Section would be that all persons born of a Yemen father would only enjoy Yemeni citizenship upon application. Counsel contended that in the instant case the Petitioner had never applied for Yemeni nationality.

The Determination

29. The following issues arise for determination by this court:

- a) Whether the passport of the Petitioner was confiscated without any justification.
- b) Whether the Petitioner's rights were violated.
- c) Whether the Petitioner is entitled to the orders sought.

a) Whether the passport of the Petitioner was confiscated without any justification

30. The Petitioner claims that in 1994 he travelled to Germany on a business trip and while there his passport was confiscated. The Petitioner laments that he was only issued with a one way travel document after about four years which document allowed him to travel back to Kenya. For the period of about four years, the Petitioner alleges that he was forced to remain in Germany.

31. The 1st and 3rd Respondents in response state that the Petitioner was not a citizen of Kenya at the time his passport was confiscated. To buttress this assertion, the Respondents rely on the repealed Constitution of 1963 which was operational at the time. The Respondents contend that the repealed Constitution did not provide for dual citizenship and the Petitioner being a Yemeni citizen had not renounced his citizenship.

32. The Petitioner's passport was purportedly confiscated in 1994. At the time, the repealed Constitution of 1963 was in force. The Petitioner claims that he was a citizen of Kenya at the time by virtue of having an identity card No. 8382467 and a Kenyan passport and that his passport was only confiscated when he travelled to Germany. Further, the Petitioner states that he was born in Kenya of a Kenyan mother

and a Yemeni father and that by dint of being born in Kenya he was a Kenyan citizen.

33. Chapter six of the repealed Constitution provided for citizenship. Section 97 of the Constitution did not allow for dual citizenship. Is the fact that the Petitioner was born in Kenya and had a Kenyan identity card and passport sufficient proof that he was a Kenyan citizen? Section 87 of the retired Constitution provided as follows:

87. Persons who become citizens on 12th December, 1963.

(1) Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963:

Provided that a person shall not become a citizen of Kenya by virtue of this subsection if neither of his parents was born in Kenya.

(2) Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963.

The Petitioner herein according to the copy of certificate of register of birth filed as part of the Petitioner's list of documents was born on 22nd March, 1958. The Petitioner claims that his mother was born in Kenya. This fact has not been disputed by the Respondents. Therefore, the Petitioner was entitled to be a citizen of Kenya by virtue of Section 87(1) of the retired Constitution.

34. The 1st and 3rd Respondents contend that the Petitioner was a Yemeni citizen as his father was Yemeni. The Respondents cited Article 3(a) of the Yemeni Nationality Law, Law No. 6 of 1990 which they claimed provided that children of a Yemeni man are Yemeni regardless of the mother's citizenship. However, the Respondents did not show that the Petitioner had actively tried to activate his Yemeni citizenship.

35. As I understand it the Petitioner had not tried to renounce his Kenyan citizenship in favour of that of Yemeni under Section 97 of the retired Constitution. Also, upon being issued with a document that allowed the Petitioner to travel back to Kenya, the Petitioner was issued with another passport no. A709024 in July, 2002. The Respondents did not dispute this assertion. It is therefore questionable why the Petitioner was issued with another passport in 2002 if indeed the Petitioner was not a citizen of Kenya. Had the Petitioner's status changed to allow him to now be issued with a passport? I do not think so. The Respondents did not produce or call any evidence to that effect. In my view, the same law was in place and the Petitioner's status was the same.

36. Having found that the Petitioner was indeed a citizen of Kenya at the time when his passport was confiscated, the next issue that needs to be determined is whether the confiscation of the passport was justified.

37. The 1st and 3rd Respondents contend that it was lawful to deprive the Petitioner of his citizenship under Section 94 (1) (a) of the retired Constitution as he had demonstrated by an act and/ or speech to be disloyal or disaffected towards the Republic of Kenya. Section 94 of the former Constitution provides for deprivation of citizenship for persons who had acquired citizenship by naturalization or registration. In this case, the Petitioner had acquired citizenship neither by registration nor by naturalization and thus could not be deprived of citizenship under this provision. Be that as it may, if the Respondents did indeed believe that the Petitioner was disloyal to the Republic of Kenya, the Respondents failed to show that they did indeed procedurally deprive the Petitioner of his citizenship. I therefore find no justifiable reason as why the Petitioner was deprived of his passport.

b) Whether the Petitioner's rights were violated

38. The Petitioner submitted that as a result of his passport being confiscated and him having to remain in Germany for about four years his rights as enshrined under Articles 39, 28, 29, 50 and 27 of the Constitution had been violated.

39. The Petitioner also stated that he was maliciously prosecuted on a charge of treason in 1992 and later acquitted. Additionally, the Petitioner submitted that during the period between 1992 and 1997 he was on various occasions charged with flimsy charges of incitement which were later dismissed. The Petitioner claimed during the trial of these charges he was denied bail and remanded in various prisons thus being denied the affection of his family and friends.

40. The Respondents on their part stated that they had not violated the Petitioner's rights and that there was no evidence tendered to disprove this.

