

**THE SENATE
RECEIVED**
To: The Senate Of the Republic Of Kenya
C/O: The clerk of the Senate
Parliament building
P.o box 41842-00100
DEPUTY CLERK

Nairobi

Email:csenate@parliament.go.ke

(2) Mr. Mogege CAO LRS)

pls facilitate

13/4/21



11/2/PS
Please deal.
13/4/21

RE: Petition to the senate of republic of Kenya under act of (no.12 of 2012) and the senate standing orders on corruption, land historical injustices, abuse of human rights, fraudulent use of office for personal gain, oppression of individual rights of Wilson Amge Arap Langat in court of law.

We the undersigned;

Citizen of republic of Kenya of Baringo county wish to state that it's our interest that we formally lodge the petition before these honorable houses concerning flouting of rule of law, wrongfully judgement, forceful eviction of individual from his land, destruction of property and displacement of individual from their rightful owned property. The humble petition also concerns the misuse of public office since the time the case started early 1986 to 2018, in which there was loss of personal property, physical assault, psychological trauma, forceful eviction and displacement of individual from their own property and harassment by administration officers (police).

BACKGROUND OF THE CASE

- 1.0. Via a letter dated 10/12/1968 written by Kapteberewo Kaibos declaring that the plotNo. Baringo perkerra101/615 old number currently plots No. Baringo/perkerra101/178 new number is unfit for is use and a later another letter dated 16/12/1968 was written to the settlement officer, that incase the incoming willing new person wants to buy the plot, he should clear outstanding loan.
- 1.1. Via a letter dated 08/05/1969 settlement officer wrote a preliminary report for the absentees and the name of kapteberewo Kaibos was induded for plot No. Baringo/perkerra101/615 old number /Baringo/perkerra /101/178 new number.
- 1.2. Via a letter dated 15/09/1969 settlement officer wrote a letter to the director of settlement Nairobi telling the settlement officer to give notice to those who have remedy the breach of condition, also the name of Kapteberewo Kaibos was included of plot No. Baringo/perkerra101/615 old number currently Baringo/perkerra/101/178 new number.

(3) Mr. Macharia
Please process with
timeliness.

ZM
13.04.2021



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- 1.3. Via a letter dated **08/08/1970** sabatia settlement officer replied the letter saying he is going to cancel the letter of allotment in respect to the above mention settlers (Absentees) **Kapteberewo Kaibos** name was included for plot No. **Baringo/perkerra101/615** old number currently **Baringo/perkerra101/178** new number.
- 1.4. Via a letter dated **05/03/1979** director of settlement wrote a list of plots that should be transferred from outgoing settlers to the incoming settlers, check letter dated **15/06/1979** signed by the director of settlement **J N onyori** and was confirmed by **Jonah Ambetsi**.
- 1.5. Via a letter dated **05/03/1979** i **Wilson Amge Arap Langat** was listed in the list of incoming settlers for the **plot No. Baringo/perkerra101/178** new number and **Kapteberewo Kaibos** outgoing settler plot No. **Baringo/perkerra101/615** old number, the settlement fund trustee canceled previous allottee outgoing settler **Kapteberewo Kaibos**, then **Wilson Amge Arap Langat** was given the new transfer of allottee, then transfer of allotment then i started paying the loan of settlement fund trustee for the parcel of land plot No. **Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number.
- 1.6. Via a receipts of payment dated **23/01/1978** to **30/12/1983** when i fully paid the outstanding loan, a letter of confirmation dated **20/01/1986** stated that " Repayment in full against loan and development loan for plot No.**perkerra/baringo/101/178** new number **perkerra/baringo/101/615** old number, and i was issued the following documents by the settlement;
 - (I) certificate of acceptance,
 - (II) certificate of consent,
 - (III) discharge of charge,
 - (IV) transfer forms,

I settled the required amount for discharge of charge fees and on **23/02/1986** settlement fund trustee transferred the title to my name **Wilson Amge Arap Langat**.



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HISTORY OF THE CASE AND ITS JUDGEMENTS AND RULLING

- 2.0.** In **1986** the sons of the previous allottee **Kapteberewo Kaibos** came back to now my parcel of land alleged that the plot No. **Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number belongs to their father and started harassed me and settled in now my property.
- 2.1.** Via a minutes meeting dated **5/11/1986** in presences of **(15)** fifteen people at district officer **(DO)** office, the case was heard and determined and i won the case of **plot No. Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number, even with the win they never stop invading my parcel of land and established themselves in my parcel of land against the rule of law.
- 2.2.** Via a judgement document from high court **Nakuru Case No.164 of 1990** between **Wilson Amge Arap Langat** versus **four defendant's the sons of Kapteberewo Kaibos, 1st Kiprono kapteberewo, 2nd Kiptoo kapteberewo, 3rd Toroitich kapteberewo 4th Joseph kiprono**, the case was heard before **judge P.K Tanui** a case i won again and orders was given on **03/02/1994**, immediately the judgment orders were issued, the defendents went back to court and filed a case on the same **case No.Nakuru Hcc No.164 of 1990** a counterclaim for the same a case filed before judge Rimita, case heard before **judge Rimita** and judgement delivered on **31/01/1995**, a case with no hearing neither was the **(plaintiff)** **Wilson Amge Arap Langat** allowed to present evidence, a case the judge allowed the **1st-4th defendent** the counterclaim neither was the **settlement fund trustee** allowed to respond to the case.
- 2.3.** Via a judgment and court order dated **07/02/1995** he gave the following order's:
- (I)** That the plaintiff **Wilson Amge Arap Langat** suite be dismissed with cost and the **defendant Kapteberewo Kaibos** counterclaim allowed with cost.
 - (II)** That the name of **plaintiff Wilson Amge Arap Langat** be canceled and removed as proprietor of title plot No. **Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number.
 - (III)** That the name of **(Defendant) Kiprono kapteberewo Kaibos** be registered on aforesaid tittle in place of **(plaintiffs) Wilson Amge Arap Langat** as proprietor a trustee for himself and kapteberewo kaibos kiptoo, Toroitich and Joseph Kiprono.



