

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION

PETITION TO THE SENATE TO PROTECT AND PROPAGATE
COMMERCIALIZATION OF NEW GENERATION (MUTHEA) ANTIVENOM
IN KENYA

Honourable Speaker,

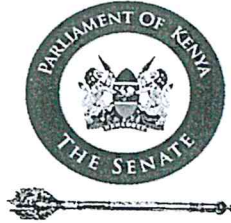
1. Pursuant to Standing Order 232 (1) (b), I hereby present a Petition to the Senate concerning the propagation and commercialization of new generation *Muthea* antivenom in Kenya.
2. As you are aware under Article 119 (1) of the constitution and I quote: - *"Every person has a right to petition parliament to consider any matter within its authority, including to enact, amend or repeal any legislation."*
3. The salient issues raised in the Petition are as follows: -
 - a. That the petitioners are citizens of Kenya living in Machakos County. For the past five years, they have been developing a new-generation antivenom derived from a chemically synthesized version of the traditional *Muthea* antivenom;
 - b. That the petitioners' innovation was inspired by a snakebite death of a neighbor at Machakos Level 5 Hospital, and further motivated by the 2019 Ministry of Health policy document on snakebites, which led them to formalize and register their antivenom with the Pharmacy and Poisons Board;
 - c. That, although their snakebite treatment initiative is lawful and has demonstrated preclinical efficacy, the petitioners' efforts to further research, innovate, and commercialize the antivenom have faced persistent obstruction and sabotage from individuals within key public health institutions;
 - d. That the antivenom, which is based on a formulation that has been used effectively for over 100 years with zero death outcomes in areas such as Machakos and Kwale, has not been recognized or supported under the Universal Health Coverage (UHC) framework;

- e. That the petitioners have experienced multiple forms of administrative abuse, including being unlawfully required to pay Ksh. 100,000 to obtain a non-disclosure agreement, having their intellectual property rights violated through unauthorized experiments, and being denied formal partnership opportunities despite proven efficacy of their product;
- f. That the petitioners' samples have been used without their consent, and that they have been denied access to the Kenya Medical Research Institute (KEMRI) premises without due process;
- g. That the petitioners have made efforts to resolve these matters through the relevant institutions, but all efforts have been unsuccessful; and
- h. That none of the issues raised in the petition are pending before any court of law or other legal body.

Consequently, the Petitioners pray that the Senate intervenes in the matter with a view to-

- i. recommending measures to protect the Petitioners' rights to research, innovate, and commercialize the traditional antivenom;
- ii. conducting an inquiry and make recommendations on allegations of criminal abuse of office, sabotage, and potential patent theft by specific individuals within public research institutions;
- iii. recommending measures to support initiatives that would enable Kenya to transition from being a net importer of animal plasma-based antivenom to becoming a global exporter of reliable, chemically synthesized alternatives; and
- iv. recommending the development and implementation of regulatory guidelines to ensure that indigenous African inventors and non-institutional innovators have equitable access to research and development facilities, through institutionalized partnerships with publicly funded research institutions.

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[After the Order for Petitions is read, Sen. Andrew Okiiti Omtatah, MP, will rise and present the petition before the House, pursuant to Standing Order 236(2)(a).]

1. Honourable Senators, pursuant to standing order 238(1), I commit the Petition to the Standing Committee on Health for consideration.
2. In terms of Standing Order 238(2) (a), the Committee is required, in not more than sixty calendar days from the time of reading the Prayer, to table its report in the Senate for consideration. The Senate shall thereafter consider and adopt the report of the Committee.
3. I thank you.

