

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
PETITION NO. 429 OF 2008

IN THE MATTER OF: SECTION 84(1) OF THE CONSTITUTION OF
KENYA

IN THE MATTER OF: CONTRAVENTION OF FUNDAMENTAL
RIGHTS AND FREEDOMS UNDER SECTION
70, 72, 74, 77 & 81 OF THE CONSTITUTION
OF KENYA

BETWEEN

MARIAM MOHAMED1ST PETITIONER
SALIM KHAMIS JUMA.....2ND PETITIONER
(ON BEHALF OF THE SUBJECT: MOHAMED ABDULMALIK)

AND

THE COMMISSIONER OF POLICE 1ST RESPONDENT
THE HON. ATTORNEY GENERAL OF KENYA2ND RESPONDENT

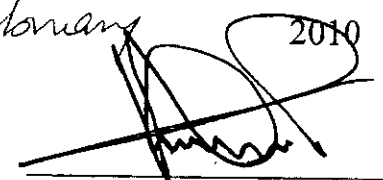
FURTHER REPLYING AFFIDAVIT

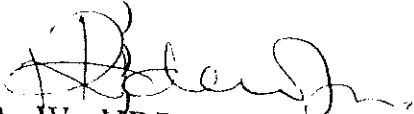
I ANCENT KALOKI C/O ANTI TERRORISM POLICE UNIT (ATPU)
NAIROBI in the Republic of Kenya do hereby make oath and state as
follows:-

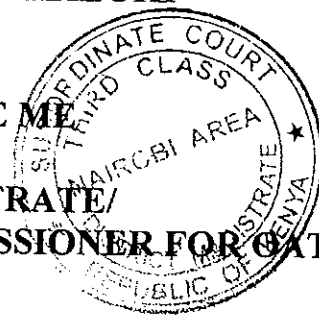
1. **That** I have read and understood the contents of the further affidavit sworn on the 12th of November 2009 by Rajab Abdallah in support of the petition and wish to respond as follows;
2. **That** the subject was arrested on suspicion of being involved in the Bombing of Paradise Hotel, Kikambala in November 2002 which led to the deaths of 15 people, and in which case at the time four suspects were arrested and charged with the offence of murder.
3. **That** as stated in my replying affidavit dated 20th February 2009, when the subject was arrested he had no identification papers on him, and a search at the National Registration Bureau revealed that he had not been registered as a citizen of Kenya.

4. **That** part of our investigations at ATPU was to try and establish who his parents were after he said during interrogations that both his parents are deceased.
5. **That** thorough investigations were carried out but I was not able to establish who his parents were and whether they are alive or not and I am therefore surprised that one Rajab Abdallah has surfaced claiming to be the biological father of the subject.
6. **That** had the subject been registered with National Registration Bureau the details of his parentage would have been confirmed.
7. **That** these investigations were complex and could not have been completed within a shorter period.
8. **That** what has been deponed to herein is true to the best of my knowledge.

Sworn at Nairobi this *15th* day of *February* *2010*

By the said)
)
 ANCENT KALOKI)
)
) )
) **DEPONENT**)

BEFORE ME)
)
) )
) R. W. NDERITU)
) DISTRICT MAGISTRATE)
)
)



DRAWN & FILED BY:-
 Hon. Attorney General
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TO BE SERVED UPON
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