

KENYA SCHOOL OF LAW



EXAMINATION FOR ADMISSION
TO THE ROLL OF ADVOCATES

ATP 101: CRIMINAL LITIGATION

TUESDAY 19TH NOVEMBER, 2013

DURATION: 3 HOURS

Instructions to Candidates

- (a) Answer question **ONE** and **any other three (3)** questions
- (b) All questions carry 15 marks each.
- (c) Marks shall be lost for illegibility

PLEASE TURN OVER

1. On 23rd August 2013 the Inspector-General of Police of the Republic of Kenya issued the following memorandum to the 47 County Police Commanders:-

FROM: THE INSPECTOR-GENERAL OF POLICE

TO: COUNTY COMMANDERS

RE: INSECURITY IN THE COUNTRY

Following the upsurge in cases of armed robberies within the country I have been instructed by the National Security Council to enhance security countrywide. Pursuant to the said instructions and in exercise of the powers conferred on me under Article 245(2)(b) of the Constitution I hereby direct that you do the following:

- a) Enhance community policing by clustering houses into ten to count for a single unit;
- b) Since the Judiciary has proved to be slow in dealing with armed robbery cases, if you find unlicensed gun holders, shoot them with the primary objective of killing;
- c) Arrest all members of the Alawuon ethnic group that may attempt to enter the County of Nairobi as they are known violent robbers and potential terrorists; (this applies to the Nairobi County Commander only)
- d) You have to file weekly returns with clear statistics on the implementation of this directive.

By Order:

Dated at Vigilance House Nairobi this 23 day of August 2013

Signed

ANNETT MBARARE, EBS
INSPECTOR GENERAL OF POLICE
REPUBLIC OF KENYA"

Following this directive the Nairobi Police County Commander set up several road blocks along key access roads to Nairobi on 30 August 2013. On 02 September 2013 the Nairobi County Commander arrested a total of six members of the Alawuon ethnic group at various entry points to Nairobi and transported them to Mulolongo County on the Southern end of Kenya where they were released.

On 03 September 2013 the Mulolongo County Women Representative in the National Assembly Ms Akinyi Mwangale was stopped at one of the road blocks in the Westlands District of Nairobi by the County Commander of Nairobi, Afande Marietta Obilo. Afande Obilo placed Ms Mwangale under arrest as she is a member of the Alawuon ethnic community.

A dispute ensued as to the legality of the arrest, prompting Afande Obilo to slap Ms Mwangale across the face, in the full glare of the press. Ms Mwangale was eventually subdued and transported to Mulolongo County from where she was released. Contacted for comment as to why he slapped Ms Mwangale, Afande Obilo claimed that she was acting in self defence and that her primary objective was to enforce the Memorandum from her superiors dated 23 August 2013.