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2.4. Via an official search dated **01/11/1996** shows that the said land plot **No.Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number has been registered in the name of kapteberewo kaibos and managed to secure a title of the same parcel of land plot **No.Baringo/perkerra/101/178** new number.

2.5. I went further and filed an appeal against the judgment of judge Rimita of **31/01/1995**, a case was filed in court of appeal, the case was heard by three judges namely;

- (I) Justice Cocker,
- (II) R. s.c Omolo,
- (III) P.K Tunoi,

A case they adapted Judge Rimita ruling and awarded the (defendants) **1st - Kiprono kapteberewo, 2nd - Kiptoo kapteberewo, 3rd - Toroitich kapteberewo, 4th - Joseph kiprono** against the (appellant) **Wilson Amge Arap Langat**, a judgement of date **27/09/1996**

2.6. Via a police case dated **19/04/1998** when the sons of **kapteberewo kaibos** physically assaulted **The family of Wilson Amge Arap Langat**, destroy property, took with them some of my belongings, burnt their houses and forceful eviction by way of violence's, the subject matter was reported to the Eldama Ravine police station which to date has never been addressed.

2.7. With subsequent loses i went ahead to court again and filed a case against settlement fund trustee case **No.Nakuru Hcc No.505 of 1996** before Judge **Kasanga Mulwa** and his ruling states" the settlement fund trustee to compensate **Mr. Wilson Amge Arap Langat** with another land or pay him money equivalent to the same piece of land similar acreage (**67.0Ha**) in any scheme within its management, an order issued on **21/04/1999** and signed on **19/01/2000**.

2.8. Via a letter dated **10/06/1999** the director of land adjudications and settlement of Nairobi say that the judicial process has failed to resolve the dispute regarding to the plot No. **baringo/perkerra101/178** new number previously **Baringo/perkerra/101/615**, and therefore they will opt to pass back to settle fund trustee.

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- 2.9. Via an official search and green card dated **19/03/2013** show that the plot No. **Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number is in the name of settlement fund trustee.
- 3.0. Went to court again and filed a case of **case No.E/C Nakuru No. 5 of 2013** a case via a court ruling dated **30/01/2018** of **case No.E/C Nakuru No. 5 of 2013**, a case heard by judge **Munyao Sila** and his ruling was “ **I see no merit in the application and it is hereby dismissed with cost, the effect is that the (plaintiff) Wilson Amge Arap Langat suite remain dismissed with cost , it is so ordered**”.
- 3.1. Via an email sent to me dated **04/03/2021** following your request to allow other avenue like administrative justice to handle the issue and this what was their response, “**Thank you for this. However, your remedy lies within the appeal system of the judiciary. Please seek an advocate to assist you in this regard**”.

ISSUES RISING CONCERNS

- 4.0. From the above highlights its evident that there is a big problem in the court concerning the case of the plot No. **Baringo/perkerra/ /101/178** new number previously **Baringo/perkerra101/615** old number belong to **Wilson Amge Arap Langat**.
- 4.1. There is a fraudulent act in the judgement and ruling of the case of the plot No. **Baringo/perkerra101/178** new number previously **Baringo/perkerra101/615** old number.
- 4.2. What raises concerns is why did the court decline the **(plaintiff) Wilson Amge Arap Langat** the opportunity to produce **documents of evidences** of the case in court and why did the case have **no hearing**.
- 4.3. The **(plaintiff) Wilson Amge Arap Langat** family was forcefully evicted, assaulted, tortured and their properties taken away, some destroyed and the rest burnt and even with reporting to respective institution to date nothing nor anyone has been brought to justice for that matter.



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YOUR PETITIONERS STATE THAT:

- 5.0. To the best of our knowledge, the matter was reported to the respective institution neither no respective action was taken nor action taken was against the rule of law and humanity.
- 5.1. To the best of our knowledge there is no bending matter before the court concerning this issue raised here in.

THE PETITIONERS HUMBLY REQUEST THAT:

- 6.0. This petition is dealt honorably and justice to be served fairly.
- 6.1. The relevant committee to investigate the issue raised and more particularly if any public officer involved was financially coerced in the process to alter the judgement and ruling.
- 6.2. The senate to recommend that any public servant involved in this case who happens to be found guilty of wrongful doing against the law in this subject matter be judge for the same.

And your humble petitioners will ever pray;

No.	Names	ID No.	Phone No.	Signature
1.	Wilson Amge Arap Langat	.....	0724588426	
2.	Loise Kobilu Langat	.....	01174376626	
3.	Japhet Amge Rotich	.....	0722991433	
4.	Lawrence Kiptui Langat	.....	0720863813	
5.	Joshua Chelanga Langat	.....	0724952801	
6.	Daniel Rotich Tuei	.....	0723537359	