

To: The Clerk of the Senate,
Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.

**RE: PETITION OVER THE GOVERNMENT'S UNLAWFUL ENCROACHMENT
AND FORCEFUL OCCUPATION OF BARWAQO PLOTS WITHIN
BULLA MPYA WARD, MANDERA EAST CONSTITUENCY - MANDERA
COUNTY.**

WE, the undersigned being;

Citizens of Kenya, residents of Barwaqo area situate between Mandera-Arabia road and Barwaqo Boys Secondary School situated in Barwaqo Location, Bulla Mpya Ward, Mandera County. Being Members of marginalized minority communities as envisioned under **Article 260 of the Constitution.**

DRAW the attention of the House to the following. THAT:

1. WE are the owners of the Barwaqo Plots which plots are located in between Mandera-Arabia road and Barwaqo Boys Secondary School situated in Barwaqo Location, Bulla Mpya Ward Mandera County (hereafter "The Plots").
2. We have been in peaceful occupation of the said plots and built our homes therein and also carried therein economic activities which is our only source of livelihood.
3. We applied for and were allocated the plots on or about the April 2013 by the County Government of Mandera. This allocation was in line with the provisions of **Section 7 & 9(2) of the Land Act** and the National Land Commission Act 2012 and all relevant statutes; what is the classification of this land under chapter five of the Constitution of Kenya, 2010.

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4. Pursuant to this allocation, we paid for the allocation fees and were duly issued with receipts by the County Government of Mandera;
5. After complying with all the relevant requirements, the County Government of Mandera issued us with Letters of Allotment;
6. We thereafter privately procured survey services on the plots and had beacons erected on the plots at great financial cost. This was made more difficult by the fact that we are persons of meager earnings;
7. Since the receipt of our Letters of Allotment, we have complied with all the requirements contained not only on the Letters of Allotment but with all other requirements as regards the plots. We have always dutifully paid the County Government of Mandera Land Rates and fulfilled all other STATUTORY requisite payments;
8. That on or about February, 2014, the **Government of Kenya** through the **National Police Service (through the RDU)**, the **National Youth Service** and the **Kenya Defence Forces** unlawfully encroached and forcefully occupied our land with no explanation or justification at all. This was done under the guise of having been allocated the land by the County Government of Mandera for security reasons.
9. Upon Government's encroachment and subsequent occupation of the plots, it proceeded to fence them off from the public. The above stated institutions proceeded to set-up semi-permanent barracks, tents and dug trenches. This had the effect of changing the topography and unlawfully evicting us from our property;
10. The encroachment and occupation of these plots by Government offends express Constitutional and Statutory provisions on compulsory acquisition of land by the government and flies in the face of our right to own property as entrenched in **Article 40 of the Constitution**.

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11. The Government's acts have caused grave injustice and suffering not only to us but also to the inhabitants of Mandera County living around the plots.

The decency and quality of our lives have been affected as our movements and economic activities are restricted by the buffer zone around the plots that they have created.

12. Further to the above inconvenience the Government's activities on the plots have caused great damage and greatly defoliated the quality of the land encompassing the plots. Its acts of digging deep trenches on the land, setting up land mines and destruction of the vegetation cover means we will never enjoy the previous good quality of the land.

WE confirm THAT:

1. We have made the best efforts to have this matter addressed by the relevant public authorities, all of which have either failed to respond to the matter or the response received has been unsatisfactory;
2. There is no pending suit and there have been no previous proceedings in any court, constitutional or other legal body instituted by us as against the Government over the subject matter of this Petition.

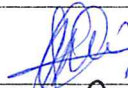
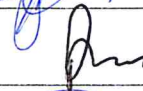

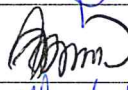
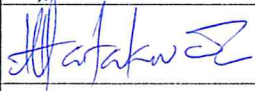
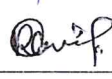


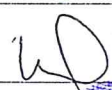
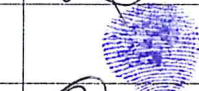
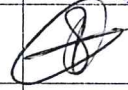
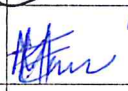
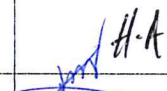
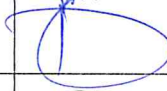

THEREFORE, your humble Petitioners PRAY that the National Assembly urgently investigates this matter with a view to ensuring that the property rights of the Petitioners are upheld and that the due process of the law is followed in the event of compulsory acquisition of the said plots by the Government, including payment of full, fair and prompt compensation to the Petitioners.

DATED AT NAIROBI THIS25TH DAY OFMARCH..... 2019

SIGNED BY THE PETITIONERS

	PETITIONER	ID NO.	CONTACT	SIGNATURE
1.	SULEIMAN SAMOW AHMED	20917068	0727977002	<i>Samow</i>

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2.	ALI SHEIKH ABDIRAHMAN	21451436	0721419110	
3.	OSMAN MAALIM HUSSEIN	13404699	0726545195	
4.	MUHUMED GUTHOW ISSACK	20922693	0722242829	
5.	ABDIRAGE ADOW MUHUMED	31116698	070122400	
6.	ARAFA ABEY MUHUMED	20925366	0724836915	
7.	ABDISALAN SHEIKH BASHIR	12426086	0722549400	
8.	KORIO MUHUMED EBRAHIM	92216666	0704560695	
9.	MUHUMED MUKTAR MOHAMED	24242755	0722237824	
10.	KASSIM HASSAN GEDI	21466002	0721828949	
11.	ADAN MOHAMED HASSAN	0013274	0728927200	
12.	ISMAHAN ABDI HASSAN	26949850	0716151798	
13.	HABIBA MOHAMUD ELMI	9566264	0722570932	
14.	HASSAN ABDISALAN	0045258	0713266666	
15.	SHEIKH MUHUMED MUKTAR	24242755	0722237824	
16.	SHEIKH HUSSEIN ARAB ADAN	23702764	0721981666	

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