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NEW GENERATION MUTHEA ANTIVENOM IN KENYA.**

I/We the undersigned, Citizens of the Republic of Kenya, and residents of Wamunyu, Machakos County;

DRAW the attention of the Senate to the following: -

1. **THAT**, we are citizen innovators of non -animal plasma antivenom who have for the last 5 years been working to commercialize New Generation Antivenom from the chemically synthesized traditional Muthea Antivenom.
2. **THAT**, though we are lawfully engaged in snakebite healing in Wamunyu, the initiative to evolve; Research, Innovate and Commercialize our patented traditional medication to make it available across Kenya is faced by serious mal administrative challenges created by known employees of MOH and medical research institutions through false narratives as exists in public record.
3. **THAT**, our better than average preclinical intervention for snakebite is legitimate; under the protection of CS Culture, Kenya Industrial Property Institute and the promised Universal Health Coverage that Kenyans have voted for since 2013.
4. **THAT**, the efficacy of the supervalent antivenom is backed by 100+ years of safely, effectively and affordably saving life and limb with zero death outcomes for all casualties attended in Wamunyu; Machakos and also Kinango; Kwale County.
5. **THAT**, the inspiration to innovate and commercialize the solid state Antivenom to Pharmacy & Poisons Board Standard was sparked by the snakebite death of a neighbor in Machakos Level 5 Hospital closely followed by the 2019 publication of the Ministry of Health (MOH) Snakebite policy document - Snakebite Envenoming in Kenya.
6. **THAT**, we after reading the policy paper concluded that we stood a good chance of innovating and registering our traditional antivenom to Pharmacy & Poisons Board aesthetic standard by switching the excipients.
7. **THAT**, evaluation of traditional medicine as per regulation and without exception not

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subject to the punitive charge of KShs 100,000 demanded by the KEMRI official who received our samples, written request for partnership in late 2021.

8. **THAT**, the disagreement with the same KEMRI official was over his unethical conduct; declining to raise the requisite Non-Disclosure Agreement as per the STI Act. The demand for the amount was in retaliation to our objections to his flouting the laid down rules and insistence to protect our Industrial Property of Muthea Antivenom. It led to our referral to the Kenya Snakebite Research and Intervention Centre by KEMRI Deputy Director, Research and Development.
9. **THAT**, the illegal demand for the money ceased to be the contentious factor after National Research Fund offered to fund incubate Research & Development of New Generation antivenom provided we had the cooperation of KEMRI. This was rejected by the KEMRI Deputy Director; Research & Development.
10. **THAT**, Public Health related agencies listed below will attest to the fact of No Validation Fees being required of Traditional & Herbal medicine developers. Any information to the contrary should be backed up with proof to show the amounts banked from fees paid by traditional medicine practitioners thereof.
 - a) State Directorate of Culture (Regulator of Traditional Medicine in Kenya).
 - b) Pharmacy & Poisons Board-National Quality Control Laboratories at KNH.
 - c) National Phytotherapeutics Research Center at Kenyatta University.
 - d) Kenya Medical Research Institute – Center for Traditional Medicine Drugs Research.
 - e) Institute of Primate Research.
11. **THAT**, in early 2022, we reported the matter of Abuse of Office through illegal Denial of Service with suspected intent to dispossess/violate our patent by an employee of Kenya Snakebite Research & Intervention Center to Ethics & Anti-Corruption Commission (EACC).
12. **THAT**, EACC erroneously referred the Abuse of Office/Patent-Economic Crime matter to the Commission on Administrative Justice (CAJ) despite provision that the Secretary of the EACC is duly required either to investigate a complaint or decline; stating the reason(s) why.
13. **THAT**, in mid-2022, Commission on Administrative Justice (CAJ) Ombudsman made an unsuccessful attempt to mediate the denial of service matter but failed. This was due to

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the institution's incapacity to verify the facts from the fiction in the written testimony of the CEO, Institute of Primate Research (IPR).