41. This court has the jurisdiction to entertain matter involving violation of rights under the bill of rights by virtue of Article 23 of the Constitution. Article 22 on the other hand, grants the Petitioner locus standi to institute proceedings claiming that his rights had been infringed.

42. The famous case of **Anarita Karimi Njeru v. Republic [1979]Eklr** established the manner in which matters claiming violation of rights are to be drafted. The court held as follows:

"We would, however, again stress that if a person is seeking redress from the High Court on a matter which involves a reference to the Constitution, it is important (if only to ensure that justice is done to his case) that he should set out with a reasonable degree of precision that of which he complains, the provisions said to be infringed, and the manner in which they are alleged to be infringed." (emphasis added)

43. On the issue of malicious prosecution and detention without bail, the Petitioner did not specifically indicate which of his rights under the bill of rights had been infringed nor the manner in which the rights had been infringed. Be that as it may, a prosecution cannot be termed as malicious simply because the Petitioner was charged and prosecuted of the offence of treason and later acquitted or because he was charged with what he termed as “flimsy” incitement charges.

44. If at all the Petitioner believed that the prosecution in relation to the charge of treason was malicious, the Petitioner should have filed a civil suit to that effect. The Petitioner did not do so. Charges can be brought against any person who is suspected of committing an offence. The accused is then subjected to a trial process in which he can be found either guilty or not non-guilty. If an accused is acquitted, the assumption cannot be that the accused was maliciously prosecuted. In the case of **Koigi Wamwere v Attorney General [2015] eKLR**, the Court of Appeal observed as follows:

“We have anxiously perused and considered the learned judge’s reasoning on the question of the alleged violation of the appellant’s rights within the context of Nakuru Criminal Case No. 2273 of 1993. We are unable to agree that the learned judge misdirected herself, applied wrong principles, considered extraneous matters or failed to take into account relevant matters and thus arrived at a decision that was so plainly wrong as to invite our interference. We are not satisfied that the complaints raised before the learned judge with regard to the motivations that impelled the institution of the charges against the appellant are such as bring his case outside of the general purview of the tort of malicious prosecution, if at all, and are therefore unable to accept as valid the criticism leveled against the judge for concluding as she did. We have not been able to find that there was anything in the proceedings that remotely approached the egregious abuse and virtual negation of the fair trial guarantee that justified this Court’s award of damages in the recent decision of PETER M. KARIUKI Vs. ATTORNEY GENERAL Civil Appeal No. 79 of 2012. We cannot say here, as we did there, among other critical things that;

“We are satisfied that the cumulative effect of the violation of the appellant’s right to conduct his defence, the refusal to summon General Mulinge, who the appellant wished to call as a witness, and the general conduct of the judge advocate, was to compromise beyond salvage the appellant’s constitutional right to a fair trial.”

45. Under the former Constitution the offence of treason was not bailable. Article 49 (1) (h) of the current Constitution makes provisions for arrested persons to be released on bond or bail pending a charge or bail. However, the Article goes on to state that where there are compelling reasons an arrested person should not be released on bond or bail. The Petitioner claims to have been charged with the offence of treason in 1992. At the time the former Constitution was operational and as such the Petitioner could not be released on bail or bond. As to the other charges of incitement, the right to bond or bail was not absolute. The Petitioner did not show that the prosecution did not offer compelling reasons as to why he should not be released. This court cannot therefore conclude that his rights were violated by denial of bail or bond.

46. The Petitioner claims that by being forced to stay in Germany for about four years his right to equal treatment before the law under Article 27 of the Constitution was infringed. Further, the Petitioner states that his right to liberty under Section 74 of the retired constitution and under Article 39 of the current was infringed as he could not leave Germany and return to Kenya. The Petitioner also claims that his right to human dignity under Article 28 and freedom from torture and cruel, inhumane and degrading treatment under Article 25 were violated while in Germany as he was forced to live on handouts as he could not work. The Petitioner states that he was not accorded a fair hearing before his passport was confiscated thus his right under Article 50 of the constitution was violated.

47. This court has found that the confiscation of the Petitioner’s passport was not justified. A passport or national identity card gives a person an identity and with it comes rights which are protected by the state. The Petitioner herein was forced to stay in Germany for about four years. During this period, the Petitioner’s movements were restricted as he did not have the critical documentation (passport) to enable him return to Kenya or travel to another country. The Petitioner’s assertion that he lived on handouts seems plausible to this court as he would not have been able to secure employment without the requisite documentation. Further, and in any event, the Respondents did not show that the Petitioner was accorded the right to be heard prior to confiscation of his passport. This court finds that the Petitioner’s rights under Article 50, 25, 28 and 39 were violated by the 1st and 3rd Respondents.

c) Whether the Petitioner is entitled to the orders sought

48. In proceedings for violations of rights enshrined under the Bill of Rights this court is empowered to grant the following reliefs:

(a) a declaration of rights;

(b) an injunction;

(c) a conservatory order;

(d) a declaration of invalidity of any law that denies, violates, infringes, or threatens a right or fundamental freedom in the Bill of Rights and is not justified under Article 24;

(e) an order for compensation; and

(f) an order of judicial review.