14. **THAT**, in the months after the unsuccessful intervention by CAJ, the Sabotage with intent to dispossess matter mutated to unauthorized experiments using our sample of patented medication at the Kenya Snakebite Research & Intervention Center (KSRIC)/Institute of Primate Research (IPR).
15. **THAT**, according to a KEMRI staffer who was sent to relay information by the relevant KEMRI researcher, KEMRI also evaluated the patented antivenom and registered 80% efficacy after delayed treatment of up to 12 hours.
16. **THAT**, all our efforts to engage Kenya Medical Research Institute (KEMRI) & Institute of Primate Research (IPR) regarding the mutually beneficial partnership to develop *Muthea* Antivenom have been treated with hostility to the extent of our being verbally banned from entering KEMRI premises without due process. The bad-blood developed after formulation was proven to be effective.
17. **THAT**, the public record of a bold attempt to invalidate our Industrial Property through threats of arrest exists at the National Commission for Science, Technology and Innovation registry, KIPi archives, DCI complaints record, and EACC. The atrocity is also known to public witnesses.
18. **THAT**, CAJ Ombudsman has largely ignored our repeated request to issue EACC enforceable court orders to examine past antivenom research public record of Research Protocols and banking records to verify sources of funding for animal model procedures carried by KEMRI and at KSRIC for period between 2019 and 2024. The recalcitrant offices who might have something to hide include but are not limited to the following;
 - a. Kenya Medical Research Institute (KEMRI)
 - b. Institute of Primate Research (IPR)
 - c. Kenya Pharmacy & Poisons Board
 - d. National Commission for Science, Technology and Innovation (NACOSTI)
 - e. PS Public Health and Professional Standards.
 - f. National Heroes Council

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- g. CAJ Ombudsman
19. **THAT**, though a directorate for tradition medicine exists as part of Ministry of Health treatment retinue, the DG Health refused to recognize our regulation due process Directorate of Culture documentation when we made our prayers for review through Appeal for Waiver to PS Medical Services.
20. **THAT** in early 2024, the office of PS Public Health & Professional Standard became part of the problem when they failed to address the unethical/illegality issues that preceded the launch of the Wellcome Trust funded African Snakebite Alliance with Muthea Antivenom as their purported cheap and accessible flagship product.
21. **THAT**, we have been reliably informed that KEMRI entered into an opaque collaboration with a Wellcome Trust funded Watamu based venomous snake farmer who had no history of producing antivenom until we disclosed our formulation for KIPi registration under provisional patent in 2022.
22. **THAT**, details of the clinical trial documentation of the antivenom that the self-same snake farmer claims to have invented in collaboration with KEMRI & IPR remain a tightly guarded secret at Pharmacy & Poisons Board.
23. **THAT**, we declare that, after the unsuccessful intervention by CAJ Ombudsman in 2022 and 2025, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Parliament of Kenya through Senate intervenes: -

1. To protect petitioners right to research, innovate and commercialize the traditional antivenom to Pharmacy & Poisons Board aesthetic standard and further support our enterprise to take Kenya from the bad place of net importer of inferior animal plasma antivenom to the largest exporter of chemically synthesized antivenom in the world.
2. To instigate a preliminary enquiry to establish the reality of unlawful Denial of Service through impunity, complicity of management in flouting service delivery norms and regulations that govern the institutions.

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3. To recommend suspension of the most culpable officials from office to facilitate the investigation that's needed to establish degree of criminal conduct in the failed attempt to invalidate our Industrial Property after illegal Denial of Service.
4. To recommend intervention by mandated law enforcement agencies for an investigation to establish criminal abuse of office and sabotage with the intent to disposes by known/identifiable individual employees of KEMRI, IPR & NACOSTI.
5. To make recommendation for regulated guidelines to make it easy for indigenous African inventors and non-institutional innovators to access facility for Research & Development of worthwhile products through institutionalized partnership with public funded research institutions.

And your petitioners will ever pray.

Dated this 15th Day of April 2025

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PETITION PRESENTED TO THE SENATE BY:

ANDREW OMTATAH OKOITI, MP

(Senator from Busia County)

Dated.....Day of.....2025

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**PETITION PRESENTED TO THE SENATE BY:
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Dated.....Day of.....2025