49. The court has found that indeed the Petitioner’s rights were violated when he was forced to stay in Germany for about four years. As relief for this violation the Petitioner prayed for damages to be assessed at Kshs. 100,000,000/=. The Petitioner submitted that that this court

should take into consideration the fact that the Petitioner was unable to work and was away from family and friends for the period he stayed in Germany. The Petitioner also requested the court to consider that the Petitioner required a minimum of 300 US dollars for livelihood every day.

50. This court has considered the submissions by the Petitioner and finds the sum of Kshs. 100,000,000/= as general damages for violation of his rights to be too high. In turning down the request by the appellant for the award of Kshs. 200 million for violation of the Appellant's rights when he was unconstitutionally detained, the Court of Appeal in the case of **Koigi Wamwere v Attorney General (supra)** discussed the issue of quantum of damages as relates to such violations as follows:

“A yet more important distinction relates to quantum. In MAK'ONYANGO Rawal J awarded Kshs. 20 million compensatory damages. In arriving at that sum, however, Rawal J considered, among others, the case of MWANGI STEPHEN MURIITHI Vs. HON DANIEL ARAP MOI NAIROBI High Court Petition No. 625 of 2006) where general damages on the footing of punitive damages were awarded to the petitioner who was found to have proved that his detention was an abuse of detention without trial by Ex-President Moi with a view to achieving the ulterior motive of plundering that petitioner's interest in their joint property and commercial enterprises. Gacheche J awarded that petitioner some Kshs. 50 million in punitive damages.

We have no hesitation in finding that the award of Kshs. 50 million in MURIITHI (supra) was, on the face of it, so much beyond the range of awards given in similar cases that it cannot be a fair reflection of what awards this type of cases should attract. In any event, it was more than ten times higher than other cases such as;

- 1. WACHIRA WEHEIRE Vs. AG High Court Civil Case No. 1184 of 2003 where the petitioner, confined at Nyayo House for 16 days was awarded Kshs. 2.5 million.**
- 2. DOMINIC ARONY AMOLO Vs. AG – Misc. Application No. 494/03 where a soldier alleged to have participated in the 1982 coup was awarded Kshs. 2.5 million**
- 3. HARUN THUNGU WAKABA & OTHERS Vs. AG Nairobi High Court Civil Case No. 1411 of 2004 where sums of Kshs. 1 million and 3 million were awarded to victims of torture at Nyayo House.**
- 4. MIGUNA MIGUNA Vs. AG. Petition No. 16 of 2010 where the petitioner a former leader of the Student Organization of Nairobi University (SONU) was awarded Kshs. 1.5 million for torture, inhuman treatment and violation of the right to liberty.**

The MUREITHI decision could not long stand, so aberrant was it. It received its well-deserved quietus when on 9th May 2014 was decided an appeal from it, being Civil Appeal No. 240 of 2011. In setting aside that award and the judgment in entirety, this Court (Mwera, Musinga & Ouko JJA) stated, inter alia;

“Regarding the punitive damages of Kshs. 50 million awarded, the learned judge again found and lifted the proposal in the submissions of the 1st respondent. We are unable to come by any pleading or evidence to warrant this award and therefore it cannot be sustained.”

We agree with those sentiments and, as far as this appeal is concerned, we are of the respectful view that the Kshs. 200 million urged both before the High Court and in the submissions before us has no foundation in authority or reality.”

51. The above cases are not similar to this one. In this case the Petitioner was forced to stay in Germany while in above cases some of the Petitioners were detained and tortured at Nyayo House. However, these cases can serve as guidance as to amount that should be awarded herein. Being forced to stay in a foreign country away from family and friends, for a period of four years may not prima facie, appear to be physical torture. However, the psychological torture endured and experienced is not any less painful, and where such is proved as it has been in this Petition an appropriate compensation is required to be meted out. The Petitioner opined that this court should tabulate the amount of damages based on the amount he spent a day for the said 4 years. The Petitioner, however, did not prove that he was deserving of such special damages. This court takes cognizance of the fact that for the duration that the Petitioner was in Germany he required basic needs such as food, shelter and clothing. To acquire these he must have spent money or have relied on other people to assist him. By such action the Petitioner lived a life of a beggar, a homeless vagabond. His suffering went beyond physical and embodied also the mental and psychological. He suffered human indignity in his person and in his mind. These were violations which cannot be easily quantified in an attempt to reach a compensation. This court is, however, satisfied that a sum of Kshs. 6,000,000/= would be sufficient compensation for the said violation of the Petitioner's rights.

52. Orders are hereby issued as follows:

- a) A declaration be and is hereby issued that the Petitioner's rights under Article 50, 25, 28 and 39 were violated by the 1st and 3rd Respondents.
- b) A sum of Kshs. 6,000,000 is hereby awarded as compensation for the violations with interest at court rates from the date of this judgment.
- c) The Petitioner shall have the costs of this suit.

Dated, Signed and Delivered in Mombasa this 16th day of July, 2018.

E. K. O. OGOLA

JUDGE

In the presence of:

Ms. Wambani for the Petitioner

Mr. Makuto for the 1st and 3rd Respondents.

Mr. Kaunda Court Assistant.